

STORM WATER ADVISORY BOARD
Minutes of Meeting Held
February 13, 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, February 13, 2016.

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

All actions will be placed on the next Consent Agenda of the Storm Water Management Board.

New Business

Case: SM-17-0007

Applicant: NIPSCO

Location: Various locations along State Road 8

Request: To replace utility poles within regulated drainage easements of 6 ditches that cross and/or run parallel to State Road 8.

Mike Novotney presented with Staff Findings and Recommendations: The applicant is proposing to replace at least 9 existing wooden utility poles located within regulated drainage easements along SR 8 between Hebron and Kouts. The affected regulated drains include Henderson Ditch/Cobb Creek (1 pole), Keller Ditch (3 poles), Cornell Ditch (1 pole), Phillips Ditch (2 poles), Sandy Hook Ditch (1 pole), and Pleasant Township Ditch (1 pole). It appears that in addition Phillips Ditch, Arm 6 (tiled drain, 1 pole) and Pleasant Township Ditch, Branch 1 (at least 2 poles) will be affected by the proposed work.

As much work as practicable will be conducted from the road; a combination of conventional excavation and hydroexcavation methods will likely be used. If any work needs to be conducted off of the roadway within the regulated drainage easements, the applicant has agreed to restore the regulated drain easements to condition as good or better than they were prior to the commencement of the work.

Staff requests that the Department be contacted at least 72 hours prior to the commencement of the work in the vicinity of Phillips Ditch, Arm 6, so the tiled drain can be located in the field. Staff will also provide the applicant with a shape file showing the location of the tiled drain so that it may be shown on the applicant's construction plans. All other standard terms and conditions associated with conducting work within a regulated drain/regulated drainage easement (as stated in the application) shall apply to the project.

Motion: Russell Pumroy moved to approve the request. Matt Keiser seconded the motion. Upon voice vote the motion passed with a 5-0 vote.

Case: SM-17-0008

Applicant: Thomas Stoner

Location: 260 & 270 N 600 E (Lots 1 & 2) Stoner Admin. Subdivision)

Regulated Drain: Crooked Creek

Request: To allow septic system perimeter drain outlet into Crooked Creek.

Purpose: to install septic system for single family new construction

Staff Findings and Recommendations: The applicant is proposing to install the outlet pipes for the septic system perimeter/curtain drains that will serve the proposed lots through the regulated drainage easement associated with Crooked Creek. The outlet pipes will discharge to Crooked Creek.

The invert of the perimeter/curtain drain outfalls will be located approximately 5 to 6 feet above the toe of slope. Due to the steep nature of the stream banks in this area, it is recommended that rip rap slope protection be placed beneath the proposed outfalls to prevent stream bank erosion beneath the outfalls due to concentrated flow from the outfalls.

All other standard terms and conditions associated with conducting work within a regulated drain/regulated drainage easement (as stated in the application) shall apply to the project, and staff recommends that approval of the proposed work be contingent upon the execution of a hold harmless agreement between the applicant and Porter County regarding any damages the improvements may incur during the maintenance of Crooked Creek.

Motion: Russell Pumroy moved to approve contingent on a Hold Harmless Agreement and rip rap installation. Matt Keiser seconded the motion. Upon voice vote the motion passed with a 5-0 vote.

Resolution 17-01

A Resolution establishing criteria to be considered during the evaluation of an appeal of Porter County's Storm Water System User Fee, which may be used to determine whether a parcel, or portion thereof, is benefiting Porter County's Storm Water Program and, if so, whether a reduction in the Storm Water User Fee charged to such parcel should be awarded.

Discussion: The Board's attorney has reviewed this document. This should be put on the web page so public knows what is involved. This document is a guideline.

Motion: Matt Keiser moved to forward Resolution 17-01 to the Storm Water Management Board with a favorable recommendation. Russell Pumroy seconded the motion. Upon voice vote the motion passed with a 5-0 vote.

Appeals Continued – Storm Water User Fees

Case: SA-16-0075

Applicant: Izaak Walton League of America

Address: Various Parcels

Request: to waive or reduce storm water system user fee

Petitioner states these parcels are part of the Wetland Reserve Program and are a solution to the Storm Water program.

Discussion: It is questionable if this is in perpetuity. They discussed the timeline of implementation of the proposed improvements and the appropriate time at which to support a fee reduction. Once things are in place, then a reduction could be given.

Motion: Jeremy Rivas moved to table. Russell Pumroy seconded the motion. Upon voice vote the motion passed with a 5-0 vote.

Appeals New – Storm Water User Fee

Case No. : SA-16-0110

Applicant: Woodland Savanna Land Conservancy

Address: various parcels

Request: to reduce storm water system user fee to per acre

Garland Hicks presented. He is unable to combine contiguous parcels due to being in two different townships or unable to combine platted with metes and bounds.

Staff Findings and Recommendations:

Parcel Group A-F (Cherry Hill) Unable to combine contiguous parcels due to being in different townships and/or a combination of platted parcels and metes and bounds parcels. Storm water fee currently charged for 6 parcels is \$720. Each is served by a regulated drain whose maintenance is funded by the user fee. If the contiguous parcels with the same property use/class codes were combined it would reduce the number of parcels to 3 and a fee of \$360. These parcels are lacking several criteria for granting an appeal and reduction.

Parcel Group G-H – Liberty Township. If parcels with the same property use/class codes were combined parcels would be reduced to 1 and user fee would be \$120.

Parcel I – The total storm water user fee currently charged is \$120. It is served directly by a regulated drain whose maintenance is funded by the user fee. The parcel lacks several of the criteria needed.

Motion: Jeremy Rivas moved to table Cherry Hill and Parcel Group G-H until the Board can get a report from Bob Thompson. Parcel I is approved at \$120. Upon voice vote the motion passed with a 5-0 vote.

Case No. SA17-0004

Applicant: Judith Andamasaris

Address: 209 West State Road 130

Request: To waive Storm Water Fee

Judith Andamasaris presented. She does not believe that a storm water fee applies to her property because it is not located in a flood zone. She is requesting to pay \$0.

Motion: Jeremy Rivas moved to deny. John Patterson seconded the motion. Upon voice vote the motion passed with a 5-0 vote.

Project Updates: Mike Novotney presented project updates.

Open for Discussion - Harvey Nix discussed Washington Township Square outlet and requests from cemeteries for reduced user fees.

Bob Thompson advised that Porter County is the only municipality that allows appeals. Umbaugh had projected that this user fee would generate \$3.4 Million. The goal was not met. Lots were combined which resulted in lower fees.

There being no further business to come before the meeting, it adjourned at 6:55 p.m.



Scott D. Severson, Chairman

Attest:



Mike Novotney, Engineer/Program Director