**MINUTES**

**WARRICK COUNTY DRAINAGE BOARD**

**&**

**DEPARTMENT OF STORM WATER**

**July 27, 2020**

Regular Session

Old Historic Courthouse

107 W. Locust St. Suite 303

Boonville, In 47601

812-897-6170

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

Present in the audience: Glen Meritt, Jim Morley Jr, Alejandro Mojica, Bobby Howard, Joe Grassman

**PLEDGE OF ALLEGIANCE:**

President Johnson opened the meeting of July 27, 2020 with the Pledge of Allegiance.

**APPROVAL OF MINUTES**

President Bob Johnson: First we have the approval of minutes from the June 13, 2020 meeting.

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

Commissioner Dan Saylor: Second.

President Bob Johnson: All in favor. 3-0

**HIGH POINTE CENTRE SEC. 2 PHASE 2 LOT 40-ACAPULCO MEXICAN RESTAURANT- MORLEY & ASSOCIATES**

President Bob Johnson: First up we have High Pointe Centre Sec. 2 Phase 2 Lot 40 Acapulco Mexican Restaurant with Morley & Associates. State your name please.

Alejandro Mojica: Alejandro Mojica, if you need that spelled let me know.

Commissioner Dan Saylor: Probably would be a good idea.

Alejandro Mojica: Yeah, A-L-E-J-A-N-D-R-O, that’s the first name.

Commissioner Dan Saylor: Can I call you Al?

Alejandro Mojica: Yeah, I like that. This evening I am here on behalf of Melvin Ortez, the owner of Fiesta Acapulco Mexican Restaurant and we are here tonight to request to place a new pedestrian bridge over the drainage easement and plays in addition to an existing covered patio in the Lake Maintenance and Storm Detention Easement. I was able to see that on the description it called for the Lake Maintenance and Storm Detention Easement, I just wanted to point out that we have to improvements basically at the same time. One will be in the drainage easement and the other in the Lake Maintenance and Storm Detention Easement, so what you have in front of you the orange area is the existing restaurant and it has been doing very good, it is a very good restaurant over the years it has become one of the favorites in the community. To the North, the blue area is the overflow existing parking area that was built a few years back and it is connected to the back to the existing restaurant with an existing pedestrian bridge. Basically, what we are going to do now is put a new pedestrian bridge parallel to the existing one, it is going to look pretty similar and it is going to be at an elevation below the existing restaurant pretty similar to the existing pedestrian bridge, we don’t think it is going to reduce the hydraulic capacity of that ditch, so there is not going to be any issues in that regard and we haven’t seen any problems with the existing bridge there the past few years. The next area I want to draw your attention to is the green area where the Lake Maintenance and Storm Detention Easement is, there is going to be an addition to the existing covered patio, the covered patio is already encroaching into the Lake Maintenance and Storm Detention Easement, it has been approved by this Board in previous years and what we are doing is basically expanding it. The storage capacity of the lake is not going to be effected by this addition, and any maintenance is going to be done by the owner. If you would like to see close up, second page shows the dimension and areas of all the improvement, the pink area is what we are adding onto.

Commissioner Dan Saylor: So, the proposed pedestrian bridge, you say that is going to be lower than the exiting one, or?

Alejandro Mojica: No, they are going to be about the same, it is going to be setting from top of bank to top of bank, so we are not going to be getting into the existing ditch or anything. It’s a clear stand bridge, we also submitted a Hold Harmless to the County Surveyor’s Office and to APC, it has been reviewed and it’s in order. With that, I will take any questions you may have.

Commissioner Dan Saylor: Jason or Phil, Steve, that existing one has been there for years and there has not been any issue that I’ve known or been aware of..

Steve Sherwood: Yeah, I would just say in regard to your comment that the structure not be any lower than the existing one, whatever structural members can be lower than…I would just make sure it is either equal to or higher than the lowest point of the structure to the existing structure to your point.

Commissioner Dan Saylor: I am okay with it.

Morrie Doll: This new bridge is 10-foot shorter than the other bridge?

Alejandro Mojica: Yeah, it’s just going to be a little smaller bridge, and there is going to have some transitions to the sidewalk, the sidewalk that goes to the back of the restaurant it extends 2-feet…

Steve Sherwood: It is still outside the top of bank limits I believe, you are not encroaching the top of bank.

Alejandro Mojica: No, the existing side walks are not.

Steve Sherwood: I mean, the bridge, to Morrie’s point, he is asking if it is shorter if you are still outside the top of bank, top of bank span I believe.

Morrie Doll: It is longer than the width of the top of bank top of bank, that is my question.

Alejandro Mojica: Yeah, I believe so.

Morrie Doll: It just struck me strange that it is 10-feet shorter.

Alejandro Mojica: The other one is encroaching further into the existing parking lot that they have, this one has an existing walk way there that would be close to.

Morrie Doll: So, this is another railroad car?

Alejandro Mojica: Yeah, it’s going to be pretty similar to the one there.

Morrie Doll: Aren’t they the same size?

Alejandro Mojica: No, I don’t think they are going to be the same size.

Morrie Doll: Up to the Board.

Commissioner Dan Saylor: This is going to be used for access of employees and that kind of thing, so it’s not going to be finished like the other one is?

Alejandro Mojica: To that, I don’t think it’s going to look maybe as nice, but it is going to be nice looking.

Commissioner Dan Saylor: Deliveries I think too?

Alejandro Mojica: It’s generally for maintenance and general employee use, so they are separated.

Commissioner Dan Saylor: Is it going to be posted for non-public use?

Alejandro Mojica: I don’t think so, because it is going to go straight into the back, but if that is something we want to do we can put an employee only, I don’t think that should be a big deal.

Commissioner Dan Saylor: That doesn’t make any difference to me, as long as it is level with the other one I think that would be our only concern.

Steve Sherwood: Level or higher.

Morrie Doll: No lower than the other one.

Alejandro Mojica: Okay.

Morrie Doll: Subject to that is a condition, no lower.

President Bob Johnson: Anything Phil?

Phil Baxter: No, we’re good with it.

President Bob Johnson: Steve.

Steve Sherwood: I think that’s it.

Commissioner Dan Saylor: I make a motion to approve the….

Morrie Doll: It’s two parts. One motion, just want to make sure we address both components.

Commissioner Dan Saylor: Okay, so does anybody have an issue with the covered patio addition?

Jason Baxter: No, Sir.

Morrie Doll: And we do have a Hold Harmless that I have already approved and the Surveyor’s Office has it circulated.

Commissioner Dan Saylor: I make a motion we approve the pedestrian bridge and the additional proposed covered patio addition for Acapulco.

President Bob Johnson: With the bridge to be no lower than the existing bridge.

Commissioner Terry Phillippe: I understand and I will second.

President Bob Johnson: All in favor. 3-0

Alejandro Mojica: Thank you.

**BROOKELYN RIDGE SUBDIVISION LOT 9--GLEN MERRITT-CASH WAGNER & ASSOCIATES**

President Bob Johnson: Next up we have Brookelyn Ridge Subdivision Lot 9 Glen Meritt with Cash Wagner and Associates.

Glen Meritt: Glen Meritt Cash Wagner and Associates, I am the engineer on the project, happy to answer any questions you may have.

Steve Sherwood: Have you seen the proposed sketch that has been submitted?

President Bob Johnson: Nope.

Glen Meritt: I have a drainage plan here that you guys can take a look at, there is a pipe that this gentleman is wanting to install in his rear yard.

Morrie Doll: Is this in an easement?

Steve Sherwood: In essence there in an existing drainage ditch within a platted easement, he is wanting to bypass the ditch with a drainage structure between the property line and platted easement, this is what I spoke with Phil and the design engineer prior to the meeting that moving the structure outside the existing easement probably still needs to be contained in an drainage easement. As I understand, this will be structure that will be amended to the existing drainage plan in the subdivision, therefore Warrick County has to maintain it in the future to your point Council, it needs to be contained in the drainage easement.

Morrie Doll: And we cant repair and maintain it if it is not in an easement.

Steve Sherwood: The other issue I spoke of, he is proposing a soil type joint of the proposed HDPE pipe, we prefer he use the water type joint which is a dedicated gaskated sealed connection, which I don’t think he has any objections to.

Glen Meritt: No, I am fine with that.

Jason Baxter: That’s all I needed to hear.

Steve Sherwood: So, I would say if the Board will approve this subject to the drainage easement being drafted, and returned in a recorded Councilor is that correct?

Morrie Doll: Well, I feel like I am at a disadvantage I don’t know where it’s running, how many pieces of private property is it crossing, is it just his?

Glen Meritt: It’s just his lot.

Morrie Doll: Is the drainage just his lot, or taking public water elsewhere?

Glen Meritt: It’s taking other water off sight, it’s just what is coming there now, I mean he is already getting…

Morrie Doll: If it is going to take public water, and you want the County to be responsible going forward, it needs to be in an easement so we can get on there and take care of it. If it is a private drain that he wants to construct just to take the water from him off, and it is only going to cross his property then that is private drain and I don’t know that we care.

Steve Sherwood: I think the intent was to make it a County maintain amended to the drainage plan, unless he is stating otherwise.

Glen Meritt: It sounds like to me you are saying if he is catching off site water then he cant do that.

Morrie Doll: I don’t know that he will want to do that if it is catching off site water, just depends on how much offsite water it is catching.

Glen Meritt: I mean, it’s a decent amount. It would probably be in his best interest to go ahead and dedicate the drainage easement.

Morrie Doll: Yeah. If he wants tax payer help in the future if it needs work he needs to do that, that’s what I am saying.

Glen Meritt: I don’t think he is aware of that, I did not explain any of that to him when he called.

Steve Sherwood: I mean, if you want to see the area in question, he has detailed drainage calculations.

Morrie Doll: Well, it would seem to be the Board could approve it if it is inclined to do so today, in an alternative fashion. One, if it is going to be treated as a public drain for future public maintenance, it is conditioned upon the dedication of a meeting, and if it is going to be a private drain, then good luck that’s up to you.

President Bob Johnson: So, it’s a private drain?

Morrie Doll: I don’t know how it was submitted Commissioner, I haven’t seen it.

Jason Baxter: I don’t believe it has been submitted for County responsibility has it?

Glen Meritt: I did not have any intention on coming here for that, didn’t really know if it was even an option I mean, Jennifer sent me an email said that we were going to be on the agenda, I was on vacation, I said that was fine, I didn’t hear any comments from anybody until I walked in the door today. I don’t have a preference, he is putting up the money to put this pipe in, he should not have any problem with this pipe…

Steve Sherwood: I would offer to the Board that it be approved as a private and he has the option to come back at a later date, if he wants to do the public he will need to do the dedication, is that fair Councilor?

Morrie Doll: I agree, that’s fine that is the alternative I was talking about. If it is a private drain, do we even have jurisdiction over it to “approve” it? Or is it a mood issue? If it is a private drain, we don’t approve everyone’s private drains, we don’t do that, we cant do that.

Glen Meritt: But you guys don’t like people to just throw pipes in the ground either…

Morrie Doll: Yeah, but it’s his private property, is he dumping it into a regulated drain? Where is it going?

Glen Meritt: It’s going to a detention basin…

Steve Sherwood: Eventually goes into Gardner-Webb near the property…

Jason Baxter: Eventually.

Steve Sherwood: I believe Glen’s intent was to bring it to the Board because it is in a subdivision, and he is under the impression that drainage structures going into subdivisions need to be approved by the Board.

Morrie Doll: If it is a modification of the approved drainage plan, absolutely. If he wants us to maintain it as part of the approved drainage plan then we need an easement, but this is one of those Twilight Zone types of projects, it sounds to me that it involves one land owner and he is fitting the bill.

Commissioner Terry Phillippe: Is this something you need to discuss with your customer and come see us if you need us?

Glen Meritt: I mean, based on what Morrie said, if there is not going to be an approval for a private drain then it doesn’t make any difference because you are not going to approve it today anyways.

Morrie Doll: If the Board thinks about it, when is the last time you approved a private drain?

Steve Sherwood: I mean, we had an issue with the Schnells..

Morrie Doll: I’m not saying we don’t have an issue with private drains sometimes, I just said we never approved them.

Steve Sherwood: Then the one I believe you brought in for Bellevue, the back yard is a Combs…

Bobby Howard: It was in the drainage easement, is this in the drainage easement?

Morrie Doll: No.

Steve Sherwood: No, it leaves the drainage easement.

Glen Meritt: It starts out in a drainage easement.

Morrie Doll: Then it goes across the guys private property.

Steve Sherwood: It goes between the easement and the property line, in this case the easement is not above the rear property line by about 18-feet.

Morrie Doll: For future knowledge that is there, it would be nice if we had an easement and an approval, and also that would then trigger future maintenance by the County if it is part of the modified approved drainage. If he doesn’t want to do that, I don’t think we can compel him to do that if it is only on his property. I don’t know how big the structure is, Steve is it a big deal?

Steve Sherwood: 18 to 24-inch pipe.

Morrie Doll: How long?

Glen Meritt: The main reason it is the size that it is, is because it is a little flatter, the overall length is 200-feet total, a little over.

Steve Sherwood: Contained within the individual’s rear yard.

Glen Meritt: Correct, it is all on his property. The neighbor stubbed a 12-inch pipe onto his property, I don’t know when that happened. I don’t believe that was on the original plan either…

Morrie Doll: Also illegal.

Glen Meritt: Yeah, so see that is my argument to at least bring it to you, I didn’t know if Phil and Jason would want to take it to the Board, but I at least want to turn it in and say that I sized and based on the 50 year storm. It is sized correctly to handle the water, where he doesn’t get in trouble later on. As far as getting County an easement so County will maintain it later, I don’t care about that at the moment, if I tell him that that is an option and have him come back later that is fine, I didn’t give him a price to prepare the easement or do any of that at this time. So, I am fine with it, we had this discussion, its in the files, they know what is there so I think I’ve done what I needed to do.

Morrie Doll: Thank you.

Glen Meritt: Thank you

**CLAIMS**

President Bob Johnson: Claims, we have three projects and attorney for a total of $6,875.00

Commissioner Terry Phillippe: I make a motion to pay the claims.

Commissioner Dan Saylor: Second.

President Bob Johnson: All in favor. 3-0

Jason Baxter: Thank you.

**OTHER BUSINESS:**

President Bob Johnson: Any other business? Mr. Sherwood.

**STORM WATER DEPARTMENT**

Steve Sherwood: Thank you Mr. President, first item I have is I was asked to prepare another lining proposal, I called Deig Brothers Construction…

Morrie Doll: This is for Lake Ridge?

Steve Sherwood: This is for the Lake Ridge issue that we already had a proposal presented past meeting for Insituform, and the amount of Insituform for the presentation of that meeting was for $68,675.00 from a quote on June 12th, I was asked to find someone else to get a second proposal the other recommended pipe liner that Deig Brother does business with is Granite Inliner, they presented a proposal which came too late for the last meeting. Their amount for their liner is $47,500.00, now the difference in thickness of the two materials is that Granite In-Liner is 4.7-millimeters in thickness when I asked them today how thick was their lining, then the other Insituform liner when I asked them that question earlier is 12-millimeters. It is a little over twice the thickness for the extra cost of money between the $68,675.00 vs. the $47,500.00

Commissioner Terry Phillippe: Steve, I noticed on the Granite that there were two options on how thick the liner, I did not look close enough to see what was quoted, so that is in fact the 4.6 vs. the thicker version?

Steve Sherwood: Yeah, all I got sent to me today, and I will pass this down, was this version when I asked that question.

Commissioner Terry Phillippe: I am referring the spec sheet, I actually didn’t look at this document.

Steve Sherwood: That is in regard to that quote they sent me, that was the thickness that they gave me.

Morrie Doll: Did AT&T ever remove their obstruction in this drain?

Steve Sherwood: It has not been reported to me that that has been corrected yet.

Morrie Doll: And there is a spike, steak, or steal post of something driven though this pipe?

Steve Sherwood: A rebar. We believe by the video inspection and this part to be lined.

Commissioner Dan Saylor: We wouldn’t do that liner with those intrusions still there correct?

Steve Sherwood: No.

Commissioner Terry Phillippe: I don’t have a clue…

Morrie Doll: I don’t know if Bobby has an opinion, or Steve has an opinion about the thickness of these liners on which one is better. I mean, thicker is better, but is it $20,000 better?

Steve Sherwood: Bobby and I were both concerned about the structural capabilities of both liners, the only thing I got back was the thickness of the lining.

Morrie Doll: They only have a very limited time duration warranty, they are only warranted for a year.

Commissioner Dan Saylor: Both of them?

Morrie Doll: I don’t know, I was going ask to take the next question.

Steve Sherwood: I think both of their warranties are one year.

Morrie Doll: So we are going to spend $40,000-$70,000 we are going to get a one year warranty.

Commissioner Dan Saylor: A one year warranty for a pipe….

Jason Baxter: Not much isn’t it?

Commissioner Dan Saylor: No, it’s not.

Steve Sherwood: When I asked about that, they expect any type of failures to be in that one year time period.

Morrie Doll: We cant replace this pipe?

Steve Sherwood: This property is unique where it is stripped out mine area as well….

Morrie Doll: It is under an exposed aggregate driveway adjacent to a putting green, elevated with stones…

President Bob Johnson: I’m still trying to figure out why we are responsible for it.

Morrie Doll: Because we accepted the drain.

Steve Sherwood : It is in the approved drainage plan, where they utilize the existing drainage pipe.

Morrie Doll: As you know, this is failing at Water’s Edge and it is eating back into the bank is the problem also, if I recall facts correctly.

Steve Sherwood: Yes, running through an 30-foot wide drainage easement that has been encroached by both land owners, who have probably half a million dollar plus home on both sides.

Commissioner Terry Phillippe: How does the inside lining of the pipe fix it at the end?

Steve Sherwood: How would they fix it at the end?

Commissioner Terry Phillippe: How does this fix the problem?

Steve Sherwood: This lines all the irregularities in the existing pipe, whether we extend the pipe that has failed the past 20-30-feet we would probably have to do that before they line the pipe. Right now it is in the order of 160-170-feet when it is almost a 200-foot pipe.

Morrie Doll: But that is not in the bid.

Steve Sherwood: No, that is not in the bid we would have to go in an extend that.

Commissioner Terry Phillippe: Then this doesn’t fix the problem.

Steve Sherwood: This fixes the part between the homes and the street where they are having the issues with irregularities where they have split cutters, bends, vertical, horizontal…

Commissioner Terry Phillippe: I don’t recall hearing any, you know, we had the one case out by the road where the pipe was damaged, sink holes, we haven’t had any sink holes because of the intrusions in the bends of the pipe here haven’t we?

Steve Sherwood: That means, in looking at some of the dirt we seen exposed due to joint separation, I believe it is just a matter of time. It could be more expensive if we let this slide and wait for more of a catastrophic type failure where we would be able to hopefully prevent that from happening by doing the lining.

Morrie Doll: As you know, we are not responsible of the replacement of encroachments. Now, this is a very nice neighborhood, and I’m sure their property taxes are quite high, but we don’t have to put it back, they are in our right of way, they understand they are at our risk, we have to go in there and dig it up.

Jason Baxter: Do they understand that?

Morrie Doll: I don’t know if they do or not, but that’s the law, that’s what the court will tell them we get to do. If they built into our right of way, tough.

Jason Baxter: I get it.

Morrie Doll: I understand that is not the policy Warrick County likes to do, but these are expensive improvements, putting in an exposed aggregate driveway in one of these driveways is not going to be cheap, let alone the swimming pool, putting green and that kind of stuff.

Bobby Howard: What was the liner thickness again?

Steve Sherwood: 12-millimeters and 4.7-millimeters.

Bobby Howard: Okay, did they say what the material was, the PSI?

President Bob Johnson: It’s over here Bobby.

Steve Sherwood: The design engineer on record is back in the audience.

Commissioner Dan Saylor: Is there a time line on this that it needs to be approved, this meeting or?

Morrie Doll: No.

Steve Sherwood: It can wait until the next meeting. When we watched the video with Mr. Morley, Morrie and I reviewed the video together, Mr. Morley just showed this as an existing pipe he was basically told to hook up to it and use the existing pipe, is that a fair statement, Jim?

Commissioner Dan Saylor: Jim, is it normal that warranty for that liner for a year?

Steve Sherwood: Are you familiar with liners?

Jim Morley Jr: Unfortunately, I don’t do much on the lining of the pipes, what Steve said was correct, that was an existing pipe out there and it was just hooked to it 15-20 years ago.

Steve Sherwood: This was pre-1996 when these plans existed because your plans are dated for 96’ when you hooked into it. So, the HDPE joints at that time were just banded joints, they weren’t gasketed pushed together, they had an exterior band every 20-feet that is part of the problem.

Jim Morley Jr: Was the warranty just for one year, I stepped out.

Steve Sherwood: We believe the warranty is for one year on either lining option.

Morrie Doll: I think we need to think about this, it’s not like it is failing today.

President Bob Johnson: Let’s table this and think about this a little bit more.

Commissioner Dan Saylor: I just texted “\_\_” and who do they use for drainage pipe lining because they have done a lot of it….

Commissioner Terry Phillippe: What is the warranty for Insituform for one year?

Morrie Doll: A company out of Indy.

Jim Morley Jr: Yeah, a company, I mean Hydromax doesn’t do Insituform that I am aware of, they do a lot of pipe stuff, but I don’t think they do…

Commissioner Dan Saylor: I didn’t think they did the lining…

Jim Morley Jr: No, I don’t think they line. I mean, they are always growing but I don’t think…

Commissioner Terry Phillippe: Where did Hydromax come into the conversation the first couple times we had it?

Steve Sherwood: That was on Magnolia.

Commissioner Dan Saylor: That was for Magnolia, different project.

President Bob Johnson: I thought that was for the camera review.

Steve Sherwood: We were able to get the camera through this one.

Commissioner Terry Phillippe: Oh, okay I thought that they were in this conversation.

Commissioner Dan Saylor: No, that’s another one.

Bobby Howard: I think Granite did it correctly, for what they sized it for.

Steve Sherwood: This is what I got and it says Insituform.

Bobby Howard: Oh, so they didn’t put that in here.

Steve Sherwood: No, I needed to ask for it.

President Bob Johnson: Are we going to table this to the next meeting? Okay, lets go ahead and consider tabling this until the next meeting, so I entertain a motion to do that.

Commissioner Terry Phillippe: I make a motion to table.

Commissioner Dan Saylor: Second.

President Bob Johnson: All in favor. 3-0

Steve Sherwood: Thank you, next item I have I want to report to the Board about the Hydromax situation with Magnolia, I am contacting the four property owners involved with a temporary right of entry form, once that is done and I have permission with all four I will move forward with Hydromax proposal which was approved at the last meeting. Next issue I have is the Storm Water truck has been delivered to Law, we are trying to work out with the Auditor how to receive the truck and present a check for it, we are working those issues out.

Morrie Doll: She wont accept the purchase order.

Commissioner Terry Phillippe: Hopefully we will have an answer to that this afternoon.

Steve Sherwood: Joe, do you have anything to add for the Board’s input on that you may be able to give more information from the Auditor’s Office from the last hour or two.

Joe Grassman: Joe Grassman, Purchasing Manager, I don’t want to get myself into any trouble here, apparently a purchase agreement was not enough information for her to cut a check, she has to have an invoice. I think Barbi Shelton is taking care of it

Steve Sherwood: Law is trying to rectify that.

Morrie Doll: Could you not just write “Invoice” at the top of the purchase order?

Joe Grassman: You’re just trying to get me in trouble, I believe it has been handled by Barbi.

Commissioner Dan Saylor: Let the record show a purchase order is a legal binding contract.

Joe Grassman: It had the total, which is the total that was bided and accepted and everything was there.

President Bob Johnson: Thank you Mr. Grassman. Anything else, Mr. Sherwood?

Steve Sherwood: Yes, Bobby and I met with Lochmueller Group on June 30th in regard to the Telephone Road project, as you know the East end terminates at Fuquay Road and there is fair amount of work at Fuquay Road north and south of Telephone, it is close enough to the south end of our proposed drainage improvements that we asked Lochmueller that if the southern most pipe of that could be tied in with the Fuquay road project in order to absorb some of the cost, they were able to do that and reduce our cost somewhat of the proposed Fuquay Road, Pleasant Ridge Drainage Improvement Project. You will be getting an updated plan and cost estimate accordingly. The last three items I am going to have to use Morrie to involve. First of all, an update on the Pruitt case, the suite filed on Anderson Road.

Morrie Doll: We had an argument last week in the Pruitt case over the $60,000 expense that we encountered and correcting what Mr. Pruitt had done in the public right of way to our public drain, he was trying to get the case dismissed and the judge took it under advisement. At the hearing he also asked that if he merged his lawsuit against the County and dealt with a single case, we objected to that, it doesn’t involve the same parties and one of them deals with a fact of objection in the matter which we corrected his caused errors, and the other is his caused errors. So, I will report back to what the judge has ruled.

Steve Sherwood: The next item I have for Morrie to help present is the Town of Chandler, the agreement that has been presented.

Morrie Doll: Do you have time to look at this today or not? Are you up against the time deadline?

President Bob Johnson: Not really.

Morrie Doll: I received in an email correspondence and inner local agreement, first I ever saw it, knew about it, heard of it, no opportunity to look at it ahead of time etcetera. I want to call your attention to three or four things, this is over the Storm Water fees in the area that was somewhat annexed by the Town of Chandler. I want to call your attention to the following points, page 1 in the recitals paragraph “C”, news to me, I don’t know if the Commissioners have entered into some conversations with the Town of Chandler, because it says “has agreed” or “agreed to split” so it sounds like there is all around an agreement with the County and the Town of Chandler, news to me. Page 1 paragraph 2 under Article II at the bottom, the only way this agreement can be terminated in the future or modified or extended is by the written consent of the Town of Chandler and the County that means we cant decide if we don’t like it then leave it, so we are locked in, once we sign this we are captured. Page 2 paragraph 3 the County and Town agreed to equitably share the revenue generated, which means I don’t know what exactly it is, but I will tell you it deals with 77 properties, and that is reduced from exhibit A attached at the back which is all the parcel numbers. Now, I don’t know where these properties are, I don’t know how much money they raised, but we are agreeing to split with the Town of Chandler 50/50 whatever that is. Subparagraph 4, and this is really strange, we agree to maintain ownership, operation, responsibility, maintenance, liability in the existing info structure.

Jason Baxter: I mean, I thought that they just took over these properties.

Morrie Doll: No. If it is not the road ditch, it’s ours, is what they are saying, that is why we are keeping 50% of the money.

Jason Baxter: Are we?

Morrie Doll: Well, I didn’t cut this deal so I don’t know.

President Bob Johnson: Where did this even come from?

Morrie Doll: It came from the lawyer of the Town of Chandler.

President Bob Johnson: I understand that’s where it came from, but why?

Morrie Doll: It just showed up in my inbox, I have no idea where this came from, I have no participation or conversation…

Jason Baxter: I know there was two gentleman that came here few months ago, started talking and just had nothing to say, but had a lot of words coming out of their mouth.

Morrie Doll: Subparagraph 1 under Article IV means we have to take it to the County Council to get it approved, and I probably agree with that because it deals with money. The next page, besides it has two paragraph 1’s…so I don’t know what that is about, but it talks about we can modify the agreement only with the written consent of both parties and it talks about Fishers. I am guessing this is cut and pasted in a local agreement with the Town of Fishers and they didn’t catch that, so it takes a constitute there is no waiver by Fishers. Number 2 under that same section 6 it talks about, takes written consent to modify or change this again in any way. So, for a whole bunch of reasons I don’t recommend it, now if the Board wants me to fix it with the Town of Chandler, if you tell me that, I will get busy, but they are asking what we are doing with this and I do not know.

President Bob Johnson: I suggest we mail it back postage due.

Morrie Doll: Would you like for me to tell them that the Board looked at this and is not interested? Or do you want to further negotiate?

Commissioner Dan Saylor: We are not interested in an agreement with Fishers, Indiana.

Morrie Doll: Can I also say this to you? They also have this adopted by the Commissioners, but you also have Storm Water, that is where the fees go to, so this really ought to be an agreement between the Town of Chandler and the Storm Water Board.

Commissioner Terry Phillippe: We understand there are people with problems that would like to see resolution, but this does not do it.

Morrie Doll: Yes, so if you like I can tell them that, I can tell them we looked at it and as it presently existed we are not accepting this. Or, I can let you think about it and you can tell me next meeting what you want me to do.

President Bob Johnson: As far as this goes, I can just speak for myself that I am not interested in it, in this particular document anyways.

Commissioner Dan Saylor: I am the same, I think you have a consensus from us that we are not interested.

Morrie Doll: I can tell them that we discussed and we are not interested as presently drafted, fair enough? Last item Steve?

Steve Sherwood: Yes.

Morrie Doll: Steve’s been asking me to draft, you will remember, an ordinance with the County where we collect money to fix problems with drainage that Storm Water is paying out. Our Storm Water ordinance does not have a provision with that, we did this with Chris Combs you remember last fall that there was a $7,500 amount which we held until he finished the project then he returned it. The reason we held it last fall is that we held it in my law office trust account, which is not my money it is regulated by the Supreme Court, but that is not a good way going forward and the County Auditor needs an ordinance. This would be an ordinance, doesn’t change any of the reasons why, doesn’t change the amounts we can, it reflects what is in our 2006 ordinance, but it creates the ability for the Auditor to hold the money until directed by the Board what to do with it. You take it, look at it, it is listed as a draft, once you like it I can send it to the Auditor and Todd for them to look it over for any questions and concerns so once we adopted, we know everyone has had eyes on it and keep going back and forth on it.

Commissioner Dan Saylor :We have to adopt it as our board, then it goes to the Board of Commissioners so we get an ordinance for it.

Morrie Doll: It does, and if you like this and at the next meeting tell me you like it or don’t like it and what you want me to change and then I will circulate it to everyone that needs to look at it. Once everyone comes back and agrees it looks okay, or not, then we will start back here again to vote on it and it wont say the word “draft”, fair enough? Thank you, I’m done.

Steve Sherwood: That is all that I have Mr. President, unless you have any questions for me?

President Bob Johnson: No, Sir. Anything else? Mr. Grassman?

Joe Grassman: Nothing for me.

President Bob Johnson: Council?

Morrie Doll: No, Sir.

**MOTION TO ADJOURN**

Commissioner Terry Phillippe: Motion to adjourn.

Commissioner Dan Saylor: Second.

President Bob Johnson: All in favor. 3-0