**MINUTES**

**WARRICK COUNTY DRAINAGE BOARD**

**&**

**DEPARTMENT OF STORM WATER**

**September 28, 2020**

Regular Session

Old Historic Courthouse

107 W. Locust St. Suite 303

Boonville, In 47601

812-897-6170

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

Present in the audience: Chad Graber, Greg Ripple, Justin O’Neal, Barbi Shelton, Bobby Howard, Joe Grassman

**PLEDGE OF ALLEGIANCE:**

President Johnson opened the meeting of September 28, 2020 with the Pledge of Allegiance.

**APPROVAL OF MINUTES**

President Bob Johnson: First we have the approval of minutes from the September 14th.

Morrie Doll: Are you going to make a record about Commissioner Phillippe participating via telephone?

President Bob Johnson: Yes, we have Commissioner Phillippe is on telephone today because he is working from his home, so he can approve or make statements via telephone.

Commissioner Dan Saylor: I make a motion to approve the September 14, 2020 minutes.

Commissioner Terry Phillippe: I second Dan’s motion.

President Bob Johnson: All in favor 3-0

**GREG RIPPLE-KIMLEY-HORN-CASEY’S OF NEWBURGH-BELL & HIGH POINTE DRIVE**

President Bob Johnson: First up we have Greg Ripple Kimley-Horn for Casey’s of Newburgh Bell & High Pointe Drive, please state your name sir.

Greg Ripple: Hello, my name is Greg Ripple and I am with Kimley-Horn and Associates.

President Bob Johnson: Phil, do you have anything?

Phil Baxter: We’re good with it.

Morrie Doll: Do you have any drawings or anything?

Phil Baxter: Yeah, they are right here if you want to see.

Steve Sherwood: The site ties into an already approved drainage system at High Pointe Center North I believe, it was designed to capture this lot or lots that this facility will be occupying they are draining to that system.

Commissioner Dan Saylor: So, where is this at?

Steve Sherwood: This proposed Casey’s occupies the two lots at the south east corner at High Pointe Drive and Bell Road, last two remaining vacant lots as I understand it.

Greg Ripple: Yes.

Steve Sherwood: This is Bell Road and this is High Pointe across from the Acapulco, this is Ubelhor and these are all the storage units.

Commissioner Dan Saylor: Oh, so this is south of Acapulco, okay.

Steve Sherwood: Yes, this is east side of Bell Road across from Walmart.

Commissioner Dan Saylor: Okay, got it.

Steve Sherwood: So, all of this is part of these lots developed for High Pointe and drain to this retention basin adjoining Acapulco, they are connected.

Commissioner Dan Saylor: Okay, I got it. So, Steve you are good with it?

Steve Sherwood: Yes, I do have one comment Mr. Ripple, if you would report back to your other person, I do not have an approved SWPPP on file, I asked him back on the 17th to send me a revised SWPPP once he ascertained what the storm water filter was going to be, I believe you are using an aqua swirl or something…

Greg Ripple: That is correct

Steve Sherwood: So, if he could get me two updated copies so I can finish his Storm Water Pollution Prevention Plan.

Commissioner Dan Saylor: Steve, I have a question. Casey’s, this is a convenient store? Service station?

Steve Sherwood: Yes, gas pumps and convenient store.

Commissioner Dan Saylor: What happens if there is a spill on there with the fuel pump, I know there is automatic shut offs and that kind of thing, but where does that, people overflow their tanks all the time, does that go in that retention basin? Or can they catch that?

Steve Sherwood: The entire drainage goes into the storm water interceptor, which has the capability of shutting that off at that point and doesn’t leave the site.

Greg Ripple: That is correct, those aqua swirls…

Steve Sherwood: The aqua swirl will move up to 80% of the total suspended solids of what trash or grit flows into it.

Commissioner Dan Saylor: And that is on their property?

Steve Sherwood: That is on their property and their responsibility to maintain. There is a safety catch at that point Mr. Commissioner to answer your question.

Commissioner Dan Saylor: Okay, Steve, if that retention basin overflows, is the emergency overflow of that retention basin on the north side of that and does that flow into that ditch?

Steve Sherwood: Yes, the emergency overflow is right beside the existing ditch, I don’t want to call it a   
Legal Drain because it is not a Legal Drain until it reaches the other side of Bell Road.

Phil Baxter: That’s correct.

Commissioner Dan Saylor: You’re good with everything, except getting the SWPPP

Steve Sherwood: Just waiting on the SWPPP, that has to be approved before they break ground for construction.

Commissioner Dan Saylor: Do we make this approval based on you getting a SWPPP?

Steve Sherwood: Drainage is to be independent of the SWPPP.

Commissioner Dan Saylor: Okay, so I make a motion to approve the drainage for the Casey’s Newburgh at Bell and High Pointe Drive.

Commissioner Terry Phillippe: I second Dan’s motion.

President Bob Johnson: All in favor 3-0

Greg Ripple: Thank you all very much.

**CHAD GRABER-SKANSKA- EVANSVILLE CHRISTIAN SCHOOL ELEMENTARY SCHOOL**

President Bob Johnson: Next up we have Chad Graber SKANSKA Evansville Christion High School

Chad Graber: Good Afternoon Board, my name is Chad Graber and I am with PCI SKANSKA we are with the design and construction with the Evansville Christian Elementary School, we did do the High School also.

Morrie Doll: So this should be the Elementary School.

Chad Graber: Yes, this is the Elementary School. Also with me is Mike Allen, he is the head of school, he is the guy in charge so he is here if you have any questions for the school itself. Basically, if you remember a few meetings ago we got approval from this Board on our plan at that point since then we have had additional conversations with Crossroads and they wanted us to revise our pond layout a little bit, we were expanding the pond up in the north east quadrant of the pond itself there. They did not like that, because there was some property in between the pond and the new Elementary School that they would like to access in the future. So, what we did is we went back in and we re-ran some calculations and expanding the pond to the south towards Lincoln a little bit and then also, the one side of the pond we are going to taper it back to a 5 to 1 slope, not increase the water service area, but increase the storage volume on the east side of the pond. We also, in order to make this work, we had to do a little bit of recalculating, relay out of the storm system coming into the pond. It’s been kind of tricky in the fact that a lot of pipes are there from the High School development and what was planned at the time the soccer field and stuff, so we have tried to work around the existing piping as much as possible and take advantage of what we had in the ground and that is where we are at now. Steve, I think of Friday morning, Steve you said some comments back to the capacity of the south system we were able to rework it a little bit and I know we have a couple, maybe three (3) total pipes that are a little bit above 90% I think one is at 92% and one is at 91% and Steve pointed out one that I totally missed which was the worst one at 96% capacity at the 50 year storm. I would ask that we take a variance, or some sort of ease the requirements on those three pipes at this point, simply because upstream our system is pretty well built out at this point with the addition of the school, we are not going to see anymore impervious area up there that affects this drainage system, we pretty much have a full parking lot and everything so we will be maxed out there is not going to be any future stuff happening at this point on the south side. That is kind of the run down of where we are today, and why we are here again is because of those revisions of the pond and the storm sewer system.

Commissioner Dan Saylor: Chad, what happens, and Steve maybe you could answer this too, you mentioned it’s built to the 50 year storm which is great, but we’ve had the 100 year storms here it seems like every 6 months or so, what happens if we get a 100 year event there, you know the 8-inches in less than an hour or the 4-inches in 20 minutes. What happens? Where does that water go? I know with the development with Deaconess there, is there any potential with homes being flooded or where does that water go?

Steve Sherwood: In this particular case, there are no homes on their side of that north west corner of that intersection of Epworth and Lincoln, as you know the 50 year storm, 5 year release is part of our standing requirements that we design that have the storm retention systems design to our piping systems. This case, this is a private development, but they still are to submit the numbers to the County for the review. Most of the water, as you know, and our other County approved systems the low area just takes the water until it can drain away, I will assume this will be treated similarly, the water has no where to go until the system can drain down and a lot of that is determined by how fast the down streams systems back up and consequently drain away.

Commissioner Dan Saylor: Well, and one of the questions I get when we have these 100-year events the general public that the 25, 50, or 100 year, so when we have these 100 year events, these real bands of strong storms that come through and it floods something, its we didn’t do our diligence and we approve something that shouldn’t have been approved. So, that is why I have to ask the questions because we get that probably every…

President Bob Johnson: Every week.

Commissioner Dan Saylor:…every two weeks, but Commissioner Johnson is right when we have these terrific rain events, how could you guys approve this or how did you approve this, that is the questions, you know, you say some of these pipes are at 96% capacity and 90% capacity where does that water go? Is it going to flood the High School that is there now?

Chad Graber: The pipes that we are talking about is getting the water to the pond, so we are getting the water off the hillside from Epworth to the pond where it is being retained or detained, until it is being released at the lower rate like you said, take that 50 year storm and release it at a 5 year pre developed rate.

Steve Sherwood: The 50 year storm is basically a number that we have been working with, it is based upon the surrounding like the city of Evansville, used to be a 25 year storm many years ago and we updated to 50, the problem why they are not developed to a 75 or 100 year storm is because it’s the matter of economics, it costs a lot of money to build a system to take in a 100 year storm.

Commissioner Dan Saylor: I understand that, but when home floods or business floods and you tell that person that home or business flooding, they do not want to hear that, they don’t care about economics at that point.

Chad Graber: Yeah, I think the state is 10 for most sewer systems.

Commissioner Dan Saylor: Right, and we used to be, like Steve said, 25 which we upped that, and I understand, of course none of us can control the weather, but the 50 year and having a little bit of access capacity is always nice to where people don’t get hurt by these things.

Chad Graber: Down stream from the pond, I will kind of let you know where that water goes…

Commissioner Dan Saylor: Yeah, where does that water go? Does that go south of Lincoln?

Chad Graber: The main discharge from the pond goes around the north side of Crossroads Church to another retention pond that was put in by Crossroads, and then there into the ditch there…

Morrie Doll: Howard Ditch?

Steve Sherwood: It goes to the east side of I-69 into that system where that Legal Drain becomes Howard-Williams.

Morrie Doll: Which goes north.

Steve Sherwood: It goes north under the Lloyd and continues to go back to essentially to Chandler.

Chad Graber: There is one additional pipe that we take into account too that is an existing 18-inch culvert that goes under the Crossroads Drive entrance off Lincoln, there is water then also after it gets above the 50 year stage that is released through that culvert, but it’s pretty small amount.

Commissioner Dan Saylor: So, none of this water goes south of Lincoln and would effect all those homes there?

Chad Graber: No.

Steve Sherwood: None of it goes south of Lincoln or east of Epworth.

Morrie Doll: Mr. President can I ask a question?

President Bob Johnson: Yes, Sir.

Morrie Doll: Is this a dry basin, or a wet basin?

Chad Graber: It is wet, the existing pond is wet the one that was there when we put the high school in.

Morrie Doll: We are going to have a lot of kids right there, hopefully, and these types of structures are attractive nuisance to kids, they just are. We have had one death in Warrick County, what in a last three years there was a child..

Commissioner Dan Saylor: Within the last year…

Morrie Doll: …died in one of these. The General Assembly had a session to at least introduce the Bill which didn’t pass to require these to be fenced or contained in some way. Is there any safety, it’s private it’s yours, we don’t have liability here, but we are concerned.

Chad Graber: One of the things that we incorporated into the original pond design and put it into this pond design also, I will be honest with you, this is more of a water quality thing than a safety thing, but it does dub as a safety application. It’s what they call…it’s slipped my mind a bit…it’s a bench basically that is built in, as the pond slopes down when you get to the water surface, under the water surface there is a 10-foot shelf there, it’s called a “quiet shelf” that is the terminology, it’s 10-foot and it only slopes a foot within that 10-foot, so if someone would fall into the pond it’s not going to slope down where you are going to go under water right away. You have a foot of water for about 10-feet, so it is a safety factor, so if someone would fall in or get down into the pond they would have the ability to stand up.

Morrie Doll: You had said earlier that you were going to deepen the pond to try to take more capacity and that peeked my interest because…

Chad Graber: The side slopes back, really our storm water volume that we have to hold storm water that comes out of the development is above the water surface so we taper the size back.

Commissioner Dan Saylor: So, why are you guys considering a wet versus a dry?

Chad Graber: It’s existing, to be honest with you, when you have a dry bottom pond, it will turn into a quagmire unless you have some slope on the bottom of that pond to get it to drain. We are very titled slope to get the system to work, and that is one of the reasons we went with a wet pond.

Commissioner Dan Saylor: Okay, I just know there is a dry catch basin over by Castle High School and they keep it mowed and maintained and actually see the band practicing in there.

Morrie Doll: Schnucks.

Commissioner Dan Saylor: But, that still needs to be re-worked, it’s mostly dry, but the Castle basin, the band they practice in there.

Steve Sherwood: I will just ask if Phil has any additional comments.

President Bob Johnson: Phil, do you have anything?

Phil Baxter: Nope.

Commissioner Dan Saylor: Commissioner Phillippe?

Commissioner Terry Phillippe: I’m good with it, I make a motion to approve.

Commissioner Dan Saylor: Second.

President Bob Johnson: All in favor. 3-0

Chad Graber: I just want to say one last thing, you guys, we have been submitting pretty quickly. Steve, you have done a really good job, I’ve sat on his side of the fence and it is frustrating when you get stuff last minute, I appreciate him and he has been really easy to work with.

Commissioner Dan Saylor: Thank you for those comments.

**JUSTIN O’NEAL-8611 FRAMEWOOD DRIVE, NEWBURGH, IN 47630-FRAMEWOOD ESTATES LOT 55**

President Bob Johnson: Next we have Justin O’Neal at 8611 Framewood Drive, Newburgh IN drainage complaint.

Justin O’Neal: Hello, how are you all doing?

President Bob Johnson: Good, state your name please.

Justin O’Neal: Justin O’Neal.

Morrie Doll: Mr. O’Neal you live at 8611 Framewood Drive?

Justin O’Neal: Yes, I had initially had some concerns with water drainage and I called up here and they directed me to the Storm Water Department, and they had Mr. Sherwood come out and do an evaluation of it, wrote a report, I think Mrs. Curry said she was going to attach that.

Steve Sherwood: Yes, they all have a copy of it.

Justin O’Neal: He had made a suggestion to contact the Board, so I contacted Mrs. Curry and she asked to give me a call about a day or so later and said why don’t you come up and talk with the Board and see what we can do, so I am kind of right there. It seems like the past year or two, and I have no evidence of this, but I believe the neighbors up hill had some water re-routing, which I think is what Mr. Sherwood pointed out as a civil matter, but it is really getting bad in my yard. Come to find out, I believe there is a 10-foot easement that you guys own between our two properties there should’ve been a ditch. Forgive me if I am mistaken, this is just things that neighbors have been in the neighborhood for some time had stated that, I believe there is actually no drainage at all in this subdivision, I am sure you guys are aware of Framewood. Mr. Sherwood even noted in the report that it has been pretty controversial, a lot of meetings over this subdivision, I have attached some pictures in here that I can go through with you, but there is actually homes that have blockages so the rain water doesn’t go into their homes and flood garages and so forth. So, what started out with just on my property, I went ahead and attached some other pictures to show the other nuisances and really hoping to see what we could come up with or have some kind of options. I think some of these photos he has kind of disguised some of these drainage pipes up-hill and you can see cable lines are getting eroded away, they are visible, just some quick pictures I took to have Mrs. Curry to have some content for you guys.

Morrie Doll: Well, there is a history with this subdivision, Steve, probably even Bobby before that probably has the best knowledge of the history here which I think the Board needs to hear.

Justin O’Neal: I apologize I don’t have anything proposed, I was maybe just coming to get some knowledge or if there is any options. Mr. Sherwood reported that the County spent some money years ago, but didn’t have participation from all the home owners. I can tell you that we’ve been there three years now and I feel like we have really brought a community there, we have a few Facebook pages, neighborhood cook outs, things like that. I’m not the only one with these issues as well, our neighbors to the next to us with that same 10-foot corridor, the properties that are against that their yards get pretty drenched as well. That side yard of mine in fall, winter, spring months is pretty much unusable, it just stays completely saturated. I do know I have a lot of trees there obviously, so that may be an option. One of the other things, on my road in front of my house around the corner onto Bayberry the road, and this is no exaggeration, most of the time it’s wet and has green algae all along it, right now with summer months it’s dry. I’m assuming just the water table from the hills it just comes through the crevices in the road, and the road stays wet, again I don’t have any pictures of that I am happy to provide those when we get into a wet season. It is pretty disgusting, it actually has a smell to it, I have to step over it everyday to get to the mailbox as well as other neighbors.

Commissioner Dan Saylor: Mr. O’Neal, I have one question. Steve, is this the subdivision that we tried to do some work in and we couldn’t get Right of Entry’s from everybody?

Steve Sherwood: Yes, starting with Bobby and person before me, Brent Wentholt, we’ve spent almost $40,000 design fees.

Commissioner Dan Saylor: But I know since I have been on the Board, didn’t we just have something a year ago and the feedback was you’re not coming on my property because…is that right Steve?

Steve Sherwood: Yes, and most of this design work was in Framewood Estates No.2 immediately north and adjacent to this, a lot of this would drain too. We tried to work the downstream end and build it back upwards, but we cant even get started.

Commissioner Dan Saylor: So, Justin just so you’re clear, I think this Board has tried to do something and you know, we cant do anything unless we get Right of Entries, so do you feel the neighbors are more receptive to that now?

Justin O’Neal: I know there is one neighbor, the Tevault, they kind of, we call her “The Mayor” of the subdivision and she had a big voice. I know they are moving within one year, they bought up land to build…

Commissioner Dan Saylor: Were they an opponent of getting the work…

Justin O’Neal: They were. I believe, and this is here say from them themselves that you guys were going to take 10-foot from yard frontage and do re-do sewers, I believe, and they didn’t want any part of that.

Steve Sherwood: That was on Old Hickory again, proceeding into Framewood No.2 which is about a block north of Bayberry, a block north of Mr. O’Neal’s property. Where Bayberry collects the water and drains down to that new cul da sac all of that drains into Framewood No.2 which is a study area that we were talking about that the neighbors did not want us, some of them did not want us in their yards. The 10-foot public utility easement that boarders Mr. O’Neal’s south line, 6-foot on his property and 4-foot on the adjacent property owner to the south it is public utility it does not mention anything about drainage in the platting, nor could I find anything about any drainage ditches that would’ve come close to bordering his property or intercepting any of the water coming from the uphill properties to the south that drain north into his back yard which his photos depict.

Commissioner Dan Saylor: Steve, briefly, what is the fix to this situation here in this area?

Steve Sherwood: Well, you have to build it from the downstream end back up, and we’ve tried to do that but have been denied. Now, where do you start and where do you stop is the question. Some of this drains to the streets, some of the streets do not meet our minimum specifications if you recall we took in 26 or 27 streets through the Area Plan Commission back in the early 90s, basically the streets that were in non-compliance with Plan Commission, that meaning that the owners defaulted on their monies, the streets may not have gotten finished or built properly. Storm drainage as we noted in Framewood Estates No.2 was not finished as per the plan, for a variety of reasons, so the Board took them in knowing that this way we could provide snow service if we had to snow plow, we could do minimum street repair, I believe the assurances were that we were not going to have to wholesale repair and rebuild streets 100% just because of the amount of money it would take on those 26 or 27 developments, this being one of them. So, we do have some issues because these were built in the 70s, prior to any type of ordinance being established, this is the stuff we are dealing with today.

Justin O’Neal: Particularly my problem I have two issues, one is from the neighbor up and we get a good rain what happens is it, I live on a hill that comes downhill and it actually jumps the curb, it doesn’t actually fall to the road it goes into my yard, so I am getting all the road drainage as well in my yard, so I am getting two points of road in my yard as well. I put another picture, at this particular instance I sent my kids out there to sweep all the rocks out of the road, it just washes everything out from the woods. Those are my kids, and a couple neighborhood kids cleaning up the rocks and debris, that happens about twice a year at least, sometimes worse than others.

Commissioner Dan Saylor: So, all this water in this street here, is it coming from this way through there?

Justin O’Neal: There is 40 acres behind that house, it’s private residence off of Bell Road, all of that water drains, that picture his yard is atrocious as well, half of his yard and back yard is unusable too.

Commissioner Dan Saylor: Is that sheet flowing, or is that like a ditch flowing?

Steve Sherwood: Mostly sheet flow.

Justin O’Neal: It actually crosses my yard and eventually makes its way eventually down to that culvert that was just freshly built for Dr. Perry.

Steve Sherwood: So, if the water exceeds the capacity of the gutter, it will leave the roadway and venture in the lower areas, so a lot of these lots that have flooding issue is because they may be lower than the curb, or the back side of the street, whatever the case may be otherwise it should stay contained in the street. When you get the larger rainfall events, and you hit from a higher slope in the street to a more shallow slope the water will fan and spread out and go basically to lower elevations as Mr. O’Neal is describing.

Commissioner Dan Saylor: When you took this picture, do you know how much rain we received and what time period?

Justin O’Neal: That was the only photo I had, that was about a year and a half ago or so, I tell you, I could look at the properties when I took it exactly, but I don’t and I apologize. I’ve only lived in the subdivision three years, I’m sure that was a pretty good rain. I know there are some hardships, one thing I thought if we couldn’t fix the road maybe look at the easement, I apologize I am not knowledgeable into knowing if it is for utilities or if you could utilize that for drainage or not. I apologize if I misread this that maybe that was intended for maybe a drainage ditch or something like that, so like I said I think lot 54 and 53 both have problems as well that I know of that that water just kind of comes off the hill into their yard and it’s a muddy mess as well.

Steve Sherwood: I’ve looked into Phil’s office for anything drainage wise for this development, and there is nothing that shows in this area about constructing drainage ditches and there is no definition of drainage easement on the plat.

Commissioner Dan Saylor: So, there is no drainage easement?

Justin O’Neal: I believe, back in the 70s it was signed off on, but never installed, that’s the rumors that I hear from the neighborhood people that have been there.

Commissioner Dan Saylor: Steve, I mean, in a perfect world where we get all the Right of Entry releases, what is the fix to this? If you say there is not a drainage easement, is that going into buying property?

Morrie Doll: Well, we will either have to legally get a consent from the land owners to install the drainage structure whenever that may be, whether it’s a swale or a drain or below ground drain or whatever, or you have to condemn it and we’ve never done that. I cant say never, we haven’t done it since I’ve been Council, and we haven’t even thought of that.

Justin O’Neal: So, Mrs. Tevault, she was the opponent of not having anything done or coming into her property, and I guess I don’t know how feasible this is, I would assume very expensive, she proposed back to the Board that she wanted the street ripped up, put the drainage under the street and the street repaved. I think that was what she was fighting for back when this was taken place, again, I don’t know for facts, that’s just here say from what she said. I’m up for anything, I will be a propionate if I need to go door to door and propose something if I had some knowledge on what might fix it or what could help the neighborhood, I’d be happy to help.

Morrie Doll: May I ask, have you spoken to Mrs. Tevault?

Justin O’Neal: I have.

Morrie Doll: Is she firm of mind yet that she would oppose anything other than perhaps in the street?

Justin O’Neal: No, I think we are open to options by all means, I don’t think she knows, she hasn’t let me know if there were any other options besides I think one of the issues she had was that you were going to have to remove a big tree right by her side yard and put a drainage in with a grate and things like that, but she did say since the tornado the water has switched to my side of the road, she said she doesn’t know what happened, but one way or another it used to drain along her yard and it more or less comes on my side of Bayberry. I wasn’t around when that happened or what she was referring to, that’s just what she told me. Like I said, she should be moving in a year, they started construction on another house.

Morrie Doll: Could I ask Steve, if Mr. President we pay $38,000 in 2012 to study this years ago, did we get a finished design for that?

Steve Sherwood: Yes.

Morrie Doll: Do you remember off top of your head, just in general terms, what the design proposed to be done in this neighborhood?

Steve Sherwood: It was just limited to Framewood Estates No.2 that does not begin to touch Framewood Estates that he is speaking of.

Morrie Doll: That is the downstream, next neighborhood.

Commissioner Dan Saylor: Steve, who did that study?

Steve Sherwood: Cash Wagner.

Morrie Doll: Generally, as everyone knows I mean, if you are going to fix a drainage problem you have to start at the low end of the drainage problem and come up as opposed start at the high end.

Commissioner Dan Saylor: This is not the..

Morrie Doll: This is the low end, the $38,000 study is the low end…

Commissioner Dan Saylor: Oh okay, so he is not the low end.

Morrie Doll: No, he is the upper stream.

Steve Sherwood: Again, we have many subdivisions that don’t have established proper drainage, north Green Springs Valley as you’ve been complained to and many other 26-27 of the subdivision we took in in the early 90s are various states of these issues.

Morrie Doll: Well, the pervious concrete jobs that Warrick County did at great expense was a subdivision that didn’t have proper drainage.

Steve Sherwood: Epworth Village, which that was a million dollar project…

Justin O’Neal: I would love to, we have to keep our dog from drinking that stagnant algae water it just stays wet and it’s just a very slow flow, but I know you can see the kids there’s probably a dozen neighborhood kids and we are kind of the center here in Framewood, they all play there we play basketball, four square, things like that and it’s just kind of a nuisance having that there. I apologize, I wish I would’ve had more pictures of it, but it’s wet more than it’s not especially through Fall to Spring, constantly drains off the hill through the cracks in the road.

Commissioner Dan Saylor: Mr. O’Neal, sometimes I wonder if we shouldn’t have the Board buy lottery tickets, just to have a chance to increase our funding, but…I think before we can do anything one, we would have to have Right of Entries and like I said, or like they have said, this is probably just a bigger project than what is happening on your own land, so I mean we are kind of stuck between a rock and a hard place here. I think if you started working on those, maybe getting commitments of Right of Entry’s to where I think that would probably go along way with this Board to say these residents are willing to do something and maybe you know, I can tell you this isn’t going to be fixed overnight. Steve, what is your budget on an annual basis?

Justin O’Neal: Moral is very low for the neighbors, they say this has been going on for 20-30 year.

Steve Sherwood: Under half a million.

Commissioner Dan Saylor: Yeah, so this project would exceed that tenfold. Maybe there is something that can be done on a less costly basis there that can divert water in other ways without effecting other people. I don’t know, he is the Engineer, so we have to take their advise, but if there is Right of Entries and get them looking at some things maybe there is a way they can get in and look at some things and maybe there is a way they can direct water in another…

Justin O’Neal: Absolutely, if there is some alternative plans, I think maybe some knowledge if I can talk to Mrs. Tevault and some others, I think she is our biggest obstacle, but maybe if there was an alternative or if we didn’t have to put a drain in her yard…if I knew what I was proposing… do you understand what I’m saying? Like, hey let them come in here and do this, maybe she would need an idea of what there is or any other alternative ideas. Is there any kind of game plan, or can I get some knowledge of what the plan was?

Commissioner Dan Saylor: Steve, do you have, you probably don’t have other than what is in this packet, you probably don’t have any other information on this do you? Does he have everything that you basically have?

Steve Sherwood: I know Framewood No.2 is what the current plans that were put on hold were for, and that goes back to 2012, but they don’t even reach into Framewood Estates proper where Mr. O’Neal is.

Commissioner Dan Saylor: So, to fix his issue that would have to be addressed first, is that what I am hearing you say?

Steve Sherwood: Yes. I have to drain it to somewhere.

Morrie Doll: Framewood No.2, Commissioner lies to the north of Framewood Estates, this is Mr. O’Neal’s property here, and the $38,000 was spent up here studying north of it, and we couldn’t get right of way entrance here and the water flow is in that direction

Justin O’Neal: Maybe….Framewood No.2 are they still having issues with drainage? Because I thought that managed it over the years especially with the new culvert in at the end of Bayberry.

Steve Sherwood: They have more standing water and green moss than you do.

Justin O’Neal: Do they? Okay. I only see what it on the road and things like that so I apologize, I was not aware.

Steve Sherwood: The argument from Framewood No.2 is that they don’t want to take anybody else’s water up stream.

Commissioner Dan Saylor: Can they berm that, is all this water, if that water is coming can they berm that?

Morrie Doll: I don’t know, it’s private property. I think they can obviously berm their side of the lawn, but I am not sure if they can berm that and is that a…that’s just a boundary line there.

Commissioner Dan Saylor: I always try to think what would I do if I was in your situation.

Morrie Doll: Drainage Law allows sheet flow, just normal flow off the property by gravity under the Indiana Supreme Court’s determination of Common Enemy, so if there is a 40-acre field behind your home or wood, and it is just flowing off of that property towards your….

Justin O’Neal: That is not my problem, it’s the street, by the time it crosses the street it is making it’s way down Bayberry. My problem is the water coming down Framewood, there’s a hill and you are kind of looking down on one of the photos, that water jumps onto my property and goes right to my house…

Morrie Doll: From Bass Wood?

Justin O’Neal: Well..

Commissioner Dan Saylor: From Framewood.

Justin O’Neal: From Framewood itself.

Morrie Doll: But, up towards the direction of Bass?

Justin O’Neal: Yes, Sir.

Commissioner Dan Saylor: So, that was is going north?

Justin O’Neal: Yes, Sir. It’s coming from road water, it’s from water that’s…

Commissioner Dan Saylor: How is it jumping your property? Is it going over the road curve?

Justin O’Neal: Yes, the berm, the curve.

Commissioner Dan Saylor: Could you not berm that with some dirt?

Justin O’Neal: It would have to be pretty good, because there is so much water that comes in…

Commissioner Dan Saylor: Because I know that happened to my subdivision, and the land owner basically put 6-8-inches of dirt there, sodded it, and landscaped it…

Justin O’Neal: There’s a sidewalk, I don’t know, I guess could I mount something on a public sidewalk, or a rubber….let me see if I can get a photo of it for you. Well, you can see where the sidewalk ends right where my property begins, the grass, yeah that’s an option I can try to build something up there to keep that from jumping in, I think I will have to do the whole front of my property along the curb side. That would fix that problem, but the water coming from the hill above my neighbor in the other photos is what you will see, I don’t have a picture that jumps the….and it’s a lot of water coming down there on the road.

Morrie Doll: Is that the gazeebo?

Justin O’Neal: Yes, Sir. So, that is coming from the hill and that is coming from after the rain and after the water had settled, you don’t see the flow of water on that one…

Commissioner Dan Saylor: None of that is coming from the street?

Justin O’Neal: No, Sir, that’s one of the two problems. Maybe I could suggest maybe if there is a berm, or just an option, a low cost option, I’d be happy to talk to the neighbors as well and say the County might be able to do this or that if you allow them to do it. I think some kind of game plan would be good.

Morrie Doll: You understand you can do a berm in your own yard…

Justin O’Neal: Can I stop the water?

Morrie Doll: You can wall it out, you can wall it in, you just can concentrate it and flow it onto a neighbor.

Commissioner Dan Saylor: But he can flow it out to the street cant he?

Bobby Howard: That water there is probably 4-foot lower than the road..

Morrie Doll: Water there is 4-foot lower?

Justin O’Neal: Where the gazeebo is..

Morrie Doll: But that’s not your property? Is the gazeebo yours?

Justin O’Neal: Yes, I’m happy to get rid of it.

Morrie Doll: I don’t think you’re going to have to, I think Mother Nature is going to take it away.

Justin O’Neal: Yes, it is. We bought our house, we never use it, but yeah…

Steve Sherwood: I think Council is saying that any property owner can drain their own property, but you just have to be careful how you do it so you don’t effect a neighbor’s property.

Justin O’Neal: That’s what would happen, I think lot 54 if I built it up it would just flood 54.

Steve Sherwood: You would just have to be careful where you drain it to, and not effect anybody else.

Commissioner Dan Saylor: Justin, in this information do you have a contact number?

Justin O’Neal: I do, I can give it to you now. (*number not documented* *for privacy*) Mrs. Curry has my email as well, but I am happy to give it to you.

Commissioner Dan Saylor: I get enough emails, I’ll call you. I just wanted to just run by and look at it so I have a better understanding of it.

Justin O’Neal: You’re more than welcome on my property or anything you need from me I would be more than happy to help.

Commissioner Dan Saylor: I’m not an expert, but if I understand it a little better.

Justin O’Neal: Should I just expect a call or email from you?

Commissioner Dan Saylor: I’m going to go look at it so I can call you and we can sit out there and see what we can do, I got a shovel.

Justin O’Neal: I think 6-foot of that of what you are saying is easement, I don’t think I can do anything to that easement that you are looking at there so, that is something I would need clarification from you guys as well.

Morrie Doll: Utility easement.

Justin O’Neal: Yes, Sir. I am happy to do whatever you guys need me to do, I appreciate the time and look forward to hearing from you. Thank you.

President Bob Johnson: Thank you.

Commissioner Dan Saylor: Thank you.

**CLAIMS**

President Bob Johnson: Next we have claims. Tom Naas Pigeon Creek Log Removal $38,500.00 and County Attorney for $100.00 total for claims is $38,600.00.

Commissioner Dan Saylor: Phil, is that done to your satisfaction? Is everything good?

Phil Baxter: Yes, we have had a lot of comments on it.

Commissioner Dan Saylor: Good deal, good job. I make a motion to pay the claims.

Commissioner Terry Phillippe: Second.

President Bob Johnson: All in favor. 3-0

**OTHER BUSINESS**

President Bob Johnson: Any other business for Drainage Board? Mr. Sherwood.

**STORM WATER DEPARTMENT**

Steve Sherwood: Thank you Mr. President, first matter I have is to open bids on Old Hickory Estates, we had a bid sent out September 11, 2020 and a pre-bid meeting was held on the 23rd of September all five (5) contractors were present, Addendum number 1 was sent out, we have three (3) bids submitted timely before the 1 o’clock deadline today and Council is prepared to open those for you.

Morrie Doll: First bid I have shows as received at 12:33pm today, it is from JBI Construction Inc. identified as the Old Hickory Estates Drainage Improvement project

Commissioner Dan Saylor: Steve, I got a call when you were doing that pre-construction meeting they thought you guys were getting ready to start work

Steve Sherwood: These are three separate projects, but they are a bid as one and they are all within Old Hickory.

Morrie Doll: This is from JBI it is project 1-3, the total of all three I presume you are not going to want to subdivide these?

Steve Sherwood: No, all bid is one project.

Morrie Doll: The total for JBI is $41,700.00. The second proposed sealed envelope for the bid is also properly time stamped and it is from Deig Brothers, this has a list of inclusions and exclusions of the total bid price from Deig Brothers is $69,315.00. The third and by far the thickest package is from Regal Inc. of Newburgh properly time stamped and still sealed, this is on a contractor’s bid performs 96 for public works in the state of Indiana and it is for the three projects and it is in the amount of $60,000. I will return all three bids, this bid it has labor union contracts and things of that sort attached to it as well, as well as their substance abuse policy.

Steve Sherwood: I would recommend that the Board award it to the low bidder, we would like to get started next week if at all possible, we have a 6-week time period to complete all three projects.

Commissioner Dan Saylor: I make a motion to award it to the lowest and responsible bidder, but Steve, you make sure it meets the criteria and specifications laid out in the bid.

Steve Sherwood: I will.

Commissioner Dan Saylor: That bid would be JBI.

President Bob Johnson: Commissioner Phillippe?

Morrie Doll: We ought to state the amount too.

Steve Sherwood: $41,700.00

Morrie Doll: That is part of your motion?

President Bob Johnson: I will go ahead and second it. All in favor 2-0 (Terry phone conference)

Commissioner Dan Saylor: Councilor, is that just a motion carries to? Terry?

Commissioner Terry Phillippe: Can anybody hear me?

Commissioner Dan Saylor: There you go, was your motion to…

Commissioner Terry Phillippe: I couldn’t hear the numbers, but yes I approve.

Commissioner Dan Saylor: Okay.

*Old Hickory Estates Drainage Improvement Project Bids*

*\*JBI Construction---$41,700.00\*--Awarded 3-0*

*\*Deig Brothers---$69,315.00\**

*\*Ragle Construction--$60,000\**

President Bob Johnson: Okay, then it will be 3-0 JBI. What else do you have Mr. Sherwood?

Steve Sherwood: From the last meeting Ragle was awarded as the low bid for the Lake Ridge Crossing Structure Replacement Project, I did confirm with them that they did understand the bid and they are more than willing to do it for the bided amount, so I wanted to report to the Board with that we are going to issue those to proceed and they have four weeks to do the project, I have already had a pre-con meeting with them so hopefully it will start this week. Next item I have is regarding the pipe lining project in Lake Ridge Crossing at 2144 2166 Lakes Edge Drive, they will be starting soon, I am waiting for them for an exact time yet, I thought it would be this week, last week they said they were delayed a week or two so it should be in the next week or so. In regarding the AT&T issue, where they punctured the pipe upstream of this, we documented back in January that I have had contact with AT&T representative out of the state of Virginia, this is still ongoing problem that they have not responded to timely. I have advised Legal Council, and if the Board would agree I would like for them to begin this work no later than October 15th or I will turn them over to Legal Council for further action. If the Board will agree with that, just a consensus I think, Morrie unless you need something more than that.

Morrie Doll: No, consensus will be fine.

Commissioner Dan Saylor: I’m good with that.

President Bob Johnson: I’m good with it.

Steve Sherwood: Thank you. Next item I have the Hornet Hills Drainage Improvement Project that was done by, or awarded to Metzger Construction is basically the work is completed for the bid specs, the additional paving that was approved will be done within the next week or so. Both for the Highway Department and the portion that will be paid by Storm Water Department, all the drainage work and curbing has been successfully installed, looked at, and improved by both Bobby and myself. Next item I have for the Board’s consideration, you have a packet on your desk that this is Colonial Hills which came before your attention I believe two years ago, this is a main drainage ditch contained within a 40-foot easement, 20-feet on either side of the common lines rear property lines that you see illustrated in the sketch before you, and in that I have a copy of the subdivision plats that show said easement, and a picture showing at the beginning at the ditch and at the end of the ditch. There are some blockages through there, we have basically a 5-foot fall over 1,200-feet of ditch. We have not been able to secure all the temporary right of entries from the various property owners through the years. Barbi from our office took a call from one of the property owners, he asked if the County would ascertain moving this project forward if I can get all 34 property owners to sign the Temporary Right of Entries, last week he came back with all 34 properties signed and executed the Temporary Right of Entries, I said I would bring this before the Board for their consideration, we would do this with our own local forces, meaning our Storm Water crew, we would not bid this out and I believe it is something we can do once the conditions get right to get in there and ditch it, add grade, and get this water way back open and eliminate the pools, ponds, and blockages that exist through the length of it.

Commissioner Dan Saylor: So, I have a question for our Legal Council, so he got all these signatures have those signatures been verified, or how do we know that he just…I mean…

Morrie Doll: No, Sir.

Steve Sherwood: We have a copy of the Temporary Right of Entry’s, Barbi verified they are the current owners on record, now verifying the signatures is a whole other matter. But, we have the current property owners as a month ago providing nothing has been sold since then.

Morrie Doll: We would have good faith right to rely upon them being valid signatures, and obviously when we go to do the work we’ll knock on the door and say hey we’re here to do this work that you previously approved and if somebody says “What work?” then we know we have to stop and have a conversation.

President Bob Johnson: Steve, what kind of utilities are through this ditch?

Steve Sherwood: It is a utility corridor as well we would have to call for locates and verify all that prior to any excavation.

Morrie Doll: Could I ask a question that might have some baring on Framewood? Is this designated as a utility right of way or utility/drainage right of way both?

Steve Sherwood: On this Colonial Hills issue?

Morrie Doll: Yes, Sir

Steve Sherwood: If you look at the plats on the second and third page…

Morrie Doll: I’m trying to read it, but its microscopic.

Steve Sherwood: It does say public utility easement, it does not say the word drainage, but in this case it is obvious that it is being used as a drainage easement.

Morrie Doll: Storm Water Department is a utility, we pay a fee that is collected though the property tax collection, but the storm water drain is a utility. If we have legal authority to proceed in a utility right of way in Colonial, we may have legal authority to proceed in an undescribed utility right of way in Framewood. I don’t know if it has ever been attempted before, but it certainly exists, there is a drain in a utility. By pass practices in Warrick County this may be the solution to Framewood, one problem leading is to a solution to a different day. Just food for thought.

President Bob Johnson: So, what do you need Steve?

Steve Sherwood: Just approval for the Board to proceed since we basically a couple years ago said no to this request due to not having everybody’s proper consent to proceed.

Morrie Doll: This isn’t going to cost a ton of money?

Steve Sherwood: No, we would do this in house with our local forces, basically it’s a grading project.

President Bob Johnson: That’s why I asked what kind of utilities are in there.

Morrie Doll: Yeah, we don’t want to cut anything.

Commissioner Dan Saylor: I make a motion to approve Steve and his crew as an in-house project to clean up the Colonial Hills Section A & B drainage utility ditch.

Commissioner Terry Phillippe: I will second the motion.

President Bob Johnson: All in favor 3-0

Steve Sherwood: I was going to ask the Board if Storm Water can contribute up to another $50,000 for purchasing the culverts for the Highway Department, they are at a point where we got some culverts that need to be paid for, Bobby has some budgetary issues that he would like to save his road monies to finish out road projects yet this year. I believe we have up to $50,000 we can convey to the Highway Department for Storm Water structures. As you know, we give them $50,000 at the beginning of each year that pays for culverts, I offered an additional $50,000 if it would be a benefit to Mr. Howard, and we do have the funds available.

Commissioner Dan Saylor: Can I comment? While I appreciate the working together as County Departments and helping each other out, you guys work great together, just knowing all the drainage problems, you know, Bobby is there any way that you can go to the Council and I am asking a favor, in other words Steve could you spend that money on other Drainage Projects if he can get that money from Council from a rainy day fund?

Steve Sherwood: I don’t have any projects on the books for this fiscal year of 2020, I could use it..

Bobby Howard: That’s why we were just looking to see what he had left, he offered this I did not request it.

Steve Sherwood: Yes, and we have spent upwards of $300,000 on culverts in previous years when we don’t have any other drainage projects…

Commissioner Dan Saylor: We just have so many drainage projects, culverts are important, that’s an expense that you know…

Bobby Howard: We have several large culverts that are failing that we are needing to replace yet this year, and my budget is now pretty tight for the remainder of this year so that’s why we were looking at options.

Commissioner Dan Saylor: It wont create an issue for you?

Steve Sherwood: No.

Morrie Doll: Tell me structurally how you do this, Bobby, is it the covariance of money from department A to department B then you purchase? Or is it that Storm Water will purchase and deliver the culverts to be installed and the public drains in the County?

Bobby Howard: Yes, they order in and pay for them.

Steve Sherwood: We would pay the invoice.

Morrie Doll: I think that’s a more logical State Board of Account’s understandable process if we actually buy them and pay for them, and work with the Highway Department to install them where necessary. So, if you approve it, I recommend you approve it with that cavion on the purchase of those items.

Commissioner Dan Saylor: That’s the amount of $50,000 even?

Steve Sherwood: Up to $50,000, for this fiscal year.

Commissioner Dan Saylor: I make a motion for Storm Water to up to $50,000 purchase drainage structures for the Highway Department, to be installed by the Highway Department with Storm Water.

Commissioner Terry Phillippe: I will second the motion.

Bobby Howard: Like you said initially, these were where Storm Water was paying for all of our culverts several years and then because of his budget at the time it was changed to $50,000 per year, now that there is some additional funds and the work type this year he offered. I appreciate the consideration.

Commissioner Dan Saylor: I appreciate you guys working together and just..

President Bob Johnson: Just figuring out a solution to an issue. You have a first and second, all in favor 3-0

Steve Sherwood: Edwards Ditch extension, Commissioner Saylor saw us clearing the ditch and easement behind Schnucks, behind Schnucks and Spring View Apartments last week with Phil’s consent, Storm Water and Highway Department worked together to remove some vegetation and we are getting some complaints from resident(s) in North Green Springs Valley, we pulled out a few shopping carts as well and we have agitated the cat community. I just want to report that the work has been done.

Morrie Doll: It’s become a natural habitat for feral cats, and there is some objections from cat lovers.

Steve Sherwood: Yes. We are destroying cat habitat is the word I believe.

Bobby Howard: Which, we were not aware of by the way.

Morrie Doll: Well, they weren’t brown bats, they were cats, and that’s a different animal.

Steve Sherwood: The Surveyor’s Office said they would be diligent about spraying these weeds in the future, hopefully we wont have to get into a removal system. Last but not least, Joe, do you have anything for the Board?

Joe Grassman: I do not.

Steve Sherwood: That is all the business I have, thank you, unless you have any questions for me?

Commissioner Dan Saylor: Phil, I would like to say in that corridor, I cant think of it what we call it, along Walmart and 66, that is starting to grow up again, I don’t know, I know it was a long process to figure out who is responsible for what, when, where, and why and if it’s anything on our doing if we can spray, it’s starting to grow up again and it’s not being maintained real well by land owners. If that is a letter going out to land owners or developers or whomever, I just don’t want to see that get up to where it becomes, you know, we have to pay $13,000-$14,000 out of ours, if a private contractor do that if we can spray that in house or do something I would sure appreciate it.

Phil Baxter: We will take care of it this Fall, we keep up with it with the land owners.

Commissioner Dan Saylor: Alright, thank you.

**MOTION TO ADJOURN**

Commissioner Dan Saylor: I make a motion to Adjourn.

President Bob Johnson: Second. All in favor 2-0