**MINUTES**

**WARRICK COUNTY DRAINAGE BOARD**

**&**

**DEPARTMENT OF STORM WATER**

**July 22, 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, Jason Baxter, Deputy Surveyor; Steve Sherwood, Director of Storm Water; Morrie Doll, Attorney; and Jennifer Curry, Recording Secretary.

Present in the audience was Beth Katz, Hunter Fields, Bobby Howard, Barbi Shelton, Joe Grassman

**PLEDGE OF ALLEGIANCE:**

President Johnson opened the meeting of July 22 ,2019 with the Pledge of Allegiance.

**APPROVAL OF MINUTES:**

President Bob Johnson: First up, we have the approval of the July 8, 2019 minutes, did you have an opportunity to review Gentleman?

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

Commissioner Dan Saylor: Second.

President Bob Johnson: All in favor? 3-0

**BETH & DAN KATZ- 5322 N. PARK DRIVE NEWBURGH, IN 47630**

President Bob Johnson: First up today we will have Beth & Dan Katz, 5322 N. Park Drive, tabled from June 24, 2019 meeting. Come on up, and please state your name at the podium.

Beth Katz: My name is Beth Katz, I live at 5322 Park Drive in old South Broadview in Newburgh, its actually North Park Drive, there’s about four houses that are North Park Drive.

President Bob Johnson: Okay. Like I said, we tabled this from June 24, 2019 meeting so Mr. Sherwood and Mr. Baxter have had a chance to review the properties. Gentleman I will turn it over to you.

Jason Baxter: I was asked to look at the drainage as far as how the water got away from this property down stream if there was any blockages, or any obstructions of any sort. I didn’t find any major blockages, I went down there twice after rain to see how the water was getting away and it looked like it was getting away pretty good as expected, other than that I couldn’t find anything substantial.

Commissioner Dan Saylor: Jason, when you look at this what kind of rain events were we having?

Jason Baxter: I went there this morning and I am not for sure how much rain, just East of there I got almost a half inch last night and the other rain event I cant remember exactly, I’m saying maybe an inch over a couple hours.

Steve Sherwood: I went out and looked at the drain following the last meeting as instructed, it has some small pockets of standing water on occasion as Mr. Katz reported they will dry up over time, in a hot summer we’ve not really had any dry periods, its been a very wet year. Mrs. Katz also pointed out that we worked the property up stream and next to her, that is the major waterway through most of South Broadview, you’ve seen on the plat there is a 50-foot wide platted drainage and utility easement and that is some of her concern is if there is some erosion, you can see the failure of the property owner next to her and I believe those are 2016 photographs where their embankment just sluffed off and created a blockage in the ditch. We went out and removed the blockage and rip rap the neighbor’s ditch where it was eroded away to keep it stabilized. She is experiencing not a complete failure like that, but if you look at this areal I’ve kind of outlined in red where it pinches the ditch shut in their backyard and it creates a narrow point which is causing erosion to force back into their property somewhere about the middle of her property, this doesn’t happen to be but behind the Birchler property its more behind the Maikranz property but I think that is what she is looking for is some relief to create a uniform channel through there so it doesn’t force the water and continue eroding into her property. You can see by some of the drawings as we discussed the last meeting imposed a 50-foot drainage public utility easement across the properties, there are some fences that restrict getting access to property on their property and both properties on either side. I believe she would like us to evaluate the chance to create a more uniform ditch and remove that part that narrows it, or forces it against to the South or against her current embankment. That is what I think we can do, it’s probably a matter of time before we have some other severe erosion similar to what has happened to her neighbor, but I think we probably need to come in through their property and have fences taken down by the owners previous people that did work for the neighborhood, then it’s a matter of time where we could put this into our schedule to get to it, whether it can happen yet this Fall or next year remains to see what our schedule can allow. Before I ask Mrs. Katz to have any rebuttals, are their any questions from the Board for either Jason or mine’s observations?

Morrie Doll: How would you enter to remove this?

Steve Sherwood: Well, we have to come in through a fence on either side of the property, we have accessed their house before though the fence line on the immediate South/ South East side of their house to repair a storm drain coming in along the common easement with the neighbor, I think they have some landscaping, I don’t know if its gardening, but they have shrubbery and there is a 4-foot I think it’s a green cyclone fence that shows in some of the photographs that you have before you. If we were to come in on the North side, that is possible too, but we would still need to get around the yard barn and have some of those utility boxes and some other obstructions in the basic blockage, not blockage, but where the channel narrows just down stream of the utility boxes. Now, we would probably just rip rap the effective areas only, I don’t recommend we rip rap from one property corner or property line to the other property line, but we should do what we did similar to the other properties that Mrs. Katz sited earlier when she was here 2 meetings ago.

President Bob Johnson: Would you follow the existing creek as it is now, or would you modify it to…

Steve Sherwood: We would follow it on the South side of the embankment, but we would probably remove what I call the cross shaded area to give a uniform channel as Morrie would tell you we are not permitted to remove in the channel itself we would just strike it above the existing water line and to give it some relief so it wont keep forcing it into their property which I think some of Mrs. Katz concern that over time it keeps eroding into her property.

Morrie Doll: This is not a legal drain, not a regulated drain?

Jason Baxter: No Sir.

Steve Sherwood: It is not.

Morrie Doll: So, this would be…oh I am sorry.

Commissioner Dan Saylor: So, Steve just to understand this highlighted area here where you’ve got it marked, that would be removed? This is material that would be removed and then you would rip rap this area?

Steve Sherwood: Yes. I would rip rap both disturbed areas, the South side to protect what is already been eroded and the North side because it would be fresh excavation I would have to rip rap it to protect against future erosion.

Commissioner Dan Saylor: The South side is her property?

Steve Sherwood: Yes, it would be butting her current, both of it is her property as shown because the ditch runs more or less the center of the easement, but she controls the property on both sides up to the indicated boundary lines.

Commissioner Dan Saylor: So, where would the rip rap, where would you go in relationship to the red marking there where would you go with the rip rap?

Steve Sherwood: Just follow the existing top of bank, its not clearly defined, but you are pretty much showing there with the stroke of your pen.

Commissioner Dan Saylor: Would you go all the way back, is this rip rap here?

\**Beth Katz approaches the Board away from podium*\*

Steve Sherwood: Sorry your question again?

Commissioner Dan Saylor: Is that rip rap right there?

Steve Sherwood: Yes, you are seeing rip rap from the neighbors property yes.

\**Beth Katz is speaking with the Board, voice can not be heard to notate*\*

Steve Sherwood: Yes, we did some further rip rap to the second neighbor up stream when we replaced their pipe, they have since come back and put their temporary garage that’s concrete back in the easement.

Commissioner Dan Saylor: So, and the water is flowing this way correct?

Steve Sherwood: Yes, from left to right.

Commissioner Dan Saylor: This is where, so this is the real important area to keep from being eroded because that is where the water is hitting right?

Steve Sherwood: It is turning at that point then of course…

Morrie Doll: Its further South…

Steve Sherwood: Just underneath that lime green sticker is what would be right there where we crosshatched it on the other area there, its turning into the Katz yard, we are to remove that bump so to speak. I think that will take care of the erosion issues in the foreseeable future.

Morrie Doll: Steve, would it be better to do the Katz property and the last remaining property at the same time? Or are we just delaying future maintenance?

Commissioner Dan Saylor: We can, down the road.

Morrie Doll: So, my question is, while you are in there servicing this, would it better to do both lots and get them into good shape to match the other two lots that have already been done?

Steve Sherwood: We did not observe a problem at the next lot downstream location, but there are some major trees on the sides of the embankment that impede our progress.

Commissioner Dan Saylor: Here?

Steve Sherwood: Yes. That would be the Birchler side, but the ditch itself is in South Broadview.

Morrie Doll: The second question if I may Commissioner. The fill that you are going to excavate this solation…

Steve Sherwood: We’d have to remove it.

Morrie Doll: And my question is, would it be proper to put it back on the Katz’s side of the ditch? If you are gong to rip rap it, would you just move the fill to the Katz’s side to replenish what’s been eroded and then rip rap that as you talked about rip rapping both sides of the ditch.

Steve Sherwood: If we were to move it to their side it would be loose and not stable and would be subject to further the erosion over time, we would probably try and protect…

Morrie Doll: Even the rip rap?

Steve Sherwood: Yeah, we’d try to keep it there and then just rip rap the existing embankment to protect against future erosion. Probably remove what you see there shaded and have to truck it off.

Commissioner Dan Saylor: Steve, the question on the table right now is why was this done?

Steve Sherwood: Because of the photos I first showed you about the failure on the immediate property the upstream areas then the next one we replaced the pipe which had similar erosion issues when we replaced the pipe, similar to the pipe we replaced on the Katz property coming from the street drains along the common property line.

President Bob Johnson: So our street drains are creating the issue?

Steve Sherwood: Well, part of it because the pipe failed.

Morrie Doll: But that’s not the contributing cause now?

Steve Sherwood: No, as Mrs. Katz stated at the meeting, two meetings ago, she would like to have something done similar to what her neighbors have had done. I just need to explain the reasoning as to why we came in there and did that work to begin with.

Morrie Doll: Is there an estimate of cost?

Steve Sherwood: We would have to work ourselves, no estimate per say of cost it would be time and material from our Storm water Department, I may have to rent a larger machine to access it or borrow one from the Highway Department, and the actual cost would be for the Geotextile underlayment that goes behind the rip rap to prevent future soil erosion.

Commissioner Dan Saylor: Steve, how are you going to get the dirt out of there?

Steve Sherwood: We’d have to come up with a machine that we could either take it from the ditch across the yard to a truck in the yard, or be able to back a truck into a yard to load it and remove it.

Morrie Doll: If you can back a truck into this yard can you set a grade-all in this yard?

Steve Sherwood: Awful heavy piece of equipment to get a wheeled excavator.

Morrie Doll: Just wondering a grade all can give you the reach.

Steve Sherwood: A track hoe would be less compaction, they spread the load of the weight more evenly across the ground then the axel wheel vehicle. Of course we have to do this during a dry time of the year otherwise we may create more damage to the yard.

Morrie Doll: So, at some point whether is it today or in a different meeting, whether it’d be a motion made to authorize Storm water to do the work as described.

Steve Sherwood: Yes, and I would have to have the Katz sign a “Temporary Right of Entry Agreement” which they have signed before for us to get on their property to do other work.

Morrie Doll: Mrs. Katz, would that be agreeable to you and your husband that you would give us written permission for the County’s…

Beth Katz: Honestly, on one side I would of my house, not the other side the reason why is that we’ve spent thousands of dollars recently to put down sod.

Morrie Doll: Can you tell me which side?

Beth Katz: Yes I will show you which side.

*\*Beth Katz approached the Board away from podium\**

Steve Sherwood: The North side or the South side, the South side is where we replaced the pipe..

Morrie Doll: The would be the North side, this would be your South.

Beth Katz: This North side, because the whole front yard now is all sod.

Morrie Doll: So, the South side you do not want to be disturbed?

Beth Katz: No, because we did that before when…

Steve Sherwood: When we replaced the pipe.

Morrie Doll: Well, the problem with the North side is the property line if this is accurate, doesn’t give you enough clearance does it?

Steve Sherwood: We will have to make that determination then get a temporary right of entry from both property owners if that is the case.

Beth Katz: This looks like a planter but it is actually a water drain thing or something?

Steve Sherwood: I don’t know if it’s a man hole or, it could be a sanitary sewer man hole.

Morrie Doll: Have your neighbors ever indicated a willingness to get a right a way to get equipment back there to fix this problem, you may not have talked to them about it?

Beth Katz: I haven’t asked them about it, but I don’t think they will have a problem because we have been, we are very close with them and we have been discussing about how much we want this too.

Steve Sherwood: This owner has given us permission to access before when we did this work.

Beth Katz: What you guys did was drop his fence there and came in here. If you had to drop this fence, this whole fence from here to there, that is all my fence and you’re welcome to drop it, then I will get a new fence.

Morrie Doll: Well, not from Warrick County.

Beth Katz: No, sorry about that.

Commissioner Dan Saylor: Well, you’re on the record about that and your husband isn’t here he’s going to see this.

Beth Katz: I know, no he’s aware.

Morrie Doll: This is, who is the name of this neighbor here?

Beth Katz: This is Alex and Melissa Howell.

Morrie Doll: Okay, so in subject to the house given right a way…

Steve Sherwood: And the Katz, but I don’t think the Katz will have any issues. I will draft a letter to send to the both of them and get a Temporary Right of Entry that would be the first issue, but if the Board would comment on it.

Morrie Doll: Do you want to consider it tonight or do you want to postpone it?

President Bob Johnson: I would like to see Steve put together a plan of action of what he would do and how he would get it done, then some type of estimate on cost of what it might take to get this completed and he also needs to take a look at his schedule and come up with some type of time frame that it could be done.

Morrie Doll: Okay.

Steve Sherwood: I will do that.

Commissioner Terry Phillippe: Steve, I have one question. So, the existing foot bridges is probably minored everything else, who owns the foot bridge and how does it come into play?

Steve Sherwood: Well…

Beth Katz: We do. You can take it down, we don’t even use the other side.

Steve Sherwood: We may not disturb it with the work being proposed we may stop short of it, but that remains to be seen.

Beth Katz: If we keep the concrete that’s in there, the footings, and take the bridge down that’s fine because we’re not using it. We didn’t put it up, the old owners did.

President Bob Johnson: Where is the footbridge at?

Steve Sherwood: It’s circled right there, right at the end there.

Commissioner Dan Saylor: Do we need to make a motion?

Morrie Doll: I think no, if you are going to approve it today it would need to be motioned to add it to the construction budget, but Commissioner Johnson wants Steve to put forth a plan of action with an estimate and time frame and bring it back to the Board. So, the question would be how long would it take to present a plan of action with a proposed budget and time frame?

Steve Sherwood: I can have something back by the next meeting.

President Bob Johnson: Two weeks or four?

Steve Sherwood: Next meeting.

Morrie Doll: Mrs. Katz, Steve’s department Storm water which will be responsible for this will put together a proposal, explanation on what the work will be, what it might cost with Storm water’s budget and a time frame to bring back two weeks from today at 2:30 for final action by the Board. He should know about that time approximately when he could do it should the Board approve it. You don’t have to be here.

Beth Katz: I wont be here, but Dan will be in attendance.

Steve Sherwood: You don’t have to be here, but I will get something to the Board before that but the Board can take action on that meeting.

Beth Katz: Can I point out one other thing too? You were talking about the neighbors on the other side of us, the Weinzapfel’s that’s where all the trees are that he is talking about. So, they have trees on both sides where we only have trees on the one side.

Morrie Doll: I don’t think there was any indication of a desire to mess with the Weinzapfel’s property at this time. I was just asking if we were there and had the equipment there, we’re addressing a problem, that was the only lot that wasn’t fixed and I wondered if it was going to be a future issue, that’s the only reason I asked the Board that question.

Beth Katz: One more thing, if there is a possibility we could do this after summer, in the fall area that would be great or even the winter whatever you want to do. Please don’t take my landscape bed again.

President Bob Johnson: It’s going to depend on Steve’s Storm water schedule

Beth Katz: That’s fine.

Commissioner Dan Saylor: It probably wouldn’t happen before then.

President Bob Johnson: I’m thinking even if we can get it into this year you’re going to be lucky.

Beth Katz: That’s fine.

President Bob Johnson: The next meeting is the 12th, I apologize it is August 12th.

Beth Katz: Okay, I will let Dan know and maybe Dan will show up, then you will have to break it to him that I want a new fence. Thank you.

President Bob Johnson: Okay, thanks.

Morrie Doll: It would be a motion to table it.

Commissioner Dan Saylor: I make a motion to table the project at 5322 N. Park Drive till the August 12th meeting.

Commissioner Terry Phillippe: I will second that.

President Bob Johnson: All in favor. 3-0

**CLAIMS:**

President Bob Johnson: Next up we have claims, claims in the total of $6,968.91, majority of it is Little Pigeon Creek log project.

Commissioner Dan Saylor: I just have a question on this, is that project been completed Jason?

Jason Baxter: Yes Sir. That is the one we split with Spencer County.

Commissioner Dan Saylor: So they’ve paid their portion of it?

Jason Baxter: They are paying it, yeah.

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

Commissioner Terry Phillippe: Second.

President Bob Johnson: All in favor? 3-0

**OTHER BUSINESS**

President Bob Johnson: Any other Business for the Drainage Board? Mr. Sherwood, its all yours.

**STORM WATER DEPARTMENT**

Steve Sherwood: Thank you Mr. President, the Robert’s Ridge Road drainage improvement project in South Broadview Estates, we had a pre-bid meeting held July 11th at the site, six (6) contractors were invited three (3) contractors showed, but it was not mandatory that you must be present to submit a bid, of that we have received three (3) bids by the deadline of Friday, July 14th prior to 4:00 PM, the three bids have been received timely and I’ve given the three bids to Council for him to open and this time and read the bids submitted.

Morrie Doll: First one I have been presented with is Ragle Inc. bid proposal for the Robert’s Ridge drainage improvements, it says it was indicated it filed at 3:15pm on July 19th.

Steve Sherwood: It should be a lump sum bid, and they should acknowledge receipt of Addendum #1, no bid bond required.

Morrie Doll: It’s addressed to Steve Sherwood at the Warrick County Storm water Director, it is a lump sum bid proposal letter of a lump sum bid price to complete the work as communicated regarding a drainage improvements per your request to receive Addendum #1 dated July 10, 2019, lump sum bid price $85,000.00 Hunter Fields- Estimated Project Manager- Ragle Inc.

Steve Sherwood: For the record, Mr. Fields is in the audience.

Morrie Doll: Second bid that has been presented to me is Dieg Brothers Lumber Construction Inc. Evansville, it is also time stamped the 19th day of July 2019 at 1:00 PM, it is addressed to Warrick County Storm water Department. It is dated 7-17-2019 to Steve Sherwood as the Director of Warrick County Storm water Management, clarification of the proposal is from Dieg Brothers it states that it is inclusive of the changes pursuant to the Addendum #1 excluded from this proposal or maintenance traffic layout staking are included for Dieg Brothers scope of work stated within the proposal holding and pre-calc structures and casting lids purchased by Warrick County, they will be responsible for picking up and delivering, total bid price lump sum $69,495.00. Alex Peppers- Civil Estimator and Project Manager.

Morrie Doll: The last one I have been presented with also time stamped with July 19, 2019 at 3:30PM is O’Risky Excavation of Evansville to the Warrick County Storm water Management. O’Risky Excavation proposal to the Warrick County Storm water Department for the Robert’s Ridge Drive proposal dated July 19th , I am looking to see if it specifically references Addendum #1, yes, the courts with Addendum #1 and the total estimate with the Addendum acknowledgement clarifying clearly Addendum #1, lump sum bid price $48,970.00 signed by Jeff O’Risky-Owner. I will pass all three bids back to Steve.

President Bob Johnson: So, review those under advisement.

Steve Sherwood: I would prefer that we award the low bidder with the Board’s blessing tonight due to the time frames involved because I have in the bid specs that the projects begin August 5th or sooner, and I eluded in the pre-bid documents that we would open the bids and if we did not have an issue we could award them the night of reading if the Board chose to do so.

Commissioner Dan Saylor: So, Councilor are you okay with…

Morrie Doll: We’ve had work done previously I think by all three bidders, and have not had to my knowledge any issues with any of the bidders, and preferred you to award it to the low bidder provided it is a low bid, a low and competent bid, by the prior performance.

Commissioner Dan Saylor: So, the low bidder is O’Risky, Steve they’ve done a couple projects here recently and you have been happy with them?

Steve Sherwood: Yes, I have no reason not to award them at this time.

Commissioner Dan Saylor: I make a motion if it is all in order, to award to the lowest bidder which would be O’Risky which would be $48,970.00

Commissioner Terry Phillippe: I will second.

President Bob Johnson: All in favor. 3-0

*Robert’s Ridge Road- Drainage Improvement Project Bids*

*\* Ragel Inc. - $85,000.00*

*\* Dieg Brothers Lumber Construction- $69,495.00*

*\* O’Risky Excavation- $48,970.00- approved bid*

Steve Sherwood: Thank you. Just a bit of information for the Board the next project I will have going out for bid will be at the end of this month, early next month, will be in Old Hickory Estates drainage improvement project, previous referred to it as project of 3400 Old Hickory Drive which is the Hale/Watson properties that boarder the structure, there will be a pre-bid meeting on August 15th when I send out this package and we will open the bid on August 26th which is the second meeting of August, this is to replace the drainage structure at that location with something more efficient and effective. Last item I have for the Board’s consideration I had a complaint in the field file by Mr. Aaron Moll who is the owner of Lot 79 in Woodfield section 3, address is 6300 Fieldwood Ct, he called to report that a drainage ditch behind his house that’s in an easement becomes full of silt, there is a new house under construction that boarders his property from the back and all the dirt and sediment is washed down into the ditch causing it to become full silt and its not really functioning anymore. I have done a site inspection, I just want to bring it to the Board’s attention that this issue is being addressed as we speak, my erosion control contractor is on site today she is previously issued a report on this project on June 9th they have not complied with, there is no erosion control measures or fencing at the rear of the property as you can see in the photographs, the project is a Chris Combs construction project. Upon report that I get from my erosion control inspector I will follow the ordinances if the Board so desires I will send them written notice and give them so many more days to come into compliance if they do not I believe the attorney will tell you there’s a next step we can proceed with after written provisions have been made and no compliance is taken, he will be directed to send a letter after that point. I have asked the erosion control inspector to site the issues at hand and have the ditch fully restored, any siltation that’s left at site be removed from the ditch and restore ditch to a fully functioning drainage ditch prior to disturbance.

Morrie Doll: In the installation of siltation barriers until construction is complete?

Steve Sherwood: And to install proper erosion control devices to prevent this from happening, just needed to bring it to the Board’s attention, I will let you know if he does not comply within respected time periods that will be cited by the erosion control contractor.

Morrie Doll: How much is the time period its inspected to be?

Steve Sherwood: According to the June 9th it was supposed to be done immediately, as you can see he has failed to do so from the June 9th report, so I will wait to see the report from our contractor and see what the time period is, I will follow with a written letter bringing this issue directly to him, which he should’ve paid attention to the June 9th and the subsequent report about to be issued by my inspector. If there is no compliance I will serve the written notice, give him a sufficient time period to respond then I will turn it over to the attorney for further action. Just for the Board’s information, no action to be taken at this time. That is all I have, Joe is in the audience.

President Bob Johnson: Joe do you have anything?

Joe Grassman: I don’t have anything.

President Bob Johnson: Mr. Howard? Anybody else?

**MOTION TO ADJOURN:**

Commissioner Dan Saylor: I make a motion to adjourn.

Commissioner Terry Phillippe: Second.

President Bob Johnson: All in favor? 3-0