**MINUTES**

**WARRICK COUNTY DRAINAGE BOARD**

**&**

**DEPARTMENT OF STORM WATER**

**July 13, 2020**

Regular Session

Old Historic Courthouse

107 W. Locust St. Suite 303

Boonville, In 47601

812-897-6170

The Warrick County Drainage Board and Department of Storm Water met in regular session with Bob Johnson, President; Dan Saylor, Vice President; Terry Phillippe, Secretary, Morrie Doll, Attorney, Jason Baxter, Deputy Surveyor; Jennifer Curry, Recording Secretary.

*Bobby Howard covered for Steve Sherwood*

Present in the audience: Joyce Negley

**PLEDGE OF ALLEGIANCE:**

President Johnson opened the meeting of July 13, 2020 with the Pledge of Allegiance.

**APPROVAL OF MINUTES**

President Bob Johnson: First, we have the approval of minutes for June 22, 2020.

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

Commissioner Dan Saylor: I will second.

President Bob Johnson: All in favor 3-0

**JOYCE NEGLEY—8577 OAK GROVE ROAD, NEWBURGH, IN**

President Bob Johnson: Next up we have Joyce Negley from 8577 Oak Grove Road Newburgh, Indiana for a drainage complaint in Ray’s Minor Subdivision. Is that you? Would you mind coming up to the podium and stating your name please.

Joyce Negley: Hi, I am Joyce Negley I live at 8577 Oak Grove Road and my back yard backs up to Ray Hall’s back yard and there is the big drainage, because all the hills come down together there and he built this monstrous building about five years ago, or however long ago on the drainage. He moved hundreds of loads of dirt in to fill that up, and then all the drainage to my back comes shooting through and the erosion is terrible, he put in river rock and it is all washing under his fence out to my property and now the ditch is coming over, if he builds this other thing I don’t know what it’s going to do.

Commissioner Dan Saylor: Can I ask what he is going to build and where?

Joyce Negley: A 16x62 feet..

Jason Baxter: It’s a lean to that he is building on the North side of the building.

Morrie Doll: 14x62

Commissioner Dan Saylor: This is what we did Bob, we replaced this pipe under the road, we put in this and encouraged him to handle this drainage that was coming here and running here, so, where does she live at?

Morrie Doll: Up the hill.

Jason Baxter: Where it is highlighted there.

Commissioner Dan Saylor: Okay, so I’ve been right in here and walked this area here. So, that water is coming onto your property and going where?

Joyce Negley: Well, the drainage ditch has always been there because the water normally had grass to ground, and now he build the swimming pool and the big house and his whole lot is covered, there is no place for the water to go so it all runs down the hill. I used to have grass all up to my back fence because its all cut and everything and now I don’t have any grass because the water has washed everything away. I can deal with it the way it is because it’s been like that for about five years, but if he builds this other thing it’s going to get worse.

President Bob Johnson: Jason, do you recall?

Jason Baxter: It’s already been discussed and he is in compliance with having the lean to put on it, he is within the measurements and he is out of the drainage easement.

Joyce Negley: Could I ask a question?

Jason Baxter: Yes, Ma’am.

Joyce Negley: How far off his line will this lean to be?

Jason Baxter: It is very short, like 6-inches.

Joyce Negley: When I build my house I had to stay 28-feet off the property line, have they changed things?

Jason Baxter: It’s different than what you did on your property building.

Morrie Doll: It looks more than 6-inches. It looks like it is set by the set back isn’t it?

Joyce Negley: Where is the drainage line at then? I mean, where is all that water supposed to go if he is 6-inches off the neighbor’s lot beside me.

Bobby Howard: He is 6-inches off the drainage easement, so there is 10-foot 6-inches to the property line according to this drawing.

Jason Baxter: With the lean to, he will be right up against what his limits are for the drainage easement.

Joyce Negley: And there will still be room for the water to come down?

Jason Baxter: Right, he is not encroaching the drainage easement with this lean to, no Ma’am.

Joyce Negley: Okay. I just wanted to come and talk and see if there is anything, because I know what it’s like, he sprayed my trees on my side of the fence the other day with something and it killed all the grass around it, I know this is not the place to bring that up.

Jason Baxter: No, and I understand but as far as what we have to go on…

Joyce Negley: That building looks like it’s pretty close to the line.

Jason Baxter: It is, and I went out there and I measured myself.

Joyce Negley: Is he going to put a concrete floor in it?

Jason Baxter: Excuse me?

Joyce Negley: A concrete floor, in his lean to?

Jason Baxter: Not that I am aware of, I don’t know what he has planned to do on it, but the roof part is not going to encroach the drainage easement.

Joyce Negley: Well, I just wanted to come up and see….because it really effects me more than anyone else except my side neighbor Ronald Larue and I told him about it and he said he would come but he had something going on today. When he hits my property it drops down to his, and you ought to see that it’s just washing out all over the place.

Commissioner Dan Saylor: Jason, is this her house?

Jason Baxter: It’s in the highlighted area.

Commissioner Dan Saylor: Is this a house too?

Joyce Negley: I have a RV barn.

Commissioner Dan Saylor: Is this the barn here, is this your house? This is Oak Grove, is that a house or what is that there?

Joyce Negley: This is my RV barn and right here is the problem, because this ditch came down Nester Hill down here all the way down and then it curved across here and came through, it goes down that way and right here is where it drops down.

Commissioner Dan Saylor: Okay.

Joyce Negley: Well, as long as it doesn’t get any worse than I am okay with it.

President Bob Johnson: Hopefully it doesn’t Ma’am.

Joyce Negley: Is it already decided that he can do that?

President Bob Johnson: This is the Drainage Board I don’t know what it has been approved…

Joyce Negley: I know, Kim told me at the other place to talk to the Drainage Board.

President Bob Johnson: According to Mr. Baxter it is all within our ordinances and it all legal and ready to go, so there isn’t a whole lot we can do. Hopefully everything works out for you and it doesn’t add anymore watershed.

Commissioner Dan Saylor: Councilor, if it gets worse should she come back and address this Board?

Morrie Doll: She certainly can as a citizen of the County, as you know, property owners can do whatever they wish to wall out the water from entering them from the Indiana Law. So, as a consequence this citizen if she wishes can raise her yard if she wishes to do that.

Commissioner Dan Saylor: To keep water from encroaching her property.

Morrie Doll: Under the Common Enemy Doctrine, for the Indiana Supreme Court she has that right. So, if it getting to be a problem on her property she could in fact add top soil to raise the elevation of her yard.

Commissioner Dan Saylor: I was just trying to figure out something where if it does create more problems, you know, he is our Legal Council and we have to take his advice and that so it is always nice to hear from him what maybe your options are.

Morrie Doll: Jason, I guess there is a compromal drainage right of way on her property to match this?

Jason Baxter: Yes, Sir.

Morrie Doll: So, that does limit your ability to raise your terrain to that instead, she would have to get our permission.

Commissioner Dan Saylor: Thank you Ma’am.

Joyce Negley: Thank you.

**CLAIMS**

President Bob Johnson: Next up we have claims, I think we should do these one at a time.

Morrie Doll: Yes.

President Bob Johnson: First one we have is for Ubelhor Tree Service for Howard Williams Ditch small beaver dam for $650.00.

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

Commissioner Dan Saylor: Second.

President Bob Johnson: All in favor. 3-0. Second, we have Kings Upfitting and Repair LLC installation package for white/amber lights for Dodge Ram $747.40.

Jason Baxter: That is for my truck.

Commissioner Dan Saylor: Why is there two of them?

Jason Baxter: I had it on the side-by-side also.

Commissioner Dan Saylor: Oh, okay.

Commissioner Terry Phillippe: I make a motion to approve that claim.

Commissioner Dan Saylor: Second.

President Bob Johnson: All in favor 3-0. Next we have same outfit, installation package for split color lighting for UTV for $747.40.

Commissioner Dan Saylor: Can I ask a question? Was this for the lights and labor, or just the labor?

Jason Baxter: Lights and labor.

Commissioner Dan Saylor: I make a motion to approve.

Commissioner Terry Phillippe: Second.

President Bob Johnson: All in favor 3-0. Then we have gas for $214.41.

Commissioner Terry Phillippe: Motion to approve the claim.

Commissioner Dan Saylor: Second.

President Bob Johnson: All in favor 3-0.

**OTHER BUSINESS:**

President Bob Johnson: That is it for the claims, any other business? Mr. Howard

**STORM WATER DEPARTMENT**

Bobby Howard: Bobby Howard sitting in for Steve Sherwood, Storm Water agenda is listed a couple items for me to bring up, one was for Magnolia Drive from the last meeting, I believe there are large holes that was out of the easement and I believe there was discussion on video inspecting and locating that pipe. He got a quote from Hydromax for that, that quote is Steve requesting approval for basic cost of $285.00 per hour and it should be completed in one day, I don’t know if that is an 8-hour day or a 10-hour day, if they run into debris they cannot get past they will call in a cleaning truck out for $215.00 per hour.

Commissioner Dan Saylor: I happened to be out there when Steve and Hydromax was walking that, I walked it with them there is just some unknowns where they don’t know what they are getting into that is why it’s quoted the way it is.

Bobby Howard: Not really another way to get a quote from somebody else.

Commissioner Dan Saylor: I wouldn’t think there is debris in there, I believe there is a 24-inch pipe so it is a large pipe, but there is several sink holes along through that. I think they are going to be able to locate that to, right Bobby?

Bobby Howard: Yes.

President Bob Johnson: This is the one with the large sink holes that we were afraid that somebody or a child would fall into?

Morrie Doll: Now we have knowledge.

Bobby Howard: They will fill all the defects in the pipe, the pipe will be located and marked in place with flags and it will all be put on a flash drive at the end of the inspection.

Commissioner Dan Saylor: Bobby, what if those flags were pulled up? So you can relocate them?

Bobby Howard: They will have the data on the flash drive.

Morrie Doll: We are going to be on private property?

President Bob Johnson: It is.

Morrie Doll: Do we have an entry agreement with anybody?

Bobby Howard: I am not aware if that has been done or not, I think he was sending out right of entry agreements I just don’t know if they are back yet.

Morrie Doll: Okay. It would be subject to us getting permission to enter.

Commissioner Dan Saylor: So, I make a motion to approve subject to Steve getting the right of entry agreements with all the land owners that structure encompasses.

Commissioner Terry Phillippe: I will second.

President Bob Johnson: All in favor 3-0

Bobby Howard: Next item I have involves Lake Ridge Crossing Section “G” there is a 24-inch pipe, he presented with Insituform proposal last meeting, he is waiting for a second proposal, so I am just reporting that right now for the Insituform proposal to come in and another proposal from the lining of this and there was a company he found from calling local contractors and he was only to find two companies Insituform and Granite Inliner , so at this time we are still waiting.

Commissioner Terry Phillippe: Bobby, he replied to the email stream while we were sitting here and he said he would have that I suppose in Steve’s hands at the end of the day.

Morrie Doll: So, next meeting it will be available to the Board.

Bobby Howard: That is just for informational purposes, and that is I all I believe I have.

President Bob Johnson: Any other business? Councilor?

Morrie Doll: No, Sir.

**MOTION TO ADJOURN**

President Bob Johnson: I entertain another motion.

Commissioner Terry Phillippe: I make a motion to adjourn.

Commissioner Dan Saylor: Second.

President Bob Johnson: All in favor 3-0