**MINUTES**

**WARRICK COUNTY DRAINAGE BOARD**

**&**

**DEPARTMENT OF STORM WATER**

**September 27, 2021**

Regular Session

Old Historic Courthouse

107 W. Locust St. Suite 303

Boonville, In 47601

812-897-6170

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

Present in the audience: Jim Morley Jr, Glen Meritt, Woodfield Subdivision-HOA members

**PLEDGE OF ALLEGIANCE:**

President Bob Johnson opened the meeting of September 13, 2021 with the Pledge of Allegiance.

**APPROVAL OF MINUTES**

President Bob Johnson: First we have the approval of minutes for the September 13, 2021.

Commissioner Dan Saylor: I make a motion to approve

Commissioner Terry Phillippe: I will second

President Bob Johnson: All in favor 3-0

**MORLEY & ASSOCIATES—OAK PARK SUBDIVISION—AMENDED DRAINAGE PLANS**

President Bob Johnson: First up we have Morley & Associates Oak Park Subdivision amended drainage plans approval tabled from August 23rd meeting

Jim Morley Jr: Jim Morley Jr, Project Engineer, we were here a couple meetings ago this is an older subdivision that some things got built and they are not in compliance with their original plans and so we are coming in after the fact and trying to modify some of the existing construction into compliance with a modified plan and I think we had worked out way through a majority of everything there was a question on overflow of a rear yard swale and the cross section of a swale staying inside the drainage easements. I think we got that far at our last meeting and then we went back and did some work on our side, I think I had a conversation with Steve and Phil in a meeting on the side and we come back and resubmitted a revised plan that has, we added a second area drain on top of a large pipe to act as an emergency spill way if you will for that area behind the houses. We put on that secondary spillway what is called a “milk-stool” castings a big gulp cup or anything like that and then we amended the cross section of the swale to allow it to fit inside the existing drainage easement so I believe we’ve addressed all the concerns that we discussed previously and I would ask for approval of those modifications.

President Bob Johnson: Okay, Phil do you have anything?

Phil Baxter: Yes, we all agree this would be an ideal fix for it.

Commissioner Dan Saylor: That is kind of what you wanted…

Steve Sherwood: Yes, we addressed the issues we discussed prior to tabling it at one point we discussed the secondary structure on top of the larger one but these two emergency overflows will do the same thing.

Commissioner Dan Saylor: So, you guys are both okay with it?

Steve Sherwood: Yes.

Phil Baxter: Yes

Commissioner Dan Saylor: I make a motion to approve the amended drainage plan for Oak Park Subdivision

Commissioner Terry Phillippe: I will second.

President Bob Johnson: All in favor 3-0

Jim Morley Jr: Thank you

**WOODFIELD SUBDIVISION, NEWBURGH, IN 47630**

President Bob Johnson: Next up we have Woodfield Subdivision to discuss retention basin issue.

Jim Morley Jr: Jim Morley Jr Project Engineer, I just passed out something out for you it’s just an aerial photo of where we are at in Warrick County the back side is a technical exhibit. As you drive down 261 there is almost like a bridge if you will and that goes over the emergency overflow of this basin to help visualize which lake we are talking about the pedestrian bridge they have a walk path around that lake. A while back, a couple months ago I think Steve; you had met with the neighbors out there on the site and..

Steve Sherwood: We corresponded, we didn’t actually meet.

Jim Morley Jr: Years prior to that an elbow was installed on the original discharge pipe that was there as part of the original subdivision Woodfield Subdivision was originally developed by Greg Moore and were the original Engineers and then that development company went bankrupt so there was a couple engineers slotted in there in the way until it sold at auction then Steve Blankenberger bought it and it has a story behind it. Along that path an elbow was put on the original discharge pipe coming out of that lake and raise the water elevation

Steve Sherwood: P813, the 36-inch pipe close to 261 for reference.

Jim Morley Jr: Yes, so an elbow was put on there to raise the water elevation because evidently when that was built originally there were some areas in it that were shallow and when Mr. Blankenberger bought it that area was overgrown and needed a lot of tender loving care. He had done what he could do to deepen it in some areas that were shallow and kind of scum and moss growing on it and then from his past experience in the dirt industry and dealing with lakes he knew that deeper water was good when it comes to keeping your lake clean, so he put an elbow on that to raise the pool elevation to have a higher quality of water.

Commissioner Dan Saylor: Jim, what was the pool elevation on that before the elbow was installed?

Jim Morley Jr: The original design pool was supposed to be 412.

Commissioner Dan Saylor: Okay.

Jim Morley Jr: The existing pool as it sits today is 413.85 so about a 1.85-feet so to speak. Whenever that pipe got put in for some reason I don’t know why the original pipe got put in lower than it needed to be and got put in at 410..or 410.9 I should say, and so an elbow got put on there really before the majority of those houses was built out there as part of the conversation with the Home Owner Association and Steve Sherwood there was a discussion how that elbow wasn’t on the original plans so that drainage basin is not in compliance with the original design, so the Home Owner Association reached out to me and really there is two things that play here…1. Is the storage capacity of that basin has been altered because of the elbow and the other is how the pipes flowing from the subdivision into the basin work and so there is really two things at play. We decided to attack them one at a time to deal with them one at a time, so from the storage volume standpoint the Home Owners Association wanted the way it is now when the 50-year storm comes when the water comes up it actually covers parts of the sidewalk to go around it, the neighbors didn’t want that because the debris that would be on the sidewalk and they cant walk there.

Commissioner Dan Saylor: So, that’s the 50?

Jim Morley Jr: Yeah, that’s for the 50 year storm up above the sidewalk, so they said they want to make it so when the 50 year storm happens it never gets on the sidewalk. We went around surveyed the sidewalks, the houses and that stuff and we said to make that happen we need to lower the pool elevation from what it is today so currently the pools at 413.85 and we said we need to take it down to 413.1 so we need to lower it about 9-inches and that will make it for when the 50 year storm comes up it will make it doesn’t go across the sidewalk and when we do that it’ll increase that capacity. So, we were able to provide the storage that is required in the Woodfield drainage report by lowering the current elbow rim, but it is higher than it was in the original design because the basin had access capacity in its final form. That is pretty common we have basins that come in and it has excess capacity because that was the shape of the piece of the ground that was left so they dug a hole and it looks nice. We were able to overcome the capacity issue and leave them with a lake that was 9-inches lower than it sits today and we meet Warrick County Ordinances for detention requirements, the lake doesn’t go down 2-feet or whatever it just goes down 9-inches so for the neighbors it’s pretty close to what they had before so that seems to be a win-win on the detention side of things. The other part of the riddle to be solved is dealing with the pipes that come into the basin because the pipes that come into the basin as is normally designed in Warrick County we design our pipes under what is called a “pure gravity flow” so at the end of the storm the pipes are empty there is no standing water in the pipe. The pipe coming into the water it is at the pool elevation, well because our desired pool is above the end bound pipe elevation we have water that basically permanently resides going back into the pipes. This isn’t necessarily a bad thing, ya’ll are familiar with the Drury Inn over at Crosspoint Evansville, that whole subdivision they didn’t like the looks on having a bunch of pipes out so on the original phase all the pipes that entered that lake were intentionally buried underneath the water from an esthetic standpoint

Commissioner Dan Saylor: Plastic or concrete pipes?

Jim Morley Jr: I believe they were concrete pipes.

Commissioner Dan Saylor: What are these then?

Jim Morley Jr: These are plastic. The difference is you have to do different calculations to determine whether or not that pipe has capacity, if they drain dry if you will, we use a gravity flow calculation if they don’t drain dry they have water sitting in them then we do a head calculation so if that pipe is functioning in a head situation where the water is basically pushing it out the other end. That is not a bad thing it is just a different calculation, in a normal subdivision we do a gravity situation and this situation because of… I will say the history of the project, the storage history of the project, and what the neighbors saw and what everything got built out there we are seeking to allow those pipes to work underneath a head condition instead of a drain dry gravity condition. We wanted to come to you today to see if that is something…I have not presented to Phil or Steve those head calculations because they take more time we wanted to come to you all today to see if you would entertain, not saying you would approve, but you would entertain and if so we can proceed with doing the head calculations that those pipes will function under head conditions without ponding water in the roadway. I feel like that is important because you don’t want water ponding in the road to make the pipes work, so it is important on our end that all head differential occurs underground there is no ponding in the streets, there’s no water standing in the curb line or anything like that. One of the pipes is at the end of the cul-de-sacs which isn’t a big deal, but you don’t want anyone want to hydroplane driving in standing water our job would be to prove all of those head differentials occur under the surface and be underneath the pipes. In this situation I believe it is stated on the plat, but speaking with the neighbors again this morning the HOA has responsibility for the maintenance of those pipes as it leaves the right of way and it turns into the HOA situation and they are willing to accept the maintenance of those pipes. I don’t know if I can say that there is an upside or downside of having a submerged pipe, it is just a different calculation so we are seeking I guess a consensus, I don’t know if that is the right term? Just a little bit of guidance to say we are willing to entertain if you can prove… we would be willing to entertain that idea we just didn’t want to keep running forward without coming here first and getting some guidance and the HOA obviously trying to keep their cost down as possible, I don’t want to give them a bill that nobody wants to pay.

Commissioner Dan Saylor: Jim, I got a question if we got a 100 year rain you know we’ve gotten 8 inches in a half hour...so we get a substantial rain like that…are there or is there any homes or structures in jeopardy if we get a rain like that? In other words would that go out that overflow?

Jim Morley Jr: Great question, there is two overflows we need to look at in this situation, 1. Is the emergency overflow in 261 and the other overflow we need to look at is in the street is it going to pond and go into someone else’s house or pond over and break over two houses into the lake before it gets to anyone’s house. So, really there is two overflows to look at there, the 261 is an easy question and easy answer we are lowering that in conjunction of lowering in height. The lake, no problem at all, as you can see on this document here we went through and we shot the lowest adjacent grade where it stands for LAG (Lowest Adjacent Grade) we shot the house, the pool deck, and the concrete or whatever was there because that was part of where we did our calculations to make sure we weren’t going to back something up and get I wouldn’t say we don’t want to get into anyone’s house but it’s just as bad if we somebody’s pool. The pool deck was typically the controlling grade, there was a house that wasn’t finished before we did this, so we would need to check that house to confirm there is a break over point, but from both of those cul-de-sacs there is a concrete sidewalk to go down to the lake that should work, for lack of better terms a paved emergency overflow if you will, I would need to go back and check it now that that last house has been finished. That house was still under construction and the dirt was there and the yard was tore up at the time, great questions that would be something that we want to make sure we check because if we get that 200 year storm or whatever we want there to be an emergency overflow from the curb inlets from the lake, not just from the lake to the alpha ditch. There are two sets of emergency overflows to check, the second one we had not checked in that cul-de-sac because that house wasn’t finished at the time, but we would check that as part of the head calculation.

Commissioner Dan Saylor: My next question, in your professional opinion plastic versus concrete, is there any derogation of the pipe you know, holding water, is the life of that pipe whether it is concrete or plastic does that affect it? Have you done research on that or is there anything out there that can?

Jim Morley Jr: I’ll be honest with you, I have not, I mean pipes are obviously built to have water in them you know, after 50 years when pipes have water in it does it degrade it if it is concrete or PVC I don’t….I can’t speak to that if it does or doesn’t.

Commissioner Dan Saylor: I can’t imagine it does anything to plastic concrete, however the freezing or anything

Jim Morley Jr: Typically in this situation for two of the three pipes I know for lack of better terms there is air above them, the third one would be totally submerged to lake side as it goes up so as that water will freeze and expand…it’s not like it’s in a box that has no room to grow, it would be allowed to kind of expand and grow up into the pipe, if you will, but I can’t speak to whether or not 30 years of water would degrade one of them or not.

Steve Sherwood: Under you proposal the 15-inch pipe would be under water 24/7 365, the three incoming pipes on the original plan were are designed for pool elevation 412.00, the northern most point is a little above it at 412.06, but the 15-inch in the middle and the 36-inch at the southern end the 15-inch would still be completely underwater and the 36-inch would still have half full of water.

Jim Morley Jr: The original design was at 412, so the 15-inch would be….oh

Steve Sherwood: Right, but if it was a stall on the 412 it was lowered by your own field data

Jim Morley Jr: If we lowered to the 9-inches the 15 would still be…

Steve Sherwood: I don’t know if there is raise those back to where they were or if the whole pipe follows uniform grade, but since all these pipes come from streets we are to assume this is under County maintenance, this is the first I’ve heard if the Home Owners Association would want to take over maintenance from those pipes to the road right of way to the basin if that is what you mentioned earlier?

Jim Morley Jr: The homeowners would prefer they didn’t have to, but if that’s what it takes to save the lake at this level, they would be interested at that

Steve Sherwood: Per your numbers the emergency overflow at 261 was never put in by original design it was too high?

Jim Morley Jr: Correct.

Steve Sherwood: That should be lowered at least to achieve the original design or depending on what the Board decides if they are going to allow what you are presenting.

Morrie Doll: Well, it’s not proposed to be lowered the original it was for the 414.5 you are proposing to lower it to 414.4, so it is about a foot difference

Jim Morley Jr: The difference between the design pool and the emergency overflow is the revised design poo and emergency overflow is off by a hair because it is a little bigger that whatever is originally designed. The relative difference is pretty similar again, but that was…. things got a little squirrely at the end of that project and so for whatever reason not everything happened how it was supposed to….

Steve Sherwood: My original concern was we don’t have what was approved out there. The design pool it’s been modified without previous approval from the Board, we’ve been fighting a couple different subdivisions with that, Halston Manor is a great example of four pipes that were completely under water and we’ve come to an agreement to get that rectified.

Commissioner Dan Saylor: Here’s ….I think one of the differences there as a Commissioner and on the Board is that we have a Developer that is still here, I know Mr. Blankenberger has done thing on his own to try and help fix some things where as in Halston the Developer is nowhere around. The other thing here what is important here is that you said the HOA is willing to assume some responsibility for these underground pipes as far as maintenance if they were to need some…

Jim Morley Jr: Yeah, we had that conversation today, we have the representatives from the HOA neighborhood are here if they want to say anything too

Commissioner Dan Saylor: The other thing too, not so much this instance, but just a comment you know, some of this if it wasn’t designed to put in as a specification…I know this was probably done I don’t know how many years ago, 20 years ago? This is one of the things we’ve tried to put in place or wanting to put in place with inspections the Engineer signs off on it and we find out it has not been done to how the Engineer said to have done to. My thing is, maybe if there is a little, I know Mr. Blakenberger might not like this, but maybe if there is a little letter of credit done where if something is not done right or something that we have a little bit of recourse to go back to. Again, that’s not directed to him, there have been a couple Developers that have even moved out of town and we don’t have any recourse and it’s not fair that tax payers have to pay for something that wasn’t done right in the first place. I know I’ve talked a little about this, but the big thing with me is that if you have a HOA that will have responsibility for this in case we all may be gone by the time the pipe fails, but I think to be responsible to tax payers I think that’s something we…you guys are tax payers and look at other subdivisions too because you don’t was 100 of these sitting around. That’s my comment.

Jim Morley Jr: I will say you are correct, back in the day we didn’t have to do…we didn’t do any kind of record drawings on storm systems back then, now we do a record drawing on the basins and make sure the basins are the right size and that kind of thing 15-20 years ago when this was done it just wasn’t on anybody’s radar, it wasn’t anything we did in Warrick County.

Commissioner Dan Saylor: Like Steve said we are dealing wither several and this here doesn’t …I understand if I had a house here and even in some of these other places I’d like it to look cosmetically pleasing and I wouldn’t want the weeds and all that and I want everyone to agree on that. However, we also have to look at it from if the pipe is going to be there 20-30 years from now and we’d have to go in there and replace it that’s a big expense.

Jim Morley Jr: I think in this situation, for what it’s worth, I think in any kind of agreement on who maintains it, it would be a HOA versus a Developer because the HOA is a reoccurring thing that kind of for lack of better term in theory I think Morrie would agree it could disband at some point, but this is a very large subdivision with high end homes and those types of HOA don’t tend to disband because everybody wants to protect their investment

Commissioner Dan Saylor: That’s why I say if they can put it in agreement that the HOA disbands, because in some subdivisions they have and even in the higher end subdivisions maybe they have to do a letter of credit to carry so that if something happens in 10-20 years…. I don’t know…

Morrie Doll: Could I ask Jim three questions? Most of the conversation tonight has been about the 15-inch pipe being under water, is that rectifiable?

Jim Morley Jr: To be honest, not without ripping it back to the curb inlet, and there is a sidewalk right on it in theory you could…

Morrie Doll: Is there enough cover you could change the angle of fall?

Jim Morley Jr: Not very easily because that pipe is on a slope, in the original gravity control equation there is a slope that is required and would have to have that capacity and if we rip that entire pipe out it has a sidewalk right up above it that goes back to the thing, if you rip the entire thing out in theory you could fill the bottom of the curb inlet and you could lay the whole pipe again, but that’s thousands of thousands of dollars.

Morrie Doll: Would the….in addition to assuming the maintenance responsibility for the pipes being the Home Owners Association assuming it, would they also execute a Hold Harmless Agreement to Warrick County so if this doesn’t work and we begin to pool water in the cul-de-sacs or cul-de-sac, and we have a liability claim from a motorist or by standard or somebody. Would they also consider an addition to assuming maintenance and assume the County harmless?

Jim Morley Jr: I think that conversation seems reasonable

Steve Sherwood: If the Board was to consider that, I would think Mr. Morley would have to do that study he hasn’t done yet to preclude these pipes would work on the site too.

Jim Morley Jr: Unfortunately, I can get sued for anything so I want to make sure they work

Morrie Doll: Do we know if the affected land owners of the property owners where the pipes run, particularly the 15-inch pipe, are they agreeable to this becoming a container pipe instead of a drain completely pipe?

Jim Morley Jr: You mean a pipe that holds water? I did not ask them that question specifically, it has been that way the best of my knowledge since they have been there, but we can ask that question to them specifically.

Morrie Doll: Okay, thank you.

President Bob Johnson: Terry?

Commissioner Terry Phillippe: Nope

Morrie Doll: So, the question to the Board is not whether they would approve it or not because you haven’t done the calculation, would they entertain the idea of you presenting for possible approval these changes that you have outlined today is that correct?

Jim Morley Jr.: Yes

Morrie Doll: You don’t want to waste the time?

Jim Morley Jr: Right, you have the right to say no when we come back next month, but if it’s a hard no today I don’t want to waste their money today. If you are willing to entertain it…

President Bob Johnson: I don’t think it’s a hard no, Jim. Steve, are there any requirements that you would want for Jim to present at our next meeting along with the calculations?

Steve Sherwood: As he said he would have to do the study that hydraulically they would not put any water back in the cul-de-sac at the certain storm of that and then I would assume the attorney would need a Hold Harmless and some kind of covenant or agreement that the home owners are going to take responsibility for the maintenance of the three pipes from the right of way to the lake and then bring that before the Board and basically if they are wanting to endorse your re-design of these pool elevations and pipe releases, emergency overflows, for your consideration at that time assuming he meets all of those variables.

Jim Morley Jr: Another thing I need is proof of emergency overflow route from to the cul-de-sac to the lake for the 500 year storm to make sure water doesn’t get in the house

President Bob Johnson: Councilor anything else?

Morrie Doll: No, Sir

President Bob Johnson: Are we all in consensus that we should have Jim come back with calculations and approved plan for Hold Harmless and pipe?

Morrie Doll: Yes, he would just need to know…

Jim Morley Jr: That is what I am trying to look for. I will try to get back here next month, I just want to make sure everyone review and everything in advance with the pipes and stuff to Phil and Steve and if Morrie could get documentation for you to look at. Hopefully we can get back together next month to make sure we get that…fair enough?

President Bob Johnson: Thank you

Steve Sherwood: When you say next month do you mean 30 days or 2-weeks?

Jim Morley Jr: I meant the 2 weeks.

Morrie Doll: The second meeting of October.

Jim Morley Jr: I just want to make sure that everyone has time to review everything, and all I’s are dotted and all T’s crossed, I don’t think two weeks will give us enough time to do that. Thank ya’ll I appreciate it.

President Bob Johnson: Thank you

**GLEN MERITT-CASH WAGGNER & ASSOCIATES—HILLSIDE MEADOWS SUBDIVISION**

President Bob Johnson: Next up we have Glen Meritt Cash Waggner & Associates with Hillside Meadows Subdivision amended drainage plan approval

Glen Meritt: Glen Meritt with Cash Waggner & Associates, I’m the Engineer on the project, the plan I have before you today I’m sure everybody is well aware of this development it’s off Sharon Road. I had a few issues during construction, I will make comment, some of the rain events on the site have been fairly large rain events beyond the 50 year storm, I don’t think it would’ve mattered what was installed then

President Bob Johnson: Glen, the County has gotten hit by 50 year storms…

Glen Meritt: Nobody will give me an amount of rainfall and duration, but Steve lives a couple miles away from this development and he said he had a river in his back yard with over 2.5-inches of rain and the subdivision next to him had 3-foot of water in the road. Anyway, this area we’re talking less than an acre on this northeast end of Hillside Meadow, it’s an extremely small watershed that is running back on this northeast corner. The contractor has been hit with one rain event, they come back and build it bigger and they have been kind of expanding it over the past month and a half, and they finally got to the point where they finally have on in place that hasn’t breached for probably the last two months, I don’t think we’ve had any issues from the past could months, but the rain has backed off as well. Going through the process we’ve adjusted the erosion control plan a few times, spoke to Steve last week and he suggested going ahead and making a temporary sediment trap that we have constructed on the site to make a dry basin on site that is what I have done. Like I said, there is basically one acre draining there now, and now there is 1.84 acres draining there originally, but before anything happened on this site it was all wooded with the design we changed the high point of the ground and only taken an acre back there on that corner. With this new dry detention basin it will store the 100 year storm in the dry basin and all we have for the outlet is a 6-inch outlet pipe draining to that northeast corner which is 1 CFS running off that site for a 100 year storm for the original 5 year undeveloped with a wooded was over 3, so we’ve cut the release rate and basically a third of it and that is what we have before you. We’ve added a few swales and some berms on that northeastern property line to direct everything in that northeast corner to this dry basin in the outlets. There is a 20 foot easement to the east of us that will capture this water.

Steve Sherwood: Just to recap from the previous meeting you remember Walter Smith and the few other gentleman that were in here, I believe my report to you Meyers Landscaping has been on Mr. Smith’s property and they were also under the employment subcontractor with BMB to do additional work inside this development to help rectify some of this.

Glen Meritt: They did a lot of the erosion control improvements over the last couple weeks.

Steve Sherwood: If you see basically on the contour line the northeast corner of the subdivision was originally allowed to run un-detained, this amendment to the drainage plan will correct that it will leave a minimal berm on the north and east side and inside that berm there will be a new drainage swale to collect the water and direct it to the northeast corner into a permeant retention basin. The permeant retention basin will act as a siltation basin on the control plan, it will remove the accumulative silt and be a permanent retention basin with a control outlet device and I believe Glen has demonstrated that the release will be less than the pre-disturbed condition and the water will be allowed to flow easterly to the drainage structure on the west side of Jeffries
Lane.

President Bob Johnson: Okay

Commissioner Dan Saylor: Steve, these are some photos from the last meeting that retention basin, you are proposing…this is new correct?

Glen Meritt: That is new on the drainage plan but there is a feature that basically represents that out in the field right now.

Commissioner Dan Saylor: Okay, that would fix this issue here? In your opinion Steve?

Steve Sherwood: That is what he is proposing, yes on this drainage plan.

Glen Meritt: Again, like I said it is choking that water way down…

Steve Sherwood: He still has a proposed emergency overflow in case this gets innedated and breaches the storm he is designed for but I believe he has told you it will contain the 100 year event…

Commissioner Dan Saylor: Yeah, but part of this is because it’s all freshly tilled.

Glen Meritt: It’s close, I don’t know if you have been out there I didn’t get out there until after Tuesday last week, but I know we got some slow and steady rains there a couple days. The grass is popping up quite a bit; I mean it’s not great

Steve Sherwood: It’s still continuing to germinate, but like you said a lot of the issues were caused because the soil hasn’t taken root by the grass.

Glen Meritt: If that grass would just pop, which it should here in the next couple weeks…I think this is overkill, but I think we are at the point where we just had too many rain events at the wrong time and need to do something to permanently slow that water down to make everybody happy.

Steve Sherwood: All the proposed amendments are delegated to just that northeast corner for this issue to prevent what these other Gentleman were at the last meeting for, we believe that will help solve the issue. Phil, if you have any comments to that extent? You and I have talked about it.

Phil Baxter: I agree, I think it is a good thing and that would elevate the water on the swale or ditch that is going to Jeffries. We were talking about that and cut the water down so much that that swale would handle it.

Steve Sherwood: He is also making some improvements to an amended SWPPP that I am addressing in-house that reflects the other improvements made throughout the entire development to coincide with my Inspector’s report. He is here for the amended drainage plan before this Board.

Morrie Doll: Does the amended drainage plan, Glen, change the lot number or the configuration in any way?

Glen Meritt: No, nothing that is changed with that.

Steve Sherwood: He just will now have a platted drainage easements and a platted storm water or what do you call it? L. M. & S.D Lake Maintenance and Storm Drainage Easement. It will still be, I believe assigned to either the HOA or the owners of the lot, the maintenance of that particular detention basin?

Glen Meritt: I believe so, yes. Scott hasn’t added anything to the plat yet, but it will be standard language for the plat.

Commissioner Dan Saylor: Is there going to be an HOA here, Glen do you know?

Morrie Doll: There will be a new plat?

Glen Meritt: Correct

Steve Sherwood: The plat has never been recorded yet.

Glen Meritt: We worked on the secondary but it never got to the point where it’s been turned in yet. That entrance we are still waiting on Vectren to re-locate that pole out front, it’s been a nightmare, the Contractor has been working with them for 6 months I know they have a contract with Vectren right now to get it relocated. Two weeks ago today Vectren was actually out there, I think it was just their engineers where they were looking at it and possibly steaking out where their lines were going to go so I’m hoping that happens relatively quickly because we’ve been told they have 10 lots spoken for and ready to go and they are ready to start.

Steve Sherwood: The Developer is still under a Cease & Desist order except for Storm Water erosion control issues, so I believe this will go a long way with the contingency was here for the last meeting.

Commissioner Dan Saylor: I’m surprised no one showed up today.

Steve Sherwood: It was advertised so…

President Bob Johnson: It was requested

Commissioner Terry Phillippe: Was there any discussion with those folks?

President Bob Johnson: Nope.

Steve Sherwood: I asked Drainage Board to put this on todays meeting opposed to two weeks because the essence of time at getting some of this stuff involved to get it implemented.

Glen Meritt: I have one other comment I will make real quick that was in that Cease & Desist was there was a comment about the storage volume in that existing basin being reduced or compromised..

Morrie Doll: Silted.

Glen Meritt: Silt in the basin, but the silt is all below pool and I mean, storage volume that we are calculating for the 50 year retention is above that water level, so I mean, there is silt in the basin but if that is just a maintenance standpoint that they would need to clean it out it is not above the pool where it would be taking any storage volume in that lake it is still functioning as designed.

Steve Sherwood: I have conveyed the Board’s wishes from the last meeting they still need to appear Drainage Board to release the Cease & Desist order that is engaged at that site.

President Bob Johnson: Okay, but you are okay with the proposed amended drainage plans?

Steve Sherwood: Yes, Phil and I think that will if implemented correctly will resolve the issue.

Morrie Doll: What is the next step here?

Glen Meritt: That is what I was going to ask. Steve, I had worked with him last week to get to this point to bring this back here today and he said the Cease & Desist to get it removed we just need to ask to be on the next agenda to get that potentially released…

Steve Sherwood: We still have to ensure that all the erosion control practices have been amended and justified in place. Now, I have an amended SWPPP before me that I have to approve and he is going to have to approve to make sure that is in affect.

Glen Meritt: Did you ever get Gerayln on this report?

Steve Sherwood: This morning.

Glen Meritt: I was going to say Geralyn met with William Meyers with Meyers Landscaping that BMB hired to go out there and do a lot of the erosion he was out there not this past Thursday Friday, but the Thursday Friday prior and did a lot of the work and then he scheduled that inspection with Geralyn on Friday this past week and said he was waiting on her report. My updated erosion control plan was based on what I went out there last Tuesday and marked up to reflect, I mean, they have two rows of silt fence on the north half on both sides coming down the hill to break that water and slow it down I know you were having an issue with those reels and washed behind the curb. He put straw waddles two of those on both sides of the roads like a 25-foot roll that is just elbowed at the 90 he has that laid up right next to the curb and then I think on the south side he has I think three rows of silt fence a couple places.

Commissioner Dan Saylor: I’ve been out of town all last week so I’ve not been by there and didn’t get by there this morning.

Morrie Doll: I don’t think in the letter we said you had to come back before the Board. In my recollection…

President Bob Johnson: I thought we did.

Steve Sherwood: It was mentioned by Bob in the minutes.

President Bob Johnson: Yeah, I wanted to sit and talk with Mr. Reinbrecht

Morrie Doll: So, are you asking to be put on next weeks?

Glen Meritt: If that needs to happen, then yes I would like to ask to be put on the Drainage Board.

Steve Sherwood: I believe he is asking to get the drainage plans amended to what you see before you so those can be implemented?

President Bob Johnson: I’m okay with that, I’m just one person here, but I see that we are trying to get this erosion under control which is a good thing because that needs to happen immediately, but as far as continuing working out there as far as something other the drainage and storm water I think…I’m not real happy with Reinbrecht Construction right now and I want to talk to him.

Glen Meritt: That’s one thing…I mean, the sanitary sewer is in we turned in record drawings on water lines in, we turned in record drawings of storm sewers that are all in, and like I said the erosion…

Steve Sherwood: I would say by the next meeting if the amendments for the drainage plans are allowed they can probably be built within the next two weeks, then the rest of the erosion control issues that I am looking at the amended plan right now Geralyn and I can go out and make sure those are being addressed before he comes back to the next meeting in two weeks if that is the Board’s wishes.

President Bob Johnson: We can either do that, or what we can do is make it up to your discretion if you feel like they have met and exceeded all your expectations here and allow you to make that call to stop the Cease & Desist…

Steve Sherwood: I’d be more than happy to report that to the Board for confirmation to allow that.

President Bob Johnson: Then I’ll tell you what, Mr. Reinbrecht I’m not really impressed with him and his attitude right now and the way that he has treated the people of Warrick County he should be ashamed of himself.

Glen Meritt: Who have you talked to?

President Bob Johnson: I believe his name is Phil, isn’t it?

Glen Meritt: Okay, there is multiple, Kenny is the father and Phil and Matt are the two brothers I just didn’t know which one you talked to.

Commissioner Dan Saylor: He is the one I talked to

Commissioner Terry Phillippe: I’d also remind our fellow Board members that we have had some vailed suggestions of legal action against the County and we have to take care of this the right way whether it be Steve’s approval or…

President Bob Johnson: I’m not sure they are vailed; I mean I think we might get some lawsuits here.

Commissioner Terry Phillippe: Whatever the right way is we have to do it the right way.

Morrie Doll: Do you want full appearance before the Board by responsible parties such as Phil? Or one of the other officers with the company?

President Bob Johnson: This is…I’m just one person.

Morrie Doll: Or would you want Steve to irrilaterally, based upon his professional opinion, lift the second Cease & Desist? That is what I am asking for clarification.

Commissioner Terry Phillippe: My initial last meeting was to allow Steve to do that, however, you know, this is serious stuff. Dan’s district, Bob is President of the Board so I will back whatever everybody else wants to do.

Commissioner Dan Saylor: Like it has been mentioned, there is people seeking records on this project and minutes. So, we don’t know if they are going to lawyer up or what so….you know, when I talked to the owner, the Developer, I was just really disappointed that he was pretty…well people just get mad because we’re putting a subdivision at their back door and you know, I think there is obviously more to this and understanding there has been some instances of larger than normal rains but it just seems like that is just normal anymore. They knew what they bought, they knew the lay of the land and I think it is their responsibility to cost more and develop this kind of land. I was just kind of disappointed with their attitude.

Morrie Doll: We need to be clear about this, does Steve have uterlateral authority based upon his Engineering training and his determination that this will in fact fit the property and fix the problems to pull the second Cease & Desist? Or do you want the Developer to appear before the Board?

Commissioner Terry Phillippe: I think we need to be as careful as we can and as intentional as we can be because it is a delicate situation and I think I’d probably lean today toward having him appear before the Board.

Morrie Doll: That would be an Officer of the Company

Commissioner Dan Saylor: I will second that.

President Bob Johnson: All in favor 3-0

Glen Meritt: Are we going to vote on the amended plan today? Or are we going to bring that back?

Steve Sherwood: The amended drainage plan that was presented…we should probably act on that separately

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

Morrie Doll: Based upon their opinions, Phil and Steve’s opinion, that the amended plan will address the issues at the site as well as Glen’s as a Site Engineer, correct?

Commissioner Dan Saylor: Yes.

Commissioner Terry Phillippe: I will second Dan’s motion.

President Bob Johnson: All in favor 3-0

Glen Meritt: Thank you

Steve Sherwood: Thank you for bringing that in today.

Morrie Doll: They need to bring it to the Board; it (Cease & Desist) can not be lifted until they come to the Board.

**BID OPENING**

President Bob Johnson: Tanglewood Ditch Project bid openings, Councilor.

Morrie Doll: I’ve been presented by the Surveyor’s Office with two (2) proposed bids for Tanglewood, the first one I have is from Stemley, it’s not dated but it appears to be tied to the Tanglewood Ditch Bid. Jason, what part of Tanglewood is this for?

Jason Baxter: This is the end of the project that we have been talking about…

Morrie Doll: Up stream

Jason Baxter: It’s downstream of the large project that we’re…

Steve Sherwood: This is cleaning and clearing the entire Tanglewood Ditch within the confines of Tanglewood Subdivision?

Jason Baxter: Correct, from Sandalwood down to Brownwood Drive.

Steve Sherwood: So, it does goes into Sandalwood as well as Brownwood.

Jason Baxter: Correct.

Commissioner Dan Saylor: Jason, I have a question. Do you have a map? On the east end of that project, I just wanted to see where it goes to.

Jason Baxter: This is the end of the project that we have been trying, talking about for a while now, this is the end of it, so…

Commissioner Dan Saylor: Right, so it goes this way, so that is my question…is there no obstruction from here…wait a minute…yeah that’s right…here, where is this…this is Brownwood…okay so this is my question from here is it pretty cleaned out from here an on back upstream?

Jason Baxter: Yeah, that’s through that woods…

Commissioner Dan Saylor: That goes behind Pleasant Ridge, right?

Jason Baxter: Yeah

Steve Sherwood: That goes into Brent Hartz property back east and upstream

Commissioner Dan Saylor: I’ve not been down there, that’s not overgrown? In other words if we clean all this…

Steve Sherwood: Basically it is cleaning the project that was constructed 7-8 years ago and it’s all regrown.

Commissioner Dan Saylor: Okay, I got it.

Morrie Doll: This is a bid from Stemley Excavating dated September 27, 2021 and it says to furnish the equipment and labor to outline the bid specifications, it’s all it says, but the description of it on the Stemley bid says “The Tanglewood Ditch Mowing Project” and this sounds to me like its…is it mowing?

Jason Baxter: Yeah, it’s all clearing no..

Morrie Doll: No excavation?

Jason Baxter: No excavation, it’s just mowing

Morrie Doll: You’re going to take the grub trees and vegetation out, but not the…

Jason Baxter: Correct.

Morrie Doll: Anyway, $83,615.00 for Stemley Excavating. Second bid is from Naas…it just says Naas I don’t know if that’s Naas and Sons or…

Jason Baxter: Tom Naas Homes

Morrie Doll: Tom Naas Homes, it’s dated 9/27/2021 bid to brush cut Tanglewood Ditch we will supply all equipment and labor to mow and brush cut APP2647 lineal feet of ditch so 2,647-lineal feet, I don’t know if that was the same amount that was on your bid request for Warrick County Surveyor’s Office for the sum of $47,992.00 so, a considerable difference.

Steve Sherwood: Question, is the brush just a cleared or is it removed or left in place?

Jason Baxter: The trees will be removed and then the other stuff with the grass and stuff will be mowed down.

Steve Sherwood: Mulched in place, were there any other bidders at your pre-bid

Jason Baxter: I sent bids out to Aigner, Ubelhor, Stemaly, Naas, and O’Risky. Stemaly and Naas were the only two that showed up at the pre-bid.

Morrie Doll: My only word of caution is whatever you do, don’t lower the ditch.

Jason Baxter: Yeah that’s why it specified that.

Morrie Doll: We had hell to pay with the Army CORP of Engineers on that and we do not want to relive that event.

Commissioner Dan Saylor: Jason, did they give a time line on when they can start this and how long it will take them? Also, let me ask you this, are they going to get in there with a grinder and grind stuff down and then that’s just going to be left in place? Then if we get a heavy rain where does all that material go? Where is it going to end up at?

Jason Baxter: The trees are going to be removed, the grasses

Morrie Doll: We’re removing the trees or are we just cutting them off? You cant remove the trees.

Jason Baxter: Yeah, they are going to be cut down, not root removal.

Steve Sherwood: Flush with a bank typically

Jason Baxter: Just like we do with all of our jobs to your point. I’ve included the guidelines that the State, you know.

Morrie Doll: Are we herbicide treating the stumps?

Jason Baxter: No, I didn’t have that in the bid.

Morrie Doll: The Board may ask whether or not there would be a supplemental request for a price to herbicide treat stumps which could, not going to say prevents the growth back, but it sure slows it a bit. This grew up in 7 years? Has it really been 7 years?

Steve Sherwood: Yes, since 2014.

Morrie Doll: This stuff grows back quick, I think on Sycamore Ditch we added that as an afterthought and we spent $7,000 to treat Sycamore Ditch and would you say it was worth it or not?

Steve Sherwood: Major trees yes, the rest of the brush came back with vengeance.

Morrie Doll: So, it’s up to the Board whether Jason should do that or not.

Jason Baxter: These trees are not substantial…the biggest tree is about 10-inches, 12 maybe.

Morrie Doll: It may not be worth doing, and if it is it’s fine it’s just now is the time to decide if you want to do it or not it would have to be an add on.

Steve Sherwood: And you have money in the budget to do this.

Commissioner Dan Saylor: That was my next question; do you have $48,000 in this year’s budget to do this?

Jason Baxter: Yes.

Morrie Doll: Do you see any appreciative difference in the quality of the work of either of these bidders?

Jason Baxter: I’ve always been happy with Tom Naas’s work.

Commissioner Dan Saylor: Did you say what piece of equipment he is using?

Jason Baxter: Skid steer with a mower grinder…it’s like a flare mower type and a excavator with a grinder. The downstream portion, the most western portion is pretty wide the ditch is pretty wide, but once it gets about halfway it gets thinner.

Morrie Doll: This doesn’t go into Pigeon? Where does it go?

Jason Baxter: Eventually it does

Commissioner Dan Saylor: Doesn’t this go underneath that concrete culvert bridge that crosses around Bell and Telephone

Steve Sherwood: Then it works it’s way back up to 62 over the bridge there.

Commissioner Dan Saylor: My question is if we get a big rain where does all of the debris go? Is it going to catch and clog up one of those concrete culverts is what I am concerned about?

Steve Sherwood: There are no pipes downstream, they are all structures either bridges or railroad trestle on the south side of 66, but it eventually goes to Pigeon Creek on the way to Chandler.

Commissioner Dan Saylor: So, it’s going to be grounded down into pretty fine stuff right?

Jason Baxter: Sure, yeah.

Morrie Doll: You haven’t selected a Contractor yet.

President Bob Johnson: Make a motion.

Commissioner Dan Saylor: I make a motion to award the Tanglewood Ditch Project to the lowest bidder which appears to be Tom Naas Homes as long as Jason meets all the criteria outlined in the bid specifications.

Morrie Doll: Do you want herbicides or not?

Commissioner Dan Saylor: I think it would be nice to see that.

Morrie Doll: To procure a price quote for herbicide, not to authorize it but to see what the price is, is that correct?

Jason Baxter: Also, I have specified that this project is going to be paid out 80/20, 80% when all the mowing is done and then the additional 20% after all the yards are fixed and put back in place.

Morrie Doll: Do we have temporary rights of entry, etc.?

Jason Baxter: Yes, we have all that stuff.

Commissioner Terry Phillippe: I will second.

President Bob Johnson: All in favor 3-0

*Tanglewood Ditch Mowing Project Bid*

*\*Stemaly Excavating-----$83,615.00*

*\*Tom Naas Homes------$47,992.00----------Awarded 3-0*

**CLAIMS:**

President Bob Johnson: Next up we have claims. Ubelhor Tree Service for a beaver dam removal on Cypress for $1,245.00 and we have the attorney’s fee.

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

Commissioner Dan Saylor: Second.

President Bob Johnson: All in favor 3-0

**STORM WATER DEPARTMENT**

President Bob Johnson: Mr. Sherwood.

Steve Sherwood: Yes, Sir Mr. President. I discussed previously the Hillside Meadows amended SWPPP I will address those issues and get the amended SWPPP issues yet this week. Only other issue I have is that we received a notice from Lochmueller Group, I believe I forwarded it to the Board in an email concerning moving forward with the Tanglewood Fuquay Project along Fuquay Road we have a utility relocation work plan and a cost estimate from Center Pointe the current cost estimate for the work is $43,086.15 which $16,978.12 is reimbursable.

Commissioner Dan Saylor: Why is it reimbursable Steve?

Steve Sherwood: Basically what is in our right-of-way and the amount of work outside the right-of-way therefore we are obligate to make that reimbursable for issues outside of our control or in our right-of-way of record. These are the numbers that are worked out between Lochmueller Group and Center Pointe Energy, Bobby and I thought it was reasonable for the amount of reimbursable, quite frankly we thought it might be more. So, at some point I will have to authorize them to proceed and then we would pay for that amount out of our project amount budget for that reimbursable amount of $16,978.12, I just want to give the Board an update and make them aware that was going to proceed to happen down the road. I will also report to the Board that Lochmueller Group and Bobby Howard and I met with Mr. Brian Hartz last week on property he is okay with us to replace the private crossing in that ditch that is downstream of our work and we worked out access issues to specify that in the upcoming contract when this goes out for bid on how to access that to remove his structure and put in the one that would be larger and he is agreeable to that. Also, we will be meeting with the Fuquay land owners next week there was an email put out by Nick Will with Lochmueller Group on some specific dates and Commissioner Saylor if you would pick out a date and time in that email that came out last week that works for you to meet after hours I think it was 5:30 in the evening of October 5th, 6th, or 12th, just let us know what works for you and we’ll be happy to accommodate that. That is all that I have unless the Board has any questions for me.

Commissioner Terry Phillippe: I have one questions, I was asked by Mr. Llewellyn to see where we were, I know Marc appeared at a meeting maybe a couple months ago, where are we with that?

Steve Sherwood: Same thing as where we were a few years ago, as you recall our discussion the fences on the Llewellyn side and his neighbor to the north and south of him those fences were 4-feet into a 6-foot easement, I’d ask the fences be removed back to the limits of the easement which basically means to pull them back 4-feet that would allow me to get in there and create the drainage ditch.

Commissioner Terry Phillippe: I was thinking Mr. Llewellyn had some actual (?) maybe that was to help rally the neighbors if I recall?

Steve Sherwood: There was a neighbor directly behind him that built an elevated pool and slopped the ground down about 2-3-feet sharply and I would address that issue with that neighbor.

Commissioner Terry Phillippe: So, let me ask it this way, what is our next step?

Steve Sherwood: The next step if nobody does anything? It just sits there until I get permission from the land owners to allow me to correct the situation that has been our normal and I will defer to the Attorney, unless we have permission we cant get in there and do anything.

Commissioner Terry Phillippe: We can tell them to take it down cant we?

Morrie Doll: We can, we’ve never done that before effectively but that is a problem and Steve just sent a letter out that I think all of you got by email today, I did, that has colored photographs of a proliferation of problems in public right-of-ways, that would be my thing, it a problem within public right-of-ways and I mean, I don’t know how to fix it. I’ve thought of several things and being a centralized media system in the County where we can hold a press conference and say “look, you have to stop doing this stuff because the State Statue says you cant do it and it also says we can charge you to take it down if you don’t take it down” or say “Hey Folks, you have to take it down within so many weeks” but we don’t really have the means of really getting that information out.

Commissioner Terry Phillippe: Okay, I just needed an update there. Thank you.

Steve Sherwood: That’s all that I have.

President Bob Johnson: Anything?

Jason Baxter: None.

Commissioner Dan Saylor: Nope.

President Bob Johnson: Councilor?

Morrie Doll: Nope.

**MOTION TO ADJOURN:**

Commissioner Dan Saylor: I make a motion to adjourn.

Commissioner Terry Phillippe: Second.

President Bob Johnson: All in favor 3-0