

MONROE COUNTY DRAINAGE BOARD
CONTINUATION OF MARCH 3, 2021, MEETING

MARCH 17, 2021 9:00 a.m.

Via Zoom

THE TRAILS AT ROBERTSON SUBDIVISION (continued)

Robert Autio said today we are having a special meeting to address business which we put off from our March 3, 2021, meeting, so there is no public comment or approval of minutes or anything like that. He said there is one procedural note. He said there are four voting members on the Drainage Board and I think they are supposed to be five. He said I was asking Dave Schilling, Monroe County attorney, about how to handle it if there is a tie and it turns out that, I think, the fifth member is actually supposed to be a county commissioner and they can assign a person to be a fill-in and vote. He said Schilling said that Lisa Ridge has been assigned to that role. William Riggert commented I know that Todd never voted and Terry didn't either. Autio said Drainage Board (DB) would proceed today with Lisa Ridge being the fifth vote. Lisa Ridge said Dave Schilling did call me yesterday and explained the same thing to me.

Autio referred to a memorandum in the packet and asked if there were any comments. Dee Owens said I think it's fine; I still want to be sure that we pay strict attention to the remonstrances and that those questions are answered. Faber asked about the number of sinkholes found. He talked about sinkholes developing on a property. He said I am concerned that this is a possibility on this property as well; they automatically appear at times depending on rainfall and drainage. Autio asked Kelsey if there is a plan to address sinkholes that are found.

Kelsey Thetonia said we only have the preliminary plan so far but in the final development plan, we have conditions where we'd like to have a plan in place for when sinkholes develop during construction. She said we also have the current sinkholes in conservancy areas and that is the extent that we require under our current ordinance.

Daniel Butler spoke. He said we have a full karst report now. He said in that report they do address the possibility of sinkholes and recommendations in place. He said we have an expert who has been working with those karst features and who does have recommendations and throughout the course of construction we have him coming to the site, along with a geotechnical engineer, to make sure if something new is found that we would be able to identify that. He said we do have an identification of all karst features on the site as it sits right now. Thetonia said she had the report. Owens said she read the full report and it is satisfactory as a preliminary plan. Autio said as you say, Dee, I think it is satisfactory. He said one condition I might like to see is the identification of new sinkholes during construction and with the possibility that a conservancy area around that may take up housing plots, making them no longer available for construction. He said there could well be others that reveal themselves during construction.

Butler said we have no issue with that; that is why we got this report so early so we could identify those and work around them as best as we could, have plenty of conservancy around those and add conservancy if new ones come up.

Kevin Schmidt spoke. He said if I might add, if you look at Chapter 829 in the zoning ordinance it already addresses finding of new sinkholes during construction and how they are supposed to be handled so while we can put specific ordinances on it, I might suggest that it is covered in Monroe County

Chapter 829. He said to Thetonia, correct me if I am wrong. Thetonia said I have not spent a whole lot of time on Chapter 829 except for a few specific areas. She said I am very confident that that language is already in Chapter 829.

Autio asked DB members if there were any other concerns. Trohn Enright-Randolph said I have a question. He said if new sinkholes develop on the property on separate lots and those lots were already sold, that seems like something we need to navigate. He said it might be outside of this board but it does present an interesting question: who needs to be held responsible financially if a sinkhole develops and the lot has been sold. He asked does that become another onerous burden on the property owner. He said I am going to bring that up with the Plan Commission and maybe we need more of an overall ordinance to address this, instead of a particular petition. He said I just wanted to make those comments; thank you. Faber said that is a good point to bring up. Autio said obviously, it would be a concern for the developer and I think that is the nature of this property; we are all aware of the karst features so I would hope the developer is, as well, as Daniel has stated.

Butler said I just want to reiterate that we had a number of environmental studies done on this property to make sure that we are protecting all these natural features. He said we are aware that this is a sensitive property and that is why we had those studies done early to find wetlands, stream areas, and karst features. He said so there are multiple reports but I believe we did that due diligence.

Trohn said I want to clarify that my comment was not towards this particular petition but just overall. He said we should maybe start a larger discussion and I am not sure where that should start, here or at the Plan Commission.

Autio talked about there being five components to the motion as it was written. He was asked to read them:

1. The preliminary plan shows compliance with the Board's new critical drainage area release rates of $Q_{100} = 0.45$ cfs/acre and $Q_{10} = 0.25$ cfs/acre.
2. The four (4) areas designated for detention will allow for adequate storage based on these release rates.
3. The existing culverts under the Clear Creek Trail will have adequate capacity for the Q_{100} event.
4. The development will have no impacts to the floodplain, karst areas, or jurisdictional wetlands.
5. The Overall Site Plan shows that approximately 14 trees will be removed as a result of detention pond construction. Per Chapter 761, this action requires Board approval. A condition is proposed to replace these trees 1:1 in the common areas around the ponds.

Faber commented about the drainage pipes handling a 100-year event. He said I am familiar with Northern Wisconsin where they had two 500-year events each year. He said they washed out all the culverts that were in existence at the time and they had to shut down Highway 13 and put in huge culverts because of the 500-year events that took place twice in two years. He said that could occur here, too, with global warming taking place; there is a problem that we apparently are not envisioning. He said those are my comments.

Thetonia said I really appreciate that comment and I think it is very relevant. She said I want to clarify that we are going to be calculating the amount of water leaving the site through these pipes for the 100-year flood, but that is basically the overtopping stage for the detention pond. She said we do not design infrastructure for more than 100-year flood. She said these ponds will be holding the water back and releasing it at a much slower rate than was previously allowed under county ordinance. She said typically, we would be matching the pre-developed conditions to the post-developed and these discharge rates are

taking it down by almost a whole order of magnitude. She said it is a significant decrease in how fast the water is going to be leaving these ponds so we need to make sure that the pipes can handle it. She said they are 12-inch reinforced concrete pipes; one of them has a significant slope to it. She said the water will be moving quickly and Daniel is suggesting velocity dissipation at the end of these pipes but it wouldn't be different from what the pipe can already handle. She said I think by implementing the more restrictive release rates we are already getting ahead of these more intense rain events we are expecting from climate change and their downstream impacts and that was the point of implementing these. She said this is much more stringent than your typical detention pond design and I think that it is a great step to start addressing these more intense rain events. She said we are not going to design to more than the 100-year, though, because it would take up so much space to be able to store that much water and there is no infrastructure that is going to be able to hold a 500-year event. She said no storm infrastructure is going to hold that water; it is not practical.

Dee Owens asked about the trees. Thetonia said she saw beeches, sycamores, soft wood trees and some cherry trees. She said the only oak trees I found were on the west side of the site by the smaller detention pond on the northwest corner. She said I can work with Daniel to pick out the species that would be more beneficial to the wildlife in the area. She said I am happy to work with them on that.

Owens said I am also looking at the development of the final drainage plan, and I do agree with all six of the recommendations. She said I think they are well thought out. Thetonia said most of them come from our current ordinance requirements and it's more of just a reminder that these things need to be considered, so thank you.

Lisa Ridge commented that Dave Schilling was on the Zoom meeting now if any DB members had a question before taking a vote. Autio said hello to David and that he could chime in on the alternate member issue. Schilling said yes, the alternate member is appointed to make sure that you can have sufficient votes. He said that is set forth in the DB ordinance. Trohn said to Lisa you were so close but then we pulled you right back in. Lisa said thanks, Trohn.

Trohn said I have an additional question. He asked could the commissioners appoint anyone to fill in. Schilling said they may appoint anyone.

Guy Loftman spoke. He said if this was going with our current zoning, I think it would be a much, much simpler drainage plan. He said they are asking for a vast increase in impermeable surface and I don't see any reason for you to be moving beyond what would be a much simpler plan to enable a much more complex one. He said I am very concerned about the life expectancy of these features ten or twenty years out and I think you should consider that homeowner's associations are notoriously weak entities to look after these and we are creating a maximum load requirement on these people. He said I did ask some questions that have not been answered. He asked a question about the drainage and how the calculations were made. He said that the trees would be replaced with measly trees and that the board feet lost is a real, serious problem. He said they have only identified 14 trees that need to be removed from the site but my estimate is 50 to 100 mature trees, some of which are beautiful tall pine trees, will be removed and that those board feet, all that carbon, is going to be released. He said we are facilitating making things worse. He said I don't think we should rush approval until the public has an opportunity to understand what is going on and I don't think we should rush approval until we have a complete inventory of the trees because trees are a major source of drainage control. He said I have asked the developers for a tree inventory and I was told there is a tree inventory and the one I got only counts about – I don't know – 20% of the trees; they don't count all the trees up near the farmhouse. He said I think we need a full tree inventory, we need accessible information, and we do not need to decide this today. He said we can put

this on the table and wait for more information. He said thank you very much for the opportunity to address the board.

Lisa Ridge had a question. She said since I haven't been a part of this when it was on the March 3 agenda, my question is, after listening to Mr. Loftman, is there a time constraint on this. Thetonia said there is a Plan Commission meeting on March 23 and I was hoping to bring a DB recommendation to the commission on the 23rd. Ridge said thank you. Autio said my understanding is that this is a preliminary drainage plan and then, based on our approval if that is forthcoming, they would prepare a final drainage plan which I would anticipate would include all the information or more of the information that we all need and that Mr. Loftman has requested.

Butler spoke. He said we do have a full tree inventory; I believe it is the same one that I gave Mr. Loftman and I can share my screen now if you are interested. Butler was able to share his screen. He said this does give a tree count and the types and sizes of the trees throughout the site. He said I believe this was given to Kelsey as well, so I think we have all the trees counted. He said I believe Kelsey was talking about trees in the southern basin area but we can avoid those possibly and she was recommending 1:1 replacement in that area. He said I am recommending a one-to-one replacement in that area. Owens asked about the trees around the farmhouse. Butler said we show those right here; everything around the farm house is slated. He showed areas where tree conservancy is planned.

Kevin Schmidt spoke. He said I don't believe any of those trees around the farmhouse will be removed for drainage purposes. He said the plan is that we will try to maintain those trees as practical throughout the development and we believe that, based on looking at our total tree count, that we will be increasing the total number of trees on this 44 acres by 50% once we are complete.

Trohn said I just wanted to make one comment to Mr. Loftman. He said I just want to encourage him to attend the Plan Commission meeting and express the same comments there, as well. Loftman asked Butler for a copy of the tree inventory.

Autio asked Thetonia to pull up the document with the proposed language. He asked if there was a motion to proceed with these five conditions as an approval of the preliminary drainage plan.

Dee Owens said yes, I would move that we approve the preliminary plan, knowing that the Plan Commission will be reviewing this, knowing that Kelsey has ascertained that they are meeting the rules of the ordinance and continuing to consider the remonstrances and answering those questions.

Riggert said I will second. Vote by roll call: AUTIO YEA; FABER NAY; OWENS YEA; RIGGERT YEA, and RIDGE YEA. Autio said the motion passes (4 YEAs to 1 NAY) and the DB approves this preliminary drainage plan with these conditions. He said thank you all; this is an important and difficult subject and I appreciate all your input.

PUBLIC COMMENT

Faber said I have a problem that I brought up previously at a Drainage Board meeting and also the Stormwater Management Board meeting. He said the ditch coming down from Arlington Road, from Westbury Village and swinging around to North Maple Grove Road is a problem and I wish someone would go out during a heavy rainfall and see what goes on there. He said the property owner there has been taking the leaves out of that ditch. He said there is a drastic drainage problem coming down through that ditch and something needs to be improved there. He said I hope somebody takes a look at that, especially with the rain coming. Thetonia said I hear you and I know you have mentioned this several times and our stormwater superintendent is aware of this and your requests. She said he's been out there

but, like I said, maybe during the next rain event we can go out to see exactly what you are talking about. She said it is on their work request list. Faber said good, thank you.

ADJOURNMENT

There being no further business Auto adjourned the meeting at approximately 9:55 a.m.

Minutes approved: _____

President

Secretary