**MINUTES**

**WARRICK COUNTY DRAINAGE BOARD**

**&**

**DEPARTMENT OF STORM WATER**

**July 26, 2021**

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; Phil Baxter, Surveyor; and Jennifer Curry, Recording Secretary. Bobby Howard, Highway Department Director-standing in for Steve Sherwood, Storm Water Director.

Present in the audience: Michael Stevenson

**PLEDGE OF ALLEGIANCE:**

President Johnson opened the meeting of July 26, 2021 with the Pledge of Allegiance.

**APPROVAL OF MINUTES**

President Bob Johnson: Our first item is the approval of minutes for July 12, 2021

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

Commissioner Dan Saylor: Second.

President Bob Johnson: All in favor 3-0

**CUMULATIVE DRAIN: DISCUSS ASSESSMENT RATE INCREASE**

President Bob Johnson: Next on the agenda we have Cumulative Drain to discuss assessment rate increase. Do you want to start with that?

Phil Baxter: There should be stuff in your folders, as you can see by that date at the top we started this in February 2020, then as you all know what happened last year it kind of got pushed aside.

President Bob Johnson: So, our current rate is $.0056 is that correct?

Phil Baxter: Yes.

President Bob Johnson: Then down here it says we need to present an increase of no more that $.05, so that would be….

Commissioner Dan Saylor: So that’s a nickel and then what we are currently rated is a little over half a cent, right?

Phil Baxter: Yes.

Commissioner Dan Saylor: I don’t think that’s right is it? That’s a 1/1000th of a cent is it not? The current rate is $.0056.

President Bob Johnson: You’re right; it’s a little bit more than a half a cent.

Commissioner Dan Saylor: Yeah, but that’s not right…

President Bob Johnson: It is right. Phil, in your estimate what kind of monies do you need in a given year or two to meet your requirements? It says here you’re getting approximately $150,000 a year here that’s how much we collect. How much do you need to do your job?

Phil Baxter: Well, as I stated a while ago, last week for next years budget I asked for $150,000 I’ve asked for more than that in the past and never got it, anyways I asked for that and they looked at Krystal and Krystal said there may be $75,000 so that $150,000 doesn’t….

Bobby Howard: You asked for $150,000 just in your drain fund for ditch work, right?

Phil Baxter: Yeah.

Bobby Howard: Right, and they are saying that $150,000 is total budget for your whole office, salaries and everything for the year?

Phil Baxter: Yeah.

President Bob Johnson: My guess is you almost need double that.

Phil Baxter: At least that, all we are doing now is preventing you know that we have been taken care of emergency type stuff.

Bobby Howard and there is a lot of ditches that need work that we don’t get around to because whoever is complaining the hardest is the one you try and concentrate on it doesn’t stay in a preventative program of cleaning. I don’t know what his last bids were per mile, but you know how many miles you have so you can come up with a budget number for cleaning all your ditches for 3 years or something.

Phil Baxter: About 400-miles, there’s no way you could do all of them.

President Bob Johnson: Some of them you cant even get to, we don’t have the equipment to take care of it.

Commissioner Dan Saylor: If we increased it to a nickel, it would be right to assume that it would be about $800,000.

Morrie Doll: But that’s a false number because you just said you are supposed to be getting $150,000 based on your assessment and they told you might get $75,000

Bobby Howard: Well, they are getting $150,000 for the whole office….

President Bob Johnson: That’s including salaries and all of that.

Morrie Doll: I understand that, but I guess my question gets to be what could you get for the whole office if you increase it to the nickel? Would you get the full $75,000 or are you going to get less?

Commissioner Terry Phillippe: I’ll add a statement that was made at the Council meeting that I went to with Phil and Jason, the statement was made that there is money budgeted at $75,000… I don’t remember if the amount was stated at $75,000 but if you are budgeted a certain amount and if you need more come ask.

President Bob Johnson: That’s what I always heard.

Bobby Howard: Additional appropriation cash in your line item now, I can look at the last report, but I don’t know if they had money for additional. They had money in Section Corner Perpetuation, but not for cleaning drains and you cant mix the two.

Commissioner Terry Phillippe: Right, so the simple question is are we collecting it and not budgeting it?

President Bob Johnson: Or is it being used for something else?

Commissioner Terry Phillippe: Right.

President Bob Johnson: Well, I know I get a call every once in a great while on drains in the northern part of the County and we just don’t touch them really, some you cant get to and some it’s going to take something with a 30-foot mower on it..

Commissioner Dan Saylor: I get calls quite a bit about drains how we aren’t maintaining or cutting them back, mainly road-side ditches where we cant reach them. Bobby, is there any kind of tool out there that we can purchase that we can go by….if we had a road-side ditch we should be able to maintain both sides of it, but we cant, just like on Vann Road and Telephone Road. Is there not a larger or longer mower that we can get to maintain some of these things?

Bobby Howard: Mower wise we have looked at some of the longer boom mowers and the cost associated with those we would have to look at it compared to like, being able to mow from property owners side where we can or be able to attached something to an excavator boom or something I guess. There is a…as far as having the equipment but that also fits on the road to travel is….hard in some of those cases where it’s, I mean we had a boom that was 21-feet at one time and that wasn’t enough to get them, so if you look at some of the Oak Grove Road where we’ve got a lot of right-of-way and we cant reach the bottom of the ditch where the tractor can actually ride on the side if it’s soft or something.

Commissioner Terry Phillippe: One thing I would like to add is that I was on a conference call just last week and I’m not sure why I raised my hand and volunteered for it, a thing called a “Hoosier Resilience Index” and that was just kind of a brief overview that showed that if the scientific models that predict for the future are accurate then by the year 2050 we’re in trouble. If we’ve gotten 2.5 100 year rains this year we’re going to have double that in 2050. That’s a long way down the line, but not really.

President Bob Johnson: Not really.

Commissioner Dan Saylor: Well 2050 I don’t think I’ll be here

Phil Baxter: You look back 30 years ago, that’s not that long ago.

Commissioner Terry Phillippe: I think based on what we saw within the last couple years it’s proved positive that those models are accurate. So, do we need to take this as an introduction and talk more?

Morrie Doll: Well, we’re also not financially capable to follow Indiana Mandatory Law, the Drainage Act as a provision as a culvert or bridge replaced in a public right-of-way over a regulated drain we have to do a hydraulic study before we can approve the instillation of the culvert or the bridge and those are not cheap. We are not doing that to my knowledge.

Bobby Howard: It gets done on bridges.

Morrie Doll: But not on culverts?

Bobby Howard: No, because we go under a general rule in culverts, I don’t know if we have to do a hydraulic study on those or not.

Morrie Doll: I know there is a case before the Court of Appeals now on that, and the reason I know that is because I am in that case for a different County.

Commissioner Dan Saylor: Michael, do you remember what Gibson County’s rate was?

Bobby Howard: Right now it looks like as of the end of June Phil your budget had $152,000 un-expended, but at the end of June cash on hand was only $136,000 so cash on hand is less than what your budget amount for because the rest of the year has to come in so there isn’t much money that they can even go in and ask for, there isn’t near $75,000.

Michael Stevenson: Gibson County did it differently than the way you guys do them, as far as I know I was thinking it was one County but Terry and I were talking earlier it was two Counties that do it with a Cumulative Drain…

Bobby Howard: I heard it was up to three now maybe.

Michael Stevenson: Is it up to three now? When we checked before it was one or two, but Gibson County does not do this, they have their own individual ditches have their own assessments and that’s the way the majority of the State does things.

Morrie Doll: Districts?

Michael Stevenson: Not Districts, there are individual watersheds they are regulated drain program.

Commissioner Dan Saylor: Let me ask you this, why do they do it that way? Is there an advantage to Phil’s department….which way do you think is better in doing it?

Michael Stevenson: Well, first off Phil and I spoke about it and it would take a lot of work to get to the place where you can have all these individual funds put in place for the regulated drains, there is a real benefit to them because the peoples money that live inside the watershed pays for the work on the ditches within the watershed. If you are living in Tennyson you’re not paying for Newburgh or vise-versa where as an overall County-wide deal then money may get spent, but not in your area, but as Phil and I were talking it would be an extensive…you would have to determine the watershed, send out letters to all the people within the watershed, have a hearing, make an assessment, and then there is a little bit of a delay, and then you have money coming in directly to pay for maintenance on that watershed. What ends up happening is once people get assessed that’s when they start expecting stuff too…

Morrie Doll: There is a cap on the amount you can assess that goes into the maintenance fund in the Statues…

Michael Stevenson: I’m not familiar with that.

Morrie Doll: The big debate is what is maintenance and what is reconstruction; reconstruction will still fall on the shoulder of this Board to pay for with Phil’s money….

Michael Stevenson: Not necessarily…

Morrie Doll: Well, generally that is the way the State Statue reads and then maintenance falls on the shoulders of the drainage collection of the group that you want and the problem is….there is a couple of cases that have said what they think the difference is between maintenance and reconstruction, but they are pretty vague and so the consequence is there is not bright line saying okay clearly this is maintenance an clearly this is above and beyond maintenance so it’s reconstruction and so there is a fight between the two levels on who should do what.

Commissioner Dan Saylor: It sounds like the flat rate is the best way to go where you’re not…

Bobby Howard: Then in rural communities with people that own lots with large acreage and the same watershed in an urban area they are going to be paying for the same work done in the urban area at quite a bit higher rate.

Michael Stevenson: What we do in our County is that we established a minimum and a per acre and so it might be $2.00 an acre, but on those half acre lot if it’s a $10.00 minimum they are going to pay $10.00 for that half acre lot, and outside of that the guy that has 10 acres is going to be paying $20.00 so on and so forth. That is all how that is established and that can be determined by the Drainage Board as to how you want to go about doing that if you want to go that route and like we talked about it’s a lot of work. With that said, once the work is done then the Drainage Board controls whether or not you need an increase or how much money you want to get through the recommendation of the Surveyor versus dealing with the Council because it’s not a tax it’s an assessment into a watershed.

Commissioner Terry Phillippe: How many separate watersheds would we have in Warrick County.

President Bob Johnson: A bunch.

Michael Stevenson: These can only be done on regulated drains, so whatever the regulated drains are in the County those are the ones you can go through this process on.

Morrie Doll: My recollection is Knox County has the most out of any single County of the State I think.

Michael Stevenson: Hendricks County has over 2,500 miles.

Morrie Doll: I don’t mean in terms of miles I mean in terms of origin or agencies that control a drain.

Michael Stevenson: Like drainage districts? I can see that as a possibility, there’s not many Counties in the State anymore that have drainage districts.

Morrie Doll: No, they have generally gone away from that in favor of County wide drainage maintenance.

Michael Stevenson: Again, as far as I know this is the only County I know of that has the Cumulative Drainage fund; everybody else does it through the individual watersheds.

Morrie Doll: They don’t have, well, the contention is when you cut it up in so many ways they don’t have uniminity and they cant really put the funds where they need to put it to do the most good, whether it is in the urban area or rural area. Some of these regulated drains that are ran maintenance districts or associations are really large and they have multiple different regulated drainage ways and so as a consequence you get into a fight within that district of okay, are you going to maintain this one this year, the left one, the middle one, the right one, where are you going to spend your dollars? And they are going to have a limited amount of dollars, that is part of the fight, and climate is different than weather and as a consequence climate is changing. You could say well, it’s a wetter environment that we have ever been in before which means you have to get more water down those drains that we have ever had to previously and that all takes a lot of money and a person that I know locally that has done some of that engineering is Jim Morley, no disrespect, but I know Jim has done a lot of that engineering to analyze what is the most effective way to make this work and how we pay for this and do we have to do a hydraulic study whenever we come to a public road and go under the public road and we’re going to take the bridge our or the culvert out or do we or don’t we have to do that. For example, I know he testified in the Knox County case.

Commissioner Terry Phillippe: So, we have three options the way I see it, Cumulative Drain, Watershed Assessments, or go back to the Council every time you need money.

Phil Baxter: Well, if it’s not there how are you going to get it?

Commissioner Dan Saylor: Yeah, I don’t see them appropriating it out of rainy day, no pun intended.

Michael Stevenson: Forgive me for interrupting for my questions here; do you guys primarily work in just regulated drains and then road side ditches? Those are the only…private drains your don’t touch; it’s just regulated drains and road side ditches.

Phil Baxter: We don’t do road side ditches unless it’s a regulated drain and as far as that goes too the Highway Department, Bobby, sure helps us a lot on that.

Michael Stevenson: That’s good because I was wondering under what authority you would be working on the private drains with the Cumulative Drains.

Morrie Doll: We have no authority, and Tanglewood….well Storm Water does, but the Tanglewood Drain that we have been debating is an example of that because part of that is a regulated drain and part of that is not a regulated drain.

Commissioner Terry Phillippe: Bobby, do you have some sort of a mind set as to what amount of money the Highway subsidizes drainage every year? I know you guys help a little bit.

Bobby Howard: In regards to road side ditches as well or….

Commissioner Terry Phillippe: Just regulated drains.

Bobby Howard: I don’t know what his rate per mile is, but at what he bids out could be able to tell you that, I know we occasionally do 2-3 drains a year I guess on re-ditching, re-grading, cleaning them up.

President Bob Johnson: Well, where do we go from here today? Just take this under advisement and do some soul searching or what direction do we want to go?

Commissioner Dan Saylor: I just wish Phil had enough money to do his job…

President Bob Johnson: I do too, I always thought he did, like I said I’d always heard that all he has to do is go to them and ask for it and it’s there.

Commissioner Dan Saylor: I’ve been told that too, that the money is there we just have to ask for it, but it doesn’t sound like there is.

Bobby Howard: Are they taking it from Storm Water maybe?

Commissioner Terry Phillippe: There was one Council person that said to just go get it from Storm Water.

Bobby Howard: I mean, Storm Water has helped quite often with regulated drains.

Phil Baxter: We wouldn’t have to go for the full nickel, we can go for $.03, that would go a long ways, what would $.03 put us at?

Morrie Doll: $450,000

Bobby Howard: How soon would could this take affect?

Morrie Doll: There’s a lag, we may not be able to get it until 2023, I think that is right.

Bobby Howard: So looking at this it would be that the resolution would have to be delivered by April 30th to go into affect the following year? So we have some time, I want to volunteer Steve to look at a program to come up with a general budgetary number? Then we can come back and look at the rate, kind of how we determine Storm Water rates.

Morrie Doll: You know, we lowered Storm Water rates once.

Bobby Howard: That was to benefit the Highway Department; they wouldn’t increase wheel tax without cutting somewhere.

President Bob Johnson: Phil, you said $.03, does that mean add $.03 to the current rate or just make it up to $.03?

Phil Baxter: Flat $.03.

President Bob Johnson: Bobby, are you going to let Steve do some analysis on this?

Bobby Howard: We’ve got some time to get it done, but yeah we can get some things worked out as far as a general how often maintenance is needed on these drains and what the general cost has been in the past and prorating that I guess and then come up with an annual budgetary number.

President Bob Johnson: Okay, anything more on Cumulative Drain?

**CLAIMS:**

President Bob Johnson: We have claims for $460.38

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

Commissioner Terry Phillippe: I will second.

President Bob Johnson: All in favor 3-0. Any other business for Drainage Board?

**OTHER BUSINESS:**

Phil Baxter: Just to go along with that, we are the lowest or second lowest in the state as far as money for drains, and we’re the 1st or 2nd growing County in the State?

Commissioner Dan Saylor: 3rd or 4th, I think 47601 is the 3rd fastest growing zip code.

Phil Baxter: Something has to happen one of these days; we’re filling in more ground, building more. I don’t mean to be crying wolf but, we know it’s coming.

Commissioner Dan Saylor: Yeah, I think we need to be more pro-active and again, going to $.03 is not…I mean, we have to pay our way.

President Bob Johnson: Mr. Howard

**STORM WATER DEPARTMENT**

Bobby Howard: I don’t really have anything for Storm Water, we’re waiting to hear from SWPPP grants, everything else has been status que for the most part we’ve had some rain events and I’ve been getting reports from Garilynn Bradley on the inspections she is doing and the requests she’s making to developers. I had her include photographs with those reports now so that everybody and the developer understands what she is talking about because I was looking at it from a fresh standpoint I guess. Everything else is progressing with no issues, just cant wait for Steve to be back.

President Bob Johnson: Councilor?

Morrie Doll: Nothing.

President Bob Johnson: Mr. Saylor?

**MOTION TO ADJOURN:**

Commissioner Dan Saylor: I make a motion to adjourn.

Commissioner Terry Phillippe: Second.

President Bob Johnson: All in favor 3-0