**MINUTES**

**WARRICK COUNTY DRAINAGE BOARD**

**&**

**DEPARTMENT OF STORM WATER**

**August 28, 2017**

Regular Session

Old Historic Courthouse

107 W. Locust St. Suite 303

Boonville, In 47601

812-897-6170

The Warrick County Drainage Board and Department of Storm Water met in regular session with Bob Johnson, President; Dan Saylor, Vice President; Marlin Weisheit, Secretary; Phillip H. Baxter, Surveyor; Jason Baxter, Deputy Surveyor; Steve Sherwood, Director of Storm Water; Morrie Doll, Attorney; and Kim Lutton, Recording Secretary.

Present in the audience was Bobby Howard, Tom Keith, Francie Renschler, Neil Chapman and Justin Shofstall.

**PLEDGE OF ALLEGIANCE:**

President Johnson opened the meeting of August 28, 2017 with the Pledge of Allegiance.

**APPROVAL OF MINUTES:**

President Johnson: First we have approval of the August 14th, 2017 minutes.

Commissioner Weisheit: I make a motion to approve.

Commissioner Saylor: Second.

President Johnson: All in favor? 3-0.

**WATERFRONT AT OLD HICKORY:**

President Johnson: First up we have Waterfront at Old Hickory / Request for a continuance / Cash Waggoner, Glen Merritt.

Steve Sherwood: If you’ll recall, at the last meeting they asked for a 30-day basically continuance. They were scheduled to be here today originally but they said they couldn’t meet the deadline so we granted a continuance to the first meeting in September.

President Johnson: Ok.

Commissioner Weisheit: I make a motion to continue that.

Commissioner Saylor: Second.

President Johnson: All in favor? 3-0. Ok, we’re going to continue that until the first meeting in September.

**LEXINGTON ESTATES:**

President Johnson: Lexington Estates / Drainage vacations / Andy Easley Engineering.

Tom Keith: Hello, Tom Keith, Easley Engineering. I’m here for First Federal Savings Bank. We brought the plat before you back in May. It was approved for drainage. It will be recorded conditionally upon getting these easements vacated. We’re here before you asking that this drainage easement be vacated, as it is no longer needed.

Steve: I believe Phil has the packet and they have a series of easements in that package and they all relate to the vacation of the plat that’s already been previously discussed and they’re all related to that.

Phil: We recommend approval.

Commissioner Weisheit: I make a motion to approve.

Commissioner Saylor: Second.

President Johnson: Have a motion and a second. All in favor say aye. 3-0.

Tom Keith: Thank you very much.

**HALSTON MANOR:**

President Johnson: Next we have Halston Manor / Discussion about the retention pond / Neil Chapman and Justin Shofstall.

Justin Shofstall: Good afternoon, Justin Shofstall, Easley Engineering.

Morrie Doll: Before we start, can I just say one thing? Have you told the APC about those easements being vacated?

Tom Keith: Yes.

Morrie: Ok. Are you going to file an amended plat?

Tom: The plat has been filed and has been approved.

Morrie: Thank you. Just wanted to make sure.

Justin: The last meeting, if you’ll recall, we had the request to try and get some pricing from the contractors for those options for the drawdown. At the last meeting, Tom Keith at our office had a discussion with Steve Sherwood in regards to having a preference for a sluice gate in lieu of using the closed pipe with a valve. That was part of the reason why we had the last minute submittals from the contractors today around noon with the low bid coming in from John Hahn at Jack Hahn Excavating for doing what was originally proposed but with the upsize for the 12-inch pipe and valve, that was $8,886.56. Then the option of using the sluice gate, which was preferred by Mr. Sherwood, that option is $4,677.41 as far as being the control drawdown for the existing release structure. That way in those times when any maintenance has to be done with the upstream drainage system itself or anything around the actual embankments of the pond, using the sluice gate we’ll be able to open that up. It would be essentially going to the edge of the box, turning a large control wheel and then opening a sluice gate, allowing that drawdown within 24 to 48-hours. At the 48-hour mark, it would allow for any maintenance on the upstream structures for the pond.

Steve: Let the record reflect, Bobby Howard, County Highway Engineer, is here for this meeting. He wasn’t at the previous ones due to being on vacation. If the Board will recall, I sent an email on July 26th with some discussion items I had for the Board which I resent this morning prior to the meeting just to recap. Just for the Boards clarification, the estimate that you have, you have the 12-inch pipe basically with an external valve that would be in the new pipe and that will come into the embankment and then into the release structure?

Justin: That is correct.

Steve: So that the whole thing can be operated on land so to speak. And then the Waterman canal gate is basically a type of sluice gate put into the wall of the existing retention structure.

Justin: Right. That would be at the face of the wall at the lake surface.

Steve: And they would still have to maneuver to get out there to operate it in some fashion.

Justin: Correct.

President Johnson: Will that be locked? How is that going to be secured?

Justin: There is an option to where you can put a lockout on it. It would be the same thing as a lockout tag for large pieces of equipment. It would be a lockout tag with a master lock. Of course the county would have a copy of and the Homeowners Association would have a copy of. Another option would be mounting a Knox box there. That would be a bit of overkill in my opinion.

President Johnson: So would this take care of the issues Mr. Sherwood?

Steve: Well we have the two proposals here submitted before you. The sluice gate or Waterman canal gate, I just thought that might be a simpler, less expensive issue than trying to go the cost of a 12-inch gate valve. I believe he’s shown you some numbers that show the cost for each. And then I proposed to the Board, some information about the timing of when to keep the basin down at the lowest incoming structure because the issue was to keep the structures dry but from their point, they have enough water in the basin during most of the year or certain months of the year to prevent the horse hair algae from growing. With Bobby being here, I didn’t know if Bobby had any other comments he wanted to get on record now that he has the opportunity to speak.

Bobby Howard: Bobby Howard, Warrick County Highway Engineer. My only concern with this is, I just want to make sure that we have a chance to dry these structures before we do any work out there. So if one of these options is acceptable to all parties, we’re fine with it. We would prefer our structures to be dry under the road but I understand the concerns that the residents have at Halston Manor and if it takes 48-hours to get it drained down, roughly before we can do some work on it, I mean that’s just some scheduling on our part but we can accommodate that if that’s necessary.

Commissioner Saylor: I drove over there and laid eyes on all this and I see that if I was a resident there, I see nice homes, nice pond and I also see our guys needing to be able to maintain that. So if there’s a solution that might fit everybody’s needs.

Justin: That’s the opinion of our office, as far as what we’re trying to look at, as far as what could be the best case scenario to work it out to where we address those concerns to where if the county does have to do maintenance to where they have to the underground utility locate, and that’s typically 48-hours, that should give them enough time to allow for the drawdown of the pond itself and maintain any structures and anything around the embankment but still maintain the esthetics of which are the problems that the homeowners inherited.

Commissioner Weisheit: Steve, there was one other thing you brought up at the last meeting and I think it was in your email, about the debris rack to be put on there.

Steve: Yes. In the original plans there was a debris rack, I believe it was a rebar device that may or may not have been originally installed. It’s not there anymore. I don’t know if it ever was installed. And that was to prevent someone from falling into the outlet structure, not so much a debris rack, I think probably more for safety reasons to keep a child from potentially falling through the screen. Just in case of large storm events and outflowing of water, Commissioner Weisheit and I talked about the reason it was there, I was sure it was to prevent someone from falling in and maybe getting sucked into those pipes.

Commissioner Weisheit: It wouldn’t be a big expense on top of this but something that might be needed.

Justin: Since that time, they have come out with high density polyethylene plastic trash racks.

Neil Chapman: It was never there but we discussed that in some of our meetings that it probably should be because the Homeowners Association has a liability there as well so everyone’s concerned about safety. That’s a good idea. Thank you.

Commissioner Saylor: That would be my concern too.

Steve: Was there any concern, then, from the residents? We had talking internally too, not in front of you all at the previous meeting, of holding the water elevation at the lowest elevation of the incoming structure during the winter months just to avoid water being in those structures at all when the horse hair algae are not growing.

Justin: And I believe that was also covered in part of our initial report as well, to where if that was a concern, the freeze/thaw. That would be another instance where we could use the drawdown incase we’re looking at long periods with the freeze/thaw.

Steve: And I didn’t know if you or Mr. Chapman or residents had a feeling of a time table that the drawdown could happen to prevent water from being in the pipes through the winter months say from November to March or November to April and then close the valve and let the water elevation go back up so the horse hair algae does not grow. I didn’t know if you had a time period through the winter months that you guys were thinking about?

Justin: I’m thinking that, as far as with what would be found with your asphalt plants, which is mid-December to the beginning of March would be ideal because at that point any of those chances that the hard freezes would occur in that timeframe. And that also allows for where it can be closed off with having the warmer temperatures and being able to fill back up from the spring rains.

Steve: And if the Board was to consider that, is there someone or some mechanism to make that valve open during that time period? Then you guys would come back out and close it at the expiration of the annual time period?

Justin: Mr. Chapman, please correct me if I’m wrong, but I believe he said that since the structure is on his lot, he would be the “go to” person for the Homeowners Association in regards to the level of the lake. Is that still correct?

Neil: Not with that. We have a contract with Aquatic Controls to maintain the fountain pump and they come out and they pack away the pump and then put it back so I could maybe outsource that to them. But someone will be responsive certainly. I’m not the most mechanical person but if someone will teach me how to do it, I suppose I could do it.

Steve: What was the time period, again, that you’re suggesting?

Justin: Mid-December, around December 15th to March 1st which is about the same time as when the asphalt plants are shut down. That way you still take care of the coldest months.

Commissioner Saylor: When do you guys have your pump taken out and placed?

Neil: Mid-December to March 1st.

Morrie: So the three things I’ve heard are that whichever of these two are selected, one would be, it could be drawn down from the Highway Department purposes for maintenance or drainage on a 48-hours’ notice. I’m just unsure who has the right to drawl it down. I know you would but in an emergency situation, is it going to be locked and would the Highway Department have a key?

Justice: One, if the county requires that it be locked out, then of course we would furnish a lock casing.

Morrie: Wouldn’t you want it locked?

President Johnson: I would think you would want it locked.

Neil: Yes.

Morrie: Alright, so it will be secured and the Highway Department would be given a copy of the key so if they had to they could drawl it down?

Justin: Yes.

Morrie: And then, seasonally, it would be at a lower level for what we call the winter season which would be the 15th of December to the 1st of March and it would be at the higher pool (when we say lower level, we’re talking about to the bottom of the lowest incoming structure).

Justin: That elevation would be 391.77.

Morrie: And then in the summer months it can be at what you’ve been running it at so that you could retard horse hair algae. Is there any other terms or conditions that the Highway Department wants? What about the surveyor?

Phil: Fine with it.

Morrie: So that would be the way the motion would read. At one point we did talk about a Hold Harmless if there was water determined to be the cause of damage to any of these underground structures that the Homeowners Association might be responsible for that. We haven’t talked about that today. We did talk about that in the previous meeting. I don’t know if you care about that or not.

Phil: I think with the restrictions on the winter, I don’t think it’s necessary.

Steve: And we also need to include installation of the debris or trash racks.

Morrie: Oh, yes, sorry. Thank you.

Steve: And I would say the motion should say installation of the trash debris rack as on the approved plan or equal.

Morrie: Ok. You guys understand?

Justin: Yes.

Morrie: There’s newer technologies as I hear it, that might be better. And also less expensive. Is there anything else that the Board would want in the motion?

Commissioner Weisheit: I’m okay with it.

Morrie: How soon are you going to do this?

Neil: What I wanted to suggest, we have our annual neighborhood association meeting the second week in November so if we could have until December 15th?

Justin: As with the drawdown on that,……..

Morrie: Which one are you doing? Are you doing the sluice gate or are you doing the gated valve?

Justin: The cheaper option is from Hahn Excavation and that’s the sluice gate at $4,677.41.

Morrie: Does the Board care?

Commissioner Weisheit: No. And that’s the one Steve recommended.

Steve: Just for the record, I think that’s simpler because if it gets blocked, it’s easy to get to. If you have a gate valve in the middle of so many feet of 12-inch pipe, I don’t know how you get in there to clean it.

Morrie: So if you do the sluice gate, when does the Board think it should be in? Should it be in before the winter season this year?

Commissioner Weisheit: I think so. That’s December the 15th.

Justin: On that option, not knowing exactly what the contractors schedule would be, I would say that would give them the chance to where the lake itself could be pumped out by December 15th and down to that elevation that we need.

Morrie: I would think that’s the important thing is to get the water out of the pipes and incidentally that’s also what the county wants.

Steve: That’s my recommendation because they have to drawl the pond down to install this anyway.

Morrie: So your contractor is going to get a pump truck and lower the pond?

Justin: Yes.

Steve: Either by knocking out or saw-cutting a portion to let it drain or pumping it out.

Justin: The critical thing is to get the water out of the way, that way whenever they start doing the saw cutting on the actual face of the structure to install the sluice gate……..

Morrie: We’re talking about you having the pool elevation to its winter level by the 15th of December. Whether you’re done with the sluice gate or not.

Justin: Correct.

Morrie: Is that satisfactory to the Highway Department?

Bobby Howard: Yes.

President Johnson: And then we would have something in place before we raise the elevation.

Morrie: Yes. March 1st. They’d have the winter to work through it if they needed to.

Commissioner Saylor: I make a motion to install a sluice gate by December 15th and the installation of the trash rack safety retention bars and that the county has an access key and has access at any given time to adjust the pool level.

Morrie: Plus we could access it in an emergency by 48-hours advance notice. And we would have a seasonal pool level where it would be maintained below the lowest incoming structure level from December 15th to March 1st. Did you mention the debris rack? And it isn’t necessary that the sluice gate be finished installed by December 15th, just that the pool level be at its winter level by December 15th.

Justin: Correct.

Commissioner Saylor: That’s my motion.

Commissioner Weisheit: And I will second that motion.

President Johnson: All in favor? 3-0.

**OTHER BUSINESS:**

President Johnson: Other business.

Francie Renschler: I’m Francie Renschler and I live at 2322 Brandalin Drive and my husband was here June 26th to talk about a pool for our backyard. When we originally turned in the pool and the Hold Harmless agreement, which passed from you guys, we had this drawing. Then when Doug, from Town and Country Pools came, they were like ‘no that’s not good enough you need to use this plat’. So it turned out that our lines were not exactly to this plat to this. So we were measuring from the middle of the ditch which is the Gardner-Webb Ditch but apparently it’s supposed to be at the top of the bank and then there was some confusion about the easement.

Phil: If you remember, we did this a month ago. We reduced from 50-feet to 30-feet and now they want another 10-feet.

Morrie: What did we reduce it to?

Phil: 30.

Morrie: From 75?

Phil: From 50.

Morrie: So now your pool is still in, even though it’s been reduced, it’s still in the right-of-way.

Francie: Yes. It was under our understanding; we were just 10-feet in but then with this new plat we’re a lot further in then we thought. The lines were very confusing.

Morrie: So how far are you into the already reduced right-of-way? Another 10-feet?

Francie: Right. So we’re going from, you guys gave us 10-feet, now we would need 19-feet. But the pool hasn’t moved from where it was. It’s staked in exactly the same place. It’s just on, on the drawing where the lines are drawn, you realize we didn’t have as much to work with as we thought.

Morrie: An I take it the pool is immovable? It can’t come closer to your home?

Francie: Well it could. We just hadn’t redrawn it. But not too much.

Morrie: Like 10-feet closer?

Francie: We could make it 10-feet but we’d walk out of our…….We haven’t had it redrawn to pull it in.

Morrie: But that’s a possibility.

Francie: Possibility. It’s not been built because we don’t have our permit. It’s staked right now.

Morrie: What if the pool is moved closer to the house? I know that’s not your first choice but we’ve not narrowed a right-of-way that small.

Commissioner Saylor: How far is the edge of your pool from your backdoor?

Commissioner Weisheit: 29-feet, isn’t it?

Francie: I think so.

Commissioner Weisheit: Would it bother you to move it up a few feet?

Francie: We could redraw it. If we were to redraw it closer, 10-feet closer, would that make a difference to you all then? Would that be close enough?

Morrie: Well we’ve already approved 10-foot. So you wouldn’t need any further approval if you move the pool 10-feet closer to the house.

Commissioner Weisheit: Actually 9-feet.

Morrie: Is that to the edge of the water of the pool?

Francie: That’s to the edge of the concrete.

Steve: And that’s a 4 or a 6-foot sidewalk around that side?

Francie: 4-foot.

Phil: Actually, we’ve never reduced any less than 30 simply because, if something happens, we have to get equipment in there and it would destroy your pool. So if you could move it the 9 or 10-feet, we would appreciate it.

Francie: Yes. And then because you already approved that in June…….

Morrie: You don’t need another approval. You already have what you need. But you still need to deal with the APC.

Francie: Yes. Ok.

**CLAIMS:**

President Johnson: Next up we have claims. $882.57.

Commissioner Weisheit: Make a motion to pay the claims.

Commissioner Saylor: Second.

President Johnson: All in favor? 3-0.

President Johnson: Any other business?

Steve: Just one last note on the Waterfront at Old Hickory that was continued to the next meeting in September; Cash Waggoner did file some plans with Phil’s office on August 23rd so Phil and I are reviewing those. That’s all that I have for Drainage Board.

President Johnson: Ok, Stormwater.

**DEPARTMENT OF STORMWATER**

**ANDERSON ROAD DRAINAGE IMPROVEMENT PROJECT:**

Steve: Stormwater, thank you. First item I have; we’re going to open bids received on the Anderson Road Drainage Improvement Project. This is at the intersection of Anderson Road and Logel Road. We had 3 bids received timely out of 5 invited contractors of which 4 showed up at the pre-bid which was not a requirement. Those 3 have been received and are before Morrie for him to open at this time.

Morrie: Could I ask Bobby a question at this time? Bobby, our GIS map is a service that we pay for that is really very expensive but needed. Did we ever work that out? Because Stormwater paid all of it the last six years.

Commissioner Weisheit: The budget hearing the other night, they brought that up by the usage.

Morrie: Ok, good. But we are renewing it. That is what I was driving at is we’re all still going to be able to use the GIS.

Commissioner Weisheit: They broke it up by the amount and they had some way of figuring it out who used it by how they clicked on to the service. They had it broken down by percentages by each department so it’s going to be split up in about 5 departments I guess.

Phil: We’ve already been to the Council.

Morrie: So how are they going to do that?

Phil: Exactly.

Steve: And the new aerial service for, I believe 6-years, has already been signed and executed.

Morrie: Really?

Steve: A couple months ago I believe by the Board of Commissioners.

Morrie: Alright, I’ve been handed 3 bids by Steve addressed to the Warrick County Department of Stormwater Management. They indicated that they were all received on the 25th of August. The first one I have is from Deig Brothers. They’re all sealed. It indicates that this is the Anderson Road Drainage Project, addressed to Mr. Sherwood. Modifications and all the descriptions of the scope of work. Single price submission of $67,735.00. The second one is from O’Risky Excavation. Also the same information. It’s addressed to Stormwater Management pertaining to the Anderson Road Drainage Improvement Project. Single estimate of $53,990.00. The last one I have is from Metzger Construction Inc. identified to the same project. It is proposed to do all the labor etc. for this project, $62,180.00. That’s all I have.

Steve: Warrick County will be supplying the drainage structures and pipes for this project. This is for the labor to install it. This is to correct a too small a pipe situation due to a ditch enclosure by the upstream landowner. This roadway has been washed out in many large storm events because the structures in place cannot handle it. This work needs to be prior to our paving of that portion of Anderson Road. Vectren is working on a gas line relocation as we speak in order to accommodate our drainage structure project.

Commissioner Weisheit: What’s the cross street there on Anderson?

Steve: Logel. Right down there in the valley. The two hilltops north of Ferstel Road.

Phil: I motion we go with O’Risky for $53,990.00.

Commissioner Weisheit: I’ll second.

Phil: Did you have a question, Dan?

Commissioner Saylor: I was just going to ask, why are we bidding this out and not doing this internally?

Steve: We’d decided to take it on as a Stormwater Improvement Project and the homeowner, I got a temporary right-of-entry with, last name of Pruitt is quite sensitive to his yard and issues regarding this. I’ve gone to great lengths to get it to this point in order for us to install it. Bobby, any comment as to Dan’s inquiry? I know the Highway Department is busy.

Bobby: We’re trying to get the road paved this year so the purpose of that was to try to do what we could to get it done ASAP. So that’s probably why some of the prices are a little higher than what I would’ve expected. They know we’re in a hurry because this project has been put off for a couple years because of this drainage problem and we have not been able to get anything designed and move forward until now. We’re finishing up chip and seal and we won’t get to it for another couple months or so.

Commissioner Saylor: So your concern, Steve, is the landowner and him being pretty particular. Does this contractor assume this responsibility and liability?

Steve: Yes and we have some utility conflicts that we’re going to be in close proximity with and working out. This was all explained at the pre-bid. I started this project in February and it’s taken me that long to get permission from the homeowner and permission and resolution to the utility conflict with Vectren.

Morrie: What’s the time frame of construction?

Steve: We want to begin as soon as Vectren is complete which could be as soon as the end of this week. The contract specifies September 11 start date or sooner.

Bobby: And Vectren is onsite today.

Morrie: And when would Anderson Road be paved, Bobby?

Bobby: Metzger’s has it on their schedule. There’s another project, ditch enclosure, up the road that they’re working on.

Morrie: So yet this fall?

Steve: Yes. Our intent is to be paving as soon as the end of September.

Commissioner Saylor: So how long?

Steve: I’ve got in the contract, no more than 3-weeks or by the end of September.

President Johnson: You good?

Commissioner Saylor: I’m good.

President Johnson: I’ve got a motion and a second. All in favor? 4-0.

**COUNTY HIGHWAY EXCAVATOR:**

Steve: Thank you. We have a project involving the county highway’s excavator in the field side of Telephone between Stevenson Station and Libbert. Those concrete lined ditches, we were put off in the spring at the request of the farmers to do it in the fall when their crop comes out. So we have a lot of ‘crop comes out’ scenarios tied up here in a short window. We want to do it from the field side so we can just spoon it out in the field, let it dry and then run it out with a road grader.

Bobby: Phil, you’ll just get with me on what that is exactly so we can try to schedule something?

Phil: We’ll just have to see how the crops come out.

**RICELAND MANOR DRAINAGE IMPROVEMENT PROJECT:**

Steve: Thank you. Next item I have is the Riceland Manor Drainage Improvement Project. I have before the Board’s consideration; I had asked O’Risky to do one change order for all the extras that needed to be done in order to make the Riceland Drainage Project work out that’s intangible items that weren’t necessarily included in the bid such as relocation of private storm drains coming from gutters. We encountered some utilities that had to be worked around. We had to have an extra hole cut in one of the concrete structures. If you recall, we originally had this approved as a much larger project and we tried to modify the structures and use them because we already bought and paid for them so we had to modify one of the structures. And because of the larger holes and downsizing the pipes, there’s more grout required. Total amount of change order #1 and the only change order for this project is $3,921.53. I would ask for the Board’s approval for change order #1.

Commissioner Weisheit: Motion to approve.

Commissioner Saylor: Second.

President Johnson: All in favor? 4-0.

Steve: Thank you. And with that, the entire project is complete. The original bidded amount of $38,520.00, we shall move that forward for payment but I would ask for the Board to approve the final invoicing to that amount sited.

Commissioner Weisheit: Motion to approve.

Commissioner Saylor: Second.

President Johnson: All in favor? 4-0.

Steve: That, together with change order #1, the total project then was $42,441.53 for the record. Just to conclude on Riceland Manor, we did get a nice thank you from Mr. Magazine who was quite thrilled with the project. I think I forwarded it on to the Board and I did speak with the other property owner, Mr. Bob Dale who’s also pleased with the efforts that was done out there.

**PEBBLE CREEK SWPPP:**

Steve: I’ll move on to another item that’s come up. I believe the Board has seen an email late last week regarding the Pebble Creek Subdivision Stormwater Pollution Prevention Plan. Apparently the contractor jumped the gun. There was a SWPPP submitted for review by Mr. Bivins on August the 14th. I did review the SWPPP and there were corrections that had to be made. On this past Wednesday night, I worked late to get those comments to him. They had started working the site. I spoke to the contractor on Tuesday prior that the approved SWPPP was not in order. They are willing to cease and desist and stop if so ordered. I did have a discussion with the contractor today, they said that Mr. Bivins shall have everything submitted to me by the end of today so that I can finish my review of the SWPPP and get an approved SWPPP. I did not know if the Board wanted to site any fines, fees or stop work order at this point.

Phil: I’m sure the contractor was aware that there was nothing that was approved because he was told that the day before they started work. Is that right Mr. Sherwood?

Steve: That’s correct. I had a conversation with him on Wednesday of last week. Actually on Tuesday of last week.

Morrie: Which project or which subdivision is this?

Steve: Pebble Creek Subdivision. At the southwest corner of Vann and Bell Road.

President Johnson: Recommendations?

Steve: I felt necessary to bring it to the Board. Each time we have a fine, fee or penalty or stop work order, unless I’m empowered by the Board, I bring those to the Board for the Board’s decision. If I can get everything approved by tomorrow and they can have an approved SWPPP on file, there are a couple other issues that exist with the subdivision that I’ve described with the Planning Commission the week prior. We understand that the approved street and drainage plans on file are being modified slightly. We don’t have any amendments before us to reflect those changes and the primary plat was filed originally in 2010. It has a 5-year time limit which in 2015 they filed for a 1-year extension which expired in 2016 but yet they want to file a secondary plat without the primary plat technically being active. Now that’s an APC issue but the approved street and drainage plans, what they wish to do, are being reflected in my SWPPP but they don’t bare out the approved street and drainage plans that are on file. Technically they just want to eliminate 150-foot stubbed out street to the south and then accommodate the drainage to be shifted accordingly. But, again, we’re getting into approving a SWPPP not based upon a 100% finally completed plan approval that reflects that information.

Commissioner Saylor: We’re talking about drainage and things underground right?

Steve: That’s correct. Storm drainage above and beneath ground.

Morrie: Detention?

Steve: Detention won’t be affected. It’s in a part that’s not being changed but 90+% of the subdivision won’t be changed. It’s a small part to the south.

Commissioner Saylor: And Mr. Bivins is the Engineer on record?

Steve: Engineer on record of the approved plans and subdivision plat on file.

Commissioner Saylor: And he holds a current license?

Steve: In professional engineering and land surveying.

Commissioner Weisheit: What do you recommend counsel?

Morrie: It’s really the wide discretion of the Board. You’ve got everywhere from a warning letter to a cease and desist letter with monetary fines in between if you choose. It just depends on, has there been a repetitive pattern with this particular developer or engineer or contractor of violation or not? Do you want to send a message to the engineers, developers and contractors in the general community that this is not something to be taken lightly, you really need to get this done? I know we had another one earlier in the year, maybe last year. Magnolia.

Commissioner Saylor: With all the issues that we deal with, this is the drainage and underground structures that we’re going back years to repair, I think they should have all their ducks in a row.

Commissioner Weisheit: I’d like to send them a letter with a real tight time frame on it of when they have to have everything in compliance or the next letter will be a cease and desist. That’s my opinion. Give them a frank amount of time where it’s definite that they follow what they need to do with your office.

Steve: If that’s what the Board chooses, I would request that Morrie construct that letter in conjunction with the APC items so this is all covered under one letter. He is also counsel for the APC.

Commissioner Weisheit: Morrie, are you okay with that?

Morrie: Yes.

Commissioner Weisheit: What kind of time frame?

Morrie: End of this week? Friday of this week? To have everything ready?

President Johnson: So they’re going to continue to work through this week?

Morrie: If you do it that way they will.

Commissioner Weisheit: And then give them how long to respond?

Morrie: No, I’m going to send the letter tomorrow with the understanding that they must have everything done by the end of this week.

Commissioner Weisheit: And they should be able to do that.

Steve: Most of it is paperwork by the design engineer. Bill Bivins. But he should copy the owner of the subdivision, the design engineer and the contractor.

Commissioner Weisheit: How do you feel, Dan, about that? I’ll make this motion if you’re okay with it.

Commissioner Saylor: I’m okay with it.

Commissioner Weisheit: I’ll make the motion to go ahead and have counsel draft a letter and send it and give them until the end of the week to have everything properly filed with all the needed parties.

Morrie: Yes, sir.

Commissioner Saylor: Second.

President Johnson: All in favor? 4-0.

**SQUIRE ESTATES / MANCHESTER BLVD:**

Steve: Thank you. Next item I have is to report to you on the Squire Estates Drainage Improvement Project which is also known as Manchester BLVD. As you are aware, Aigner Construction is the contractor for our project. Aigner Construction was also awarded the blight elimination on the house removal in the middle of our project. I was informed that they will start the blight elimination house removal tomorrow. Upon completion of that this week they should start the final grading of all of our work and theirs. Our portion is to be sodded. Their portion is to be seeded and strawed with their seeding and straw efforts for the house removal. Once that’s done the intersection will have its surface asphalt put down shortly and then the project will be completed. So I just wanted to bring that to the Board’s attention for an update. And with that, Joe is in the audience, I don’t know if Joe had anything for the Board?

Joe Grassman: No.

Steve: With that, I’ll conclude my business unless the Board has any questions for me.

**MOTION TO ADJOURN:**

Commissioner Saylor: Make a motion to adjourn.

Commissioner Weisheit: Second.

President Johnson: All in favor? 4-0.