**MINUTES**

**WARRICK COUNTY DRAINAGE BOARD**

**&**

**DEPARTMENT OF STORM WATER**

**MAY 13, 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; Phil Baxter, Surveyor; Steve Sherwood, Director of Storm Water; Morrie Doll, Attorney; and Jennifer Curry, Recording Secretary.

Present in the audience was Roger Gain, Glenn Merritt, Jim Morley Jr, Lisa Freedman, Joe Grassman, Sherri Rector, Michael Stevenson, Glenn Kroeger

**PLEDGE OF ALLEGIANCE:**

President Johnson opened the meeting of May 13,2019 with the Pledge of Allegiance

**APPROVAL OF MINUTES:**

President Bob Johnson: First, we have the approval of minutes from April 22, 2019.

Commissioner Dan Saylor: I make a motion to approve.

Commissioner Terry Phillippe: I second the motion.

President Bob Johnson: All in favor? 3-0

**SPRING CREEK PUD-PHASE 2-DRAINAGE APPROVAL**

President Bob Johnson: Next up we have Spring Creek PUD Phase 2 drainage approval.

Glenn Merritt: I am Glenn Merritt with Cash Wagner I’m the engineer on the project.

John Elpers: I am John Elpers, the developer.

Glenn Merritt: The plan you have before you, we came in 2-2 ½ years ago with this same development it had double the number of lots we were planning on doing single family residential housing, John has come back now with this new plan in front of you and is wanting to do duplexes on each of the lots, so we basically got rid of the property line between every lot and ended up with 10 lots instead of the 20 originally, there have been a lot of talk in this area with the flooding recently that’s happened out there and gotten water in the streets, the new detention basin that we have proposed does handle the 100 year storm vs. the 50 that the ordinance requires so we’ve tried to go above and beyond what we are supposed to do to meet the ordinance, but I’d be happy to answer any questions you may have.

Commissioner Dan Saylor: What is causing the flood out there? Is it because things are stopped up or?

Glenn Merritt: I know we had a discussion about a month or so ago with some of the Bell Road improvements that are going on I still don’t have the exact answer on what’s causing the problem. I talked to Steve earlier, John had come into our office to try to figure out what to do and he has since went out there and cleared out some obstruction on parts of his piece of the property where that ditch runs through. Spring Creek Subdivision and Spring Creek PUD that splits the two, I don’t know if John knows what he did?

John Elpers: When the last time we had that heavy rain, we had water coming through and the ditch has so much debris in it, but we were told not to touch the ditch because it’s a CORP ditch. I then got with Mike Stiner, Cash Wagner’s office, just to figure what I can or cant do with the CORP ditch, basically he told me that if we go in and remove loose debris don’t cut any trees that are running straight up and down, if they are leaning marginal make a call, take it if you have to. If there’s a stump in the bottom of the ditch, chop it and don’t make a hole. So, this past week when we went down through there and we cleaned it out best we could without creating a problem, or stepping on anyone’s toes. Short of that, it would’ve been nice to flat clean it completely out, but I don’t think I can do that. Beyond that, what we had the last time we had water, we had a culvert that was put in that ditch by a farmer quite some time ago and in these plans that would get removed, so that’s one issue that will go away. When we put our box culvert in, it will be the same size as the box culvert that’s adjacent to the neighbor, Ciholas. The only other thing we noticed, and its not my property, but there is a ditch beyond us South of us that did have some debris in it.

Commissioner Dan Saylor: Are you talking about the ditch up by Acapulco?

John Elpers: That ditch that flows through there, its behind them and it also turns up towards us. There is debris in both of them, kind of in the corner, you can tell when the water was going through it was dropping past, so there is something that needs to be pulled out there. I don’t mind pulling it out I just don’t want to get my hand slapped if I do. That’s kind of where we are now, now beyond that we had water in our street about a foot deep and I cut an emergency spillway between two lots, so that it would dump out into the Bell Road Ditch, when we came through during that storm the Bell Road Ditch was empty and the ditch in the middle of our property was full which filled out retaining pond, and we think it was back flowing. We are going to put a damper or back flow damper on the overflow pipe on the lake, I got the emergency spillway to keep the water out of the streets, and hopefully by the time we remove the culvert we can do a little more cleaning up on the ditch, I think it will at least improve that part of it.

Commissioner Dan Saylor: So, John you said you cut the emergency spillway in lots that aren’t build on yet, so what happens when those lots gets build on?

John Elpers: Well, one side is owned by an individual and I have told him what I wanted to do and he was fine with it, and I cut a swell with a 3 foot bottom and tapered both sides on my lot that’s remaining I will give an easement so it will stay in place. I don’t think I can force somebody to give me an easement over his property, but if I have half of it on me and it cant be filled, I think it will suffice for what we need to keep the street dry.

Steve Sherwood: He may be willing to dedicate an easement, Glenn will just have to approach him yet.

John Elpers: He may, but I don’t want, I cant force him to do it.

Steve Sherwood: But as you said he was okay with you cutting the swale, and if it is dedicated to drainage only he may be okay with it, but you’d have to approach him first.

Commissioner Dan Saylor: So, it may be a swale that’s maybe grassed over and they mow it to maintain it and its just channeled that water there.

Glenn Merritt: It’s a shallow depression, its not meant to flow water unless that street gets backed up, that’s to keep the water level good.

Commissioner Dan Saylor: I would rather it go there then in my house of someplace else.

Glenn Merritt: That’s what its for, like I said to keep the water in the street from getting anywhere from 6 inches deep.

Commissioner Dan Saylor: Well, hopefully you guys can get that and we’ll work together and make something that is workable.

Steve Sherwood: That’s part of what I ask Glenn if they would come back and amend that part of the drainage plan and then get the easements dedicated if at all possible.

Commissioner Dan Saylor: Where is that at Glenn?

Steve Sherwood: Between 33-34 in the lower left corner.

(Glenn is up by the Board to show the areas on the map while they discuss)

Glenn Merritt: The bottom line, in my opinion, after running some additional calcs on how we needed to size the box culvert in John’s Spring Creek PUD, I believe that storm that caused the major amount of flooding is the 50 year storm. How long have you (John) been out there building now?

John Elpers: A year and a half, two years.

Glenn Merritt: He said that was the worst event that he’d seen happen since he’d been out there.

Commissioner Dan Saylor: Seems like we’ve had a few of them here it seems like, its just a real concentrated area I had one in our subdivision and it was a 100 year, over 4 inches in 25 minutes.

John Elpers: One thing I’m not sure of but it appears to me that water crosses over Vann fairly easy from the lake above up, and it looks like there may have been a riser put on the overflow pipe so there is no retention in that pond and that’s definitely not helping this issue.

Steve Sherwood: That’s the smaller of the upstream basins the one directly North of you across from Vann Road, but we’ve already addressed that one, the riser that was lowered to the bottom of the concrete and we put the emergency concrete swale in if you recall, it might have been before Terry’s time.

Morrie Doll: About a year ago.

Steve Sherwood: Yeah, but we addressed that one already.

John Elpers: So, that one has been lowered to where it needs to be?

Steve Sherwood: Well, the outlet is been lowered from where it was, its as low as its gonna get without doing anymore work inside the water, the other larger basin’s are East of there, and North of Vann Road in Kingsdon, and the two subsequent basin’s and water from Old Hickory going up to Oak Grove Road. But, I think the board was interested in John and hearing what you had to say about trying to clean whatever is permissible with the CORP in that ditch where it enters your property and boarders what I think its called Canterbury, Springston to your East and of course as it cuts West and comes down to the box culvert on Ciholas’s property.

John Elpers: We went through all of this last week, I did not go down through the back side to the ditch that runs North and South.

Steve Sherwood: I think Mr. Kroeger pointed out in meetings in the past that there’s some kind of a blockage going on in the first couple hundred feet South of Vann Road.

John Elpers: I never seen any problems on this end, everything was down on this end, so I’m going to say that had a whole lot to do with it, when that culvert is in place.

Steve Sherwood: You’ve addressed that, that it will be removed, and also addressed putting the flat gates on both of the basins inside this section in outlet A & B and you have another swale or relief from the road if we get water in the road back in the basin and out in the spillway.

Glenn Merritt: The road through the new PUD section has been elevated above the low point that had the foot of water, John wanted it raised above so water does happen to get in that low part that’s existing to the West it will not get into the road on the PUD section. How much read did you (John) say you took, two tracks out of that ditch?

John Elpers: \*Away from the podium, inaudible\*

Steve Sherwood: It depends, we’ve heard various comments from the CORP, some of them say you can cut all of the trees down as long as you cut them flush and do not disturb the embankment and you reported hearing something different.

John Elpers: He said if the tree is healthy, I don’t know if its IDM or the CORP, but he said don’t cut them down if they are healthy, trim them back and get everything out of the way.

Commissioner Dan Saylor: John, can you move over to the mic.

John Elpers: Yes, sorry.

Steve Sherwood: They’ve address some of the items that Phil and I looked at since the original review with the flat gates and the roadway with the box culvert I believe they submitted box culvert calculations the best of what he could discern of the upper watershed for the 50 year storm effect for that culvert. It is the same size as the next culvert, just 100 or so feet South on the Ciholas property, it is a 8x5 box culvert, I believe yours is going to be about ½ a foot buried effectively 4x8 opening which pretty much matches what Ciholas is.

John Elpers: Which is what his is because I went out there and dug it up to make sure that’s what it was.

Steve Sherwood: Phil, any other comments?

Phil Baxter: Nope.

President Bob Johnson: So, are you all good with the plan here? I take a motion.

Commissioner Terry Phillippe: I make a motion to approve Spring Creek PUD phase 2.

Commissioner Dan Saylor: Second.

President Bob Johnson: All in favor. 3-0.

Glenn & John: Thank you.

Commissioner Dan Saylor: Thanks gentleman.

**MITCHEM DITCH-------Tabled from 4/22/19**

President Bob Johnson: Next, we have Mitchem Ditch tabled from 4/22/19, hello Mr. Morley

Jim Morley Jr.: Hello everybody, so this is the same ditch we were here a couple weeks ago on, I brought in some pictures to refresh everyone’s memory. So, this is the ditch that runs between on the South side of Freedman Park, you remember Mitchem Ditch this is the path that it had many moons ago before there was mining in the area and when the mined the area they changed the direction of those ditches and the ground now drains different directions and the county still has on their description of Mitchem ditch the red area, there is no ditch roughly the Western 3rd of that, but the ditch still shows up. We had discussed at last time we met the desire to have that legal drain released or vacated for anything South of Roslin Road all of that property, once it comes underneath Roslin it all is on Lisa Freedman’s property, she would like to have it vacated so its no longer considered a legal drain because currently she pays taxes into that for drainage maintenance, but its just not being maintained and carries with it legal drain right of entry which further limits what she can do there. As a concentrated water flow its protected under Indiana State Drainage Law that she cant go in and mess up that flow, the concentrated flow is protected that way by state code, so we are seeking to have that legal drain vacated, or if the county wants to start maintaining it they can, but currently its not been maintained for many, many, many, many years if ever to be honest.

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

Steve Sherwood: We went out and looked at it after the last presentation, starting on this drawing from your left to your right the first existing ditch it has it running more or less SW NE that does drain into Freedman Park through a 36 inch concrete pipe, and the next existing ditch that runs Northerly across the trail, in the Western 1/3 that is a 60 inch corrugated metal pipe.

Commissioner Dan Saylor: That runs underneath the trail.

Steve Sherwood: Yes, and then basically the ditch more or less starts as he’s depicted there where the series of red dots from that point running East where it crosses through a series or two pipes parallel in Roslin Road, which is where you I believe you want to terminate the Eastern end of the vacation?

Jim Morley Jr: Yeah, that seemed like a well defined spot, to say anything North of Roslin is regulated ditch or anything South is not.

Steve Sherwood: I think its your intent as the area gets developed where you’re wanting to vacate the ditch, depending on what gets developed as sufficient drainage easement of whatever size necessary to handle the existing drainage ditch would facilitate that and not the width of a current legal drain easement, 75 foot top of bank is excessive is basically what you’re stating.

Jim Morley Jr: Yeah, its unknown at this time what that ground turns into being, Lisa bought it years ago to do farming on and wanted to do organic farming which requires that ground to sit untreated for x number of years for it to qualify for organic status and she’s trying to decide where she wants to start farming it from the organic standpoint or if she wants it to be green space, maybe it could be a development someday, who knows, but either way the legal drain status there is no value on it on that portion of the ditch and she pays a legal drain fund for that and it has a 75 foot right of entry from top of bank and really it carries very little water. It used to carry more before mining, but now that the mining is over its stopped. For what its worth basically the part of it that’s left in tact where its supposed to be at is pretty much where the mining stopped, that low area which she has that she was going to farm, that is the virgin soil and once it gets to the West of there and it goes up the hill that’s where the mining basically started. There is some ground South of Oak Grove Road that goes over the road eventually gets to that ditch but its not till it travels a ¼ mile through that flat ground until it even gets there. So, the ditch doesn’t carry nearly the amount of water 100 years ago before the mining, now it carries much lesser amount.

Steve Sherwood: I think its your understanding, the Board will need to understand this too, you’re basically wanting to vacate the tag of the legal drain, doesn’t mean its going to go away as being a serviceable drainage ditch.

Jim Morley Jr: Oh, no not at all. The ditch will still be there, she just wont have to pay taxes on it and there wont be 75 feet encumbered from either top of bank. The ditch will stay, again by Indiana Code she cant get rid of the ditch because its considered concentrated flow and concentrated flow is protected under Indiana code. The ditch stays, we’re just looking to have it undesignated.

Commissioner Dan Saylor: Just curious, you says she pays, do you know what it cost?

Jim Morley Jr: That I don’t know, and Steve or Phil if I said that wrong please speak up I don’t think I did, I mean that’s the way legal drains work. Whoever is on the legal drain pays into that legal drain fund correct? That’s to pay for maintenance for those ditches.

Phil Baxter: That’s not exactly true, but its close.

Jim Morley Jr: Is that right, I owned ground on a legal drain so I’ve never actually paid that but I know they pay something somehow.

Phil Baxter: Yeah.

Commissioner Dan Saylor: That’s different that the Stormwater fee?

Steve Sherwood: Yes, this is an assessed evaluation I believe over time on a legal drain.

Phil Baxter: I don’t have any problem with it after hearing that the ditch will remain that was my only concern.

Commissioner Dan Saylor: So you’re okay with it?

Phil Baxter: Yes.

Morrie Doll: I’d like to take a look to see how we go about de-authorizing the drain, I want to make sure we dot our I’s and cross our T’s if the Board is thinking about doing this. Do we have to give notice, do we have to have a public hearing, etc.? If we do, then that’s something we have to do, if you recollect we did this sort of in the same neighborhood for Hurst Ditch, we had to give notice and have a public hearing in that case. If you’d like I can give you an answer by the next meeting, we sent notices out.

Commissioner Dan Saylor: The landowners here are Freedman, Ubelhor and the park right, is that it?

Jim Morley Jr: Yeah, but whatever the right process is, I mean I’ve already talked to Danny Ubelhor and he was okay with it but for sure he can be notified.

Morrie Doll: I just..

Steve Sherwood: At you’re point it needs to go through the process to be documented.

Morrie Doll: If the Board wishes to do this I can answer that by next meeting, off the top of my head I feel like we have to give notice and advertise it, put it on our agenda for a specific meeting.

Commissioner Dan Saylor: Phil, Steve you’re both okay with this, so if they are okay with it then I am okay with it.

President Bob Johnson: I guess we need to do some research on what its going to take to get it done.

Morrie Doll: Okay, I will report it at the next meeting.

Jim Morley Jr: Do you need me to come back next meeting then?

Phil Baxter: I don’t think its necessary.

Morrie Doll: What we’ll do is we will reach out to you, IF remembrance is correct, the next meeting can determine when they’re going to have the hearing and we’ll let you know.

Jim Morley Jr: Okay, just let me know if I need to come back then. Thank you very much.

President Bob Johnson: Thank you. Morrie, do we need to have a motion to table to next meeting or?

Morrie Doll: No sir, I don’t think you do.

**DAVID MATZEN- ORCHARD VIEW CONDOMINIUMS----Tabled from 4/8/19**

President Bob Johnson: Next up we have David Matzen Orchard View Condominiums tabled from 4/8/19.

Steve Sherwood: I don’t see him present, but I’m prepared to report the Board what I’ve found. If you recall I asked Mr. Matzen to be at that meeting on April 17th, I wrote a letter to him on March 19th of this year, we basically tabled it for a month to let him get ahold of whoever raised the outlet, which I believe was Mr. Haulwager, I detail a letter to Mr. Haulwager April 15th Affordable Builders LLC, attention Mr. Brent Haulwager, Brent called me he said he wants to go out and remove the concrete rings, the precast concrete rings that he set on top of that structure at the request of Mr. Matzen.

Morrie Doll: The installation?

Steve Sherwood: Yes, to raise the water level, pool elevation, I didn’t want to do any finger pointing I’m just relaying what was told to me, it has been restored to the elevation prior to what we found it to be earlier this year basically in the photos from 2017, it has not been restored per the approved drawings early in 10-13 years ago, whenever it was. Two of the incoming pipes, there’s 4 incoming pipes in the basin in one outlet structure, two of the pipes are about half full and the other two have a couple inches of water, I have numbered on them in blue as you will see in the exhibit, Phil has a copy of this, you’ll see how the water level has dropped in the basin in the first photograph and you’ll see in the subsequent blue numbers corresponding with the overall map on page 1 in the relation to the existence on the basin. You see the current status with the grate on the outlet structure, its still about a foot and a half too high from the original plans, I do not have an exact measurement I have not been able to get out there to make measurements prior to this meeting. I will just report to you as you see in the other photos at about the exposed pipes that were totally underwater about 50% more or less contain water. I think the street inlet is empty, that brought up this original complaint addressed by Jim Morley Jr, and his report when he was doing some work for Evansville Teachers Federal Credit Union site. So, two incoming pipes still have a certain amount of water in them to some point I believe the street inlet is dry but we still have water in the structures. The outlet structures not been returned to its original approved condition in 2002-2004, Mr. Morley designed the original Engelbrecht basin plan, its basically been restored to what we originally caught it at and the one that he is going to lower it any lower I am told, according to Mr. Haulwager. If we would want to pursue it further, I can get with Morrie if we can lower it anymore, what you see now is basically the photo that Mr. Matzen showed you in his opening comments on April 17th and it doesn’t meet the approved plans.

Morrie Doll: So, the one and only modification has been removed?

Steve Sherwood: There’s been two modifications, the one was never brought to anyone’s attention and current photograph you see is the first modification. It was modified a second time to raise the water elevation even higher those two rings were the second modification have been removed.

Morrie Doll: But the first modification has not been touched?

Steve Sherwood: Correct.

Morrie Doll: What does it take to, can you tell by looking at it how difficult it would be to remove the first modification?

Steve Sherwood: It’s a pre-pored or a pre-casted concrete box about a 1.5 foot tall in water. It could be notched or broken out to allow it to drain down over the series of steps to get it down to its intended elevation but it remains is my report.

Morrie Doll: So, a notching would be similar to what was agreed upon at Haulston Manor.

Steve Sherwood: There they board a 12 inch hole in it, and a significant amount more room to work in, this is just a 2x2 box.

Morrie Doll: Its under the jurisdiction of a Homeowners Association?

Steve Sherwood: That is correct.

Morrie Doll: So, the Board has options.

Commissioner Dan Saylor: Steve, you think there’s enough retention there?

Steve Sherwood: Its not been restored to Mr. Morley’s original volume, although I’m not sure if the existing basin meets the existing volume that was built originally. That’s another item we need to put on somebody to put on somebody to do an engineering study to say that the volume has been met or has not been met and if not what’s it at or what will it take to meet the volume.

Commissioner Dan Saylor: That’s kind of what we did to Haulston, we put back on them so my suggestion was to figure out if it has enough retention, if it does I mean how much…

President Bob Johnson: You have standing water in the pipe.

Commissioner Dan Saylor: How much, did we say 6 inches in the pipe?

Steve Sherwood: Roughly 50%, some of the pipes are about 18 inches, 15 or 18 inches so about half full.

President Bob Johnson: Was he supposed to be here today.

Steve Sherwood: I don’t know if he was supposed to be in the audience, but we said then it would be tabled to about 30 days to this meeting.

Commissioner Dan Saylor: It sounds like the Association probably knew the modifications or maybe were paid for, so I say we put it back on the Association to have them do a study. Steve, this pipe here is that inflow? Or outflow?

Steve Sherwood: Just a couple, its all coming in except for the one with the grate on it, just a couple inches in that one and the other concrete flared in section pipe, and the one with the far side the basin is half full you can see where the water level dropped and the other has a plastic flared in section that semi-collapsed around the mouth of the pipe.

Commissioner Dan Saylor: Is that a plastic pipe?

Steve Sherwood: Yes, coming into the basin. This is why we prefer concrete flared end sections because the plastic ones tend to not hold their shape over time.

President Bob Johnson: My recommendation would be take it to the original drawing and if they care to modify it then they come in front of the Board and get it modified.

Steve Sherwood: That’s basically where we’re at with all these basins is to explain, they’ve been modified why and approved some type of modification to our already approved drainage plans, problem is no one wants to A. admit to it or B. pay for the time and money it will take to justify it. I can tell you I’ve been called a couple different times when I’ve been back with the county since 2014 as to by the Homeowner Association wanting to raise the water elevation in that basin multiple times.

President Bob Johnson: Apparently they did.

Morrie Doll: Not to say the same sub facts are pliable, but you recall Haulston what we discovered was what was inspected was it wasn’t nearly as deep as the drainage plan had been drawn.

Steve Sherwood: I couldn’t tell you who modified that the first time as you see depicted in the drawing there in front of you, was it done right of the bat when it was built by the developer or was it modified soon after that? Technically, when they built the basin, there really was no built condominiums or structures there yet, I talked to Jim Morley about this they cant verify when that would’ve happened either.

Jim Morley Jr: I can maybe provide a little bit of background so that all this came to light when we were doing the ETFCU branch we were designing the storm system for that which is in that commercial subdivision we went to time of occur of inlet we found water staining in the cure inlet, we chased it to the lake, saw the lake was higher than originally designed 12 years ago something like that, and so that’s kind of what maybe started the drawing. As a bit of background for you, the reason that lake is the way it is, I’d say lower than some people will maybe want it to be elevation wise, is before there was a subdivision there when the orchard was there the lake in that orchard that sits right where that intersection is now where the gas station and stuff is, there was a lake there. That lake to make it line up for that intersection, they took that lake out but we still had to provide detention, so typically detention is at the bottom of the hill, the bottom of the hill is Highway 261 that lake was the bottom of the hill, so we had to move the lake up the hill to get the water to drain into the lake from the commercial area we had to keep the pool elevation of the lake down, that in itself is not a bad thing but once they finished doing the grading of the lots around there the lot sat higher than I would’ve anticipated, which is why you stand there and you look down you wonder why that water level is so low its because the water elevation was driven by the elevation of the commercial lots which are literally down the hill from the lake is where you have to get the water from the commercial lots into the lake before it can go back into the highway. That is what set the elevation of that pool at an elevation lower than what would typically be desired is because truthfully that lake should’ve been down at the highway but the lake was there when you couldn’t have that intersection there and the signal wouldn’t have lined up so to make the intersection happen the lake had to be moved up the hill which is what drives the elevation of that lake. I don’t know if that helps or not but I thought I would give you guys that background.

Commissioner Dan Saylor: Yeah, that background helps me understand a little better.

Jim Morley Jr: What I think is on that plan originally is probably a flared in section coming out of that lake.

Steve Sherwood: Called it a flared in section with a 8-10 inch orifice to restrict the flow, which I don’t believe the orifice was built inside that 18 inch pipe neither that we can tell.

Jim Morley Jr: At some point the flared in section, was removed and this casting was put on and that’s what has raised the pool higher than its original was and I guess it was raised higher than that.

Steve Sherwood: And to what point that happened Jim Morley and I can not tell you.

Jim Morley Jr: Yeah I don’t know when an of that stuff happened, but as far as if someone asks why the lake is so deep in the ground, now you can tell them its because of the intersection to line up to have a signal on highway on 261 we had to move the lake literally up the hill and to get the commercial area drained into it, we had to keep the pool elevation of the lake low.

Commissioner Dan Saylor: So, the lake was there before the building starts, the building happened and everybody says the lake needs to be higher and here we are again.

Morrie Doll: The detention discharge is to the 261 highway?

Jim Morley Jr: Yes, the detention then ties into the storm drain system in 261.

Steve Sherwood: Correct.

Morrie Doll: Will your clients new project directly discharge to highway 261 or will you run your water up the hill and up into the lake?

Jim Morley Jr: For the most part we found those lots were set up for about half got to go to 261 undetained and…

Morrie Doll: Sheet flow?

Jim Morley Jr: Yes, sheet flow out to 261, so roughly half ours sheet flows to 261 and half ours drains uphill into the lake.

Steve Sherwood: Which honors the original drainage plan.

Jim Morley Jr: Yes, which is the way the original drainage plan was proposed.

Steve Sherwood: Right.

Jim Morley Jr: I will say for what its worth, when we talk about checking capacity and basins, historically its come to , when we finish a subdivision or apartments or whatever, you know, we don’t physically check till the last cubic foot to see if the volume is there, we typically check to see if it was built in general compliance with the plans, but obviously this box structure would not, there’s a difference between a flared in section and a box with a riser on it, so there’s a difference.

Morrie Doll: So, if you could verify, if someone could verify the circumference of the detention structure, and compare it to the approved plans? While that is not an absolute guarantee with its capacity it would be some indication.

Jim Morley Jr: In theory, from here there is no calculations to prove out what I’m saying, so take it with a grain of salt, in theory because they raised the ground up all the way around it, the volume of storage in theory would’ve came up with the level so the volume of the water, it may have the volume of the water because when they filled the ground around they also raised the top of bank. They raised the pool, but they also raised the top of bank would be my guess, the only challenge you would have at that time them would be the capacity of the pipes as they enter into the lake because they are partially submerged, that being said not all pipes go in at 100% capacity to begin with so if those pipes had access capacity in them there may be some forgiveness there and in addition to that all the pipes at least that we size in Warrick County are all sized for a gravity flow condition, all pipes will flow more than gravity flow and put underneath what I call a “head condition” and so the truth is those pipes may have the capacity even if they are half submerged, and you may have the capacity of volume if the top of bank came up as pool elevation came up. The bigger challenge was before they took off the first set of double rings that they did do, when we designed them to when Teacher’s had it that water would literally start backing into the Evansville Teachers system. I have not been out there but if Steve says that curve is dry that we tie into, at least that water isn’t going back flow in the Teachers parking lot on a regular pool elevation.

Commissioner Dan Saylor: You’re not putting any detention in the Techers?

Jim Morley Jr: No, because that lake is the detention. The question being would be if you chase it the only issue is if the top of the bank raised with the pool is to find out as that water comes up will it start pushing out the curve inlets or area drains before it breaks through the emergency overflow, a person would have to go through and study out some number sin elevations, so that is what brought all this to the front to start talking about it.

Steve Sherwood: To your comment about the emergency overflow because the banks have been raised I don’t know if it has a viable emergency overflow at this point either. If that lone structure was to be obstructed, would it drain?

Morrie Doll: Where would it drain?

Steve Sherwood: And where would it drain?

Commissioner Dan Saylor: Jim I got two questions for you, water in pipe, plastic vs concrete does it shorten the life of either one? What does it do to either one in the winter time freezes?

Jim Morley Jr: I don’t know if it shortens the life of it to the extent that the water is sitting in the bottom half of the pipe typically and so it freezes the water just will raise itself up the pipe, I don’t know if I would expect to have any kind of pipe fracture because of that. There are projects that you know where O’Charley’s is in Vanderburgh County? All of the lots there all those pipes come in under water because when they originally did that subdivision they thought pipes were ugly, so they wanted all the pipes to come in under the pool so you didn’t have the ugly pipes sitting out.

Commissioner Dan Saylor: Concrete or plastic?

Jim Morley Jr: They are concrete. If the numbers work out there’s nothing wrong so to speak with the pipes coming in underwater or half underwater, as long as the numbers work I don’t know if I would fear that, I don’t know if I would fear the life cycle of the pipe because it was underwater or the ice part of it I think its really is just the question on the numbers if the numbers pan out and where the water goes if it exceeds the capacity of the basin if you have that. Like we talked about the other day, when we were getting heavier rain on a more regular basis it floods, where does the water go? Ultimately we just want to make sure it doesn’t go into a house, bank, or into a gas station I think that’s ultimately want to make sure nobody is damaged. I don’t know if that helps or not but I thought I’d say something.

Commissioner Dan Saylor: Yeah, but I appreciate your intake.

President Bob Johnson: So where do we go from here Steve? Notify the Homeowner Association?

Steve Sherwood: If we need to pursue to restoring it to as the approved then we have to make some type of engineer study showing us that A. the capacity is still there B. do we want the structure dry per the original drainage plan, if so the structure will need to be lowered to accommodate that.

Commissioner Dan Saylor: I think my concern is that it has the right detention or retention and then like Jim said what happens if it fills up then where is the emergency flow is going. Is it going into a gas station, a house, I mean I would as a member of this Board I would like to know that area is in compliance to the original plan and I understand why people want to raise these because of the looks and you want to live on a big lake and all that you know, but I can appreciate that because if I was living there I’d probably want to do the same. If it does have the retention or detention within it functioning as engineered in the beginning.

President Bob Johnson: I mean, if we get another one of those once a week 100 year storms you know if you go into someone’s home the next thing you know if we didn’t address it then we’re liable for it.

Morrie Doll: Once we became aware of its existence in a non-compliant form and don’t take a act we’ll be comfortable.

Commissioner Dan Saylor: I think we do the same thing we did with Haulston’s thing, get the Association to hire an engineering firm, study it, then get back with them.

President Bob Johnson: Agree.

Morrie Doll: So, that would be a motion then.

Commissioner Dan Saylor: I make that motion.

Commissioner Terry Phillippe: I will second that motion.

President Bob Johnson: All in favor. 3-0

**ROGER GAIN- ST. VINCENT----Tabled from 4/22/19**

President Bob Johnson: Next up, we have Roger Gain St. Vincent tabled from 4/22/19, monument sign. Hello Sir.

Roger Gain: Good afternoon.

President Bob Johnson: Please state your name.

Roger Gain: My name is Roger Gain representing St. Vincent Evansville with the new Orthopedic Hospital.

Sherri Rector: Sherri Rector, Director of Area Plan.

Roger Gain: Sherri is very kind in assisting me today in trying to inform you on where we want to locate the new monument sign, each one of you have a hand out showing a rendering from our sign vendor exactly where the sign is going to be located and then there should also be an attachment enlarged plan showing where the sign is going to be from a dimensional standpoint. During the meeting Sherri and I were discussing that we may have to be 5 feet off the property line and 5 feet off of the 40 foot setback, which is not going to be that big of a concern to us that’s not the issue, the issue is that we need for this sign to be located at this intersection.

Sherri Rector: We did talk to Bobby Howard prior to coming up here he did report to me and Mr. Gain that it would cause no site problems for the sign to go in that location, so basically the issue is the location of the sign within the lake maintenance and storm drainage easement which we are just here to get a consensus that you have no objections so that he can move forward to filling for a variance for the sign to be located with the Board of Zoning Appeals (BZA) or I have also volunteered to do a hearing officer for the BZA since most of it is commercial for the most part so it wont hold him back for another month if he wants to follow through that way. Morrie, I don’t know if you have seen this?

Morrie Doll: I’ve seen this.

Sherri Rector: So, this is just a consensus that you have no objection for it going in the retention area, I don’t know what the drainage plan show if it causes a problem with drainage I have no idea.

Steve Sherwood: Its not in the basin, Mr. Howard and I were out and measured it.

Commissioner Dan Saylor: You are okay with it?

Steve Sherwood: It will not effect the drainage as the location depicted to what he submitted.

Commissioner Dan Saylor: Okay, the thing I was worried about was visual blocking graphic or line of site, and that’s going on the northbound lane so, if you’re pulling out there you’re going to be well in front of that sign so I’m okay with it.

Commissioner Terry Phillippe: I’m good with it.

Morrie Doll: So, there ought to be a motion, just that we agree.

Sherri Rector: They have no objection to file the variance?

Commissioner Dan Saylor: I make a motion to no objection to the variance for the location of the St. Vincent sign as depicted.

Commissioner Terry Phillippe: I will second that.

President Bob Johnson: All in favor? 3-0

Roger Gain: Thank you very much

President Bob Johnson: Thank you.

**CUSTOM SIGN---VANN ROAD--EXPANSION**

President Bob Johnson: Next up with have Custom Sign Vann Road.

Jim Morley Jr: Jim Morley Jr. Project Engineer, so I just passed out to you all a sheet showing where we are in Warrick County, that’s Vann Road park on the South side of the sheet and Vann Road cuts across the South, the expansion that they are doing is primarily in this big blank area up here at the top, eventually they are going to add into the building and some lay down area up there then add on to one of their other buildings. So, this project falls in Warrick Research Industrial Center, this portion does not have any detention required originally however when we went out and took a look at it and started the engineering process we saw that it would be good for us to add detention for our project and so prior to even meeting the county we moved forward to provide detention for the expansion and through conversations with Mr. Sherwood and Mr. Baxter we came up with a plan that works pretty well and takes care of the detention on the property.

Steve Sherwood: Yes, Mr. Morley made some changes to the original submittal that better suits and accommodates his plan. You’ll notice here on the final outlet, Jim you may want a detail discussion to the Board, that you put a statement on here to offer it to a joiner to regrade East/West ditch where runoff from the site will drain if the a joiner would like to proceed with the work, contractor shall regrade existing ditch according to the details contained within these set of plans. So, he has all this flow from this site going into an on site retention basin he has a concrete line of ditch with a shallow concrete swale.

Commissioner Dan Saylor: Where is that basin going to be at?

Steve Sherwood: If you want to pass these plans down Jim, so they can see it.

Commissioner Dan Saylor: So, all this area flows that way or just this area here?

(*Steve, Dan, Morrie, Bob, and Terry are all talking and looking over plans*)

Steve Sherwood: This is the area here we thought we’d have a problem with, this gentleman that owns the property Mr. Roy Paxton, he’s spoke to me before about some of the drainage coming off here.

Commissioner Dan Saylor: So, that would eliminate that?

Steve Sherwood: That note there if he is agreeable to it, will allow them to create a ditch that’ll contain the water that sheet flows there now essentially. He tried to address that concern, Custom Signs Mr. Morley addressed it he has an approved SWPP that coincides with this.

Morrie Doll: But you are going to discharge onto a neighbor’s property?

Jim Morley Jr: There’s a current ditch there now.

Morrie Doll: Is it a legal drain?

Jim Morley Jr: No, its natural.

Steve Sherwood: There is not a platted easement in that to accept it at that point.

Jim Morley Jr: There’s a current ditch there now that we discharge into, but it doesn’t drain super well, some sediment may have built up over time and settled out so it doesn’t drain as well as it could and that’s why we are offering, if the a joiner wants us to come on their property to grade it out we will do that.

Steve Sherwood: Just so the board knows, with this being a drainage plans for this lot there were no notifications set out, he was not provided an opportunity to attend to be here in case he asks this is just being addressed to what we think the water that’s coming out there now, comes out at this point its going to be in a controlled rate it might even be released lesser than the water that’s coming at the rate that is being discharged there now.

Jim Morley Jr: Yeah, because it only hits that value, it only hits that high end number when the lake is at its max height because when you size a discharge pipe you size it on the max discharge not the daily if you will, and for the most part he should see a decrease in the amount of water that comes to him. The sub itself didn’t require drainage but we thought it was something we thought it was the right thing to do even though it wasn’t in the subs required.

Steve Sherwood: Per Drainage Board, commercial sites are sites that may need drainage that aren’t required in the original content of the subdivision control ordinates this is what Jim recognized and has created this. We appreciate him volunteering to do this ahead of time because it probably would’ve been required knowing the complexities of the issue with the drainage from the neighbor in the past.

Morrie Doll: For the record, in case we ever find ourselves answering questions. The natural drain on the neighboring property, even in its present inefficient condition, should accept what ever is being discharged without an issue?

Jim Morley Jr: Yes.

Morrie Doll: Thank you. If you chose to approve this, you needed to know.

Commissioner Dan Saylor: Steve you okay with it?

Steve Sherwood: I believe Phil and I have looked at it and discussed it and I don’t think we have an issue with it in its current form.

Phil Baxter: No, we’re good with it.

Commissioner Dan Saylor: I make a motion to approve the Custom Sign drainage plan as submitted.

Commissioner Terry Phillippe: I second the motion.

President Bob Johnson: All in favor. 3-0

Jim Morley Jr: Thank you all I appreciate it.

**CLAIMS:**

President Bob Johnson: Next up we have our claims, we have a claim for $12.56.

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

Commissioner Terry Phillippe: I will second.

President Bob Johnson: All in favor 3-0

**OTHER BUSINESS:**

President Bob Johnson: Any other business for Drainage Board.

Phil Baxter: I have one thing, you all have seen this jam I am assuming.

Morrie Doll: Pigeon?

Steve Sherwood: Pigeon Creek, Jason followed up on a complaint just outside of Warrick County at Pigeon Creek this is just in the Vanderburgh County, a basic log jam about 9ft in height about 60ft width, and about 200ft in length and growing. This is restricting water flow out of Warrick County.

Phil Baxter: Jason is down there now meeting with (Jeff) Mueller.

Commissioner Dan Saylor: But that is in Vanderburgh County?

Phil Baxter: Yes.

Steve Sherwood: Yes, by about 500ft or so. As Phil said, Jason is meeting with Vanderburgh County Surveyor at this time.

Morrie Doll: That would be on the next meetings agenda?

Phil Baxter: We have to hear from them.

Morrie Doll: They may want to have a meeting about it.

Phil Baxter: Well, they would probably have to, to appropriate money because they don’t have any money for cleaning ditches as per say. We’ve gone through it before with them and that just how it works.

Morrie Doll: What is your budget?

Phil Baxter: Now? Its hard to say probably $50K.

Morrie Doll: Any estimate on top of my head based on your experience and based on the years of doing this…

Phil Baxter: That’s a tough one there, its tough to get to, its probably the biggest one we’ve ever seen.

Steve Sherwood: Its not like you can just dynamite it and blow it because all that debris is going to go down stream and clutter block it somewhere else it has to be removed.

President Bob Johnson: What’s down stream?

Morrie Doll: Lynch Road, Green River Road.

Phil Baxter: As you can see there’s trees on both sides, big trees, its just going to be tough to get to.

Morrie Doll: And if you get to it, how do you get it out of there unless you just cable it to existing trees.

Phil Baxter: That’s what we’ve done before, stack it and cable it.

Commissioner Dan Saylor: So, is this the water level on the other side of this?

Morrie Doll: That’s the debris top and its floating.

Steve Sherwood: Its about 9ft Jason estimated.

Morrie Doll: You can see there are root wads in the photo, this is not just limbs. The problem is yeah you can dislodge it, its just going to go to the river at some point, it may take years to get there but that’s the ultimate end of it.

President Bob Johnson: So, we are going to report on that when Jason gets back.

Phil Baxter: Yeah I’m sure we’ll get something on that.

Morrie Doll: The Board would have the ability and my estimation if we did it out of the jurisdiction of the joint Drainage Board for it, technically is this.

President Bob Johnson: We haven’t had a meeting for a very long time.

Morrie Doll: I know, but I think the Board would have the ability to contribute funds or remove it at our expense if the Board so inclined to do so. Virtually 100% of the benefit, well that’s not fair there is some Gibson County water at that location, but majority would be Warrick County.

Steve Sherwood: No, Warrick County is being directly by it now because of the back up.

Morrie Doll: Gibson is not because we’re absorbing Gibson and holding it as a detention.

Steve Sherwood: This complaint was brought to the attention by the Warrick County farmers, is my understanding.

Morrie Doll: It needs to be addressed.

Phil Baxter: I’m not sure legally we can do it out of the County.

Morrie Doll: I think you can under the osbosim of the joint Drainage Board, but other than that I don’t think you can spend tax payer dollars outside of Warrick County, but since on paper we do have a joint Drainage Board I think we can expend funds, but I recollect that the statue correctly we can expand funds for the benefit of the joint Board.

Phil Baxter: I think its president I don’t want to start though.

Morrie Doll: Well….

Phil Baxter: If we don’t we’re not forced into it.

Morrie Doll: The problem is…

Commissioner Dan Saylor: I don’t disagree with Phil though, its on their property, if the shoe was on the other foot would they expect us to clean up if it was ours?

Morrie Doll: No, look at our relationship with Spencer County, they jump in any time we ask them to and generally pays their fair share on what needs to be done on Little Pigeon.

Phil Baxter: Yeah, but we boarder.

Steve Sherwood: Vanderburgh County does not recognize Pigeon Creek as a legal drain.

Morrie Doll: They have never done anything to it, State of Indiana has that as a navigable stream to Highway 41, but that’s only a natural stream from Highway 41 to the Warrick County line.

President Bob Johnson: This has been an issue for years.

Morrie Doll: We’ve never had the cooperation of Vanderburgh County.

Steve Sherwood: To get to point raised earlier, this is not an assessed drain in Vanderburgh County.

President Bob Johnson: Is there something with the CORP, we tried to get the CORP involved in this last, two years ago?

Steve Sherwood: I don’t think so.

Morrie Doll: I don’t think we did, the problem is this is just a tip of the iceberg, there are other problems in the rest of the 18 miles that runs from basically the Warrick/Vanderburgh County line to the Ohio River which are economically insurmountable, because of the congestion in the development along the banks of Pigeon Creek and Vanderburgh County, let alone the highways. This is a problem, and I don’t know if we are going to get as much money admitted to this, they may say yeah knock yourself our if you want a right a way we’ll let you go in to it we’ll let you do that. I hope Jason has better luck than I expect. So, it needs to be on future consideration it’s a problem that’s just going to get worse.

Steve Sherwood: I was just talking to the former Gibson County Surveyor who is well familiar with this drain, I don’t know if he had any other inside to offer, he is well versed in what Vanderburgh County does not allow and that its not a legal drain.

Commissioner Dan Saylor: Is Gibson County similar to us?

Steve Sherwood: Yes, they recognize Pigeon Creek the same way and form legally that we do, I’m referring to Michael Stevenson that just walked in.

Commissioner Dan Saylor: What’s the advantage of Vanderburgh doing it the way they are doing it?

Morrie Doll: They don’t have to maintain it, if you declare it a legal drain you assume the liability to maintain that drain, if you don’t declare it a legal drain its mother natures problem.

Michael Stevenson: Michael Stevenson, with SJCA formally Gibson County Surveyor, I think Steve wanted me to come up here and yeah I agree 100%, I think the lower 11 miles in Vanderburgh County is navigable.

Steve Sherwood: Up to US 41.

Michael Stevenson: Right, everything North East they claim as a unregulated drain so its just a natural ditch.

Morrie Doll: But if it hits the Warrick County line we’ve declared it a legal drain.

Michael Stevenson: Right.

Commissioner Dan Saylor: To me, when we did the joint Drainage Board we should’ve required them to say “well we want you to recognize this because now Gibson recognizes it, we recognize it.”

Steve Sherwood: We’ve tried to do that and they said the expense on making it a legal drain is unfavorable they cant afford it.

Morrie Doll: They have to assume maintenance and they will not do that, the maintenance, the former Surveyor in Vanderburgh County in a conversation I was directed to have with them by the Board then, told me that could entail reconstructing the overpass over Pigeon Creek for Lynch Road which is undersized and backs water up, and they’re not about to take on that liability.

Michael Stevenson: Their current County Surveyor has the same thinking he doesn’t want to do it, in his mind the study has to prove that there is a problem in Vanderburgh County that is causing Warrick County’s issues.

Morrie Doll: We have even discussed filing a law suit.

Michael Stevenson: There was some question as to whether or not the elevation, I mean, if there is a 9ft log jam downstream but upstream you’re 12ft higher, that 9ft log jam isn’t going to cause a problem.

Commissioner Dan Saylor: they’re saying they still have 3ft, but I heard there is only 9ft of fall in the whole basin.

Michael Stevenson: Yeah, the lower portion of it drops off but I don’t know at what point it does, but yes.

Morrie Doll: This enters the Ohio River South of the Lloyd Expressway at the Red Bridge if anyone knows where that is.

Commissioner Dan Saylor: Yeah that’s over by Muller’s property.

Morrie Doll: So our water from Deaconess Hospital has to serticioiusly go that way to get to the river.

Commissioner Dan Saylor: Into Gibson County.

Morrie Doll: No, it doesn’t go in, but their water joins us.

Commissioner Dan Saylor: Oh, I thought it went up into Gibson.

Steve Sherwood: Pigeon Creek originates…

Morrie Doll: Pigeon Creek originates in Gibson.

Michael Stevenson: When I was County Surveyor this was all stuff we were looking into as well trying to figure out if it was an issue, we determined it wasn’t because it was low enough and that problem going on in Warrick and Vanderburgh didn’t effect us in Gibson County so we no longer looked into it. I will tell you there is drainage code that pertains to obstructions Indiana Code 36-9-27.4 is a mechanism you can go and force somebody to remove the obstruction that is in a non regulated drain so that might be something to look into.

Morrie Doll: But, generally its against the property owner, and not the county.

Steve Sherwood: And that’s what Vanderburgh County says is that they would have to get the property owner go in.

Michael Stevenson: Right.

Morrie Doll: I don’t know who owns this.

Commissioner Terry Philippe: Can you recite the code again?

Michael Stevenson: Yes, it is 36-9-27.4. Any questions you guys have of me feel free to get with me, I’ve dealt with this stuff for 12 years so I’m happy to help.

Commissioner Dan Saylor: If we force that issue, then maybe those landowners will say “hey wait a minute we’re going to start getting dinged maybe they will start being a voice for Vanderburgh County” if they never have to worry about it what’s their incentive to put pressure on their county?

Morrie Doll: Well right now the property owners aren’t paying the assessment for the Drainage cost, if ever, and the cost to rectify all the problems in Pigeon Creek are just monumentally odd, its huge.

Commissioner Dan Saylor: I remember when we met with Ron Bacon and the farmers out there and I thought Ron was going to help Vanderburgh County because they were there and I don’t know if anybody from Gibson was there for that meeting or not.

Michael Stevenson: Steve Bottoms I think attended that.

Morrie Doll: Commissioner.

Commissioner Dan Saylor: I don’t think, this was at a farm field.

Michael Stevenson: Oh, sorry I thought you were talking about the joint Drainage Board.

Commissioner Dan Saylor: Oh no this was just, Ron Bacon was there but the conversation then I think it was last year was Ron was going to see kind of what was available to State to get some help in there.

Steve Sherwood: It’s just a matter of time its log jam after log jam and it occurs over time.

President Bob Johnson: Well, if it is effecting our famers and effecting property and fields after they plant them then we have a recourse to surely do something.

Morrie Doll: It recourses against the property owners adjacent to the unregulated stream, to compel them to remove it but you’d have to exercise that recourse every time a new log jam developed that impacted the drainage of Warrick County and Pigeon Creek, so its not a permanent fix, its an incremental repair. The other option at one point in time is being considered and had been studied twice was to route a new drain, reverse Howard Williams Ditch and take it to the river. Now, the problem is that sounds complicated yet simple, the problem is you have to build it in a way it doesn’t backflow the river with Pittsburgh floods but we aren’t flooded here and it raises the Ohio River, you don’t want to backflow the Ohio River into Warrick County as a holding spot, so you have to build it in a way that does not happen.

Steve Sherwood: Just want to bring this to the Boards attention Phil and I that Jason is down there, maybe something will come back from Jason in Vanderburgh County before the next meeting but he will advise us via email, appreciate you (Michael) coming up to the podium.

President Bob Johnson: Thanks Michael.

Michael Stevenson: Thank you.

President Bob Johnson: Any other news? Mr. Sherwood.

**STORMWATER DEPARTMENT**

Steve Sherwood: From Stormwater I just wanted to remind the Board the annual MS4 conference is tomorrow in Indianapolis if anybody cared to join me at the last minute, my office will be there as part of our requirement to stay up on the MS4 policies and annual informational meeting. I believe you are getting an/or have received an email, Commissioner Saylor, Bobby Howard, and I met with Lochmueller Group to go over the final draft study, they will be presenting that to us on Monday, June 10th, they will be notifying all the adjoining land owners via letter that will be sent out, there will be a preliminary set of plans in our office and Phil’s office regarding the Tanglewood drainage study and I think if we just notify the adjoiners which is what they notify for the survey work that we should be fine. They asked if we should advertise this or put it out online, if we just notify the adjoiners I think we are fine at this point the rest will travel by word of mouth I’m sure. That is all that I have.

President Bob Johnson: Anything else?

Steve Sherwood: Joe anything?

Joe Grassman: Nope.

President Bob Johnson: Dan?

**MOTION TO ADJOURN:**

Commissioner Dan Saylor: I make a motion to adjourn.

Commissioner Terry Philippe: Second.

President Bob Johnson: All in favor. 4-0