**MINUTES**

**WARRICK COUNTY DRAINAGE BOARD**

**&**

**DEPARTMENT OF STORM WATER**

**JULY 24, 2017**

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; Phillip H. 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 Jim Biggerstaff, Joe Gehl, Neil Chapman and Justin Shofstall.

**PLEDGE OF ALLEGIANCE:**

President Johnson opened the meeting of July 24, 2017 with the Pledge of Allegiance.

**APPROVAL OF MINUTES:**

President Johnson: First up on the agenda are the approval of minutes for June 12, 2017.

Commissioner Weisheit: I make a motion to approve the June 12th minutes.

Commissioner Saylor: Second.

President Johnson: All in favor say aye. 3-0. Next we have the July 10, 2017 minutes.

Commissioner Weisheit: I make a motion to approve the July 10th meeting minutes.

Commissioner Saylor: Second.

President Johnson: All in favor? 3-0.

**BOONVILLE WESTSIDE WATER SYSTEM:**

President Johnson: First up on Drainage Board we have the Boonville Westside Water System Improvements; Midwestern Engineers Incorporated; Joe Gehl. Please step to the podium.

Joe Gehl: Joe Gehl, Midwestern Engineers.

Phil: The city is asking for two Hold Harmlesses. One on Carter-Traylor Ditch and one on Cypress Creek for the water improvement project.

Morrie: The city would propose to hold Warrick County Drainage Board harmless on those projects where they cross those two regulated drains with water mains. I’ve looked at them. One of them is not completely filled out. The Mayor’s signature doesn’t have the dateline on Cypress Hold Harmless. And as I told Phil, usually when I write them, I write them and make sure that they not only hold this Drainage Board harmless but Warrick County Government harmless. One never knows whether the legislature might reorganize local government at some point and time and do away with the Drainage Board and change it and it could arguably then make the Hold Harmless null and void. But if you make applicable to the whole Warrick County then we should have it covered in case that possibility ever happens. Those are my only two comments when I read them. Would be to add Warrick County to Warrick County Drainage Board and then to get it properly filled out as to the Cypress one.

Commissioner Weisheit: If we do that, are you okay with it Phil?

Phil: Yes.

Commissioner Weisheit: Okay. I’d make a motion to approve as long as it meets what our counsel recommended, to hold Warrick County and the Drainage Board harmless and have it properly documented.

Commissioner Saylor: I second that.

President Johnson: All in favor? 3-0.

Commissioner Weisheit: That okay?

Joe: That’s fine with me.

Commissioner Weisheit: Alright. Just work with Morrie to make sure that gets done.

Morrie: Or Phil’s office.

**LEXINGTON SUBDIVISION:**

President Johnson: Next up we have Lexington Subdivision; Continuance until August.

Morrie: First one in August or second one in August?

Phil: First meeting.

Commissioner Weisheit: I make a motion that we continue that until the first meeting in August.

Commissioner Saylor: Second.

President Johnson: All in favor? 3-0.

**GATEWAY PLACE:**

President Johnson: Gateway Place; Drainage Approval; Cash Waggoner; Scott Buedel.

Phil: I’d ask for the same for that.

Commissioner Weisheit: I make a motion to ask for a continuance on Gateway Place for the first meeting in August.

Commissioner Saylor: Second.

President Johnson: All in favor? 3-0.

**HALSTON MANOR:**

President Johnson: Halston Manor; Discussion on retention pond; Andy Easley Engineering; Justin Shofstall and Neil Chapman.

Neil Chapman: Thank you and good afternoon everyone. If you’ll recall, we described how around 2003 we took possession from Barrington Development, Mr. Bruce Miller and quickly, the summer after we started encountering what’s called horse hair algae. This was in some of our backyards. You can see, dated August 14 of 2005, you’ll see that the water at that time was at the bottom of the drainage inlets and there were four of them. And these drainage inlets are roughly between 15-inches and 2-feet in diameter. We reached out to the Purdue University local Extension Office and inquired about how to control this. They said that with the depth, which was only 2 to 3-feet.....(inaudible). (Neil is showing blown up pictures of the drainage structure from 2005 and pictures after they raised the water 24 to 25-inches. Around 12-inches two different times to get rid of the horse hair algae and make the pond look better and help with mosquitos.)

The pipe that’s underground is N-12HDPE which stands for High Definition Polyethylene. Advanced Drainage Systems, Inc. is the company who makes them. Everything was going along great for 12-years and then in March we received this letter from Mr. Sherwood in which he very simply laid out the case how our modifications were not consistent with the original design drawings. Which is true. What we inherited when we received the property was not consistent with the design modifications. Two wrongs don’t make a right. But in this letter, it was written to the six homeowners around the drainage basin because the county assumed that those six homes owned the basin. It turns out that outlet A is actually owned by the Halston Manor Property Owners Association. 63 homes in the neighborhood. So back to this letter, Mr. Sherwood identifies that we modified without permission and explained why. And in here he sets out why that’s a problem. He says that the raising of the approved pool elevation defeats the purpose of the ability to store and release the approved amount of stormwater retention. So #1 problem identified out of the gate. Number 2 he states that also, the incoming stormwater street drainage structures draining into the basin are now under water and the water pushes back up into those drain pipes which is also causing issues. In this one-page letter, those are the two problems identified. Lack of stormwater detention and that the drains are under water and the third, which is not specific, also causing issues. So when we met at the end of March we discussed these problems and it was agreed that we would commission Andy Easley Engineering and submit a report and a study. As you know, Justin Shofstall submitted his report and he concludes that upon completing a field survey of the modifications, it’s confirmed that the modifications of the release structure still conform with the intent of the original drainage plans. Then he addresses the second issue that had been identified, freezing of the pipes. We had Andy Easley Engineering address that and in Justin’s report, he states that it’s extremely unlikely that the weather would freeze the water in those pipes. He said it would take at least a week of subzero temperatures. And then to further illustrate that point, we reached out to Advanced Drainage Systems and in a letter from July 5 the aquatic engineer of this pipe, Joseph Rogers, states that it’s a near zero probability that our local weather could freeze the water in these pipes given that they’re underground and secondly, he noted that this drainage system is an open-ended system. The drains are open into the pond so if we did have a near zero probability event, he states in this letter that the freezing water would push the unfrozen out into the pond or into the street. So we believe that we have a good argument that freezing is a near zero probability event. Even if it did freeze it would not likely result in any kind of damage to these pipes. ADS is very proud. This is the godfather of the HDPE pipe. With that in mind, I would ask the Board to gratify the report from Andy Easley Engineering in which they set out their recommendation and I want to reiterate this recommendation. I think it solves everyone’s concerns. What Easley Engineering proposed is a gate or a plug. A plug in this drainage release structure. (Explains how the plug would be placed in the release structure to the Board.) By having a release structure, if and when the county had any repairs to be made to the drainage structures, they could draw the water down and the pipes would be dry and they could perform their repairs, put the plug back in, water level rises again and I think this is a nice compromise. So again, I would ask the Board to adopt the report from Andy Easley Engineering dated May 9th, 2017. Justin, did you have anything to add?

Justin: As far as that, that’s what we were looking at. Something that could work as a partial compromise because the strict inherence of the Drainage Board Ordinance would go back and revert the pond to its original situation that the homeowners were dealing with. Which was the shallow water and the horse hair algae. Without having the drawdown, it would go back to the original “as approved” plans. The only way to maintain the depth of the pond would be complete and total drawdown, pumping dry the pond and then excavating the pond out. And to putting it back to the original design depth that’s based off of an excavation value of about $22.50 to $25.00 per cubic yard of excavation which is about $250,000.00 that the homeowners would have just to get the pond to the original design depth to where we know we would have a healthy pond without the horse hair algae.

Neil: Any questions from the commissioners?

President Johnson: You have anything to add Mr. Sherwood?

Steve: When I wrote the letter March 3rd, those were the items of major concern. They didn’t list all my concerns. Obviously we have other maintenance issues in regard to the pipes that have water in them.

Neil: One thing that Justin reminded me is, if the county has maintenance to perform to dig, do you have to dial the 811 like anybody else does to alert the utilities which usually takes 48-hours? So if the Homeowners Association was alerted the same time that 811 is alerted, that would give the pond a couple days to draw down so that the pipes would be dry to perform maintenance.

President Johnson: I guess the only question that I would have; on the HDPE, having standing water in it, does it degrade it in any way? Does it lose life by having standing water inside it?

Justin: What ADS says, if it is a highly acidic or highly base water slurry compound, it does have that threshold but a neutral water component, there’s no statement as far as affecting the overall lifespan to where having water in a galvanized pipe certainly is going to react with it. This is what is considered a chemically carrier pipe so water in itself would not be reactive within the plastic pipe causing the degradation as far as corrosion etc.

Commissioner Weisheit: Is there any concern with mold?

Steve: I know we’ve been back to Mr. DeWeese’s property twice in the last 3-years.

Commissioner Saylor: Is that due to the high water level?

Steve: Well the one, because we couldn’t seal the pipe properly. Either it was never sealed to begin with or it deteriorated over time. Perhaps from being under water all that time. To answer Mr. Chapman, I hope you didn’t think that we said that you had raised it 42-inches. We just got the original plans that show an elevation of about 42-inches higher today to the top of the wall. Mr. Shofstall and I agree that that’s what the plan said. We’re just looking at the final outcome. And then all the inlet elevations which he verified by his study show 4 incoming pipes and their elevation relative to the top of the wall as it exists today. The overall from the design has been raised somewhere between 42, 43-inches whatever it may be but Mr. Shofstall’s company verifies what the elevations are. It can hold about 18 or 19-inches more above the platted pool elevations stated on the plat. But somewhere around 2.1-feet lower than the top of the wall to get all the structures dry if the current outfall structure was modified (notched or create a weir to let the water go down to the elevation of the lowest incoming pipe) but if you heard in his presentation today, that is not a satisfactory answer according to them. They would be willing to stand by their engineer’s report that was submitted to put a hole in the structure with a plug and allow it to be drawn down temporarily when we have to maintain structures and then put back in and allow the basin to fill back up.

Morrie: And that’s what you’re proposing?

Steve: Yes. The drawing that I prepared based on Justin’s last submittal superimposed with some figures to either create a notch or a weir, whatever you propose to call it.

Justin: Which corresponds with lowering the release structure down to where it would have a weir wall invert at 391.77 which matches the lowest incoming pipe of the pond which is structure 300.

Steve: Correct.

Morrie: So that would be a higher water level than was originally approved but lower than it is currently modified to hold. The only benefit of doing that would be that it would drain all of the incoming pipes.

Steve: Now, would it prevent the horse hair algae from returning?

Neil: Our goal would be to leave the water elevation where it is now and only draw it down on a temporary basis.

Steve: And since the meeting was continued two weeks until today, Bobby Howard was to be at the last meeting but he is on vacation this week. I also report in lack of him being here, that his wishes were to have the 4 incoming structures remain dry which was the intent of the original approved plan. Mr. Shofstall’s calculations do show that the basin can hold the volume of water that was previously approved at the current elevation or any elevation between the original design and where it is today.

Neil: In fact what we have, the top of this berm is roughly 397 and where it was back in 2005 was 7-feet below that. The freeboard is the difference between where the pond is permanently versus where it rises in the event of a storm. He told me that a 7-foot freeboard is huge. Standard is maybe only 1 or 2-feet. So there’s plenty of freeboard to work with. So by raising the water level 2-feet, we removed 2-feet of the freeboard but we still have roughly 5-feet left. Which is a surplus of freeboard. It drains beautifully.

Steve: Having an excessive freeboard is desirable in your case since there is no emergency overflow. The existing structure is the only overflow for that development. There is no emergency overflow that flows somewhere else to take the water in case the primary outlet gets blocked or fails to function for whatever reason.

Justin: Clarification on that; there is some tertiary spillway, which is that portion of the lower portion of the bank just north of the main lead structure that spills off into the roadway and then downstream and out of that cross easement.

Steve: It would have to go into the street.

Commissioner Weisheit: How many times has it actually filled all the way up and run over?

Neil: Once.

Commissioner Saylor: I have a question. We’re talking about this HDPE pipe but I see concrete structures. How long are those?

Justin: Typically a 12-inch that’s currently being manufactured by Sherman Dixie-Forterra, a 12-inch flared end section pipe from backend to the tip is about 6-foot and about 3 ½-foot wide on the flared end coming down to where it matches up with the bell of the pipe. We have one 15-inch pipe, two 18-inch pipes and one 24-inch pipe that all have flared-end concrete sections that would all be about that size or larger.

Commissioner Saylor: These concrete end pieces holding water or sitting in water, could those deteriorate any faster in the freeze/thaw aspect of it and if so………

Justin: The life expectancy for the concrete flared-end section would be the same as the poured concrete release structure that is maintaining the lake. These are set up for holding water and transmitting water as well. I’ve used them in other systems that have been up and operating for 20-years or more that’s been holding water as far as an actual stormwater detention and retention vault. So life span for concrete is around 50-years to 100-years.

Commissioner Saylor: You’ve talked about putting a plug in the structure. Do you have a sample drawing of what you were anticipating if this Board were to approve?

Justin: I did provide that with the proposal. There’s two options. 1. Which is essentially a core boot drilling through the wall itself, inserting a standard plug which would be a C-900 with a square plug cap. The other option would be attaching an 8-inch gate valve that’s typically used with waterline applications that could be opened with a church key easily from the top of the release structure with the valve itself inside the release structure.

Present Johnson: Steve you said that you had other concerns. What are your other concerns?

Steve: Maintenance in general. If you use Easley’s drawing with the elevations that align, the water backs up inside the pipe from either being 100% full down to 0% so it’s over 1000-feet of pipe that contains some amount of water in it 24/7/365. I don’t know if there’s any other health concerns just as to mosquito breeding and stuff like that until they get another rainfall to flush them out. The water may sit there periodically. I don’t even know if they have an insect problem that is manifested by water standing in the pipes and comes out the various 14 drainage structures.

Commissioner Weisheit: Is that a concern of your Justin?

Justin: That would be minimal as far as you still have the pond itself that’s available. With having a higher elevation it’s going to be in a healthier condition. You will have some backwater there but not the same as what you would have with a tire sitting out to where you have shade and no flow going in and out of it. With rain events you would still have a flushing action to push it through and then in dry conditions you’re going to have evaporation where the water is going to start dropping down. Over time, the question would be, is there enough residual oil matter that’s being washed off the streets to the subdivision to prevent mosquito breeding within the pipe itself versus treatment on the pond? It’s my understanding, I don’t think any treatment has been done to the pond itself.

Neil: We retain Aquatic Control which is the only group in the area that will maintain ponds and keep the algae down and service and maintain fountains. I’m not sure what they put in the water besides anti-algae chemicals.

Morrie: Couple of thoughts I may have. I guess everybody is saying that the detention pond container was never built correctly. It was shallow.

Justin: As far as with what we had done with the as-built, it was constructed as per what the plans were with the exception as far as with that portion of the release structure. Apparently it did not have that 13-notch coming through it.

Commissioner Saylor: Which made that water level 13-inches higher.

Justin. Yes.

Morrie: You’re saying it was excavated deep enough?

Justin: It was excavated because I double checked that with the survey crew that was there that did that.

Morrie: How did it silt up this much?

Justin: Bruce Miller did come in because he was talking about a project he was wanting to do on one of the few remaining properties that he has control over. I asked Mr. Miller what happened out at Halston? He said they dug it out but without doing the erosion control it silted back up.

Commissioner Weisheit: It’s hard to believe that there’d be that much silt.

Morrie: If there is some accommodation given to Halston Manor, Neil, what’s the possibility that Halston Manor would assume the cost of deterioration-caused repair to the drainage structures there? In effect, a Hold Harmless agreement. We do that sometimes with projects. In which Halston Manor would hold the Drainage Board and Warrick County from the cost of repair that’s caused by or attributable to deterioration of the drainage structures maybe more than was expected or due to water standing etc. We have a problem. Mr. DeWeese has called the county at least 2 or 3 times. What’s happening is there’s this leak that’s eroding the soil on his property line where he has a fence which causes the fence to sag and subside. We go out there and try to fix that and we can’t really get it fixed right apparently because we’re trying to patch a structure that is full of water and so that’s a problem. Either the water needs to be drained out of the structure by lowering the pond level. That’s an example of the kind of thing that we would need to get out there to be able to do but can’t really do it right because the pipes are full of water. Other than returning it to its previously approved drainage plan status, my interest would be that the county has some kind of agreement that says we’re not going to have to pay for any future maintenance caused or occurring as a consequence of this higher pool level in the drainage structure.

President Johnson: I’m very sympathetic with your situation. I would not want that in my backyard. However, I also don’t want to set a president to where anyone that wants to raise their pond level goes out and raises it and thinks that we’re going to sign off on it.

Steve: And the Hold Harmless also brings to the light, how do you prove what the actual damage is and how it was caused and who’s responsible for it?

Neil: I have a suggestion for that. If we would agree to abide by the opinion of a professional engineering group.

Morrie: Each of the drainage structures in the county that we have this problem with, and Halston Manor is not the only one, we’ve already corrected one and we have others in the same circumstances as Halston is so this wasn’t an original idea to go out and somebody raise the spillway. Having said that, Commissioner, each one has a different set of facts. Some of these problems we may be able to fix one way and some of the problems we can’t. Having said that, there is that fear that we’re on a slippery slope. That if we allow it then the next group will stand and say “well you’ve approved it for Halston Manor how come I can’t do the same thing?”. And that is a difficult situation.

Justin: If I may, you mentioned DeWeese. Do we have a structure number or lot that goes with that?

Steve: Lot 46. Northeast corner.

Justin: So area drain #203.

Steve: My report from my Foreman trying to repair it is that they had around 10-inches of water in the structure and they attempted to fix the seal that either didn’t exist or no longer exists with hydraulic cement since it’s underwater. We are waiting to see if that will work.

Morrie: Did you say 42?

Steve: Mr. DeWeese is not happy with having to remove his fence twice.

Morrie: It’s actually across the road isn’t it?

Steve: It’s about 180-feet from the pond itself.

Justin: That would be structure #203 as per the plans. Invert on this, of course this is not the as-built, is 393.21 with the current pond elevation of 393.2. There would be about 9-inches of water in that structure at that time.

Steve: 9 to 10, that’s consistent within an inch.

Neil: So then, do you have to pump it out with some type of a portable pump?

Steve: You can’t pump it out because the lake just backflows.

Morrie: The only way you could do it is if you went to the lake and sealed the end temporarily.

Neil: Steve, are you saying that you’re certain or you have suspicion that the reason that the ground is settling is because there’s water in the pipes?

Steve: Because the joint is drawing down the dirt above it.

Morrie: We don’t know why the joint failed.

Neil: I didn’t realize this was another one of your concerns.

Steve: Maintenance in general.

Neil: I spoke to Rogers about that. He felt that the water in the pipe might actually prevent ground settling because the rainwater that comes down, if it goes in the pipe, it could bring the soil down with it. But if the drainage pipe already has water in it and it spilled, the water would resist.

Commissioner Saylor: But if that’s the case that wouldn’t be happening now. Because there’s water in the pipe now.

Justin: And based off that, because of the water sitting in the pipe itself, it’s not expelling the water. Therefore, if the joint itself has failed, whether it’s from poor craftsmanship from the initial installation or just wore out, but having that open joint, any surface water that’s coming in from sheet flow would start finding its way through because water takes the path of least resistance. Anything that would be in the ground, water would find its way to that joint.

Steve: You have to understand all the lots that abut it drain their rear yards to it. They all build their fences, some of them inside the easement like the plat says you’re not allowed to and they all stub out their gutter drains etc. They all contribute to the situation.

Neil: Justin can you say that that wouldn’t have happened if the pipe were dry?

Justin: If the pipe was dry and you were still having that failure then it would be to the point where you could most certainly say “yes” it’s because the joint failed and water coming in to the structure itself and outside found its way down and through the joint. And that’s if it was completely dry.

Steve: If the Board was to consider allowing a plug in the current outlet I would recommend that it be some type of manually activated gate valve probably 10 or 12-inch not 8-inch. But I would hate to put up some type of plug that has to be manually retrieved because the poor people that have to get in there to pull it out. It needs to be something that can be accessed easily from the top to open and close.

Morrie: I also have a little bit of a worry about liability for operating it. I don’t want the county having the responsibility to open the gate valve or close the gate valve. I think we can request it be done but I don’t want us to go on the property and do it.

Steve: I believe Mr. Chapman already addressed, if we give a 48-hour notice for utilities that they’d be given 48-hours and someone probably needs to be assigned within their Homeowners Association to make that happen, relieving the county.

Morrie: Because we could start getting phone calls from neighbors saying “I’m worried. My street has a little water in it. Maybe you need to open that valve up” and I don’t want us to be in this position of sending somebody out to have to do that.

Commissioner Weisheit: Like Justin is saying, if it was put there on the side, you could stand on that bank and open up that valve. You wouldn’t have to get out in the middle.

Morrie: I know. I would still rather the county not take the responsibility for opening and closing the valve.

Commissioner Weisheit: I kind of like the idea of us having authority to open it when we need to though.

Commissioner Saylor: Counsel, what if we had a Hold Harmless on that? An agreement to where we could open it to maintain our structures?

Morrie: It’s technically not our structure. It’s put in per the specifications that were approved for the drainage plan but the structure belongs to the Homeowners Association. Secondly, it isn’t just direct liability I’m worried about from the Homeowners Association, the dispute where they’re saying you did something wrong when you opened it or you broke it or who’s going to fix it now. But it could be third party complaints like other neighbors who think the lake should be lower or what have you. I’m not saying I know that to be a fact, I’m just pointing that out.

Commissioner Weisheit: It needs to have a lock on it where anybody can’t come along there and open it.

Justin: Another option would be where we could come back and have it just outside the structure and that way we could assure the valve being placed there next to the structure itself.

Neil: What’s the most it could drain?

Justin: As far as what we’d be prosing, we couldn’t put it directly flush with the original invert of the arch pipes which is 391.3. We’d have to leave a little bit of room to allow for inserting the sleeve. It would be very close to what was originally intended with the 391.3. So it would be about 391.5 so overall we’re talking about 2 ½-feet.

Commissioner Weisheit: If we agreed to that, Neil, would you……….

President Johnson: So you’re saying that structure was built in 2005? Or modified?

Neil: We added 2-feet to it.

Steve: He stated in earlier meetings that they added 12 and if 12 looked good, we’ll add another 12.

President Johnson: I’m going back to that letter that I just saw to where it filled up with 7-feet of silt in a year.

Morrie: I just don’t think that’s commonsensical.

Steve: I appreciate Justin’s comments about dropping it about 2 ½-feet. That gets it about .3 or .4 lower than the lowest incoming pipe in case we had repair or remove that flared-in section. It would keep it dry and then they’d close the valve and several rain falls would bump it back up to where it was. I’m just reporting for the county engineer who couldn’t be here that he’d like to see the structures dry. Which was the intent of the original plan.

Morrie: So there really is two proposals. One is to notch it which would lower it back to where the pipes are dry at the inlet level of the lake. But it would permanently lower the water to that level. The other is this idea of putting a valve, a gated valve of some sort 12-inches is what you’re asking for, put it in in a way that it would be able to be requested to be lowered and the Homeowners Association would act upon the request and lower the lake. That way it could be done for maintenance or if there was some catastrophic storm event or something.

Steve: My only concern is if the Board votes for the latter, there will be other subdivisions that will want to fall in line.

Morrie: I’m not sure the other subdivisions are shallow like this. I’m not sure the other subdivisions have had a history of horse hair which you’ve demonstrated very well with the photographs. I’m displeased with the fact that somebody didn’t do something right when they built that detention pond and I can’t believe they did not know it was wrong at the time. Somebody got away with something. Maybe what the Board needs to think about too, going forward, is when we get new proposals that we approve that contains a drainage structure similar to this, we need to start asking for a Certification of Completion of the drainage structures in compliance with the plan so we don’t have this. We’re having it all over the county and in some places they’re endangering county roads where these ponds are adjacent to roads, then they overflow and now they’re washing away our county roads.

Neil: Drainage structures are not sexy.

Morrie: To Commissioner Johnson’s question, “are we setting a precedent?”. You could designate the Halston Manor decision if you allow it to be installed with a gate valve as a test site for this concept to see if this works for other locations. That this isn’t a standing pattern but it’s a test site to see if the idea of installing a gate valve will allow us to raise the pool back so it deals with the horse hair but allows us to lower it within 48-hours to be able to deal with maintenance issues. It doesn’t fix the uncertainty of long term wear and tear. The only thing that would fix that would be a Hold Harmless agreement with Halston Manor that says that the county would agree to let you do this. In exchange you assume the responsibility for the maintenance cost on the pipes if determined to be caused by the water.

Neil: Determined by a third party?

Morrie: Perhaps. But then somebody has to pay for the third party engineer. It may be a situation where if the county says so, you have the right to get a third party engineer to look at it and dispute it and then they’ll see what they can decide.

Neil: The one thing that we haven’t mentioned is the esthetics. I know that esthetics aren’t really a concern for many people.

Morrie: These are tax paying property owners. The value of their home is their most important investment, we understand that. We’re not trying to be difficult, we’re just trying to take care of the county’s responsibilities as well. But it’s not my decision. It’s the Board’s decision, I’m just giving you thoughts and ideas. Steve’s is a winning idea, if you want something in between I would suggest that you have these safeguards built in to anything and call it a test site to see if this drainage concept works.

Commissioner Weisheit: Do you think we should table it until the next meeting and maybe get a price of what it would cost to put this valve in?

Justin: I had an initial estimate from a contractor that was working on a current job of ours that was a large excavation stormwater project. Installation of the valve, core and boot and installing it was about $8.000.00. The valve itself is the most expensive part because those are about $3,500.00. Going to a larger valve there’s a little bit of additional cost. Going up to a 10 or 12-inch valve, we should be around $10,000.00 or under.

Phil: As I understand they’re expecting to pay for the valve and installation.

Morrie: That’s what we’re talking about.

Phil: Is that right?

Neil: Yes.

Morrie: Do you have a freeze problem with that valve?

Justin: As far as with the valve itself? Depending on if it was out and opened, there’s potential if there was snowfall before or an icing situation then with the actual manufacturer of the valve you might have to get down there and maybe either chip or get a torch on it to break the ice away.

Commissioner Weisheit: But it would be on the inside of the structure right?

Justin: Right but it being buried, it’s going to have the insulation value because, from my understanding of what’s been discussed here in the meeting, it would be preferable to have it to where it’s not easy access and just be able to have something to where we can have a standard valve sleeve.

Morrie: So you’re thinking of putting it underground, not in the overflow?

Justin: That’s correct. As far as with some of the concerns and statements as far as you mentioned liability and access. This certainly prevents anybody from having to actually physically stand on the wall whether it be right there. At this point it could be just outside the structure, maybe standing on the bank and the only risk at falling at that point would be ground conditions.

Neil: How likely are you going to make repairs to the structure when the weather’s really cold? Is it something that you could put off until it warms up?

Steve: We prefer to do it when it’s non-freezing but it just depends on circumstances and what the issues are.

Justin: That goes back to, as far as addressing the freezing concern in the initial report that we sent, our coldest months are 22 degrees overnight low, with 39 or about during the day. So to have that consecutive freeze to get that 1-inch depth we would have to have 22 freezing degree days.

Morrie: As you know, Neil, my concern would be if we have some sort of an event that causes water to collect and stand in the street and it’s in the winter time and it freezes and then there’s an automobile collision or some other injury that’s a consequence of the county’s inability to drain the water out of its right-of-way. I think we’ve got some liability exposure there.

Justin: Can you clarify as far as what would be the cause of the water freezing?

Morrie: My mind is not capable of comprehending all the possible causes of why that might happen.

Justin: I just want to make sure we weren’t making any correlation that it would be any type of backflow.

Morrie: Not backflow, inability of the grates to take more water in the top and take it to the lake. Steve and I have seen circumstances where people are draining swimming pools and air conditioners and sump pumps and water softeners, underground piping them and dumping them at the curb of the public street which, in the winter time, it makes an ice sheet.

Commissioner Weisheit: Steve, would it be okay with you if we table this for 2-weeks and give them time to come up with an estimate on installing the valve? Because that is one option we have. And that way maybe you guys will be okay doing that. Maybe we’ll be okay approving that and that’ll give Morrie time to come up with a Hold Harmless. Want to do a month?

Steve: A month would be better. In the essence of time because you have a commissioners meeting in just over 25 minutes.

Commissioner Weisheit: And you won’t have to make the presentation again. You’ve been very good and very thorough. But we’ve got two options to consider and if we know you’re solid behind putting the valve in and agreeing with Morrie, we might be inclined to go that way. I’ll make a motion that we table it for 1 month. What date will that be?

Steve: Second meeting in August would be the 4th Monday.

Morrie: Second meeting in August would be the 28th of August.

President Johnson: Are you okay with that Mr. Chapman?

Neil: Yes.

Commissioner Saylor: So you guys are going to come back with a proposal with a gate valve? We’re looking at this as more of a test site and would you guys come back with a Hold Harmless agreement?

Morrie: I and Neil will work on exchanging the Hold Harmless language.

Commissioner Saylor: What if we get there and this is all a go and we have a gate valve in there, we give them the 2-day notice that we need to work on it and the structure’s not drained? Will we eventually have the authority to open it? I think at some point we need the authority to go in there.

Neil: I think that would be okay.

Steve: And I would let Justin evaluate other options in a 12-inch gate valve. I don’t know if we want to look at a sluice gate or something else that may be water integrity?

Justin: The sluice gate, at that point, would be up there in the front so we know that somebody would have to actually walk out on that wing wall to open that up.

Commissioner Weisheit: I make a motion to table it until the 28th for those options to be considered.

Commissioner Saylor: Second.

President Johnson: All in favor? 3-0.

**CAVENDISH PARK ESTATES:**

President Johnson: Next up we have Cavendish Park Estates; Drainage Approval; Jim Biggerstaff.

Jim Biggerstaff: Good afternoon. We made some revisions. Going to put in a new drainage way. The adjoining landowner didn’t want anyone touching the old ditch so we’re putting it on our property line. Then we’re going to redirect the drainage to the north end of the property which sets the wishes of the present owner who’s maintained it for the last 20 or 30 years.

Steve: The drainage he’s referring to will exit at the same point at the northeast corner. So that location is not changing. They’re just putting the ditch on their side and not using the existing ditch on the Framewood Subdivision side because there are multiple trees along that line.

Jim: It’s not going to have much value when we put this new ditch in. He can fill it in I guess.

Steve: So this plan has 2 phases. 1. Today we are to approve the amended drainage. 2. Then at 4:00pm the commissioner meeting will approve the revision to the cul-de-sac/hammerhead because Jim will tell you, he had to move it 20-feet further to the west.

Jim: In this case we had to move it because of an existing sewer line, manholes and water lines.

Commissioner Weisheit: Steve, you okay with it?

Steve: Yes.

Commissioner Weisheit: I make a motion to approve.

Commissioner Saylor: Second.

President Johnson: All in favor? 3-0.

**CLAIMS:**

President Johnson: We have claims of $262.50.

Commissioner Weisheit: I make a motion to pay the claims.

Commissioner Saylor: Second.

President Johnson: All in favor? 3-0.

**OTHER BUSINESS:**

President Johnson: Other business?

Steve: Just one item under other business. Morrie’s office reported that Bel Air had removed the guardrail. I’ll send you a photograph showing that the guardrail has been removed from the legal drain and the area has been grated and will flow either to the parking lot or to the ditch unobstructed.

Morrie: Under the ground at the edge of the lip of the ditch, there’s still some underground concrete in place. I’m asking for a motion to instruct me to dismiss the lawsuit.

Commissioner Weisheit: I’ll make a motion to dismiss the lawsuit.

Commissioner Saylor: Second.

President Johnson: All in favor? 3-0.

**DEPARTMENT OF STORMWATER**

President Johnson: Stormwater.

**RICELAND MANOR BIDS:**

Steve: Yes. I’ll try to be as brief as possible. I have a bid opening today. I’ve given the bids to Morrie as he is going to open the first one, I’ll tell you that this is for the Riceland Manor Drainage Improvement Project. This is the revised scope of work. We had a pre-bid meeting that was held on Monday July 17th. Four bid packages were sent out. Three bid packages were received on time to be opened today. Metzger Construction did not attend the pre-bid nor did they file a bid. And there were addendums issued that should be reflected in these openings.

Morrie: The first one I’ve been handed is O’Risky Excavation. Received by the office on July 21st. It appears to be the Riceland Manor Project. Exhibit A form of proposal broken down by subject matter. A total sum of $38,520.00. It references the inclusion of two addendums. The next one I’m opening is from Deig Brothers and was received July 21 at 12:08pm. It identifies that it is also for this project. This is also the same standardized bid form indicating it also applies to addendum 1 and addendum 2. It indicates that the total price estimate for the project from Deig Brothers is $63,375.00. There is a breakdown as to how that was derived. The last one I’ve been handed is from Jerry Aigner Construction, Inc. indicating it was received on the 21st of July in the time period allotted. This is on a standard Indiana bid form for Warrick County including addendums 1 and 2 for this particular project. The amount of the bid estimate is $60,470.00. There’s a breakdown on it showing it by earthwork demolition, storm sewer, concrete etc. and I’d be happy to show you that. That’s all the bids that I’ve been presented with.

Steve: It should be noted that Warrick County is supplying the pre-cast drainage structures castings to the inlets and the pipe involved for this project. They will be responsible for installation of said structures and material, removal of trees and all dirt work, sodding and seeding.

Commissioner Weisheit: Steve, where were we at on that first bid?

Steve: JBI was the awarded contractor for $94,000.00 and some change. That included the structure going down about 450-feet of Riceland Drive which is no longer part of the revised scope of work.

Morrie: You were going to have to saw the street and bury the pipe to the creek.

President Johnson: Steve, have we ever worked with this O’Risky company?

Steve: Since JBI was not going to do the work because they are too busy with the Lincoln Ave. project, I asked about a company that had requested to be included in our bidding and that was this O’Risky Excavating and I spoke with Cash Waggoner who designed some of our projects and they said they’ve worked with them, they’re good to work with, they’re diligent and they’re very good. So I thought we would invite them and give them a chance. I’m assuming that we can award this to the low bidder today pending any other concerns because we would like to start work the first week of August.

Commissioner Weisheit: I’d make a motion that we award to the low bid, O’Risky, for $38,520.00 as long as they comply with everything here that you’ve requested.

Phil: And there’s always going to be somebody first.

Morrie: First time.

Phil: Exactly. I’ll second it.

President Johnson: All in favor? 4-0.

Steve: Do I have back all the information that was in these? Good.

**SQUIRE ESTATES / MANCHESTER BLVD:**

Steve: Last item I have is just informational on the Squire Estates which is Manchester BLVD. The concrete curb and gutter for the street repair was installed. The base asphalt should be installed today. Aigner Construction, I was informed, was awarded the bid elimination project for that house that had burned down. So after the base asphalt is installed today, I’m withholding the surface asphalt from being installed until the house is removed from that project. The traffic will be able to get through. We’re just going to hold off the 1-inch of surface. I’ve instructed the contractor to ramp up the asphalt until the surface asphalt can be installed where the street dead ends at either end because we’re rebuilding an intersection which is where the blight elimination house exists in the middle of our project.

Commissioner Weisheit: We’re going to table it today for two weeks because of the three houses.

Steve: I’ll have them move forward with everything except the surface asphalt. We can get that done as soon as the blight elimination is concluded. And with Joe not being here, that’s all the information that I have for you today unless I can answer any questions from the Board?

Commissioner Saylor: I make a motion to adjourn.

Commissioner Weisheit: Second.

President Johnson: All in favor? 4-0.