

MEETING MINUTES
MONROE COUNTY DRAINAGE BOARD
9:00 A.M., MAY 5, 2021
Via Zoom App

MEMBERS PRESENT: Robert Autio (President), James Faber, Dee Owens, William Riggert, Trohn Enright-Randolph (*ex officio*)

MEMBERS ABSENT: Lisa Ridge

STAFF: Donna Barbrick (Secretary), Kelsey Thetonia (MS4 Coordinator), Technical Services

OTHERS: Andy Knust, Joyce Rusch, Marilyn Wood

I. Call to Order

Autio called the meeting to order.

II. Approval of Minutes for: March 3rd and 17th, 2021 +*

Autio asked if there were any comments. **Faber motioned to approve the March 3 minutes. Autio asked for the vote to be taken by roll call.** There was a discussion of Mr. Riggert excusing himself from the discussions or voting. There seemed to be a technical issue with being able to hear Mr. Riggert in the meeting. **VOTE: AUTIO AYE, FABER AYE; and OWENS, AYE.** Autio asked if there were any comments on the March 17 minutes. **Vote: AUTIO AYE, FABER AYE, and OWENS, AYE. Motion carried.**

III. Old Business

a. Monroe County Public Library SW Branch – Request for waiver of critical area release rates +*

Kelsey Thetonia said we are seeing this project for the second time; we did an initial discussion of it back in March. She said we received the preliminary drainage plan, I anticipate a vote on the waiver of critical area release rates today, and then we'll see it again in June to approve the final plan. She said Ann Crecelius (Planning) was here to give an introduction to the project and her department's review and then I can go into the specifics of the drainage review.

Anne Crecelius spoke. She said as of right now Planning does not have a petition that we are reviewing. She said the petition that started this was the Bachelor Middle School Minor subdivision, a two-lot minor subdivision. She said that final plat was recorded in March. She said one of the things in that plan was a commitment of subdivision improvements, one of which was for street trees. She said we chose a recorded commitment. She said so as of right now, the subdivision is legal and the petitioners' next step would be to file a commercial site plan with Planning.

Thetonia said she was thankful that Anne was able to join us. She said going through the drainage plan review, you have the entire report in the packet. She spoke of a memo that summarizes everything that they are requesting. She said they are requesting a waiver from the critical area release rates. She said I

know there was some discussion on when this was triggered; we approved these release rates in an October 2020 DB meeting. She said all government projects are subject to any drainage regulations; it is very clear in the state regulations for MS4s, but I also want to be sensitive to the fact that that this is funded by a grant and they are preserving much of the wooded area around the space. She said I think we have come to a good compromise. She said they are requesting release rates slightly higher than those for critical drainage areas. She said for the ten-year flood they are requesting .9 cfs and for the 100-year storm, they are requesting 1.66 cfs. She said one of the changes that you might see in the plan is that previously they were relying on underground detention and now they have added some above ground detention east of the amphitheater. She said to me this is the best compromise with minimal tree removal because the area is already a grass field. She said one of the things that did come up is that the site does receive runoff from Gordon Pike in its current state. She said within the next year or two the county will begin construction on the Gordon Pike roundabout and it will be capturing all that runoff then. She said I do want to let you know that we do have a contract in place with Terry Quillman for reviews of drainage reports and calculations. She said he would be doing reviews and calculations for drainage reports. She said once we pass the new ordinance I am hoping we will have a fee structure in place for reviews. She asked if anyone had any questions on the drainage design.

Autio said he had a procedural question. He said DB has approved these stricter rates but does it now need to go to the county commissioners to become a statute. Thetonia said for the critical area release rates, I do not believe so. She said I talked to Dave Schilling (Legal) about the new ordinance that will need approval by the commissioners and will obviously contain all the new release rate requirements. Autio said he had a question on whether the new standards had the force of law behind them. Thetonia said it is my understanding that DB has the ability to require more strict design; you can make things more stringent based on current conditions or, as in this instance, where we see issues with flooding or a need to protect sensitive areas. She said so that was the reason behind it; that is a good point. Autio said I appreciate that clarification. He commented it is will be wonderful to have Terry's expertise again. He said the new detention pond is an improvement to the design. He said the diversion to the already existing wetland makes a lot of sense to me.

Trohn asked Thetonia if she was supporting the waiver request. She said I am recommending approval of their release rates. She said I think they have done a good job in trying to reach them.

Faber asked about how much area would be grassy and about trees. Thetonia said I will let Andy answer that but I will say that this whole area is grassy now and it is the area to the north that is forested. She said there will be a little bit of tree removal on the north side, but they tried to minimize that as much as possible.

Andy Knust spoke. He said we have not fully developed a landscaping plan but there are definitely trees included in the design and we will be planting trees on the proposed development here. He said the detention pond that we added on the east end of the site will cut a little more into the existing wooded area but not significantly. He said we will have room for new landscaping but we are preserving two acres of a five-acre site. He said we will have a good landscaping plan for where it is appropriate to put landscaping. He said the detention pond itself will be grass; we do not want to put trees in there but there will be trees around the perimeter of the parking lot and in some landscape islands.

Knust said if I could add a few comments about your review and your recommendation to the DB. He said what we have provided are preliminary calculations and we are still developing the design and expect to have completed design documents in July. He said so the design will continue to develop and I am looking at some of the condition that you are recommending about having 18 inches of cover over the

underdrain and having 10% additional volume in the detention basin and that may cause me to adjust my numbers a little bit. He said for whatever the DB approves or recommends today I would appreciate having a little bit of flexibility and not being tied to these exact numbers. He said that would be helpful but we can still hold to the peak flow rates that we have calculated so far.

Thetonia said I understand that and I am looking forward to receiving the full plans and getting Terry's review. She said some of these conditions are general requirements already in our ordinance so if you wanted to change any of those then I would bring that to the June meeting.

Autio asked if someone would like to make a motion to approve this preliminary drainage plan with the conditions listed in Kelsey's memo. Dee Owens said so moved. Faber seconded. Vote by roll call: AUTIO AYE, FABER AYE, OWENS AYE, and RIGGERT ABSTAIN. Autio said the motion carried and the preliminary drainage plan is approved. He commented I think the library is such a community asset and we really want to work with the library board to make sure that this is successful; thank you.

IV. New Business

a. Dogwood Estates: Ornamental Dr. Private Property Berm +

Thetonia said this is informational for the drainage board; I don't think DB requires any action today. She said Todd Stevenson was involved in this some years ago. She said we have a private property issue in Dogwood Estates in the Lake Monroe watershed. She said a property on Ornamental Drive that has contacted us; there was a pond installed with a berm when the subdivision was approved in the nineties by the City. She showed the drainage easements and detention ponds. She said we have a retention pond that was supposed to be temporary during construction. She said this berm is in place and the issue is it holds water for a long period. She said if you have standing water for 72 hours or more, it becomes a mosquito breeding ground and a public health issue. She said Todd's initial handling of the situation was to install a standpipe. He sent letters to downstream homeowners (that is required in our ordinance) and the downstream homeowners opposed it. She said he decided not to do any work. She said it's very clear that we do not do work on private property, especially without easements. She said from what I can see, it just got dropped and now this has come in front of me again as a question or complaint from the homeowner and they are asking to either modify or remove the berm. She said after doing some more digging in the ordinance, there is one provision in the ordinance that requires a drainage engineer review of the removal of any berms on private property to show that there won't be a significant increase in downstream flooding. She said that is really the only thing I could find in the ordinance that would regulate something like this, otherwise it is strictly a civil issue and some of the property owners themselves need to handle this on their own. She said I did write a memo and the homeowner provided a summary of the situation and I can share some pictures, as well.

Thetonia displayed some photos of the site. She said there is no drainage infrastructure or features and there is some erosion. She said the homeowner is here.

Joyce Rusch spoke. She said we share the berm with another property to the east of us and we've had quite a bit of erosion on the backside of the berm and we have tried to fill it in but it is not sufficient so we are trying to come up with a solution. She said it used to drain in two to four days but now sometimes it's up to ten days before it fully drains and we want to be able to deal with it and we want to know if the berm needs to be maintained. She said we are looking for guidance.

Thetonia said the DB does not have jurisdiction over this so any issues between homeowners I don't think there is anything that DB needs to approve and I wanted to get that on the record. Autio said I think I understand that there is no official capacity for the DB on this issue. He asked if engineers had come out to make recommendations. He commented it seems like you need a drainage expert.

Rusch said it seems like there should be a better solution. She said we have not had much luck talking to the neighbor. She said there was a dead deer in there last year; it's just a cesspool so we need some direction so that we can move forward. She said we recognize we don't want to cause any difficulties downstream but we also can't just let it sit there the way it has been. Faber commented about the upstream area having responsibility as well. Rusch talked about runoff from the homes in a section of the neighborhood.

Thetonia said the whole subdivision was designed with curb cuts, which we do not do anymore. There was a discussion of drainage in the neighborhood. Thetonia said now we would require drainage easements if there any outlets because you do not want someone to block a drainage way in a way that would cause upstream flooding.

Trohn said it is hard to identify our role in this matter today, except for trying to serve as a mediator between two private residences, which I am willing to do. He said I do think recommendations from DB could help maybe smooth the discussions over with the property owner when you are talking about the drainage sitting there for over 72 hours and it becomes a mosquito cesspool I think we could point to public health language and try to educate property owners. He said outside of that I do not see our role. He said my question is, is there some way that we could maybe have more of an active role on some of these issues, especially if some of the infrastructure in place was installed where we do not have easements or bioretention so we are not impacting the neighbors or anyone downstream. He said I am curious how that would move forward in an ordinance or a policy.

Thetonia said I think we can make sure in the new ordinance that there are provisions to provide clear guidance to homeowners. She said I think Todd's recommendation to provide a drainpipe is still valid. She said I think it is reasonable to try to get it to drain within 48 hours. Autio asked if there was any mechanism with the Health Department for that type of drainage. Thetonia said in my experience the department does not offer help with that. She said we could try to ask them to do some sampling from mosquito larvae but I know that they are super busy. She said the Soil & Water Conservation District (SWCD) has grants. She said I definitely want to work on potentially funding more residential homeowner stormwater solutions. Rusch said I have talked to Martha Miller (SWCD) and she said there might be funds available. She said but we just weren't sure what we are allowed to do. Faber asked if there was any responsibility on the part of the developer for correcting this. Thetonia said as far as I know the county accepted all public improvements in this area and, this being a temporary feature, it was not anything that we would have signed off on so I am not sure what happened, honestly, with this.

Trohn said I was trying to think a little outside the box. He said we have two things going on. He said one is a lack of information on how to approach and fix the problem and two; we do not have any official capacity to do anything. He asked about rendering a recommendation. He said I would strongly advocate that we look into expanding the program that we have with SWCD.

Thetonia said from my experience, local government should avoid recommendations because it can come back to haunt us and we could be liable for something. She said my typical stance is to offer general recommendations and best practices.

Faber said I still feel like stormwater group has a responsibility to correct things like this; each individual property owner has paid a fee into the stormwater group and it has money that they can use to correct these types of things. Trohn said we do not have rights to go on the property right now. He said it is going to be tricky. He said we do not want to go in there, fix something, and then be responsible for it as Kelsey was saying. Thetonia said our stormwater crews only work within the county right of way. She said we can ask for right of entry onto a property if we need to but that is typically only if there is an imminent danger, public safety issue or something where we need to fix a pipe that just happens to be outside of an easement area. She said if we committed ourselves to working on private property we would need to triple our stormwater fee; we already can't keep up with projects and stormwater requests we have. She said we need to draw the line somewhere.

Autio said it doesn't sound like DB has the jurisdiction. He asked about getting an engineering plan. Autio said he would be happy to reach out to the neighbor. Rusch said I do not know how to determine engineering credentials, we have had a hard time getting anyone to come and look at it, and then, when they do, they say well, what do you want to do but we do not know what we can do. She said we are kind of stuck in a loop. Thetonia offered to send a list of engineering firms in the area. Faber said it was the county's recommendation to start so it's the county's responsibility, I think, to try to correct it somehow. There was a discussion of sinkholes in the area. Thetonia said if we can get a professional engineering report, they will not be looking at the underlying karst but typically, I would advise not to increase any flow toward existing sinkholes. She said you are not changing the flow path of any existing sinkholes.

Autio said thank you for bringing this before the board. Rusch said thank you.

V. Staff Report

Thetonia said she had a quick update. She said back in March, you approved the preliminary report for The Trails at Robertson Farm. She said they have since withdrawn their petition to the Plan Commission and have decided to go through rezoning. She said it will be a mix of different single-family homes but their drainage plan is not really changing. She said we have a job opening posted for a stormwater inspector. She talked about new state regulations that will be passed this fall, requiring us to inspect permanent detention ponds every five years. She said that is going to be a huge responsibility; I estimate we have hundreds of ponds to inspect and a lot of them need maintenance. She said I know concerns have been expressed about HOAs and this will help with following up. She said I would like to present the new ordinance to you all perhaps next month. She said there is a lot to it; if you want to vote on it, you are not required to, but I know in the past that Todd had you approve ordinance updates. She said I would invite our local engineering firms if they want to hear about it and offer input. She said I wanted to give you a heads up on that.

VI. Public Input for Items not on the Agenda

Joyce Rusch spoke. She said I have a quick question. She asked if we don't do anything to the berm, what happens if we move our fence and let it erode. Thetonia said I would still recommend getting you into the SWCD grants program to mitigate erosion issues.

Trohn said he would drop the link to the Indiana drainage code in the meeting chat and could email it to DB members.

VII. Adjournment

a. Date of Next Meeting: Wednesday June 2nd, 2021 at 9:00 AM

Meeting adjourned at 10:13 a.m.

Minutes approved: _____

President

Secretary