

STORM WATER ADVISORY BOARD  
Minutes of Meeting Held  
January 23, 2016

The Storm Water Advisory Board met in Room 205 of the County Administration Center, 155 Indiana Avenue, Valparaiso IN at 5:00 on Monday, January 23, 2016.

The meeting was called to order by Chairman Jim Polarek and the pledge of allegiance was said. In attendance were Board Members Matt Keiser, Russell Pumroy, Scott Severson, Jeremy Rivas, Jim Polarek and new board member John Patterson came late. Also in attendance were Jeff Good, Kevin Breitzke, Chuck Miller, Beth Moench, Attorney Clay Patton, Bob Thompson and Michael Novotney.

Jim Polarek announced the first item on the agenda is Reorganization. Jeff Good nominated Scott Severson as Chairman. Russell Pumroy seconded the nomination. Upon voice vote Scott Severson was unanimously voted as the new Chairman of the SWAB. Scott Severson presided and asked for nominations for Vice Chairman. Jeff Good nominated Matt Keiser for Vice Chairman. Jim Polarek seconded the nomination. Upon voice vote Matt Keiser was unanimously voted as the new Vice Chairman of SWAB.

**New Business**

**Case:** SM-16-0119

**Applicant:** NIPSCO

**Location:** 850 North Old Porter Road

**Request:** To work within drainage easement of Swanson-Lamporte Ditch and Gustafson Ditch in order to complete installation of fiber optic line on existing electric towers.

Discussion: Jeff Good asked if a Hold Harmless is needed. Mike Novotney answered no. Is there a restoration plan? Mike Novotney explained that is standard in the application.

Staff Findings and Recommendations: Staff has reviewed the application and accompanying construction plans and construction storm water pollution prevention plan.

The applicant is proposing to complete the installation of an aerial fiber optic line on structures associated with an existing 138 kV transmission line. The route of the proposed fiber optic line crosses Porter County's system of regulated drains in four locations, including three locations on the Swanson-Lamporte Ditch and one location on the Gustafson Ditch. Use of the regulated drainage easement is proposed in two locations, including one location on the Swanson-Lamporte Ditch and one location on the Gustafson Ditch to provide access necessary to install the proposed fiber optic line. Land disturbance associated with the use of the regulated drainage easement is anticipated to be limited to that associated with overland access by bucket trucks. At Gustafson Ditch, a timber mat crossing is proposed.

At this time staff recommends approval of the use of the regulated drainage easement to provide access necessary to install the proposed fiber optic line. The standard terms and conditions associated with conducting work within a regulated drain/regulated drainage easement shall apply to the project.

**Motion:** Jim Polarek moved to approve the request. Russell Pumroy seconded the motion. Upon voice vote the motion passed with a 6-0 vote.

**Motion:** Russell Pumroy moved to have a Hold Harmless Agreement prepared in conjunction with this project. Jeff Good seconded the motion. Upon voice vote the motion passed with a 6-0 vote.

**Case:** SM-17-0001

**Applicant:** McMahan Engineers/Izaak Walton Miller Chapter

**Location:** 1250-1269 Crisman Road

**Regulated Drain:** Burns Ditch/Burns Waterway

**Request:** To rebuild bar/meeting hall of Izaak Walton within regulated drainage easement. Rebuild is due to 2016 fire.

Doug Homeyer of McMahan presented. In 2016 the existing building was lost to a fire. They want to re-build a smaller building and will do landscaping. The building falls 75' within a regulated drainage easement. The City of Portage is ok with the project but is requiring approval from this board also.

Jim Polarek asked if there are any detention ponds. The water runs into Burns Ditch. The water will be cleansed before going into the ditch.

Jeff Good asked if Army Corp permitting is required. No. Matt Keiser discussed this location could have been pushed into the parking lot area. This is the best fit. They are asking for a variance on the parking. The City of Portage has required the parking to be double than the previous building.

Jim Polarek asked how far from the corner of the building to the ditch bank. Doug replied 40'.

Jeff Good asked if this is in the City of Portage. Kevin Breitzke replied it is entirely within the City of Portage. They have been working to try to transfer jurisdiction. Discussion followed regarding drains/ditches within city limits and the cities taking jurisdiction and access to sites.

**Staff Findings and Recommendations:** The applicant is proposing to construct a 1-story building, parking lot, and associated site appurtenances within and adjacent to the regulated drainage easement associated with Burns Ditch/Burns Waterway. A significant portion of the proposed improvements lies within the regulated drainage easement.

The applicant has requested approval to encroach upon the easement to allow for construction of the proposed improvements and has offered to execute a hold harmless agreement that would hold Porter County harmless from any claims of damages to the improvements incurred as a result of Porter County maintaining or reconstructing the regulated drains.



At this time staff recommends approval of the proposed improvements within the regulated drainage easement. Such approval shall be contingent upon the execution of a hold harmless agreement between the applicant and Porter County. All other standard terms and conditions associated with construction work within a regulated drain/regulated drainage easement (as stated in the application) shall apply to the project.

Motion: Jeff Good moved to approve subject to Hold Harmless Agreement, any other permitting and City of Portage approval. Jim Polarek seconded the motion. Upon voice vote the motion passed with a 6-0 vote.

**Continued Discussion on Advisory Board Resolution of Appeals**

Mike Novotney reported if the Board passes these recommendations then they will have a Resolution at the next meeting. Discussion: This document helps and checks off some of the requirements for Federal and State requirements. A suggestion was made that a Preface be put on this document so all will understand the MS4. This is an unfunded Federal mandate. One requirement is to have an educational piece. It also requires a public outreach and public participation. A request was made to have the MS4 Director give a presentation to the Board.

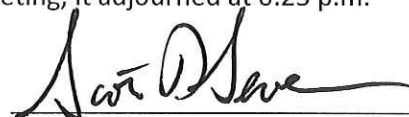
**Project Updates:** Mike Novotney presented project updates.

**Open for Discussion -** Jeff Good suggested all Board members visit the office so they can see the changes that have been made. The Highway Department Engineer is now in this office. Jim Polarek made a request to look at 250 South and 75 East. It is under water. Russell Pumroy discussed Schoon farms. After discussion it was suggested they come before the Board. Russell Pumroy discussed the Glenda Snyder. If they want it cleaned they need to go through the County's process and use the County's contractors.

Reggie Butler gave an update on the IDEM MS4.

Russell Pumroy asked if the Bi-County Board is still in effect. Bob Thompson advised it is not. Kevin Breitzke is working to put something together that will dissolve the board.

There being no further business to come before the meeting, it adjourned at 6:25 p.m.



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Scott D. Severson, Chairman

Attest:



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Mike Novotney, Engineer/Program Director