**MINUTES**

**WARRICK COUNTY DRAINAGE BOARD**

**&**

**DEPARTMENT OF STORM WATER**

**May 10, 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; Terry Phillippe, Secretary, Morrie Doll, Attorney, Phil Baxter, Surveyor; Jason Baxter; Deputy Surveyor, Steve Sherwood, Director of Storm Water; and Jennifer Curry, Recording Secretary.

Present in the audience: Jim Morley Jr, Jordan Aigner, John Sanders, and Joe Grassman

**PLEDGE OF ALLEGIANCE:**

President Johnson opened the meeting of May 10, 2021 with the Pledge of Allegiance.

**APPROVAL OF MINUTES**

President Bob Johnson: Our first item is the approval of minutes for April 26, 2021.

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

Commissioner Terry Phillippe: I will second that.

President Bob Johnson: All in favor 3-0

**GLEN MERITT-CASH WAGNER & ASSOCIATES-BELL ROAD APARTMENTS EAST**

President Bob Johnson: First up we have Glen Meritt with Cash Wagner he is here to talk about the Bell Road Apartments for the drainage approval. Please state your name

Glen Meritt: Glen Meritt with Cash Wagner & Associates I am the Engineer on the project. This development came before you about 2.5-3 years ago they changed Phase II they developed the west 6 buildings on this east half, they had five (5) buildings and a commercial lot and they have decided to get rid of the commercial lot and reconfigure and add another 24 unit apartment building so we came back before to a site review and turned in a new plat for the six (6) new buildings. We ran the drainage and detention numbers for the existing basin that is on the west side of the property, the basin meets ordinance for the 50, but it will handle the 50 year storm in that existing basin and I will be happy to answer any other questions for you, it is located north of Walmart there at Bell Road and the Lloyd Expressway.

Commissioner Dan Saylor: You said it is designed for the 50, but will meet the 100?

Glen Meritt: Yeah, the 100 year I think is right about 130,000-cubic feet of storage that it needs and the basin up to the emergency spillway will hold 146,000-cubic feet. So, it has a little access to even hold the 100.

President Bob Johnson: Any questions Mr. Sherwood?

Steve Sherwood: As Mr. Meritt reported the original drainage plan had everything going to the retention basin for that facility, he is not changing any of that other than he has added some extra drainage to accommodate the A-formation department building is no longer going to be a commercial lot up front along Bell Road and all his calculations submitted still support and meet our minimum criteria, so I think Phil and I would recommend approval.

Commissioner Dan Saylor: I make a motion to approve.

Commissioner Terry Phillippe: I will second.

President Bob Johnson: All in favor? 3-0

Glen Meritt: Thank you very much.

**JIM MORLEY JR.-MORLEY & ASSOCIATES-VICTORIA WOODS SUBDIVISION SEC. I**

President Bob Johnson: Next up we have Mr. Morley for Victoria Woods Subdivision Drainage Approval.

Jim Morley Jr: Hey Everybody! Because this project is a big project is a big project I try to give out a little easier pictures to read and so this is basically a small version of the ones on the walls. I told my guy that did a lot of design work I said “here you spent 400 hours and I just created a PDF and went forward, it’s the same thing” He didn’t find that as funny as I did. So, the first one is as always a where in the world are we in Warrick County kind of want to make sure you guys had a good picture on how this is related to the rest of the things around it and then, the kind of grayed out area and then I labeled the lakes 1-6 those lakes are referred to in the drainage report using the same nomenclature and then kind of that turquoise color is the only road being built as part of this Section I. There to the left of that area where you see the other numbers 2 & 1 those are kind of future development areas but it is really unknown what is going to happen out there because it is partially driven by what the market will bare, whether those are great big estate lots or if they are smaller ½ acre lots, it really depends on what the market bares. This picture here which is the actual areal photo in the plat, it’s basically a smaller version of the 4 sheets taped together on the wall to make it easy, basically all those little white dots are the lot numbers and so that’s where all the lots are up and down that turquoise spine, we call that “the spine road” and basically it has lots off of it and it’s really the only part that is being developed at this time. This is a project that is long in the making, originally you guys saw it a few years ago as green life and then that ended up not coming to pass, then Oakland Holdings represented by Jordan Aigner purchased the piece of property so they own the ground now and the desire to develop it as a dirt moving contracting company. Also, they are uniquely positioned to do this kind of work so the large pictures you see here those lakes 1-3 those are all existing ponds or lakes, lakes 1, 4, 3, 6, & 5 are all independent lakes they don’t drain into one another they are just kind of holes in the ground if you will now. Lake #2 is the only lake that leaves our property and that is the lake that is shared in common with the folks over off of Center Road and so we’re utilizing this existing lake system for the storm water detention of this project and then those lakes are all interconnected with pipe systems and emergency overflows so that all of them clearly have a defined pool elevation, the way they are now there is a lot of beaver dam areas and beavers that are active in that area and so sometimes that beaver dam will get built and start breaking down on the existing Haul Road that is out there, the lake #2 does, and so once developed they will have actual real actual set elevations, I think there was a lot of conversation about Lake #2 and lets see, Lake #2 because it’s shared with the folks across the way we wanted to make sure we got that right and not create any problems for them, so we went out and set a bench mark at the existing water elevation that where we were going to have our water and it was about an 1/8th of an inch as to what it was I believe on April 15th that we set that elevation on there. The pool elevation on Lake #2 basically stays the same, as it was the day we were out there and I know that was some concern because people were concerned we were going to raise it way up or way down, but the answer is basically ibe the same as it was that day. There is ample storage out there that these lakes have ample storage in them and it is a nice project so we would ask for approval, I know we have emailed back and forth with Steve and Phil several times, it has a lot of stuff on it so luckily we have had the time to go through the process to get it right.

Commissioner Dan Saylor: Jim, on that Lake #2 where does that , we get a 100 year rain, where is the emergency overflow or where does all that water go to?

Jim Morley Jr: Eventually, Lake #2, there is a ditch that wonders here through the woods and eventually Lake #2 ties in and eventually comes out into that ditch that comes up right through here, almost right at the bottom of there Lake #5 is, its that ditch kind of goes through there so it goes underneath that Teal Haul Road and so, it comes out right through here.

Steve Sherwood: What size is that structure going under the new proposed roadway from 2-5?

Jim Morley Jr: I would have to pull up the exact number, but that is that large pipe we replaced, Steve if you remember there was an existing pipe under the road and you wanted that one replaced and so we replaced that pipe.

Steve Sherwood: Okay, so it’s not the 72-inch that Lake #1 drains into?

Jim Morley Jr: That’s the one we replaced, yes. I can pull that sheet out if you want to know that exact same project.

Steve Sherwood: Well, my plans from yours say Lake #1 drains over Lot 19-20 into that 72-inch, so I didn’t know if Lake #2 is draining into Lake #1, but you are saying that it crosses the road into Lake #5.

Jim Morley Jr: It comes down from here to Lake #1 and comes down eventually over here.

Steve Sherwood: His question was where does Lake #2 drain?

Jim Morley Jr: Unfortunately with all the different pages it makes it, I’ll be honest it will be a little confusing. This is the tip of Lake #2 right here…

Commissioner Dan Saylor: So, is that here?

Jim Morley Jr: No, that is right there. So right here at the tip of Lake #2 is where we have a pipe coming underneath the road.

Steve Sherwood: What size pipe is that?

Commissioner Dan Saylor: Is that going into Lake #5 then?

Jim Morley Jr: No, it goes into the very end of 5 and into a ditch.

Commissioner Dan Saylor: so, that is the emergency overflow

Jim Morley Jr: Well, it’s the primary overflow there and so, Steve you wanted to know what size pipe that was? Hold on one second. We wanted to make sure we got it right too….Pipe 5.12. Hines Ditch used to be a regulated drain and it was deregulated as part of the previous project, that is pipe 5.12 and that is a 48-inch pipe.

Steve Sherwood: So, structure P 5.12 will be a 48-inch, and you have all these structures listed as RCPs will they in fact be RCPs or do they plan on putting a HDPE?

Jim Morley Jr: We design them as RCPs because RCP has a rougher core in the pipe and so concrete pipes…

Steve Sherwood: I would just ask that you ask the Drainage Board at the appropriate time if they actually are going to change from RCP to HDPE that you approach Drainage Board and let them know that with a letter or some formal if you guys decide to put in something else other than RCP.

Jim Morley Jr: Fair enough, we always design RCP because RCP is rougher on the inside so it will carry less water than the same size plastic pipe will and so we always by default design RCP so if they end up wanting plastic pipe, plastic pipes always carry more…

Steve Sherwood: RCP has more structural integrity but it has joints every 8-feet as opposed to 20-feet so it’s a trade off. We’ve allowed the transition from RCP to HDPE before actual construction; you will just need to notify the Drainage Board if it changes other than what the approved drainage plans will be.

Commissioner Terry Phillippe: I want to elaborate on Dan’s question from where you showed him, does that end up over here at the ditch that runs under Jenner Road? Is everything going west?

Jim Morley Jr: Everything, all this area flows east and ultimately goes, now it flows west to east, it all going on your picture, it’s all going this way and it automatically or eventually gets up to Cypress Creek and then flows south on Cypress on down to the Ohio River.

Commissioner Dan Saylor: So, Jim this is showing that it is Lake #2 here, is this a dam here? This water here doesn’t go into here?

Jim Morley Jr: No, that’s a dam there between the lakes and actually, Oakland Holdings doesn’t own that dam that dam is owned by the folks on the other side that is why there is notch in that property line there, the other side has a lake owners or it’s an Association of some type and yeah, they own that so we don’t have the ability to work on that dam it’s not on our property. The truth of it is Dan it currently doesn’t go that way either, it currently flows out the same place we have a flowing out, the difference is currently there is some pipes there, but the pipes are inundated with beaver dams so what it does it basically flows over the existing spine road that is there now and so we are going to have to raise our spine road up to get the water to come in a pipe underneath of it so we have our curb inlets and stuff to drain into it. We are taking the water the exact same place it is going now, we are just going to take it in a controlled manor, if we did just the sheet flow forget the road part for the moment if we did just the sheet flow like it is today then we wouldn’t get any of the storage volume we are getting so we have to decrease it and send it though a pipe to get it to raise up in elevation and get the storage volume that we want.

Commissioner Dan Saylor: So, Jim if you get a 100 year rain, that we have every 2-3 years it, seems like, and maybe even earlier, what is the highest elevation this Lake #2 will fluctuate? Is that like maybe a foot? Two feet?

Jim Morley Jr: A couple feet.

Commissioner Dan Saylor: So then on the west side of this none of these lots are in jeopardy?

Jim Morley Jr: No, I believe all of those lots are the highest…do you want to speak on this?

Jordan Aigner: Jordan Aigner, Oakland Holdings, so not speaking for the folks, I don’t know if there is anybody here that is from there but I think I will just reference more detail. So, you mentioned the dam that is there, that truly is the dam okay, it was installed years ago with Jim Harris and Lake Group own some of the property over there before when they were developing Paradise Lakes that were shoved across. That truly was the dam and that water, so from where that cut out is that’s the dam, that bisected this pit, okay? Which created two new elevations, this is now what touches Victoria National Golf Club is about let’s say 8-9-feet lower than what was here because the dam stopped the water and raised it up, okay? So, the folks at Paradise Lakes they call it “the little lake” and they refer to the Victoria Lake as “the big lake” and they have kind of dual access a little bit for their access for their area. The reason the water came over here, okay, is because I referred to it as a bath tub that is just the lowest point of the bath tub rim it’s not the drain of the bath tub. If you take this dam out the water will drastically make the water go down feet, like 8-9-feet just to match the other. There was never any pipe put in, it just came out with this natural low point in the bath tub rim, if you will. Back to Jim’s point all of these lots here, this is the high wall, we are in Warrick County we all understand these terms, that is the final cut pit that’s why they never filled it in, these fingers here were entries to get the coal in and out and so as you come in I think you are calling this Lake #2 Jim? The shared lake? As you come out the finger entry here you are coming up grade, if you will, at the bottom of the pit floor and there is times in July where you can walk across this where in contrast, the pit proper is 40-60-feet deep.

Commissioner Dan Saylor: On the high wall end?

Jordan Aigner: On the high wall end, and even in this canal that is on our property that approaches this way, so there is a point in time in the summer time where water does not come…those pits actually fluctuate quite a bit with just evaporation, 16-inches at least where you will see a bare edge on the edge you know? So, there is a time where no water is coming over beavers or not because the water has receded, ok? The folks over here fish once in a while and they can attest to that, you know. So, that gives you a little more if you want more detail I can, but just to make sure I reference the fact that we did meet with those folks, told them what we were doing, Jim had his crew go over there and put the point there so everybody could reference what it would do to their property and maybe even their docks if they had them. I told them it would be nice if we had more water, but basically we are putting it right where it is now, so the one thing I want to make sure I put on the record is that when we are doing some work there, there are historical pipes that have been put in there, okay? Years ago the beavers clogged them up, we did take them out, and that made the water go down, okay? We will in the interim of construction need to go get some of that water out of there, so the water levels will go down for a temporary period of construction just so I can put in the pipes that Steve is talking about and some 5.12 and some other ones in there just because you got to get the water off of you, you know? Dad and my brother talked we may be able to build a cofferdam on the wet side, it may not affect it as much but I am just wanting to make sure I tell everybody that there is a possibility that we may need to get that water off of us, build it, and then it brings it back up to those elevations.

President Bob Johnson: Jordan, when you say it’s a temporary fix, and I understand, but I am just curious as to what kind of time frame were you looking at?

Jordan Aigner: Good question, it would probably be a construction season so this summer and then hopefully, we are obviously wanting to get lots of that sold right? So the quicker the better, so I’m hoping we can get those things in, I don’t know, September, October we are hoping to get water levels back up to where they are normally. Here’s the deal, when it rains Mother Nature is going to bring the water anyways, we cant control, or I cant assume I can control that so we just need to deal with it when water comes and raises right back up, but that is my best guess is there could be some temporary drop and I did tell that to Paradise Lakes, they seemed to have more of an interest in it, if you will, and some of those folks are in that Association, it’s a separate Association apparently and you could as them if they have any questions, but not everybody has the use of that boat ramp, okay? It’s a pay to play type thing, you know? Any other questions for me?

President Bob Johnson: Thank you.

Steve Sherwood: I have one more for Jim Morley if I may, back to Commissioner Saylor’s question on Lake #2; you identified the 48-inch pipe coming across the road for Lake #2, in the event that we have an emergency overflow, what was the emergency overflow arrangement? Is it coming across the lowest point in the roadway? How are we dealing with that?

Jim Morley Jr: With that pipe we oversized the pipe going under the road to handle more, but it is controlled by an area drain, it’s like a large area drain, so if we get over the 50-year storm that pipe under the road has access capacity if we get the 1000-year storm so to speak then yeah it would eventually break over the lowest point of the road, but that is not the intent. The primary discharge in a normal emergency discharge will all go under the road.

Steve Sherwood: Is that point designated on the street and drainage plans that it would come over in the event; the 48-inch gets either blocked or over capacitated for whatever reason?

Jim Morley Jr: I didn’t clearly call it out on the road plan, but as you said it is the low point in the road, because it is not anticipated to happen to be honest, it was not designed as a way to come over the road.

Steve Sherwood: I just didn’t see an emergency overflow marked on the plan, so…

Jim Morley Jr: Right, because it is the intention that that pipe in that drain is both the primary and the emergency overflow.

Commissioner Dan Saylor: So, that 48-inch pipe will not hold water?

Jim Morley Jr: No, it will drain dry. It drains from there to the…

Commissioner Dan Saylor: Then the storm comes, it comes up and spills in that and goes out?

Jim Morley Jr: Yes, the water will go in, and then go out.

Steve Sherwood: Then water will trickle over the opening and it will hold pool elevation and if the water raises slightly it will drop in for a lack of a better term.

Jim Morley Jr: Yes, and the benefit of having it as an area drain like that you are less likely to get debris blocking it like a flared in section, we put trash racks on them, but the area drain like that has a…Scales Lake is the same way, Scales Lake has a large area drain out in it that takes that.

Steve Sherwood: Did this drop structure have a pyramid type trash guard or some type of..prevent stuff from going in?

Jim Morley Jr: Yes.

Commissioner Dan Saylor: Steve, we have the same situation over on Vann Road that is leaking under Vann Road, that is the same set-up right? That we are talking about where that water goes in that pipe? Not the parks, it’s the ditch right there almost by the water tower and it’s leaking under Vann Road.

Steve Sherwood: Yeah, we have a large metal pipe under Vann Road I have not been down to the bottom of either side of the brush to view how that…

Commissioner Dan Saylor: Well, the water is going down outside, it’s constantly going down outside the pipe and at some point that has to be addressed, I don’t want us to build this and us have the same thing here happen.

Jim Morley Jr: What exactly, what is it doing?

Commissioner Dan Saylor: Well, it was a bunch of beaver dams that was keeping it dry and I think those got disturbed or moved so now water is going…you know they have the big pipe, the vertical pipe which is the overflow which is not hitting the overflow, it’s leaking, it’s going…

Jordan Aigner: It’s going in the gravel back-fill of the pipe.

Commissioner Dan Saylor: Yeah, and going underneath the road.

Steve Sherwood: Usually when you build these pipes through a roadway you put a collar…

Jim Morley Jr: Yeah, you put a C-collar around the pipe to prevent water coming down, it comes down the back-fill of the pipe and hits that C-collar and doesn’t go through. If that pipe was put in long ago, my guess is the one under Vann Road doesn’t have one, that is just an old pipe.

Steve Sherwood: I didn’t see that on your pipe so I assume you are doing a similar collar to prevent just what Commissioner Saylor is describing on your pipes that go across the roadway.

Jim Morley Jr: Yeah that would be a normal deal. You could have seepage along that pipe if it’s got an area drain you could have a cracked joint at the area drain and the reality of it is you could have a rusted out pipe, because dime for dollar that is an old corrugated metal pipe underneath that road. We’ve had that problem on some old corrugated metal pipes also they rust out right at that joint, and so the area drain is not bad and maybe the pipe under the road is not bad, but the part you know right there is bad, we had the same thing happen at a lake out of Seven Hills Road in Vanderburgh County it’s a very big lake, it kept dropping and couldn’t figure out why and there was a rusted spot basically creating a hole. That lake was always dropping; it was always trickling, same thing.

Steve Sherwood: I don’t remember what your pipe type was for pipe 5.12, but for 48-inch we would not like it to be plastic because that gets a little too flimsy at that size diameter. Right now I think it is RCP or CMP.

Jim Morley Jr: We have everything as RCP.

Jordan Aigner: I can tell you the way Jim has designed that with all RCPs the only, we like RCP because for just exactly what you said just good structural kind of you can drive over it, if we were to look at maybe going to any plastic it might be in the rear yard type scenarios and obviously we would come back before the Board to request that approval. Right now RCP is kind of full proof and we don’t want to return back to the pipe anymore than you guys do, so I’m fine with RCP how we have it. So is my pipe salesman he cant wait for the order.

Steve Sherwood: My only other concern that I was discussing this with Commissioner Johnson and I have gone over this with some of the Morley people was the emergency overflow for Lake #1 it has a watershed and access of 88 acres and it all comes out though a 15-inch pipe to maintain that pool elevation across lot 20 and lot 19 goes to a 24-inch pipe for two future driveways for 19 & 20, I am going to assume you are going to make the land owners aware of whoever buys those two lots that they are responsible for the maintenance of those pipes and the overflow condition obviously they cant, you have on here the maximum elevation of 390.0 which is the same as the basin overflow, we don’t want to get in the situation where if you do have an overflow and it washes out their driveways we are not going to be responsible for them obviously.

Jim Morley Jr: Right, they will be notified that that is the emergency overflow and that their driveway can only be built to a certain height.

Steve Sherwood: So if you want to take care of that in to Covenants Restrictions or however it needs to be built in that they are aware of that, because after it flows out of Lake #1 it crosses lot 19 and 20 through a drainage easement and that of course that makes a 90 degree turn and comes across the road in structure P 602 which is an existing 72-inch corrugated metal pipe which will be removed and replace according to the plans at lot 18.

Jim Morley Jr: Correct. Is that it for me, do you guys want to hear from him?

President Bob Johnson: Are there anymore questions for Mr. Morley?

Jason Baxter: I don’t think so.

President Bob Johnson: Okay, thank you Jim.

Jim Morley Jr: Alright

President Bob Johnson: Sir, do you have something to add? Please state your name.

John Sanders: John Sanders.

Commissioner Dan Saylor: John, where do you live at?

John Sanders: I’m on Center Road.

Commissioner Dan Saylor: Okay.

John Sanders: I’m one of the property owners that is on Lake #2.

Jason Baxter: What is your address, please?

John Sanders: 1500 S. Center, I think I spoke with one of you guys on the phone or something. I’ve never been to anything like this; I don’t know exactly how to bring it up and all that kind of stuff. We didn’t even know about the project until overnight, the water went down over a foot and a half; we’ve never had any issues with that water level on Lake #2. It’s never elevated up and down that much, ever, I fish a lot, I live on it and my buddies have boat docks and stuff like that on the lake. So, beavers are not dramatically changing that like that, we took video you can see two backhoes were taken to lower that water. We brought that up for concern, also Kirby King one of our Board members was talking to one of the Aigner’s said, this is a statement in response from one of the Aigner’s “regardless of the water elevation at its final state, the work needs to be performed no matter what the elevation is” that is the response to it. So, whether we believe it’s going to go where they say? I don’t know. We really just want to mess with, a lot of us have docks, I don’t have one personally I had planned on it, if you drop it that much, one of them just built one, you can see it has weight barring from that lowering it being affected. Also, with that concern on the lake, our property lines on this if you go to the Assessor’s website mine has dramatically changed. If you go to my property line it shows it going all the way up almost touching the other side, and now it’s all gone and it’s all the way up on my property and other houses along Center Road. So, I don’t know how that has changed from the Assessor site to this, but that is including what I pay taxes on, on almost my 14-acres, so if I am losing money and losing property lines that is going to hurt my value and I don’t want to lose that because what we are afraid having issues with that people will be like, well that’s my property line on the lake we wont be able to go into that area and stuff now because we bought that for the privacy of the lake and that’s why we pay to use the boat dock and stuff like that.

Commissioner Terry Phillippe: Hey John, can I?

John Sanders: Go ahead, sorry I’m rambling because I’m nervous and tired and everything else and all jacked up on caffeine.

Commissioner Terry Phillippe: Maybe we can address one or two of these things at a time, is that okay?

John Sanders: Yeah, I’m the guy that shouldn’t be doing this one of the other people, but I’m the only one not working so I had the least amount of time to prepare.

Commissioner Dan Saylor: So, Jim what assurances…or Jordan…what assurances are given here to the residents that that water level is going to stay where it is, understanding there is going to be some construction and that is going to fluctuate during construction but after construction after all of your pipes are put in, is there a measurement now where that water is, like 380-something, is it going to stay there at that number? What is that number now, do you know Jim?

Jim Morley Jr: So, we went out there on April 16th to set that bench mark, water elevation on Lake #2 was 389.99-feet

Commissioner Dan Saylor: 389.99…so almost 390-feet

Jim Morley Jr: Proposed pool, which is on the plans you are approving, or hopefully approving today is 390.00, so it was 1/100th of a foot off of the design pool.

Commissioner Dan Saylor: So that’ll address his question with the docks.

Jim Morley Jr: If that water elevation is significantly different from 390.00-feet, let’s say it is a foot lower, that means some pipe didn’t get put in correctly and it was not built into the accordance of the plan you approved. So, the assurance is we have to build into the accordance with the plans that are approved, and I can show you in the plans if you want it says 390.00-feet is the proposed pool elevation of Lake #2 which would also be the rim elevation of that area drain which is the primary discharge of that Lake #2. We talked about that elevation dropping, I believe Jordan tell me any different if I am wrong, as part of the process they have scooped out some of the beaver dams that were built up in that area, the actual pipe, if you took all those beaver dams out that water would drop significantly, that water is at an artificial height because of the beaver dams that are there. I believe when they were out there doing some logging out there and I believe while they were out there they had scooped away some of the beaver dam that was in front of the existing pipe and that is what caused the water to lower, but the…

Commissioner Dan Saylor: Lower than 389.99-feet? So, in other words before you started this project, was the level higher than 390? I don’t think so…I think that’s the elevation it’s always been.

Jordan Aigner: Higher than? No, again that’s the low bath tub point; it’s not higher than that.

President Bob Johnson: That’s your baseline?

Commissioner Dan Saylor: That’s the highest it can go without 100 year…

Jordan Aigner: That was at the start of this project, now if we start filling without pipe, without the pipe we are proposing, it would just keep on coming up until we found another low spot, that is way we are proposing the primary pipe.

Commissioner Dan Saylor: I guess what I am asking, if these guys are building docks and have their docks all built and if it goes down 3-feet they are kind of screwed.

Jim Morley Jr: I was going to ask, do you (John) know when it went down? Do you know that date?

John Sanders: I’d have to look because that is when we started the initial.. we have a huge email group between all of us along there. It was legit, like almost 2-feet over night.

Jim Morley Jr: The elevation we used on the break over point in the existing Haul Road, because we looked at it and said we had to raise this whole road up 2-3-feet to get pipes under the spine road to drain in. We paid a lot of attention to the elevation of that lake because we didn’t want to do anything to cause them damage. I mean, if I had a dock I wouldn’t want it to have 3-feet less water or 3-feet too much water, but yeah it should be basically where they typically used to seeing that which is the break over the existing Haul Road. As you all will see as we do road plans, but at the next meeting we had to raise that entire spine road up because originally we thought great there is a road built and we are just going to pop right on top of it, the problem was the water is the same elevation as the road because it just breaks over now.

John Sanders: I would say early March, the first email I sent out was March 8th to Army Corp of Engineers and that was right in there.

Jim Morley Jr: Yeah, so we were about a month and a half later.

President Bob Johnson: Later?

Jim Morley Jr: Yeah, if he was March and I was April 16th.

Jordan Aigner: When you steaked that elevation.

Jim Morley Jr: Yeah, we steaked on April 16th.

Jordan Aigner: As far as what happened when, I’m not going to deny anything, yes we cleaned beaver dams out and water went down to previous historical pipe elevations, two particular pipes, totally water went down. Probably going to have to do that for a little bit of time, that is that temporary thing, but those are the only pipes that are on our property, it’s a beaver dam they clogged it up, and yeah we did that. We are going to do some work; we’re going to raise it up to the elevations on the plans that are shown..

Commissioner Dan Saylor: But that’s what it was before is the 389?

Jordan Aigner: Correct.

Commissioner Dan Saylor: And when you get done with all of this…

Jordan Aigner: It will be back right there.

President Bob Johnson: Knowing you, Jordan and you, Jim, and I know how you work and your integrity and I believe you whole heartedly. My concern with this whole project is something that you mentioned before that is during this project, you know the length of time that it is going to take to develop this property and you are going to have to lower the elevation of the water. What is the feasibility of the cofferdam? I know it is an expense.

Jordan Aigner: Yeah it’s a possibility, we are going to try that first, when I say lower the only thing I would do is take it to the pipe elevations that are there today.

Commissioner Dan Saylor: To get the pipe in?

Jordan Aigner: To get the pipes in, yes.

Commissioner Dan Saylor: Then once the pipe is in then it will come back up.

Jordan Aigner: Like I said, it would be about the summer months you’re usually getting lower elevations anyways.

President Bob Johnson: How much lower estimated?

Jordan Aigner: 2-feet probably, probably what they saw that drop yeah.

President Bob Johnson: Mr. Sanders we need to get you on the record. Would a 2-foot drop in the elevation of the water cause you concern temporarily.

John Sanders: I mean temporarily? I don’t want to speak for all the other people, but I know they probably wouldn’t be happy with it because they have docks and all that kind of stuff. I’m just bringing up all the concerns with what we have been talking about, how we originally noticed it from that big drop you know, we didn’t think, we have rights to that lake we own part of it and everything like that we just didn’t understand how you can just come in and just act like we don’t exist and do whatever you want and control it how you want if you don’t own soil rights. I didn’t see a permit to where you can even do that because this is a shared lake and we are going to lose a lot of it from all these houses coming in from what we bought into on this, we bought it because the privacy and how they sold it to us and everything.

President Bob Johnson: I understand your concern.

Commissioner Terry Phillippe: You and Dan have both addressed the same thing that is my concern so let me put it like this, if I have a dock and you have to drop the water to do what you have to do, I mean, what reassurances do they, I mean they don’t have any reassurances maybe that their dock wont break but what reassurances do they have that you are going to do everything to prevent damage to docks?

Jordan Aigner: You’ve said a mouth full with your two previous statements there. I cant give you assurances and the first thing Mr. Sander’s says was he is not speaking for everybody, so just a question if you don’t mind me asking, do you (John) have a dock? Do you personally have a dock?

John Sanders: Not yet, we are getting ready to put one in.

Jordan Aigner: Okay so, this elevation that we are using right now is historical elevation that is what it is going to be. What we are dong regardless is not going to affect your personal dock because you don’t have one right now, correct?

John Sanders: Mhm.

Jordan Aigner: Okay. We did meet with the Association, okay? We state that point for them, okay, I say call me if you have any other questions or concerns and I haven’t received any other questions or concerns. All we are doing is taking the water down to be able to construct, we will try our best to use cofferdams, you know, I don’t know the conditions, I don’t know the elevations I did ask them to call me if they had issues. If in the meantime you are building your dock or something, I don’t know what your time frame is on that, we will try and work with you on that and let you know when those elevations might be if you are down there doing some work. Sometimes it is better if it is lower, you know? To get the things is, but you know all I can say is that I can work with you the best I can. As far as that elevation and achieving that elevation I am happy to commit and as-built after the fact on that particular pipe that we would submit that pipe that Jim Surveyor comes out and says it’s within a certain tolerance that that elevation is where it needs to be, I think that is a step more than your ordinance would require? Okay, so you will have that assurance for that elevation to make sure it’s there, but as far as this being a shared lake, we are on the record here so I have to reference this, again that is a mouth full, okay? You own our property, and we own ours, okay? The water touches both of our property, and to say it’s a shared lake to me gets into some murky water…no pun intended, it’s just because all I do is control my property and I do not want to affect yours or anybody else’s that’s why we are trying to do work with you. I don’t have any, as far as the property goes with the property you own versus what I own everything, the GIS is a great tool, but we did a survey and we know where the lines are and I will stay on my side and everybody else can stay on theirs.

President Bob Johnson: I know when I lived up in Indianapolis I had 13 houses around a specific lake and I owned part of that lake and my property lines went out into that lake and intersected with everybody else’s around that lake. That is what I call a “shared” lake, to me this is more, if I am not mistaken more of a community type lake where everybody has access to it off their property or whatever, but you don’t own into the lake. Is that correct?

Jordan Aigner: Well, he and I both own into the lake…

President Bob Johnson: Oh, you do.

Jordan Aigner: Yes, the property lines run very jagged through there, some goes further away and some it just kind of…there is ownership of their property and our property.

President Bob Johnson: Okay, that’s better to understand.

John Sanders: If I may, on the Assessor’s website I own this bigger section of land in this area. My property line goes all the way across if you look at the Assessor’s website on Warrick County and these other houses come a little further out and more in the middle. This is literally on this document shows it’s going all the way up to my property now, so I wouldn’t even own into the lake anymore. That’s kind of a big difference…

Commissioner Terry Phillippe: I think the simple message is the GIS site is not the site to go for the most accurate…

Commissioner Dan Saylor: Yeah, but you’re not surveying by GIS, right?

Phil Baxter: No.

President Bob Johnson: But that’s not your documented recorded property.

Morrie Doll: That doesn’t change the property owner.

Commissioner Terry Phillippe: Not that map that you are looking at.

Morrie Doll: It doesn’t shift the property line, everybody is acquired part of their land is….

John Sanders: Well they have the line now shows it goes all the way against to my property wouldn’t that prevent me from putting a dock on that lake then?

Morrie Doll: No, that would mean the line is wrong as depicted on the wall, if it is a GIS.

Jim Morley Jr: Lots going on hold on a second. Okay, so this property survey is the third iteration which started with an ALTA Survey which is the American Land Title Act Survey which had a full title policy ran on it, so I believe these boundary lines are true and accurate to within 1/100 of a foot.

Morrie Doll: So, what it is doing next to his lot?

Jim Morley Jr: I’m not sure which one is his; I mean we can go over and look at it. From a GIS standpoint no one should ever look at a GIS web page and assign their property line based on a GIS web page.

Steve Sherwood: The GIS has a disclaimer on the front page that says, “Do not use this….

Morrie Doll: For boundary lines.

Jim Morley Jr: I can look at this with him and see what that is, I don’t know where exactly his property line versus the lake we can look at that, but for sure this boundary is a surveyed boundary and we aren’t the first company to survey it, we are the second company to survey it and we basically got the same thing the first company got.

Steve Sherwood: It would be fair to say that Lake #2 the final elevation of the water is all controlled by the outlet on Mr. Aigner’s property is that a fair statement?

Jordan Aigner: The outlets that we are going to put in, or the two historical outs that are there now logged up.

Jim Morley Jr: So, if I can I will show…this is the profile and I know everyone wants to see it, but where I highlighted that is where the water breaks over now, and that road ranges between 389 and 390 in that area and so that is the current break over point to that lake, alright? The truth of it is that is not the permitted pool elevation of that lake, the permanent pool elevation of that lake is actually much lower on the pipe that the beavers have clogged. So, if Jordan goes out there and let’s say this entire project doesn’t happen and he gets tired of driving through the mud on his Haul Road he has every legal right to pull a beaver dam out…

Commissioner Dan Saylor: So, what would that drop it to them?

Jordan Aigner: 3-foot.

Commissioner Dan Saylor: So that would drop it to 387-feet, are you going to leave that pipe plugged up or are you taking…

Jim Morley Jr: No, that’s coming out..

Commissioner Dan Saylor: You’re taking that out?

Jordan Aigner: Yes, then that pipe goes in, so the water elevation is more protected by the plans that are before you now, if you want higher water, approve the plans.

Jim Morley Jr: The elevation of the pool that he is used to seeing is an elevation that is created by a beaver dam it’s not an elevation created…

Jason Baxter: I’m sorry Jim, isn’t the question of property damage? If the water goes down and there’s a deck that is getting disturbed by that…I understand all the elevation things, but aren’t you (John) talking about property damage?

Jim Morley Jr: He doesn’t have a dock.

Jason Baxter: He doesn’t, but he is saying he will…

Jim Morley Jr: We are going to hold the water up where it is now by doing this plan.

President Bob Johnson: Are these docks…they aren’t floating docks are they?

Commissioner Dan Saylor: They are permanent.

John Sanders: Permanent fixed docks

President Bob Johnson: They should damage anything then.

Jim Morley Jr: If they are permanent docks they are standing on legs, they aren’t on floats.

Jordan Aigner: My expectation is since the surveyor went over there and made the steak, Randy Brown I think is one of the members of that Association, Kirby King, and Dale Holt, we met with all three of them showed them the pipes and the beaver dam and we had a follow up community meeting with everybody, everybody was invited I’m not sure if you (John) were there or not I asked them to tell everybody. Then after that Randy said it looks pretty good to me, I don’t know if you are going to have any issue with Loss Lake, we scheduled a meeting to Loss Lake as well after that. What I am saying is, after we steaked it and they saw that, Randy even sent me a picture, of the spray paint line was wet that everyone said no big deal that’s where it’s going to be, it shouldn’t be an issue.

Commissioner Dan Saylor: Okay.

President Bob Johnson: Any other issues Mr. Sanders?

John Sanders: From the email I got from Kirby King, that we all got from Kirby King in the response to the lake is going to go and in the response from the Aigner’s saying it’s going to be where we put it, I just don’t know how much I trust that it is actually going to go that. I mean, when we have it in writing…I know that meeting was voice recorded and it’s not…

President Bob Johnson: It is also on record with us.

John Sanders: I mean, I get that but it’s just some trust periods and stuff like that and when I listen to the recordings from that meeting that did happen it wasn’t as pleasant of what it sounds like here.

Commissioner Dan Saylor: Let me make a comment on that, I have a lot of confidence in Mr. Morley, I have been a Commissioner for over 4 years and I have not really dealt with anything that he has had his hands in that’s been wrong or misrepresented. I also know Mr. Aigner and I don’t think he makes a habit of misrepresenting things, he seems like a man of his word so I feel like it’s on record here, it’s on plans, and I feel comfortable. I think you might have missed some emails from somebody or they didn’t get to you I don’t know what happened, but it sounds like the reason why this room is not full is because you answered a lot of questions. Is that a fair statement?

Jordan Aigner: Yes and the meetings got extended to not be anyone’s fault, I’m glad they did because it gave us time to have some community meetings.

Commissioner Terry Phillippe: I also think there is an extra layer, Mr. Aigner is a professional engineer by trade and education, he spent the money and took the time and hired another one, Mr. Morley, to do the work that he could’ve done himself so I think that extra layer of diligence is important.

Jordan Aigner: The only thing I will say Mr. Sanders if you are looking at a spot that you thought you could put a dock at and now maybe not, let’s get together. I don’t have any, I mean, if you still want to put a dock and now all of a sudden because of this survey it looks like maybe you don’t own that property, we can talk and I’m sure we can work something out to help you get your dock. For me to do anything way over there in the water it doesn’t make sense, so I’d be happy to work with you.

Commissioner Dan Saylor: To me I think it’s a mutual benefit for this water to be a certain level, to be cosmetically pleasing to you, support a dock, cosmetically pleasing to your development so I think, to me…

President Bob Johnson: I think it’s a win win.

Commissioner Dan Saylor: And I appreciate you making that statement to work with these people, so.

President Bob Johnson: Anything else down here? Mr. Sherwood?

Steve Sherwood: I’m good.

President Bob Johnson: Council?

Morrie Doll: No, Sir.

President Bob Johnson: Anybody down here?

Jason Baxter: No, Sir.

Commissioner Dan Saylor: Mr. President are you wanting a motion?

President Bob Johnson: Yes, Sir.

Commissioner Dan Saylor: I make a motion to approve the Victoria Woods Subdivision drainage plan.

Commissioner Terry Phillippe: I’ll second the motion.

President Bob Johnson: All in favor 3-0. Mr. Sanders I think you’ll see that you are dealing with some reputable people and I’m sure you will be happy with it when it’s finished.

**CLAIMS:**

President Bob Johnson: Okay, next we have claims with SJCA Surveying for Section Corner Perpetuation invoice for $5,175.00.

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

Commissioner Dan Saylor: Second.

President Bob Johnson: All in favor 3-0

**OTHER BUSINESS:**

President Bob Johnson: Anything else on Drainage Board?

Phil Baxter: We talked a couple weeks ago about the emergency to get the tree out of the ditch and Dan had a question on it. Will we be able to do that? We’ve done it in the past for at least 20 years, but we didn’t know what the question was.

Commissioner Dan Saylor: I cant remember what the question was.

Phil Baxter: We have a tree in the ditch, I think it’s Otter Creek, we need to get it out before it’s planted.

Commissioner Terry Phillippe: I thought we actually approved that.

Phil Baxter: No.

Commissioner Dan Saylor: We didn’t? Was that last meeting?

Morrie Doll: No, it was in April.

Phil Baxter: It wasn’t in a meeting, it was just conversation.

President Bob Johnson: I think we did it, but it wasn’t for this particular one. So, you need an emergency tree removed?

Phil Baxter: Yes, we need to get it out before the field is done

President Bob Johnson: Otter Creek? I’d take a motion.

Commissioner Terry Phillippe: I make a motion to approve.

Commissioner Dan Saylor: Did Terry make a motion? I second.

President Bob Johnson: All in favor 3-0

Phil Baxter: Thank you.

President Bob Johnson: Mr. Sherwood

**STORM WATER DEPARTMENT**

Steve Sherwood: Thank you Mr. President, last meeting on Hillside Meadows Subdivision we directed Council to write a letter to Mr. Reinbrecht on the Hillside Meadows Subdivision on the temporary construction entrance has not been built at that time our Council gave them the deadline of May 10th which is today and I am to report to you that in this photograph that the 150-foot by 30-foot wide 8-inch rock construction entrance that was approved as an amended construction entrance on March 18th has not yet been constructed and he is now in violation of not meeting Council’s directive to have it completed by today’s date. What action would the Board like to take? There are a few options, we have an ordinance now that we can do fines we can issue through Legal Council a cease and desist letter, basically a pleasure of the Board.

Morrie Doll: This is also under the examination of the State of Indiana, they are looking at this.

Steve Sherwood: Yes, the Indiana Department Environmental Management has been keeping an eye on this and how we are reacting to certain violations.

Morrie Doll: They have received citizen complaints about this.

Commissioner Dan Saylor: Well, I think we have to move forward with either the cease and desist until he gets it fixed..

Commissioner Terry Phillippe: I think the cease and desist will get it finished faster.

Commissioner Dan Saylor: I mean, if not IDEM is going to put it on us.

President Bob Johnson: We have to do something and act on it.

Commissioner Dan Saylor: Was it supposed to be done by today or the end of day?

Morrie Doll: By the end of today.

Steve Sherwood: That photograph was taken as of noon today, which has not changed since the writing of the letter.

President Bob Johnson: I think you would get a faster response by cease and desist.

Morrie Doll: Which would be a shut down of all construction activity at the site other that the installation of the approved entrance.

President Bob Johnson: Until they get the road in and somebody approves it.

Steve Sherwood: He has been using the non-approved old residential driveway for the property which was never an approved construction entrance.

Commissioner Terry Phillippe: Let me ask a quick question, there is no shortage of rock like there is lumbar or anything like that right?

Steve Sherwood: Not that I am aware of with Mulzer’s yard or not, they charge a steep price for it as I’m sure Mr. Aigner will attest to.

President Bob Johnson: What do you want to do Mr. Sherwood.

Steve Sherwood: Council’s pleasure..

Morrie Doll: The Board’s pleasure…

Steve Sherwood:…we can set a fine up to $2,500.00 per day by the ordinance, but I think a cease and desist letter will get a more swifter reaction.

Commissioner Dan Saylor: I make a motion to have Legal Council issue a cease and desist letter for the Hillside Meadows site and get their entrance in order.

Commissioner Terry Phillippe: Second.

President Bob Johnson: I have a first and second, all in favor 3-0

Steve Sherwood: Thank you. Next item I have is we received a phone call from the Indiana Department Environmental Management on Friday via voicemail, we are to return their call yet this afternoon we have been notified that will be performing their MCM #1-3 & #6 audits on Warrick County either this week or next week they want us to call them and set a date usually it’s a 2-3 day warning that they are going to come down here. We are preparing to get ready for that I just want to make the Board aware of that the Good Housekeeping MCM #6 we’ve been talking about for years looks like it is finally going to happen. They have informed us we do an MCM #1-3 which #1 is “Public Education Audit”, #2 is “Public Participation Audit”, and #3 is “Illicit Discharge”, all three of those and the Good Housekeeping audit, we have addressed all those issues in our recently submitted annual report for Warrick County MS4, so we will get ready for her visit and see how that goes. I have already spoke with Mr. Howard in the Highway Department and we are going to try to get together pretty quick and go over a pre-inspection checklist and go over everything with all the various departments we are responsible for. Next item I have is the box culvert installation at Ruffian Lane was recently completed, if you recall Metzger Construction was the awarded low bidder I just wanted to let the Board know the roadway was open for construction on time last week and the rest of the items have been completed. Last item I have is you recall the Stacer Road Drainage Improvement Project where we are going to be inclosing the road side ditch and steep drop off on the eastern side of the roadway prior to Highway Department pavement through the Community Crossing Grant Award, the Board gave a consensus to proceed with that I just wanted to make the Board aware that we will be using Metzger Construction under their annual bid rates to install that product. We believe that is a viable means to get that in without doing detail plans and bidding it out at this time in order to meet our time table at getting the road paved in a reasonable amount of time. That is all that I have to report to the Board today, any questions from the Board?

Commissioner Terry Phillippe: I do not.

President Bob Johnson: Nope. Councilor, do you have anything?

Morrie Doll: Nothing.

President Bob Johnson: Jason?

Jason Baxter: No, Sir.

President Bob Johnson: Mr. Grassman, anything?

Joe Grassman: Nothing Mr. President

**MOTION TO ADJOURN:**

Commissioner Dan Saylor: I make a motion to adjourn.

Commissioner Terry Phillippe: Second.

President Bob Johnson: All in favor 3-0