

**DRAINAGE BOARD
REGULAR MEETING MINUTES
NOVEMBER 6, 2019 9:00 A.M.
SHOWERS NORTH ROOM 100B**

MEMBERS PRESENT: James Faber, William Riggert, Lisa Ridge, Robert Autio, Dee Owens

MEMBERS ABSENT: Trohn Enright-Randolph (*ex officio*)

STAFF: Donna Barbrick (Secretary), Terry Quillman (MS4 Operator), Connie Griffin (MS4 Assistant Coordinator)

OTHERS: Katie Stein, Steve Smith

Call to order: Robert Autio called the meeting to order at 9:03 a.m.

APPROVAL OF MEETING MINUTES (August 7, 2019 and September 4, 2019): Dee Owens said she had an addition to the minutes. She said Trohn and I were online for 20 or 25 minutes trying to get through to the meeting but we could not hear what was going on. Quillman said I apologize for that. Owens said anyway, we tried.

William Riggert said he had a couple of corrections on the August minutes and gave those to Donna Barbrick. **He said with those changes, I would recommend approval of our August 7 meeting minutes. Ridge seconded the motion. Owens said I abstain.** Riggert said actually you were at the August meeting; that was your first meeting. Riggert said September 4 was the meeting where we tried to have you call in. He said he had one minor change on that one and gave that to Barbrick. Autio had a correction also and gave that to Barbrick. **Riggert motioned to approve with those changes; Lisa Ridge seconded. VOTE: AYE. Minutes approved with corrections.**

III. NEW BUSINESS

A) Project ABB Subdivision Owner Westinghouse ABB Power T&D Company Location East side of Curry Pike at the intersection of West Profile Parkway Request Preliminary Plat Approval

Quillman talked about the site on Curry Pike across from Profile Parkway and said that it is the old Westinghouse site. He gave an overview of the site and talked about the exhibits included in the meeting packet. He pointed out ephemeral headwaters that are Waters of the U.S. and would require 401 and 404 permitting. He pointed out an existing pond that serves as the detention basin for the entire site. He talked about the overall layout with the Profile Parkway extension and Cohen Drive extension to the south. He said Profile Parkway is being constructed now and Cohen is proposed to be constructed in the future. He said there are 16 lots. He said Lot 16 and 15 are common areas for the wetlands and detention basin and Lot 13 is encumbered by easements to handle a drainage swale. He said if you remember, the last time we met, we pushed the job forward because we wanted to see what was happening with the access for Lots 9, 2 and 3 and since then they have decided that they were going to provide access for those lots with private drives. He said the question was will the drainage be sufficient for those. He said with the private drives I am not so concerned; I am assuming that they will work it out when those are built out. He said I would assume they would continue ditches up the driveways. He talked about where they are proposing new ditching and connecting into the existing ditching. He talked about an area that would require IDEM permitting and an area that has an EPA permit that encumbers what can be done with the lot. He said there are restrictions on grading, primarily with the depth of allowed excavation. He said one of the things that came out of Plan Commission involves the Waters of the U.S. and the wetlands. He said we are restricted on what we

are allowed to do as far as cleaning them out. He said in my mind it's imperative that the ditch work properly. He said I have asked Steve to go in and clear the areas in the easements and in common areas to the limits of the wetlands and to the limits of the Waters of the U.S. out to the limits of the easements or common areas. He said I think this is important to be able to go in and monitor them. He said Steve is somewhat agreeable to it. He said Steve is asking for it to be bush hogged once a year. Smith said there are a lot of trees in this area and it would be intrusive to go in and clear those. Quillman said I want to be able to have access to it and I don't think that mowing once a year is going to do it. He said the important thing is to have access to the ditches so they can be managed. Smith suggested a two-foot path, a couple of hundred feet. There was a discussion of the area being immediately adjacent to the Waters of the U.S. There was a discussion of leaving the reasonably sized trees. Quillman said I would like to get it cleared out and grubbed. There was a discussion between Smith and Quillman about what was necessary in the areas. Smith said we are open to a path and bush hogging it twice a year to clear out the little saplings.

Autio asked Quillman is your concern that the ditches will not function properly. Smith said he would be putting in the ditches that are in blue but once we get down into the main channel by the wetlands, there is a lot of vegetation there and the ditches are much larger than they need to be. He said they are 6-8 foot deep. He said there are a lot of trees in that center area that have been growing there for many years. He said the pond down here has lots of vegetation around them. He said there is plenty of storage out there and it seems like it's appropriate to leave that there. He said I don't see why it would be necessary or desirable, either one. Quillman said his major concern was the detention pond, to be able to have access to it to be able to maintain it when sediment builds up in it and a two-foot path will not allow equipment in there. He said if the trees are not removed now, it would be an issue 20 years from now, specifically the detention basin. He said I can't even see the outlet control structure now, at Jonathan. Stein said that DLZ designed that and they are going to have to clear something there when they rebuild. She suggested maintaining access there. There was a discussion of the outlet control structure, a weir wall. She said there are two basin standpipes and the outlet control structure is being rebuilt. She asked about maintaining access there. She said there are two standpipes that convey everything to the south. She said the existing outlet for this treatment pond is being rebuilt.

Riggert said from our perspective, we need access to the entire pond. He said probably at some point it would be dredged. Quillman said I would look at it as any other detention basin where I would ask for a 20-foot easement all the way around for access. Smith talked about the entire lot being easement. He said I would like it to be set up so they can maintain it. Ridge added that they maintain it, not us. Owens asked a twenty-foot easement would pretty much take down all the trees, is that what you are saying. Smith said this requirement would. He said I don't think it's necessary or desirable.

Riggert asked about the north end of the detention pond. There was a discussion about another possible approach for maintenance. Quillman said it has to be reasonably accessible and economical or it won't be done. He said the more difficult it is to maintain the less likely it is to happen. Smith said we don't have the CCRs yet but we are saying the association is ultimately responsible for the common areas and the main ditches; they are delegating that to lot owners but they are maintaining responsibility. He said then the county would have the opportunity to oversee that. He said that would be put into the CCRs. Quillman said it sounds like you are delegating to each lot owners. Smith said the two pond areas would be owned and maintained by the HOA but the ditches on the individual lots would be the responsibility of the HOA but they are delegating it to lot owners. Quillman said if you are delegating the ditches to the lot owners, the more you tier it down, the less likely it is to be maintained. Smith said the HOA would have the responsibility. He said that would be the same as in a subdivision when you have swales: the lot owner takes care of it and then the HOA can step in. He said the HOA would have lien rights and the county would have lien rights. He said the HOA is responsible ultimately. He said I would add that ABB is going to hire a professional manager immediately since they are out of town. He said the HOA is set up, ABB will pay, and then as the lots are sold the lot owners would pay. He said initially since all the lots are owned by

ABB then the property manager will maintain them and then as they are sold and developed, then the lot owners take over. Quillman said I am concerned about adding in that third level of responsibility. He said the whole thing with HOAs and maintenance of stormwater facilities is a chronic issue and this one with vegetation coming up every year is going to take continued inspections and maintenance and to get multiple lot owners to do it I think is going to be an issue. He said I like the idea of having the property manager in there to oversee. Stein said all of these lots will be coming back upon development so that might be another point to push maintenance upon those individual lots when they come back to DB.

Quillman expressed concerns about the ditches being left in the condition that they are in or undisturbed. He said I do not want to be wrestling people to get things cleaned out. He said when you brought up the property manager that raised my comfort level some.

Quillman brought up the issue of bonding for improvements. Smith said we are asking for some of the lots to be excepted from that. Quillman said that is more of a planning issue. Smith talked about what Circle-Proscio is proposing.

Quillman said he asked Katie to provide minimum finished floor elevations on each of these lots. He said she has done that. He said they can bring more fill in if they like but I want to keep the two-foot freeboard standard. He said I made a quick reference to the EPA permit and that will be referenced on the plat. He said so that will be made clear to anyone who purchases those lots. Smith said we will have a sheet with all the affected areas and then reference to the EPA agreement that will be on the plat; we just have to do a work plan with them. Riggert asked about ditches in the affected areas. Smith said we just have to do a work plan with them and follow their guidelines. Riggert said so if you encounter bad soils, they would be moved offsite or used somewhere as fill. Smith said generally speaking we have one- or two-foot of freeboard over stuff. He said if we go below that that is controlled material so we would have to either put it back two feet down or dispose of it appropriately and then put that cap back on there. He said we have to have a work plan prepared by our environmental scientist and then it goes to IDEM for approval. He said or I am not sure if it goes to them for approval but it has to be approved by the environmental scientist. Stein said the threshold I believe is seven feet. Smith said there is a cap that has to be maintained. Smith said most of the ditches are being widened out and deepened a little bit. He said if we get down too low, we would have to undercut and put up a barrier there, I think.

Quillman asked Stein about the depth on Lot 6 on the north end. Stein said I don't recall off the top of my head; I don't think that is seven feet of cut in there. She said this is something that we have given to the environmental consultant to figure out where we need these work plans and where we don't. She said in that area I do not recall. Smith said the ditch profile would be very close to the old ditch profile and then shaping the ditch so it has capacity. Riggert said he was seeing about five feet there. Autio said so you have a work plan that IDEM will review. He said I can see a potential issue if there is a requirement for "x feet" beneath the ditch; it may require building up the lot. Smith said there is no indication from our consultant that there is an issue there. He said we don't have a work plan yet, but he didn't say no, you can't do this.

Quillman said I think Planning is requiring each of these lots to come back before DB for approval and secondly, if there is work that is required by the EPA permit, explain to me the process. Smith said I think IDEM does that. He said the environmental scientist is not concerned about it. He said the site was put into a condition to be used; it was kind of a brown field where you just have to follow certain restrictions. He said the road has all been permitted; it has sanitary sewer and all that. Quillman said that is about everything I have on my mind. He said Plan Commission is looking for feedback from the Drainage Board as it goes to the Plan Commission in a couple of days.

Autio said there are two main issues, clearing and then maintenance. He said getting back to the clearing, it seems like there would need to be access at a minimum for visual inspections to make sure that inlets and outlets are functioning properly. Riggert said I agree. There was a discussion of access points and clearing around the ponds.

Autio said I'd like to ask for a potential motion for requesting clearance around each of the inlets and outlet structures for inspection and maintenance. Quillman said I would like to see additional clearing. Riggert said well, I would say then a mowed and maintained path to the satisfaction of Terry. Owens said I agree. There was a discussion of clearing access points versus clearing a path around the pond. Owens asked if there was a concern about erosion. Autio suggested clearing a six- to eight-foot path on the east and west side. Smith said he could not do the east side because it is right against the property line. Owens asked if there had been an initial walk-through. Quillman said no. Owens said it would make sense for you to actually go in and see what is going on over there. She said then we could know what could be done that is not too invasive. Smith said I think we need a final vote from DB today to keep the road project on schedule.

Autio said commented it seems like there is openness inherent in any inspection – you may have to do maintenance – so there could be things required based on the inspections. Smith said the HOA will be responsible to maintain; the question is what access points are we building to help with that. He said if we could do those at the drainage structures like you mentioned and then at the northwest corner and then if there's problems they (the HOA) would be on the hook to take care of it. Autio said I can see the difficulties of getting on the east side, but at least on the west side and the northwest side, and then have the clearings by the inlet structure on the north and the outlet structure on the south and then maintain to the satisfaction of the MS4 Coordinator.

There was a board discussion of how to word the motion.

Barbrick read back a motion to approve with the following conditions of approval:

- 1) **The developer is to provide and maintain an 8-foot wide access pathway perpendicular to the water on the north, west and south sides of the treatment pond to allow for inspection.**
- 2) **Individual lots will be submitted to Drainage Board for review/approval, including the private drives on Lots 3 and 8.**
- 3) **The HOA will be responsible for maintaining stormwater facilities.**
- 4) **The EPA permit will be referenced on the final plat.**
- 5) **The developer is to provide as-built drawings of the stormwater facilities before final inspection and acceptance.**
- 6) **Drainage Board support for bonding would be provided for stormwater facilities to allow for the plat to be recorded.**
- 7) **401 and 404 permits are to be required except for Lots 1, 12 and 13.**

William Riggert said so moved. Dee Owens seconded the motion. Vote: AYE (unanimous).

B) James Faber's Drainage Board Term – Report

Quillman noted that Mr. Faber's term on DB would be up at the end of the year but that he would continue to serve.

IV. PUBLIC INPUT. There was none.

V. NEXT MEETING DATE: December 4, 2019

VI. ADJOURNMENT. Meeting adjourned at approximately 10:30 a.m.

Approved:

Signed:

Attest:

Robert Autio, President

Donna Barbrick, Secretary