**MINUTES**

**WARRICK COUNTY DRAINAGE BOARD**

**&**

**DEPARTMENT OF STORM WATER**

**May 9, 2022**

Regular Session

Old Historic Courthouse

107 W. Locust St. Suite 303

Boonville, In 47601

812-897-6170

The Warrick County Drainage Board and Department of Storm Water met in regular session with Dan Saylor, Vice President; Terry Phillippe; Secretary; Morrie Doll, Attorney; Steve Sherwood, Storm Water; Phil Baxter, Surveyor; Jason Baxter, Deputy Surveyor and Dana Upton, Recording Secretary

Present in the audience: Michael Feldbusch, Don Williams, Barbie Shelton, and Heather Soberg (for brief questioning)

**PLEDGE OF ALLEGIANCE:**

Commissioner Dan Saylor: We will call the May 9th 2022 Drainage Board Session to order if you will all stand and recite the pledge.

**APPROVAL OF MINUTES**

Commissioner Dan Saylor: First item on the Agenda is approval of April 25th 2022 minutes.

Commissioner Terry Phillippe: I make a motion to approve the minutes

Commissioner Dan Saylor: First and I will second that. All in favor 2-0

**HOOTIE HOLLOW SUBDIVISION- Request for no drainage plan**

Commissioner Dan Saylor: Next item on the agenda is Hootie Hollow Subdivision request for no drainage plan requirement. Anybody here to speak on that?

Michael Feldbusch: My name is Michael Feldbusch. I’m the Surveyor on the project for Hootie Hollow.

Steve Sherwood: Thank you.

Commissioner Dan Saylor: So, Jason what do we?

Jason Baxter: You’re asking for no drainage is that correct?

Michael Feldbusch: Yes Sir.

Commissioner Dan Saylor: ok, so are we good? Is everyone good with it? Phil?

Phil Baxter: Yea, we are good. Big lots.

Commissioner Dan Saylor: Big lots. Ok. Terry, you good with it?

Commissioner Terry Phillippe: Yea. I make a motion to approve no drainage for Hootie Hollow Subdivision.

Commissioner Dan Saylor: I’ll second that. All in favor 2-0

Phil Baxter: thank you Mike.

**CLAIMS:**

Commissioner Dan Saylor: Next item on the agenda is claims. It looks like we have 4. The big one is, it looks like a progress payment for SJCA in our Section Corner locations. Counselor, and this is acceptable to make a progress payment on?

Morrie Doll: You have certified 55% completed of the contract.

Jason Baxter: That’s correct. The contract is $45,000.00

Commissioner Dan Saylor: The contract is 45

Morrie Doll: $45,000.00. 55%

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

Commissioner Dan Saylor: ok, that’s the first and I will second that. All in favor 2-0

**OTHER BUSINESS:**

Commissioner Dan Saylor: Any other business for the Drainage Board?

Phil Baxter: Uh yes. Just 1 thing. We’ve got bids coming in for the jam.

Commissioner Dan Saylor: Oh, the log jam?

Phil Baxter: and the bids will be coming in Thursday afternoon. Jason?

Jason Baxter: Uh yea, before 4:00 Thursday.

Phil Baxter: And we either need to have a special meeting because we need to get it lent or we need to make some kind of arrangement of getting the bids opened by a by partisan person and then call the Board members and get their ok if that’s the legal way to do it.

Morrie Doll: A ball park estimate of how much we are talking about?

Jason Baxter: anywhere between maybe $30-50 somewhere in there. Don’t know how they’re

Morrie Doll: $30-50,000.00?

Phil Baxter: You can’t really go, everybody has to bid and it’s hard to get someone as quick as we need them.

Morrie Doll: And the reason we need them is that it’s flooding farm fields?

Phil Baxter: Yes.

Morrie Doll: And Farmers can’t put their crops out.

Phil Baxter: Yep.

Morrie Doll: Well, the safest way is a special meeting. You’re getting this Thursday?

Jason Baxter: Thursday or end of day Thursday.

Morrie Doll: The safest thing would be to have a special meeting set for Friday if we can make a notification date.

Commissioner Dan Saylor: I will be out of town.

Morrie Doll: ok, that won’t work then.

Phil Baxter: Do we know if Bob can make it?

Morrie Doll: Will Commissioner Johnson be in?

Commissioner Terry Phillippe: He’s home ill today. So, hopefully he’s better by then but

Jason Baxter: Any way to do it by phone?

Morrie Doll: Conference call under the COVID rules will suffice for official business, now I’m not sure the state is authorizing us to operate under the COVID rules at this point and time. But you will remember we could do that, in COVID.

Jason Baxter: I can possibly get the bids in earlier.

Morrie Doll: What did you publish? Did you publish notice that they were due Thursday?

Jason Baxter: Yea, but I’ll be with them out at the pre-bid meeting tomorrow. I’ll be with them, if I need to have them sign something or whatever we need to do.

Morrie Doll: Commissioner, when are you leaving town? You said you are gone Friday?

Commissioner Dan Saylor: I think we are leaving Thursday but I have a meeting Thursday at noon and that I was going to be at so but I mean, that’s not as important as this so if a meeting was set up on Thursday, that would take precedent over what I got. It’s with the Park Superintendent and Economic Development.

Steve Sherwood: Could you get bids in by noon on Thursday instead of 4 PM.

Jason Baxter: Yes, I can have that done. Where is your meeting at? Is it here or is it?

Commissioner Dan Saylor: Economic Development.

Jason Baxter: ok.

Commissioner Terry Phillippe: There are a limited amount of Contractors contacted. I guess I’d be concerned if we get agreed 12:00 but it was published at 4, then at 4:00 you get someone coming in.

Jason Baxter: No, I’ve already met with one and I’m meeting with 2 tomorrow.

Commissioner Dan Saylor: If I can be seen and heard, I thought you could still vote.

Morrie Doll: That was under the COVID rules using Zoom or one of those technologies.

Commissioner Dan Saylor: The public has to be able to see and hear you. I thought that still stood, but maybe it doesn’t.

Commissioner Terry Phillippe: Well, to your point, so yes we did have the emergency rules under COVID but we now have a new state law that says as long as you can be seen and heard by

Commissioner Dan Saylor: Because, NPO we can still vote and as long as we can be seen and heard by, and of course they’ve got all of the proper stuff. But Council did it and either Cliff or Crystal held up the IPAD so the general public could see.

Morrie Doll: an IPAD?

Commissioner Dan Saylor: an IPAD, yes sir. And so far, I haven’t heard any

Commissioner Terry Phillippe: providing that there’s not 211 people in the virtual audience, then that may work.

Morrie Doll: Does this system?

Commissioner Terry Phillippe: That does not work.

Commissioner Dan Saylor: we’ve gotten bids and I think we approved the bid to do the system but I think we are waiting on parts and pieces to get this all redone.

Morrie Doll: And it won’t be here by Thursday.

Commissioner Terry Phillippe: Nope.

Steve Sherwood: They can’t preliminary grant consensus to the low bidder.

Morrie Doll: We don’t know what that is, we don’t know there’s caveats or conditions to the bid that the bidder puts in. I’m just real nervous about that. What I would recommend is on the record today, we set a continuation for purposes of considering these bids and I think it’s important that we call it a continuation for Thursday. It’s 4:00?

Jason Baxter: That’s how it was advertised, yes.

Morrie Doll: Commissioner Saylor, you’re leaving town Thursday afternoon? Was it before 4 or was it slightly after 4 that you were leaving?

Commissioner Dan Saylor: No, it was before 4:00. It was going to be mid-day about 1:00 PM.

Jason Baxter: As far as the contracts go, if they are bidding on it. I can get them earlier. I’ve got

Morrie Doll: Yea, but you’ve advertised them for 4:00

Jason Baxter: Right. They’ll have them done, they always just send them in at the last minute.

Commissioner Dan Saylor: Your concern is if somebody is out that that maybe we haven’t talked to sends in a bid.

Morrie Doll: And doesn’t get selected, he’s going to say it was an unfair bid process and in violation of state law. You had it advertised for 4:00 PM. He or she submits a bid by 4:00 PM.

Jason Baxter: I understand that, but I believe I have you know, I think I can make that happen.

Commissioner Terry Phillippe: Or if we can make a virtual meeting work after 4 or on Friday morning.

Morrie Doll: Commissioner Saylor, will you be at a place Friday where you could participate in a virtual meeting?

Commissioner Dan Saylor: uh huh.

Morrie Doll: Telephonically?

Commissioner Dan Saylor: I can take my IPad with me.

Morrie Doll: the lady who films this. She’s here?

Commissioner Dan Saylor: Heather?

Morrie Doll: Yes, can we ask her to step in? How do we display it to the? The same way the Council did?

Commissioner Terry Phillippe: Yea, if we just hold a go to virtual meeting and this is emergency and doesn’t have to be published.

Morrie Doll: It should be. That’s why I said continue it vs.

Commissioner Dan Saylor: Heather, Morrie has some questions for you

Heather Soberg: Yes Sir?

Morrie Doll: Heather, we have an emergency circumstance with the Drainage Board. There is a log jam that is flooding farm fields and we need to get it removed ASAP. Jason has advertised for bids. It’s a $30-50,000 estimated project so it’s not insignificant. The bid deadline is 4 PM Thursday. I think everybody on the Board wants to try to accommodate a rapid review and determination to approve or deny that. Unfortunately Commissioner Johnson is ill and Commissioner Saylor is going to be gone as of Thursday afternoon. So, here’s the question, can we do a virtual link with Commissioner Saylor Friday morning? Jason, will that work?

Jason Baxter: Yea, that’s fine with me.

Heather Soberg: We can do that without a problem.

Commissioner Dan Saylor: And I can still vote as long as I’m seen and heard right?

Heather Soberg: That’s my understanding. Now, have you guys done any other documents for that? Ok so then we are going to follow those rules. As long as you are seen and heard, which we can do with Google meet very easily.

Morrie Doll: So, can you arrange with Commissioner Saylor to technologically contact his phone or something?

Commissioner Dan Saylor: Bob might be able to meet too with that.

Morrie Doll: So, today at the end of this meeting, I would recommend you recess this meeting to a time certain on Friday Central Standard Time for the purposes of, for the single purpose of considering the bids. What’s the project?

Jason Baxter: Pigeon Creek

Steve Sherwood: Pigeon Creek log jam.

Morrie Doll: Gosh, Pigeon Creek again. For the single purpose of considering the expected bids for the Pigeon Creek log jam removal and that that will be done virtually. And then the same invitation should be extended to Commissioner Johnson. Ok?

Commissioner Dan Saylor: ok

Commissioner Terry Phillippe: Got it.

Morrie Doll: thank you Heather.

Commissioner Terry Phillippe: at what time?

Commissioner Dan Saylor: So, Jason, probably 9:00, would 9:00 be better than 8:00?

Jason Baxter: That’s fine with me.

Morrie Doll: 9:00 AM

Commissioner Dan Saylor: 9:00 A.M. Central Standard Time.

Steve Sherwood: You’ll still be in the same time zone?

Commissioner Dan Saylor: uh huh.

Phil Baxter: Can I go?

Commissioner Dan Saylor: Yea.

Phil Baxter: Thank you.

Morrie Doll: Of course, I’m in Court Friday morning. If we are going to do it Friday morning, first thing. It needs to be at 8:00. I’m sorry. If I’m going to be present it needs to be at 8:00 AM because at 10:30 I have to be at a hearing in Knox County.

Commissioner Dan Saylor: Oh.

Morrie Doll: yea. So I’ve got to get out of here quick.

Commissioner Terry Phillippe: ok so?

Morrie Doll: 8:00 AM Friday the 13th.

Commissioner Terry Phillippe: ok so that needs to be at the end of the meeting. Is there anything else or are we at the end of the meeting?

Phil Baxter: That’s all from us.

Commissioner Terry Phillippe: I’ll make the motion if we are ready.

Commissioner Dan Saylor: Anything else for Drainage Board?

Steve Sherwood: I have 1 item just to report for Drainage Board. This is just for record. I need to report a private ditch enclosure at Woodfield Subdivision Section 3, lot 26. Address is 1227 Lakefield Dr. There is a rear yard ditch enclosure done privately. I’ve responded with emails sent on September 29th 2021 and April 11th of 2022. A Building permit was issued to a Donnie Denton but Donnie states that the house was built by his son Joe Denton. The lot owners were told that this was approved by the County by the homebuilder Joe Denton. It was NOT approved by the County. I just need that entered into the record. This will probably rear its ugly head someday. I’ve been unsuccessful against Mr. Joe Denton to appear before the Board and his father Donnie Denton is adamant that this is Joe Denton’s project and the lot owner has said he’s not happy about this because he was told that it was all approved by the County as reported to him by Joe Denton. I just want that in the record for now because this may be another issue like we have on Walden Lane in the future.

Phil Baxter: And if I’m not mistaken, the Building Permit was taken out in Donnie’s name.

Steve Sherwood: That is correct. And this has all happened within platted drainage easements and utility easements and what was done was not showed on the approved drainage plans. Just want to get that in the record. That’s all I have for Drainage Board.

Morrie Doll: There’s no flooding consequences to date?

Steve Sherwood: At this time

Phil Baxter: Not that we are aware of. No one has complained.

Morrie Doll: ok.

Commissioner Dan Saylor: ok so we move on to Stormwater then?

Morrie Doll: Did we make a motion?

Commissioner Terry Phillippe: I make a motion to recess this meeting until Friday morning at 8:00 AM Central Standard Time.

Morrie Doll: The Drainage Board Meeting.

Commissioner Terry Phillippe: The Drainage Board Meeting for the single purpose of considering bids for the Pigeon Creek Log jam which will be done virtually.

Commissioner Dan Saylor: Alright, that’s a motion. I second that motion. All in favor 2-0

**STORM WATER DEPARTMENT**

Commissioner Dan Saylor: ok. Open up our storm water.

Steve Sherwood: Thank you. I just have several items to report. The Pleasant Ridge/Fuquay Drainage Improvement project is currently advertised and out for bid. I’ve sent invites to local contractors as well as there is an invite in the newspaper. There will be a pre-bid meeting held on Monday May 16th on the site at 10:00 AM. Bids are due and will be opened on the May 23rd meeting. Bobby will be opening those bids in my place. Barbie will be collecting the sealed bids and giving them to Bobby to bring to that meeting. The Counsel funding was approved last Thursday of 3 quarter million dollars towards this project and we will wait and see on the bids. Tentative construction should begin on or after June the 6th. The Old Hickory Blue Water Court project just to remind the Board, that the Attorney Morrie sent the 6 property owners a May 1st deadline to remove encroachments within the 20 feet of platted easement. That’s 10 feet on the rear of each, of the 6 lots. To date, none of the encroachments have been removed so going forward, I will have to instruct the bidders to remove whatever encroachments may be in their way if we are going to continue on with the project. If we are, I purpose to put bid specs together and get bids together in the month of June with a tentative July beginning of about a 4 to 6 week period for construction. Commissioner Johnson is the MS4 Operator. We have the new NOI permit prepared by Wessler. This is in conjunction for the new Stormwater Construction Stormwater General Permit or the acronym is CSGP. This is to make us legal in moving forward. It requires his signature. I will leave it in Susie’s office for his signature when he can be available to sign it but I’d like for the Board to approve it officially at this meeting.

Commissioner Terry Phillippe: What’s that document called?

Steve Sherwood: NOI which is a Notice of Intent for our MS4 Warrick County MS4

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

Commissioner Dan Saylor: Second. All in favor 2-0

Steve Sherwood: And then the last item I have, I believe I sent an email out to Commissioner Saylor. I want to show the rest of the Board. The Woodfield Basin on 261 and Jenner Road. The Water level appears to have been dropped to at or near the original approved Pool elevations. The modified outlet structure that has been removed back to at or near original Pool elevation conditions and you can see in the photographs I’m presenting to you that the basin has been dropped and all of our pipes are at or to pool elevation or at least not underwater a significant or total portion anymore. Don’t know what prompted that, but it happened and I wanted to make the Board aware of it. That’s all I have unless the Board has any questions for me.

Commissioner Terry Phillippe: I do not.

Commissioner Dan Saylor: I do not. I have nothing.

Steve Sherwood: If you would, just pass all of those down to Dana. She can keep those.

Commissioner Dan Saylor: Phil or Jason, do you guys have anything else?

Jason Baxter: Nope.

Commissioner Dan Saylor: alright. Make a motion.

 **MOTION TO ADJOURN/RECESS:**

Commissioner Terry Phillippe: I make a motion to adjourn/recess.

Commissioner Dan Saylor: Second. All in favor, 2-0

**CONTINUATION OF RECESSED MEETING- 5/13/2022 FOR JAM BID/S**

**Present:** Commissioner/Vice President Dan Saylor; Commissioner/Secretary Terry Phillippe; Morrie Doll, Attorney; Phil Baxter, Surveyor; Jason Baxter, Deputy Surveyor; Dana Upton, Recording Secretary.

**Present via Google Meet:** President Bob Jonson.

Commissioner Dan Saylor: We will call the reconvened meeting of May 9th of the Drainage Board to order.

Morrie Doll: The purpose of the meeting was to accept or to receive and to open public bids for the Pigeon Creek log jam and that was the only purpose of the meeting, is that correct gentlemen?

Jason Baxter: That’s correct.

Morrie Doll: Alright, and I’ve been provided with a sealed envelope by Jason from the Surveyors Office and its address to the Pigeon Creek Log Jam Bid 5/12/2022. Naas & Sons appears to be the submitter. I’m going to open that bid now. It’s a bid from Naas & Sons, LLC in Haubstadt, Indiana to the Warrick County Surveyor Office 5/12/2022. Estimate #908 and it is to do supplies, materials, labor, to remove and cable tie debris approximately 65 x 65 x 8 to existing tree’s. Entrance through Tom Newmasters property at the Old Air Shire Mine entrance. Must be completed within 14 days of the bid and it’s for $29,950.00 and I will return this to Jason.

Commissioner Terry Phillippe: Well, that’s what 8 or 9,000 dollars cheaper than the last Pigeon Creek log jam so it seems to be reasonable. You guys good with it?

Commissioner Dan Saylor: It is what it is.

Phil Baxter: I’m very pleased with it.

Commissioner Terry Phillippe: I’ll make a motion to accept the bid.

Commissioner Dan Saylor: I’ll second that. Bob, do you?

President Bob Johnson (via Google Meet): I’m good with it.

Commissioner Dan Saylor: So, I have a first and a second. All in favor Bob said he was good with it so. All in favor. 3-0 passes.

Morrie Doll: anything else?

Commissioner Dan Saylor: Anything else before the Board?

Jason Baxter: No.

**MOTION TO ADJOURN:**

Morrie Doll: Motion to adjourn then.

Commissioner Dan Saylor: and I’ll take a motion to adjourn.

Commissioner Terry Phillippe: I’ll make a motion to adjourn.

Jason Baxter: Thanks for everybody’s cooperation.

Commissioner Dan Saylor: Meeting adjourned. 8:04 A.M.