**MINUTES**

**WARRICK COUNTY DRAINAGE BOARD**

**&**

**DEPARTMENT OF STORM WATER**

**JUNE 25, 2018**

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; Marlin Weisheit, Secretary; Phil Baxter, Surveyor; Jason Baxter, Deputy Surveyor; Steve Sherwood, Director of Storm Water; Morrie Doll, Attorney; and Kim Lutton, Recording Secretary.

Present in the audience was Bill Bivins, Joe Grassman and Bobby Howard.

**PLEDGE OF ALLEGIANCE:**

President Johnson opened the meeting of June 25, 2018 with the Pledge of Allegiance.

**APPROVAL OF MINUTES:**

President Johnson: First up we have the approval of the minutes for June 11, 2018.

Commissioner Saylor: I make a motion to approve.

Commissioner Weisheit: Second.

President Johnson: All in favor? 3-0.

**THE ENCLAVE AT OAK GROVE:**

President Johnson: First up we have The Enclave at Oak Grove / Mr. Bill Bivins.

Bill Bivins: I had a meeting with Steve and Jason, Wednesday, a week or two ago. We went over what they wanted to do and revised the plans. Steve was there Friday. I didn’t get them done until late Friday. Bobby was off Friday and the whole week and Steve was off the whole week. I don’t know if he had a chance to look at them or not.

Steve Sherwood: The Area Plan Commission says they were submitted Wednesday, June 20 so they’re not submitted one week prior to the meeting. With everything on my plate this morning, today before the meeting, I have not had a chance to review them. I will. We have another meeting, yet, before the Planning Commission meets in early June. Bobby and I should have plenty of time to look at it and if there’s any other corrections that need to be done, we should have enough time for Mr. Bivins to respond.

Bill: When are you going to look at them, Steve?

Steve: Sometime this week.

Bill: Okay. Thank you.

President Johnson: Thank you.

Morrie: So this is tabled.

President Johnson: It’s tabled until the next meeting.

Morrie: First meeting in the July.

Steve: The date on that is July 9th.

Commissioner Saylor: I make a motion to table it until the July 9th meeting.

Commissioner Weisheit: Second.

President Johnson: All in favor? 3-0.

**ENGELBRECHT PLACE / PARKER PLACE / TAYLOR DRIVE:**

President Johnson: Next up we have Engelbrecht Place / Parker Place / Taylor Drive. Fence on Parker Place side of retention pond / Mr. Keith Uhde.

Phil: I guess he’s apparently not here. He said if he couldn’t be here he would have a representative. Do you want to hear what he’s asking for?

President Johnson: Sure.

Phil: You have a photo there. Engelbrecht. If you look where the SR 261 is, see the black line there? They’re wanting to put privacy fence along there. As you can see, the back of their condos or duplexes, back up to the pond there and they want some privacy from the street.

Commissioner Saylor: Phil, what kind of fence and who would maintain that? Is that in the road right-of-way?

Phil: No. They couldn’t put the fence in a road right-of-way.

Morrie: So the fence would be owned by a Homeowners Association?

Phil: Yes.

Commissioner Saylor: And there is a Homeowners Association there?

Phil: Yes.

Steve: The fence is not being proposed to be in the road right-of-way or any utility that may be behind it. Will it prohibit maintenance to their retention basin at some point if the fence was placed? And Bobby is in the audience. He may want to look at this too. It’s on the inside of a curb which may reduce some site distance around the curb if a solid fence gets put up.

Morrie: Do we even have jurisdiction?

Steve: It’s right behind the Big O’Tire.

Phil: I don’t know. That’s the reason brought it to the Board. I wasn’t going to approve it on my own.

Morrie: Phil, I’m not sure we have jurisdiction. It’s an approved drainage plan but I think what we deal with is the drainage structure itself. I don’t know that we have anything to do with fences. Unless you’re contending somehow or another it harms the approved drainage flow of the catchment basin or something. The county used to require a fence permit.

Phil: If they don’t need approval from us, do they just go ahead and build it?

Morrie: I don’t know that we have any jurisdiction over that.

Phil: The reason I brought it to the Drainage Board……

Morrie: I get it, it’s the first time we’ve ever seen that question. I think Steve’s comments were apropos where they can’t put it in an easement. And they can’t put it in Bobby’s right-of-way.

Phil: Yes. We discussed that too.

Morrie: Other than that, I don’t think they need our permission to build a fence.

President Johnson: We don’t want it to block visibility.

Morrie: That’s Bobby’s concern.

Commissioner Saylor: I travel that road a lot.

Morrie: It may be the Commissioner’s jurisdiction on whether you think that impairs the safety of the county road. But I’m not sure it’s Drainage Board’s authority to deal with it.

Bobby Howard: I think the plat still said no structures should be located in any type of an easement.

Morrie: Then they would have to go back to APC.

Bobby: And I don’t know if they would send them back up here. They’ve done that in the past.

Morrie: I’m not trying to make us chase our tail. But on the other hand…….

Commissioner Saylor: No, but let’s not approve something that is going to create issues.

President Johnson: We don’t have anybody to explain this to us today.

Commissioner Saylor: There are trees in there now.

Bobby: And if it’s outside of the right-of-way then we don’t have any jurisdiction. Either way, I can’t approve or deny anything outside the road right-of-way.

Morrie: Phil, it seems to me that perhaps they need to go downstairs and talk to Molly, or Sherri, and see if they think there has to be an amendment to the plat or not, before we can ever deal with it, if we ever have to deal with it. The extent of our dealing with it may be saying “this doesn’t impair the functionality of the detention”.

Phil: I agree.

**CLAIMS:**

President Johnson: Okay. Next up we have claims for $100.00.

Commissioner Weisheit: Motion to pay the claim.

Commissioner Saylor: Second.

President Johnson: All in favor? 3-0. Any other business?

**WHETSTINE / HICKORY HILL:**

Steve: I have a couple items for the Drainage Board’s attention. I visited the Whetstine property today. Lot 1 Hickory Hill. I see Mr. Bivins is in the audience. I don’t know if he’s aware of this or not but apparently Mr. Whetstine, or whoever owns the property, installed a 4-inch tile and a plastic drain cover in the proposed easement.

Morrie: I have one question. It appears that the street drain is still standing underwater. So this hasn’t drained, which was the purpose.

Steve: I spoke at the Site Review meeting with Mr. Bivins on June 13th asking for some type of sketch and schematic to support the report that was filed in Phil’s office we spoke of. I sent a copy of that email to Mr. Bivins today just to remind him that we still need to have that. I don’t know if that was covered in your $800 fee that you spoke of before. I believe after the meeting, you went out and put those two stakes in the yard and I think the gentleman on Lot 2 moved your stake. As a result of our site visit today, I noticed the stake was not in the same location anymore that you previously staked it. So the last motion by the Board was to allow the J-Box and the 12-inch pipe and the connections and I’ve asked Bill to draft me a schematic to support his written report and I think you’re hearing he will submit that when he has some time. But apparently Mr. Whetstine, or someone, has gone out and put in a plastic drain pipe and a 4-inch pipe. It does not drain the two street inlets and the 12-inch pipe. I just wanted to report to the Board that it has not been built yet, not to Mr. Bivin’s specifications. I don’t know if you supplied that report to Mr. Whetstine but that’s why I asked for a schematic to go with it. It illustrates grades, elevation, type of J-Box and inlets. How it’s going to be constructed so there’s no issues so our two inlets and pipe will drain which I believe was Morrie’s intent at the last meeting.

Phil: On the same subject; Bill did not submit this to me. It wasn’t filed simply because he just wanted to give me a copy. His client refused to pay him for it. Bill said “here’s what I did but don’t file it”. So that’s the reason it’s never been brought up.

Morrie: Has Mr. Bivins now been paid?

Bill: Yes.

Phil: So, you want me to go ahead and file it then?

Bill: Yes.

Steve: And you still will submit us a sketch to support your submittal?

Bill: Yes.

Steve: Thank you.

President Johnson: Anything else?

**BELLEVUE SUB / MR. COMBS:**

Steve: The next issue I have; I sent an email to the Board on Bellevue Subdivision in regard to some of the complaints that Commissioner Saylor has been receiving along Bell Road and Angel Drive. I’ve tried to verbally talk with Mr. Combs and I sent him a letter regarding the lack of improvements that he has yet to make on Bellevue Sub on the west side of Bell Road. I sent a letter dated May 25th. The street plans clearly called for, they were approved in 2015, for a ditch to be constructed to drain the portion of the roadside ditch on the west side of Bell Road that’s holding water, to drain it into the lake in Bellevue Subdivision. Since I have tried twice and not heard a response from Mr. Combs, I would ask the Board to have our attorney address the matter with Mr. Combs to try and get a more prompt response.

Morrie: Did you write him twice?

Steve: We discussed it verbally in our office at an earlier time. And then the May 25th package which is attached to the copy that you have, and a copy of the email to the Board.

Morrie: I’m at the Board’s disposal as to what you want me to do.

President Johnson: We just need a consensus on that?

Morrie: Yes, sir.

President Johnson: I think you have it.

Morrie: What you’re asking for Steve, just to be clear, is you’ve given me a pack of documents and there’s a highlighted, yellow line indicating the drain along north Bell Road and it goes into a drain area above the subdivision in two spots.

Steve: He was given that package during our verbal discussion in my office earlier in the year and then I’ve sent the same illustrations to him on May 25th with a letter attached.

Morrie: A month ago.

Steve: Yes.

Morrie: Do you think weather has impeded the ability to dig that ditch at this time because of the rains we’ve had or not?

Steve: There’s been some dry periods he could do it but it’s been an unusually wet spring and summer so far this year.

Morrie: Is the Board’s instruction to me to write to Mr. Combs, actually the developer Green River Investments, and give them a specified time period to get this completed? If so, what is that time period? 60-days?

Commissioner Weisheit: I’m fine with that.

Commissioner Saylor: I’m fine with that.

Morrie: Okay. Thank you.

**LINCOLN AVE PHASE 3 / MR. COLLINS:**

Steve: Last issue I have for the Board’s attention; I reported back to the Board that the consultant and contractor on the Lincoln Ave Phase 3 project would investigate the tile leading to Mr. Collins property where he claims it’s been damaged or collapsed. They ran a camera through it when the contractor was on site doing the video pipe inspections at more than a 100-feet passed the inlet and past the point of where he alleges disturbance. No damage was found. The pipe is draining. I’ll get a copy of the video for our records when it is available. But the initial report, I wanted to convey to the Board.

Commissioner Saylor: Steve, will you give that information to Mr. Collins?

Steve: I can. I was waiting for something official to come from the consultant that I could forward to him.

Morrie: So you want to send him the actual video?

Steve: I would prefer to have something written by the consultant, which I’ve requested, that I can forward to Mr. Collins. That’s all that I have on Drainage Board.

President Johnson: Anything else? It’s all yours Steve.

**DEPARTMENT OF STORMWATER**

**OLD HICKORY CONTRACTOR PROPOSAL:**

Steve: On the Stormwater side, Mr. President, I’m still waiting on the contractor proposal on the improvements at Old Hickory 5 basin we previously discussed. And the pipe replacement at 3400 Old Hickory Drive. Joe, do you have anything for the Board today?

Joe Grassman: No.

Steve: That’s all the business that I have unless the Board has any questions.

President Johnson: Anything else?

**MOTION TO ADJOURN:**

Commissioner Saylor: I make a motion to adjourn.

Commissioner Weisheit: Second.

President Johnson: All in favor? 4-0.