**MINUTES**

**WARRICK COUNTY DRAINAGE BOARD**

**&**

**DEPARTMENT OF STORM WATER**

**JULY 9, 2018**

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; Jason Baxter, Deputy Surveyor; Steve Sherwood, Director of Storm Water; Morrie Doll, Attorney; and Kim Lutton, Recording Secretary.

Present in the audience was Bill Bivins, Nick Cassala, MiLisa Lane, Peter Rudolph, Bobby Howard and Joe Grassman.

**PLEDGE OF ALLEGIANCE:**

President Johnson opened the meeting of July 9, 2018 with the Pledge of Allegiance.

**APPROVAL OF MINUTES:**

President Johnson: First up we have the approval of the minutes for June 25, 2018.

Commissioner Saylor: I make a motion.

Commissioner Weisheit: Second.

President Johnson: All in favor? 3-0.

**THE ENCLAVE AT OAK GROVE:**

President Johnson: First up we have the drainage approval for The Enclave at Oak Grove / Mr. Bill Bivins.

Bill Bivins: I think Steve has reviewed the plans and I think we finally got them approved.

Steve: Jason and I looked at them today and went over the final changes. Everything meets our minimum requirements for Warrick County.

President Johnson: Anything to add, Mr. Bivins? Do I have a motion?

Commissioner Weisheit: I make a motion to approve.

President Johnson: Ok. We have a motion but no second.

Commissioner Saylor: I’m just not for this plan. I guess it meets the requirements. Do I have to vote on it?

Morrie Doll: You can cast a vote for it or against it. That may or may not determine it’s acceptance by the county. No one is obligated to vote for or against a particular plan but if you have a reason and you want to articulate.

Commissioner Saylor: I just think that development is…..I just don’t think it fits the area.

Bill: We thought about, at one time, putting in apartments which would’ve been 40 units and we’re only talking about 17. It is very minor.

Commissioner Saylor: We have a lot of apartments going on in the county.

Bill: This is 17 taxable units that you’re getting. Where there’s only one house out there.

President Johnson: I guess my issue with this is not so much the drainage, because it meets the drainage requirements, my situation with this, Mr. Bivins, is that you’re going to put 17 houses on a 1.7-acre lot. And you’re going to ask for exceptions to our county ordinances on the space between the homes. And you’ve got a half-million dollar house next door to this place.

Bill: You’ve got a child care right next door to this property which is in a residential area. As far as the houses being that close together, we are putting firewalls in between those houses.

Morrie: Well if there is no second, then the motion dies for lack of a second. That means it can be brought back up at another date. It doesn’t fail, it wasn’t neglected, it just wasn’t accepted.

Bill: Did I have a reason why, when we meet all the requirements of the county?

Morrie: I’m not sure that the Board has to state a specific reason but I think both of the commissioners who have failed to second it have indicated that they’re uncomfortable with that concentration of development on that size of a lot in that particular location. That’s what I heard them say. I don’t mean to speak for them or put words in their mouths.

Commissioner Saylor: They’re so close together you have to put firewalls up. What’s that going to look like in 10-years? I just have a problem with this kind of development. That’s just my opinion. I’m not saying I’m right or I’m wrong. I wish there was something a little nicer.

Bill: Okay. You’re saying if those buildings were 5-feet apart on both sides, you’d be happy?

Commissioner Saylor: I would rather not see the concentration.

Morrie: This is currently not zoned appropriately for this development so, whether questions are raised at the Drainage Board level which is the very first public hearing in the process, or you go through here, you go through APC and you get a recommendation from APC one way or the other and it goes to the Commissioners, you’re going to have the same concern I think. Ultimately the Commissioners, as you know, they’re the only ones with the authority to amend the zoning path to up zone this property so that this development could ever go there. So in a way, what you’re hearing, it seems to me, is the same thing that likely is to be heard a month from now had it been approved and moved forward. I don’t know if there’s a solution to this problem or not. It’s a pretty intensive development at that location on that small piece of property. One way or the other, it’s going to have the same result it seems to me. But if it doesn’t have a second and the motion is not before the Board and it fails for lack of a second which means it could be brought up at another date, it is not defeated. Then you would move to the next agenda.

President Johnson: Mr. Bivins, I don’t think you’re going to get approval for this today. Even if we approved it through the Drainage Board I would not approve it in the APC and I’m sure when it comes up to the Commissioners, it’s not going to get approved.

Bill: Is this your feeling also for the street plans which comes up next?

Morrie: That would be at your 4pm meeting. Maybe you haven’t looked at those, I don’t know.

President Johnson: I have not.

Morrie: So it fails today for lack of a second, would be the official notation on the minutes.

Bill: Okay. I hope you realize that there are a lot of apartments on smaller pieces of ground than this is. Thank you.

**VICTORIA NATIONAL CLUB COMMONS:**

President Johnson: Next up we have Victoria National Club Commons / Morley and Associates. Nick, you want to come up and talk to us?

Nick Cassala: Nick Cassala, Greenlife Development. We’re representing ourselves here today en lieu of Morley. We have not requested any improvements, drainage or road improvements, for this subdivision. This is work that is a precursor to some of the development and platting it will happen later this year. We’re subdividing these parcels so they can be identified and conveyed to the development company en lieu of club ownership. These two new parcels and the out-lot are all going to be necessary when we put in our new entrance. I’d be happy to answer any questions.

Steve: Jason, do you have a copy of the drawing that’s involved? It would help illustrate to the Board exactly that parcel in question. Mr. Cassala, if I recall correctly, this is basically a lot that was previously subdivided and your just changing the layout of the lot. Is that correct?

Nick: Yes. This lot was subdivided previously. It was known previously as Lot 2. Replat of Lot 2 in Victoria National Golf Club Minor. We have renamed it to Victoria National Club Commons at the request of staff.

Steve: If I recall correctly during site review, he’s basically wanting to re-change the boundaries of this. I think you said it’s a precursor to two new parcels in the out-lot being relayed before you come in with development plans. At this point there’s really no drainage to consider until we have some type of development plan in front of us.

Nick: That’s correct.

Steve: I think he’s asking for no drainage improvements at this time. I believe that would be the correct term to approve. There is no drainage improvements at this time until the site development plan is brought before us in regard to that location we discussed.

Commissioner Saylor: I make a motion to approve no drainage approval request.

Commissioner Weisheit: Second.

President Johnson: All in favor? 3-0.

Nick: Thank you.

**HUFFMAN ESTATES #2 / LUCY LANE ESTATE:**

President Johnson: Next we have Huffman Estates #2 / Lucy Lane Estate / Rodney Young.

MiLisa Lane: I’m the executor of my mother’s estate.

Steve: Jason, do you have a copy of this one? I believe these are larger than 2.5-acre lots.

President Johnson: I’d entertain a motion for no drainage approval.

Peter Rudolph: I have 4 drainage concerns for this project and pictures if you would like to see them.

Morrie: If you submit pictures, they retain them.

Peter: Not a problem. There are 9 different pictures. Picture #1 is the ditch standing on the railroad tracks looking east on the north side of Huffman Road. Picture #2 is showing that there’s 20-inches of standing water in the ditch that the county cleaned the winter of 2017/2018. Picture #3, again, shows the same ditch on the north side of Huffman Road which would drain the proposed subdivision. Although very little water is moving, the culverts are already half full because the water cannot move from the east side of the railroad tracks going west towards Alcoa Hwy, Hwy 61 S. Picture #5-8, like all of us that own land next to older spoils, the stripper pits leak out into the proposed sub site where there’s still standing water. I’m not for sure how perk tests are going to happen if there’s standing water or pass if there’s standing water on the proposed sub site. Picture #9 shows a broken tile on the proposed sub. That broken tile, plus I believe one other, they’re old clay tiles. I assume from what I’ve seen on my side of the road that they’re 6 to 8-inch tiles and go under Huffman Road currently. They are breaking apart just like all the tile in my field and I don’t know what concerns that’s going to have with the use of Huffman Road. As those tiles break there’s more water that pushes through them and under the road on clay, 12-inch, segmented tile.

Steve: The ditch in question, Jason, that’s not a legal drain, is that correct? Along Huffman Road. It’s a roadside ditch but I don’t believe it’s a legal drain. Our comments on requesting no drainage improvements are on the fact that it’s basically residential development lots on an excess of 2.5-acres. The pipes underneath the railroad tracks are controlled by that railroad facility.

Peter: The pipes under the road are clean. That ditch proceeding from those west towards Alcoa Hwy, Hwy 61S, that ditch is not maintained to allow the culverts to flow.

Steve: The pipes under the railroad track is what I was referring to.

Peter: They are clean but water can’t go through them because it doesn’t have anywhere to go.

Commissioner Weisheit: Is it the county road ditch that’s blocked up?

Peter: It would be the ditch beside the road, if that’s a county road ditch.

Steve: For clarification, the 12-inch clay tile, that’s a farm drainage tile coming out of the field.

Peter: They would be 6 to 8-inch in diameter. They’re approximately 12-inches long, individual clay tiles that, on my side of Huffman Road on the north side of Huffman Road, that tile continues. And I believe that it goes under Huffman Road before the road was ever put in.

Steve: No further issues. What he’s also reporting; the Highway Department did ditch that roadside ditch in that location over the winter between 2017 and 2018 because I believe the Highway Department is trying to improve the drainage in that area. There is an aluminum box culvert further east of the railroad tracks about a half a mile or so where water crosses the road. We didn’t ditch from the railroad tracks west back to 61, no. Again, this is before this residential lot development, 2.5-acre plus size lots, when you put the house, associated driveway, you’re not looking at significant impact and if there are floodplain issues, they address that if they have to build above the floodplain when they go through the Plan Commission for their Improvement Location Permit, ultimately a Building Permit. First floor, finished elevations have to be 2-feet above the 100-year flood. That area is borderline. Part of it is in a 100-year flood, part of it is not.

President Johnson: So what is your recommendation?

Steve: Still the same. There’s no drainage improvements required for that development due to the issues I just discussed. That it’s over 2.5-acre lot size. No significant impact for residential development which has been our policy in the past.

President Johnson: So there’s obviously a drainage issue through there but I don’t know if putting a couple houses on there is going to increase that or do anything to that to further create more of a drainage issue. I think somehow we’ve got to get that drainage issue resolved.

Commissioner Saylor: Is that drainage issue being created because of the stalks flowing off of the farm?

Peter: What you see caught in the pipes are the cattails.

Steve: You can ask the County Engineer if he wants to address the issue. We ditched the east side of the railroad crossing, north side of the road. We did all that with permission from whoever owned the farm field, according to the foreman at that time, so they could spoil the dirt. On that large of excavation, we typically like to spoil the residue in the farm field and incorporate it back in the fields where the silt most likely came from. If you’re asking the Highway Engineer if he wants to look at ditching that from the railroad tracks west to 61 to try and improve that, I’m not sure if that’s what Mr. Rudolph would like done to help alleviate some of the drainage issues or concerns he has in that area.

President Johnson: Mr. Rudolph, what exactly………

Peter: My concern is, we already have standing water that won’t drain. I understand that adding a house on 2.5-acres you say isn’t going to increase the amount of surface water. When you add a house. When you add a garage. When you add a driveway that’s impervious and you add 7-houses, and you add a septic and there’s already standing water on the proposed sub, I believe it’s going to increase drainage problems.

Steve: Basically, the coefficients for draining a cornfield or pasture, when you make all this grass or lawn instead of cultivated field, it does bring the balance back into not increasing the development runoff. I mean that’s what the numbers bear on studies in the past.

President Johnson: So what you’re concern is, is that you’re going to add to the standing water.

Peter: We’re going to add to the standing water and I just want to bring it to your attention. If you guys chose to approve the proposed sub drainage, that’s fine. But there’s standing water now, there’s standing on the proposed sub site and there are broken tiles leading under Huffman Road that are going to get more water through them. So they’re eventually going to break under Huffman Road like they break in our agricultural fields now.

President Johnson: Okay, thank you. Is there anything else that you’d like to add?

MiLisa: Only 3 of those lots are designated as building lots. So there aren’t 7 proposed, just the 3.

Commissioner Saylor: On those building lots, are they going to have to be raised?

MiLisa: I don’t think so. They did the soil testing and they said that it was fine for drainage.

Commissioner Saylor: But soil testing doesn’t have to do with a flood zone.

MiLisa: No, it’s not in the flood zone. The flood zone is on the west side of the existing homes.

Steve: My comments were that that area has bits and pieces in the flood zone. I don’t know if these lots in question do.

MiLisa: When I went to the Planning Commission a couple months ago, the red was on the other side.

Steve: I just know the house to the west of the track where Sam Roach resides, he had to get removed from flood insurance.

Commissioner Saylor: So just a simple cleaning of the stalks and that kind of thing, would that not fix some of this issue?

Morrie: Do you want to wait on this issue or act on it today?

Commissioner Weisheit: I’m okay with it as long as we get out there and get the drainage corrected the best we can. I think that’s all Peter’s asking us to do. I’ll make a motion to approve the no drainage approval request with the understanding that our Highway Department is going to take a serious look at it.

Commissioner Saylor: I’ll second that.

President Johnson: All in favor? 3-0.

**PEBBLE CREEK AT BELL ROAD APTS:**

President Johnson: Next up we have Pebble Creek at Bell Road Apartments / Detention basin expansion request / Aigner Construction – Jordan Aigner.

Steve: He’s not here.

Morrie: Mr. Bivins, that’s your project too isn’t it?

Bill Bivins: Bill Bivins, Engineer for Pebble Creek. We were going to propose to expand the two retention basins and make one big one but the apartment owners are not in it anymore.

Morrie: Oh. So you want to withdrawal this? This request needs to be withdrawn?

Bill: As far as I know. My owner said that the owner of the apartments said they didn’t want to do that.

Morrie: And you represent Pebble Creek.

Bill: Yes.

Morrie: And obviously a joint development there would require both of you to participate.

Bill: Right. We were going to but my understanding is they’re not interested.

Morrie: So you can either table it or leave it withdrawn. Mr. Aigner is not here.

President Johnson: I suggest we table it until our next meeting and see if Mr. Aigner will show up.

Commissioner Weisheit: I’ll make a motion to table.

Commissioner Saylor: Second.

President Johnson: All in favor? 3-0.

**CLAIMS:**

President Johnson: Next up we have claims. $80.99.

Commissioner Saylor: I make a motion to pay the claim.

Commissioner Weisheit: Second.

President Johnson: All in favor? 3-0.

**OTHER BUSINESS:**

President Johnson: Other business?

**HICKORY HILL / WHETSTINE HOME:**

Steve: Just one item. I just wanted to report to the board on the Hickory Hill / Whetstine home. In regards to Lot 1 at 1999 Hickory Hill. I think I reported to the board at the last meeting, Mr. Whetstine installed a less than desirable system. It does not correspond with Mr. Bivin’s written design. We’ve asked Mr. Bivins for a sketch to go along with his design. He said he will submit one soon. Still waiting for that sketch and then Jason and I will approach Whetstine with some type of letter saying that what has been constructed since he came to this meeting last is not what was agreed to. Just wanted to report that to the Board.

President Johnson: Thank you. Anything else? Mr. Sherwood, I’ll turn it over to you.

**DEPARTMENT OF STORMWATER**

**OLD HICKORY #5 / O’RISKEY PROPOSAL:**

Steve: Thank you, Mr. President. Just a few things for the Board. I’ve got in Old Hickory Estates #5, a drainage basin request. I met with O’Riskey Excavating in regard to replacing the riser and the pipe to the drainage basin off of Arbor Ridge Trail that we had discussed a few meetings back. Back in May. I have a price to redo the elbow and replace the 45-feet (approx. 45-feet of 12-inch pipe) to the back of our storm drain inlet. I have a total cost of $18,100.00. That’s the only proposal I have. Since it’s such a small project, no one was really interested in giving me a price other than Mr. O’Riskey, O’Riskey Excavating. With that, I’ll leave it for the Board if they’d like to approve the proposal to replace the riser and pipe that was previously discussed at that meeting in May.

Commissioner Saylor: That is the Old Hickory retention basin.

Steve: Yes. Old Hickory Estates #5. The retention basin in the development just south of the substation, on the west side of 261, across from Castle High School.

President Johnson: So you’re requesting that we approve?

Steve: Approve. Yes.

Commissioner Saylor: You said the reason why you only got one bid is because that’s the only one that was interested.

Steve: It’s not that large of work. And O’Riskey has done work in the development before. They seemed interested in giving me proposals.

Morrie: Was it a request for proposal?

Steve: Yes.

Morrie: You didn’t put it out for bid.

Steve: No. I did not. I called, they responded.

Morrie: How many did you call?

Steve: Just two others. A total of 3 which is what we always seek for.

Morrie: And you got their $18,100.00 proposal in writing?

Steve: Yes.

Morrie: And were there specs?

Steve: Other then what I quoted to him when I met him onsite, those were the specifications and they do meet what I quoted him onsite in this proposal.

Morrie: And his proposal reflects those specs?

Steve: Yes.

Morrie: Yes. You can do that legally.

Commissioner Saylor: I make a motion to approve the $18,100.00 bid for the Old Hickory drainage basin fix.

Commissioner Weisheit: Second.

President Johnson: All in favor? 3-0. (Phil Baxter was not present at this meeting)

**HOWARD WILLIAMS DITCH / HYDROMAX PROPOSAL:**

Steve: Last item I have; this regards Jason from the County Surveyor’s office. As you know, the Highway Department ditched the Howard Williams ditch along Epworth Road over late winter, early spring which I think resulted in a tremendous amount of improvement to that drain. Basically from Stevenson Station south, southwesterly, all the way to Oak Grove Road. Bobby’s forces did that with an excavator. We do, however, have two structures that basically still have a certain amount of corn stalks residue residing in them and they weren’t able to wash themselves out with the recent springtime rains we’ve had. Jason met with Hydromax, again a single proposal, to clean that out. It’s a 4x16 or 18-foot wide box culvert which is difficult to get in. He forwarded me a proposal from Hydromax that they propose a $3,500.00 day rate for the service and it does include disposal of the residue that they’ll get out of the box culverts. Jason thinks one day’s time is all it will take to clean the two structures in question. As you can see, the ditch is very flat. It holds any type of minimum slope is impeded by these obstructions. Jason has gone out and inspected the remaining structures on the area that was cleaned and they’re all basically clean. These are the only two blockages. Jason, if you would, please add anything else.

Jason Baxter: When I met with Hydromax they stated that they believe it’s a one day job. That’s not exactly how the proposal was written. It didn’t necessarily say one day. I don’t think there’s an issue with it other than just the wording on the proposal.

Commissioner Saylor: Are they just going to put their hydro-snake up there and blast it all backwards?

Jason: Yes. And they have some type of vacuum that contains it.

Commissioner Saylor: So our hydro-excavator couldn’t do that job?

Steve: Our foreman looked at it and said our equipment would not be able to do that. And again, a $3,500.00 per day rate, we suspect it’ll take about a day’s time. I’m okay with the rate and Stormwater’s proposing to pay for this for the Drainage Board since it is a blockage.

Commissioner Weisheit: Where is that exactly at?

Steve: Those structures…..if you’re familiar with The Body Shop that’s on the east side of the road between Oak Grove and Epworth, this is on the west side of the road across from it. There is Durcholz property to the north and this is the next structure south. Jason will report, those are the only two structures in the segment that was cleaned that’s holding back this type of material.

Commissioner Weisheit: Our skid steer won’t fit in there?

Steve: Not a 4-foot tall structure. No.

President Johnson: So you’re looking for us to approve hiring Hydromax to go in and clean out this obstruction?

Morrie: How do you want to approve it? Do you want to approve for a day or cart blanch?

President Johnson: I’d like to see a hard quote myself. But I don’t want to prolong this because it needs to be taken care of.

Morrie: The other option would be; you could approve $3,500.00 or $4,000.00 for this project and if it exceeds that……..

Commissioner Saylor: I’d like to approve the $3,500.00 and get it done for that.

Commissioner Weisheit: I’ll second if you make that a motion.

Commissioner Saylor: That’s a motion.

Commissioner Weisheit: Second.

President Johnson: All in favor? 3-0.

**OTHER BUSINESS:**

President Johnson: Anything else Steve?

Steve: Joe is in the audience. Joe, do you have anything for the Board today?

Joe Grassman: No.

Steve: With that, I conclude my business unless you have some questions.

President Johnson: Anybody else? Anything to add?

**MOTION TO ADJOURN:**

Commissioner Saylor: I make a motion to adjourn.

Commissioner Weisheit: Second.

President Johnson: All in favor? 3-0.