**MINUTES**

**WARRICK COUNTY DRAINAGE BOARD**

**&**

**DEPARTMENT OF STORM WATER**

**AUGUST 13, 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 Greg Kissel, Bobby Howard, Joe Grassman, Chris Campbell, Linda Morris, John Mattingly, Mike Burkdoll and Don Gries.

**PLEDGE OF ALLEGIANCE:**

President Johnson opened the meeting of August 13, 2018 with the Pledge of Allegiance.

**APPROVAL OF MINUTES:**

President Johnson: First we have approval of the minutes for July 23, 2018.

Commissioner Weisheit: Motion to approve.

Commissioner Saylor: Second.

President Johnson: All in favor? 3-0.

**THREE PINE BLUFF:**

President Johnson: First up we have Three Pine Bluff / Drainage Request / Kissel Land Surveying.

Greg Kissel: My name is Greg Kissel with Kissel Land Surveying.

President Johnson: Steve, is there anything here you want to add to this?

Steve Sherwood: I believe Jason has the official……

Jason Baxter: This is a subdivision that is going to be over 2.5-acres where they’re subdividing and we don’t need any kind of drainage approval.

President Johnson: Do you agree Mr. Sherwood?

Steve: Yes. That’s standard protocol for over 2.5-acres.

President Johnson: Mr. Kissel, is there anything you would like to add?

Greg: I don’t have anything to add. Just here if there’s any questions.

President Johnson: Any questions from the Board?

Commissioner Weisheit: Make a motion to approve.

Commissioner Saylor: Second.

President Johnson: All in favor? 3-0.

**CSV ACRES #3:**

President Johnson: CSV Acres #3 is up / No drainage request / Andy Easley Engineering.

Don Gries: I’m Don Gries with Andy Easley Engineering. I think we filed a request for a waiver of drainage plans on this site. Existing conditions will be the same. There are no improvements being made at the site. It’s just a division of the land.

President Johnson: Anything to add Mr. Baxter?

Jason: Same thing.

Steve: Same thing. He has no development plans at this time.

President Johnson: Any questions?

Commissioner Weisheit: Motion to approve.

Commissioner Saylor: Second.

President Johnson: All in favor? 3-0.

**DRIFTWOOD SUBDIVISION:**

President Johnson: Driftwood Subdivision / Permission to place fence in Allen Ditch maintenance easement / John Mattingly.

John Mattingly: I’m John Mattingly and it’s one of my customers. She has three little boys and one of them is autistic. She wants to put up a fence to contain them. We’re right on the Mulzer ditch. There’s a 40-foot right-of-entry. She’s wanting to encroach on that right-of-entry, stay 10-feet off the bank, top of the bank. Anything that would ever be done there, which in my lifetime I’ve never seen anything done there, but there would be access from Mulzer driveway. There’s cars down in there. It’s about 40-foot deep. There’s cars and stuff down in that ditch that’s never been touched for many years. What she’s asking for is to relax that. To be able to go into that right-of-entry.

President Johnson: What type of height are you looking at?

John: The fence will be 6-foot tall.

President Johnson: Anything to add?

Jason: The only issue that I see is for her to sign a Hold Harmless if we ever need to get in on that side. That’s all we’d need.

John: That wouldn’t be a problem.

Steve: For the record, Driftwood Subdivision is within the town limits of Newburgh. They’re here because this legal drain is maintained by the county. It was a 75-foot top-of-bank, which is normal, then relaxed to 40-foot for this subdivision.

John: We had it relaxed when we did the development.

Steve: There’s a vast amount of growth of trees along that side so access is an issue. I think that’s what Mr. Mattingly is referring to. It’s easier to clean from the Mulzer side. We have similar easement requirements on the Mulzer side.

Morrie Doll: 40 or 75?

Steve: Jason, do you know how much access easement that we have on the Mulzer side?

Jason: I can’t say for certain. I would say 75 but I’m not for sure.

John: There’s a street with our drive that goes right along that ditch. It’s right up against it.

Steve: There’s up to 10-lots that border this side?

John: I’m not real sure how many. The ones that go to the north from there, they actually go at an angel and they’re a lot deeper. So if somebody wanted to do a fence, everyone of them gets deeper.

Steve: And the plat shows the limits of the 100-year flood zone inside that legal drain easement. Is that correct?

John: Yes. 10-foot off of top-of-bank.

Steve: So if for any reason you needed to gain access, he’s asking to be reduced for 10-feet from top-of-bank for the fence. So she’s asking to be 30-feet into a 40-foot easement if I understand that correctly.

John: That’s correct.

Steve: And for the record, it’s lot #32.

Commissioner Saylor: Is there a close up of that Steve?

Steve: The close up attached to the handout doesn’t show the whole lot.

Commissioner Saylor: Mr. Mattingly, if she stays normally where she should stay……what’s her desire here? Just to gain more yard space?

John: Yes. She has a dog and 3 little boys. If she goes to that 40-foot, it’s a pretty small backyard.

Morrie: The problem gets to be, too, if we approve it for one………

John: I don’t think you’re going to need to do it on the ones to the north because those lots are all much deeper.

Steve: Is the house already constructed?

John: Yes. They’re living there.

Steve: And Newburgh would not grant the fence permit without this Board addressing the legal drain.

John: That’s correct.

Morrie: It’s going to be very difficult, if not impossible, to move any equipment on that side of the ditch bank in that area if it’s 10-feet.

Jason: Impossible.

John: If they don’t access that in the next 60-years, which the last 60 I know they haven’t, I don’t think they will.

Morrie: Have we ever permitted a fence in 10-feet?

Jason: I can’t recall one within 10-feet.

Steve: Would the Hold Harmless indicate that the fence has to be removed at the landowners expense if necessary.

John: Yes. I don’t think she has a problem with that.

Commissioner Saylor: Jason, is that you’re opinion?

Jason: Yes. Not that I see in the near future.

Morrie: Other developments in that neighborhood won’t impact that drain?

Jason: I don’t foresee it.

Commissioner Saylor: If there’s a Hold Harmless and she knows if we have to get in there, it’s her expense on the fence…….

Commissioner Weisheit: Maybe by the time that happens her kids are all grown and dogs are trained.

President Johnson: So what we’re saying here is that we will consider it pending a Hold Harmless.

Morrie: I’ll get a Hold Harmless together.

Commissioner Weisheit: I’d make that motion to approve the request as long as there’s a Hold Harmless where if the fence ever comes down, the homeowner would be required to remove it at their expense.

Commissioner Saylor: I’ll second that motion.

President Johnson: All in favor? 3-0.

**FRAMEWOOD ESTATES:**

President Johnson: Next up we have Framewood Estates / Discussion about a pond being constructed north of Campbell’s property / Chris Campbell.

Chis Campbell: Hi I’m Chris Campbell. My husband and I are at plat 75. The lake is being built just north of our property. Right along the side of what’s supposed to be the existing drainage swale for the subdivision. We’ve had problems with the subdivision drainage, it shouldn’t be anything new to the Drainage Board. It started in the late 80’s, early 90’s. We had an official meeting at Castle High School in 2002 where we were promised this drainage problem would be taken care of. Again in 2012, surveyors that did the drainage solution problem for us were at my front porch and all the neighborhood people were there and they promised it would be taken care of. At this point, we’re aging and we want to preserve the integrity of our property for our grandchildren and we’re concerned that this lake being built behind us is going to add even more volume of water to our drainage problems.

(Chris shows drainage plans and pictures to the board. Inaudible.)

Chris: We just found out about this a month ago. None of us were notified that this was going to happen. We’re kind of frustrated and we want to know what you all can do to prevent some real serious drainage problems. Even today, if we have a torrential rain in the next week or so, that mud is going to wash down to our property.

Steve: Nothing has been submitted to the county as far as a Soil Erosion Control Protection Plan. We don’t know if it’s over a 1-acre disturbance or not. The landowner has not contacted anyone within the county concerning the development of a pond.

Commissioner Saylor: Are they required to Steve?

Morrie: Only if it’s over an acre.

Chris: I talked to an attorney and then I also consulted the US Department of Agriculture and their National Resources Conservation Service and they must properly seal the lake. And that’s our number one concern. That they’re not sealing it. Especially putting it on that fresh ground. The other thing is, depending on what feeds water into the lake, whether it’s ground water or spring water or surface runoff, determines what kind of spillway they have to build. Whether they need to put a weir and a catch basin….all that stuff is supposed to be taken into consideration and we have no knowledge about that. I do know that the man that’s building the lake was on the excavator and we talked to him. He said they did not test the soil. He said “It’s pretty good soil up there, we don’t need a liner”. Then I asked him about the spillway. He said “I’m building a dam and a spillway. It’ll go downhill. That’s the natural flow”. And I have talked to Sonya Kasnick. I shared information with her that our subdivision does have a drainage problem already.

Steve: Is it just on Sonya’s property? There’s also another property that borders her immediately to her east.

Chris: That’s her son, Blake.

Steve: Is the pond occupying both properties or just Sonya’s?

Chris: Just Sonya’s property and the spill well will drain between her property and Blake’s.

Steve: The parcel card shows Sonya’s property is 2.4-acres.

Chris: I tried to find out who’s building the lake and what the specifications were and they wouldn’t share that information with me. It looks to take up most of her property.

Commissioner Saylor: Jason, have you laid eyes on this?

Jason: I have not.

Chris: I talked to Phil Baxter and he gave me the impression he was going to go look at it. This was before the digging started.

Commissioner Weisheit: I hope they do something with erosion control. If it’s put in correctly, it might help with the drainage problem there.

Chris: Exactly.

Commissioner Weisheit: As long as they put a keyway in, they shouldn’t have any leakage. They could build a levy and it would retain water. There’s not going to be anymore runoff than what’s currently there because I’m sure they’re catching surface water and when the pond is down, it’s going to retain more water. Then the excess will go over the overflow. So it could help the situation.

Chris: You said if it’s built properly. And that was our main concern. When I first called and talked to Dan Saylor, our main concern, we don’t begrudge them adding a lake, I just want to make sure it’s done properly. Since we’re already on the verge of having bad drainage problems anyway. They have relocated a pump station since I’ve lived there, 33 years. Some improvements have been made but it has to be investigated to make sure that this isn’t going to cause a big problem.

Commissioner Saylor: What’s our authority here?

Jason: We have no jurisdiction.

Chris: But you are responsible for handling that water that enters the subdivision. According to the information you get from the Drainage Board.

Morrie: In a legal drain.

(Chris shows the Board a proposal/drawing from 2012)

Steve: The plan that you’re showing them was a plan that the county had designed……as a matter of fact, the two designs that you’re referring to that you were promised to be built; we attempted to build those but not everybody in the development would agree to it so both projects have failed after we spent over $40,000.00 designing that. What you’re showing them is not an approved plan.

Chris: I understand that but we were never contacted about whether they approved it or not.

Morrie: We had to have right-of-way granted to Warrick County to Stormwater to be able to install those drainage improvements. Some of the neighbors refused to consent to the right-of-way grants. You can’t dump your water onto your neighbor to the south. You have to be able to dispose of it all the way. You can’t start a project partially. If you’re going to do this it must all be able to be interconnected and constructed to work properly. Some of the neighbors refused to give the county right-of-way to be able to do that. As a consequence, none of the project could be installed without all of it being installed. And the county spent $40,000.00 having this designed.

Chris: How does that relieve your responsibility of dealing with this water?

Morrie: Because it’s not a public drain. We have no liability for private drains. The Drainage Board has liability to deal with water in public drains. Every January there is a publication of all the public drains in Warrick County. And it’s those drains that we have responsibility for and can spend tax dollars on improvements for. We cannot do it on private property. This is private property. It’s not a public drain.

Chris: When did that happen?

Morrie: It’s never been a public drain. The public drains in this county have been around for decades and centuries. That’s never been a public drain.

Chris: It was legal enough that when we moved in that the Drainage Board had Don Gore brought in pipes.

Morrie: There can be drains that aren’t public, legal drains, and that’s what this is. It is a drain that is on private property in subdivisions and it’s not a public drain. As a consequence, we don’t have any responsibility for that and we have no authority to enter private property to install improvements on other people’s private property or to spend taxpayer dollars.

Chris: Doesn’t our private property begin where the easement ends?

Morrie: You have a utility right-of-way grant. That’s not the same thing as a public drain. A public drain has to be accepted by this Board every year in January and has to be founded to be of long standing use for public purpose.

Chris: So is that what we need to do? Get a public drain approved? The street will collapse eventually.

Morrie: The frustration is; the Stormwater Board spent 10’s of thousands of dollars in two separate events to try to remedy the problem for your neighborhood but your very neighbors refused to give us the right-of-way to be able to enter upon the property to install the improvements necessary to fix the water problems. We can’t trespass. We can’t come on the property without a dedicated easement or right-of-way to be able to install improvements. And we’ve spent, according to Steve, $40,000.00 in two separate events to design this with outside engineers, to be told ‘no’ by some of the landowners ‘you’re not entering my property’, ‘you can’t dig up my yard’, ‘you can’t install drainage across on my lot’. As a consequence……….

Chris: I understand that, for the third time.

Morrie: I’ve said it for the third time because I don’t understand your question.

Chris: I’m trying to find out what our recourse is. We can’t, as private property owners, dig that up and put a nice little cement place for it to go and run it into the street because we don’t own the street.

Morrie: No you don’t. You can’t do that, you’re right. But as a consequence, it seems to me, your recourse is; you have to convince your neighbors to 100% agree to remedy the drainage problem in that neighborhood. It’s 100%. Anybody we touch has to have that agreement. This very drawing proves the point that we have gone as far as we could go to fix the Framewood drainage problem.

Chris: I’m not sure you did and that’s part of my frustration. Because if you had to get some kind of permission from homeowners……..we never received such a request. Neighbors to the left and right never received such a request. I’m a little confused whether you did everything you say.

Commissioner Saylor: Chris, where is your house on this?

Chris: 75.

Commissioner Saylor: We sent something out. If I remember right, was there something about trees and……….

Steve: Both the plans predate me being the Stormwater Director. I’m recalling from the previous Stormwater Directors before me. That we had spent that amount of money and had these two plans developed by Cash Waggoner. She referred to the public hearing at Castle in 2002. There were two plans involved. This is the second of the two.

Morrie: And there was a meeting at your house with neighbors attending?

Chris: Yes.

Morrie: And the engineers came out and talked to them. And at that point and time they would’ve been told that we had to have right-of-ways.

Chris: Never came up. I’m sorry.

Morrie: You can’t install drains just across anybody’s yard without their legal permission to do that. A right-of-way or an easement must be given. The recollection is; there was a neighbor who refused to give it.

Commissioner Saylor: What if she drew up a letter granting permission to investigate, that they would be willing to allow access on these lots. If you typed up this letter and you’ve got all these residents, would that start a process for you guys to do the work?

Steve: It would have to be every landowner that borders every improvement sited on that plan. That’s where this died last time. The original 1970 something plan for Framewood Estates and Framewood Estates #2 was never finished. A couple culverts missing, a bunch of ditches were never constructed. Roads were accepted for maintenance at the request of the Planning Commissioner because the developer went belly-up. The other two partners with Mr. Gore left him holding the bag so the county accepted the streets just so we could maintain them. But the drainage system was never completed per the original plans. This was an attempt to do that plus address other drainage issues within the development that have occurred since it’s original development in the 70’s. That’s my history of it.

President Johnson: So where do we go from here?

Morrie: Well we would need a right-of-entry. If you’re going to reactivate these plans, you have to build it into your budget and I don’t know that we ever had an estimated cost of construction. These plans would have to be let for bid. But before the county went that far, we went out to ask for rights-of-entry and right-of-way grants so that we knew, if we therefore got a bid, that the county could afford to pay for it through Stormwater, that we had the legal right to enter upon the folk’s properties for purposes of making these improvements. And when we ran into people saying ‘no’, then we pulled the plug on the project.

Chris: I have a question for Mr. Sherwood. If you said that the drainage was never approved for the subdivision……

Steve: Never completed.

Morrie: It wasn’t installed.

Chris: I realize that. But the street was approved.

Steve: The streets were accepted for maintenance at the request of the residence at that time.

Chris: So what happens if the street collapses.

Steve: The County will fix the streets.

Morrie: They are public streets.

Commissioner Saylor: I think what our counselor is saying is; we can’t enter somebody’s property illegally, so if you could get some written permission that they’re willing to give that permission, then it would be a project that we could look at. It sounds like we’ve tried to do this twice and ran into road blocks.

Chris: Is there any way to find out who objected to that.

Steve: It’s not so much finding out who, we just have to start from ground zero and notify everybody.

Morrie: They may not even be in your neighborhood anymore.

Steve: And they would all have to agree 100% up front before this Board wants to put another nickel into this project.

Chris: I know people that are approving of it.

Steve: I’ve heard from many of them and I’ve told them all the same thing. If we get a petition with 100% of the affected properties, we would look at reviving it and make it a project again. We really don’t want to spend much more money than we’ve already wasted for a project that never happened.

Commissioner Weisheit: Do you have an active Homeowners Association?

Chris: No. A lot of people object to that as much as they do giving up the right-of-ways.

Morrie: So you understand that if you can bring to us 100% of the people in the neighborhood, a signed petition asking that drainage improvements be installed in the neighborhood, then we could look at reactivating the project?

Chris: And that’s based on this plan?

Morrie: That’s the most recent. I don’t know if the engineers would still…….there may be some new technique.

Chris: And that’s my only fear. Is that we get this approval and I have this hand. Then we submit it to you. Then you come out with a different one and the people say they didn’t agree to that.

Morrie: The only thing we can tell you is, you’re holding the latest and greatest and expensive engineering plan for your neighborhood.

Linda Morris: My name is Linda Morris. They had a meeting, which I didn’t attend because I live across the street, but they have a swale behind their properties that’s on an easement. Is there anyway you guys can do something about cleaning out that swale way so if something does happen, at least they have some kind of waterway to take it down or out of the………I don’t think we ever appeared before you guys with that. And as far as drainage in our subdivision, is there any way to put pipe in the streets? On the edges of the street?

Morrie: I don’t know what the engineer’s report was in 2012.

Linda: In 2012, the plan they had was an old plan from Don Gore. They kept staying with the old plan which we already had all the water we could take.

Steve: If you want us to look at anything to modify this plan, we have to start all over again.

Linda: I just wondered if there was some way to put it in the edge of the street and use the easement for a sidewalk to stay out of their yards, away from their trees and put something coming down the hill to take it away from us. Maybe take it down Hickory or bring it on down Framewood.

Morrie: That would be extremely expensive.

Steve: Where you live, you and I have talked about this before, yours is the main ditch in your backyard that takes it out to Frame. The original plan and most of these other plans still hold to that theory because water runs at the lowest point.

Linda: Right.

President Johnson: Thank you.

Morrie: That 2012 plan was a 25-year flood.

Steve: 25-year storm design because that’s what the pipes down the street can handle. My point is; we’re not going to get rid of all the flooding 100%. It will help but it won’t get rid of it in a major storm event that’s larger than these structures can handle.

Chris: I have one more question. If we contacted the engineering group that would do this kind of drainage, what kind of cost are we talking about if all of the homeowners split it?

Morrie: Thousands.

Chris: We have hundreds of people.

Morrie: The only thing that makes me think that won’t work is if you’ve got neighbors who won’t give right-of-way, why will they give money?

Chris: I was thinking if we had people who have problems with the existing plan, if we can have them view a plan that would be acceptable to them, then where would we go? If I had more information about what their objections were and the plan can be altered to make them feel more comfortable……..

Morrie: In addition to having a design that is engineeringly correct to address the problem, it has to bear in mind the cost. All counties have limited resources. If you said you’d like for us to rip the streets out and bury underground drainage and detention, it would cost $100,000.00 times 10 to be able to do that. It has to have a practicality and an affordability component to it so that we can actually pay for it. You have to have that in your mind when you’re having it designed. My suggestion is that you show everybody the design in your hand and ask them if they would approve giving right-of-ways or easements to design a plan similar to that in your neighborhood. And see if you can get a 100% agreement in writing to do that and then come back and see us.

Chris: If I do that and get a couple people object and they specify what they object to, does that automatically kill the plan? Or can you revisit the design?

President Johnson: If it’s absolute no then it’s probably going to be a kill design.

Steve: You have to give consideration, too, the utilities are already buried below ground that are going to conflict with any proposed drainage system. That just increases the expense having to remove them or work around them or reinstall them. It all adds to the cost. We do not control construction of ponds or lakes.

President Johnson: If it becomes more than an acre……..

Steve: Then we can look at it from a soil erosion control aspect.

Chris: How can we find that out?

Jason: The aerial that I have of the pond…….over an acre would be a lot of this property. It would be hard to put more than an acre of pond……

Morrie: I want you to understand something that Steve was saying. He was not saying that we regulate liners or dams. All we can regulate is an environmental impact of the construction site having runoff and erosion.

Steve: Whoever is building and disturbing the soil should be following standard BMPs for controlling any erosion.

Chris: Our concern is the erosion of that soil, especially over the next few weeks. Thank you for your time.

President Johnson: Good luck with your neighbors.

**ASHBURY PARKE:**

President Johnson: Next up we have Ashbury Parke / Retention basin revised amendment proposal / Mike Burkdoll.

Mike Burkdoll: We have submitted through Jason a plan designed by Easley and Associates to solve the problems in the subdivision. They include abandoning the existing underground storm system and replace existing castings with solid cover or fill solid with concrete. The second point is to install concrete flumes to carry the stormwater to the pond. And number three is to grade new 22-foot wide emergency overflow. We’ve identified two complications. One of them is that one of the flumes would have to cross part of the neighbor’s property and we have his verbal permission that we can make that legal if you all decide to approve us going forward. The second complication would be locating the utilities, if there are any, in the way of the flumes. We’re not sure about that. We think we’re clear but we’re not sure about that.

Morrie: What about the pool elevation of the detention?

Mike: The pool elevation wasn’t changed and they made a determination that it was okay. The outflow was okay and I can’t remember anything else that was in question there.

Morrie: I was thinking that was the thing that triggered the whole initial inquiry about this was that the pool elevation……

Jason: It was because the pipes were submerged.

Commissioner Weisheit: So we’re going to eliminate those then?

Mike: Yes.

Steve: And when you say eliminate or abandon, are you going to dig them up and fill them in or fill them full of concrete as they sit or what was your plan?

Mike: We were going to see if you guys preliminarily approve this and then we’ll go forward with some drawings. We could submit those at the next meeting.

Steve: And that would include a flume detail or concrete chute detail how you propose to construct those.

Mike: Yes.

Morrie: Are there only two drains?

Mike: Yes.

Steve: Yes. One from each cul-de-sac.

Morrie: So the surface flow takes care by gravity feed.

Steve: It would basically be a gravity flow from each cul-de-sac to the basin. But you do wish to keep the pool elevation where it currently is or about 2.65-feet above the original design. And then install the emergency spillway at the correct elevation to match the current design.

Don Gries: As Mike has stated; what they’re proposing to do is eliminate the two inlets in question. As they were constructed, they were designed to dump into a dry basin. To alleviate the standing water in the pipes, they’re looking at taking those out of the drainage system entirely. Where those two inlets are now, they’d be replaced with an overland drainage flume. And at one, I think probably the southerly most cul-de-sac, that would be replaced with a concrete flume for a short distance and then go to a grass swale. Getting it to go downhill overland will not be an issue.

Steve: I believe you’re wanting to know, basically if this concept is good so you can proceed before investing anymore money into it. I’d like to ask the county engineer if he had any concerns for the flow going overland through a chute and doing away with the sub ground drainage from the cul-de-sac.

(Bobby Howard is speaking but not at the podium. Inaudible.)

Steve: If the Board gives him consensus to proceed, you would come back and we would amend this drainage of Ashbury Parke for the record and have them submitted as amended drainage plans to correct the situation.

Commissioner Weisheit: So we just need a consensus today?

President Johnson: Mr. Baxter, do you have any issues with this?

Jason: No. I think it’s a good design.

Morrie: Bobby, any concerns?

Bobby: We’d probably want to try and salvage the grates and the castings if this was approved because we reuse those.

President Johnson: Steve, you have any issues with them proceeding to draw up some plans?

Steve: No. I think a consensus at this point to follow the plan before you would be a good idea.

Commissioner Saylor: I’m good with that.

Commissioner Weisheit: I’m fine with it.

President Johnson: I’m good with it.

Morrie: There you go.

Mike: Come back on the 27th pending design?

Steve: One question before you leave. It’s your intent to pay for all these improvements?

Mike: We didn’t think we’d talk about that until next time. We don’t know where we stand as far as negotiating with you guys. The pond was raised and started a series of bad events.

Morrie: But we didn’t raise the pond.

Mike: No. I’m not saying you did. Not at all. But the spillway should have been in the original plan and it’s going to be an expense that we’re going to have to absorb to do what should’ve been done.

Steve: The emergency spillway was in the original plan, it was just never constructed.

Morrie: But we don’t like using public money to fix problems that were created by private property owners.

Steve: Technically, if it becomes an amended drainage plan, there is usually a cost associated and a potential letter of credit to ensure that those improvements are made. I just wanted everybody to understand that.

Mike: Ok. Thank you.

President Johnson: Thank you.

**CLAIMS:**

President Johnson: Claims.

Commissioner Saylor: I make a motion to approve the claims.

Commissioner Weisheit: Second.

President Johnson: All in favor? 3-0.

**OTHER BUSINESS:**

President Johnson: Other business? I’ll turn it over to you Mr. Sherwood.

**DEPARTMENT OF STORMWATER**

**SHADOW RIDGE SUBDIVISION:**

Steve: Thank you. On the agenda we have a bid opening today. Shadow Ridge Subdivision Drainage Improvement Project. We had a pre-bid meeting last week. Five contractors were solicited to attend. Three showed up and I have three sealed bids received in a timely manner for Morrie to open and read publically.

Morrie: I’ve been handed three bids in sealed containers dealing with Shadow Ridge Subdivision. First is Jerry Aigner Construction and it is file marked August 10th. Time stamped at 1:29pm, which was prior to the deadline.

Steve: While he is opening that I’ll report to the Board; this project consists of basically replacing 140-feet of 36-inch corrugated metal pipe with the same amount of 36-inch diameter of HDPE pipe. Homeowners have agreed to remove the fencing and we will seed and straw the affected areas after grading and installation.

Morrie: First bid from Jerry Aigner Construction is an unspecified bid. Blank, final number bid proposal of $46,850.00.

Steve: And the county will supply the pipe. The contractor is being hired to install it.

Morrie: Second bid is filed stamped August 10th at 11:56am from O’Riskey Excavation addressed to Warrick County Stormwater Department. It consists of a proposal for the same project for Shadow Ridge Subdivision. Labor, equipment and material. Removal and replacement of the concrete sidewalk. The total bid is $35,935.00. Third and final bid that’s been provided to me, file marked August 10th at 11:30am is by Dieg Brothers. It consists of more clarification and description of the labor to be performed. It does not include the piping as Steve indicated earlier and the scope of work submitted is a lump sum bid of $44,655.00. I’ll return all documents to Steve for safe keeping.

Steve: For the Boards information, once notice to proceed is issued, they have 10-days to start and two weeks after starting to complete the project. I would ask that you award to the low bidder you have before you.

Morrie: Does it match your budget for this year?

Steve: Yes. I have the funds.

Commissioner Weisheit: I make a motion to award the project to O’Riskey Excavating for $35,935.00.

Commissioner Saylor: Second.

President Johnson: All in favor? 3-0. (Phil Baxter was absent.)

**OLD HICKORY ESTATES #5:**

Steve: Thank you. Old Hickory Estates #5; the retention basin fix for the structure. It was previously awarded to O’Riskey. I have photos before you that the structure was replaced last week. All that’s remaining to be built is the sidewalk that had to be removed to get to the back of the street inlet. Initial reports from the homeowners committee is they are very happy with the work that was performed. We ran into a 4-inch sub-perimeter drain in the basin that was connected and ran as a separate pipe that we paid for the materials to be done as well. Just to report to you that it was completed in a timely manner.

Morrie: Will we have a change order for that?

Steve: I don’t know if we will or not. I haven’t gotten the word. We supplied material for both structures.

Commissioner Saylor: I also heard from several residents who are ecstatic about the project and the way it was handled. So thank you very much.

President Johnson: I have the same comment. I’ve heard from some homeowners out there and they’re very pleased and very happy that this got resolved. Thank you. We are studying the next aspect of the drainage improvement in that development. That’s what I wanted to report to the Board for this meeting for that project.

**TANGLEWOOD DRAINAGE PROJECT:**

Steve: Next on the agenda; I have information. Bobby and I met with Lochmueller Group. They were the consultant involved in the Tanglewood Drainage Project. They have most of the hydraulic information. As you know, Pleasant Ridge is immediately upstream. It made sense to meet with them to discuss how much it would cost to get a proposal from them utilizing the existing information that they have on file. I expect to have a proposal to bring before the Board by the end of this month. Just an update.

**BELLEVUE SUBDIVISION:**

Steve: Bellevue Subdivision. We spoke about a drain that has yet to be constructed on the west side of Bell Road that drains into the drainage basin on Bellevue. I have word from Bobby who spoke with the developer that, as of last week, they will have equipment onsite within two weeks to correct that situation. I know we directed Morrie to send a letter. I put that on hold pending the results of holding the current time frame sited to us that that issue will be constructed and taken care of to drain the western Bell Road right-of-way between Angel Drive and the hilltop to the north.

**EPWORTH ROAD:**

Steve: Epworth Road; I’m happy to report to the Board that the contract that Jason received from Hydromax for cleaning of the culverts came in less than the amount approved by the Board. It came in the amount of $3,277.50 which was less than the $3,500.00 sited. Here’s a picture to see how good of a job that they did in cleaning the two culverts in question. Thank you to Jason for providing those. I believe the other culvert matches or equals the condition of that one.

Morrie: Do we have other projects like that waiting?

Jason: Nothing in the pipeline now.

**6344 FERSTEL ROAD:**

Steve: Last item I have; house under construction most of this year and into last fall at 6344 Ferstel Road. I’ve been involved with the contractor that was doing the site work and the homeowner of the facility, Mr. Ainscough. Naas was the contractor hired to do dirt work in the front of the parcel. We had a lot of soil erosion into the Ferstel Road right-of-way and it’s run down on two properties down the hill. The Highway Department received an official complaint from one of them a couple weeks ago. Again, it’s another one of those sites that didn’t require a SWPPP up front because we didn’t know there was going to be any disturbance. It hasn’t been determined if it’s been over an acre but I have been in contact with both contractor and the homeowner that they need to clean up the mess that’s left and I’m waiting for them to do so. Just wanted to report to the Board for their information regarding that matter. That’s all that I have.

President Johnson: Anything else?

Steve: Joe, do you have anything?

Joe Grassman: No.

**MOTION TO ADJOURN:**

Commissioner Saylor: I make a motion to adjourn.

Commissioner Weisheit: Second.

President Johnson: All in favor? 3-0.