

**MONROE COUNTY DRAINAGE BOARD**  
Wednesday February 1, 2023, at 8:30 AM  
Location: Showers Building Room 106D  
Hybrid Meeting with Virtual Attendance via Zoom

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**MINUTES**

**MEMBERS PRESENT:** Bob Autio, James Faber, Trohn Enright-Randolph (*ex officio*), Ginger Davis, Bill Riggert, Lee Jones

**ABSENT:** None

**Staff:** Donna Barbrick (Secretary), Kelsey Thetonia (MS4 Coordinator), Adam Rickert (Stormwater), Erica Penna (Stormwater Inspector), David Schilling (Legal), Daniel Brown (Planning)

**Others:** Tamby Wickle-Cassady, Daniel Butler (Bynum Fanyo), Katie Stein, Don Kocarek (Smith Design Group)

1. **Call to Order by Robert Autio.**
2. **Approval of Minutes for: January 4, 2022 – tabled**
3. **Public Input for Items not on the Agenda –**
  - a. **Election of Officers: Autio agreed to serve as president again. Second by Riggert. VOTE by roll call: Faber, AYE; Riggert, AYE; Jones, AYE; Davis, AYE; Autio, AYE. Motion carried.**
4. **Business**
  - a. **Clear Creek Christian Church Expansion – Preliminary Drainage Plan +\***

Thetonia displayed a map of the area and gave an overview of the site, on the northeast corner of Rogers and Church Lane. She said they propose to expand to the north. She said the Clear Creek floodplain is to the west and everything is flowing east to west across the property. She said there is about four acres of offsite drainage coming on to the site. She said they are proposing underground detention. She said there is not an easy way to connect to existing storm sewers from this property. She said we have talked about various ways to outlet. She showed the parking area across the street. She said we have the four acres of offsite runoff coming onto the site. She said all this runoff goes into the Clear Creek watershed. She talked about the lack of ditches on Church Lane.

Katie Stein said when we looked at the site, it was very challenging. She said the solution here seemed to be the best financially and building-wise and for best practices. She said we are conveying it to be closer to the creek outlet. Thetonia said this plan does meet the critical drainage area release rates. Davis had a question about additional parking. Stein said the treatment should be all for this plan plus future runoff on this area.

Ginger Davis asked about the runoff from offsite. Stein said an inlet is proposed along Rogers Street with a low area that it would go into; it would bypass the detention. Jim Faber asked about impervious surface being added. Thetonia asked for that information to be in the final drainage report. Autio said actually there will be more detention with this plan than what currently exists, because of the release rate. There was a discussion of bedrock affecting the plan. There was a question about the county possibly ditching along Church Lane.

Faber asked about underground detention collecting silt. Thetonia said we will have a maintenance schedule in the O&M manual. Riggert had a question about two inlets, one in the drive and one by the parking area and whether those could be sumped so sediment could fall out there. There was a discussion of maintenance. Thetonia talked about the MS4 permit requiring inspections every five years and other requirements. There was discussion on the hydrodynamic separator being placed upstream or downstream from the underground detention.

**Autio asked for a motion on approval with condition of investigating whether to take the drainage south along Church Lane and investigating whether a ditch can be put in along Church Lane. Motion by Riggert;**

**second by Faber. Thetonia mentioned tree removal which will be replaced after construction. VOTE; Faber, YES; Davis, YES; Jones, YES; Riggert, YES; Autio, YES (unanimous). Motion carried.**

**b. Wiley Farm PUD – Initial discussion of drainage design standards +**

Thetonia said a member of the Planning Department was here. She said it is near Fieldstone in Cave Creek watershed.

Thetonia updated the DB on the conditions at the Fieldstone dam and software issues that have not been resolved. She said the dam is being operated manually for now. She said the county has an on-call contract now with HNTB and could perhaps get technical guidance from them. She spoke about the level of service from the software company and turnover at the company. She said Dave Schilling is helping with this since the service is not working properly.

She gave an overview of the Wiley Farms site. She said this is a PUD amendment because they want to reconfigure the road from what was originally proposed in the nineties. Daniel Brown from Planning spoke. He said this is mostly trying to establish a convenience storage area within an area that was originally zoned for high density residential, as well as they are adding roadways to better access storage areas while also leaving it kind of open ended for future road development.

Trohn asked if it was a PUD, but they want to add a different use. Brown said yes, that is one of the goals of this applied amendment, based on my understanding. Trohn asked if Planning had a position on the added use. Brown said there would be a Plan Review Committee report later in the week. Thetonia asked about a karst report. Brown said there was some karst on the property. Thetonia said the drainage flows from the south to the north and a retention pond was proposed on the north side of the parcel and then it would discharge across the road on Fieldstone property. She said I also want to note that we have a downstream property owner here, as well. Faber commented about the area being overbuilt.

Daniel Butler spoke. He said there would be a public street stub that would serve this new convenience storage site. He said it was originally tabbed for high density residential. He said we are proposing commercial use that would be fewer people in and out of this property. He said runoff from the impervious surface on the property would be treated in the pond at critical watershed rates before it goes to an outlet to the north, as described. He said we have done a full karst report on this property and the property to the east. He said the only karst that was found was on the property to the east. He said there are some steep slopes on our site that we are going to be building around and not disturbing. He said the infrastructure on the road would tie with the infrastructure to the east. Trohn asked about an increase to impervious surface. Butler said I think it would be similar to the amount in a dense residential development. He said to the west, the shaded areas have steep slopes, and we are preserving green area there.

Faber commented about trees. Thetonia said normally the trees are replaced, one to one. She said we can look at requiring or recommending more trees. Butler said there are areas in the PUD for preservation and for buffering and these areas are not being touched. He said the PUD was drawn very generally years ago. He said it does show specific areas for preservation and buffering.

**Public Comment**

Mr. Gentry of Gentry Services LLC spoke. He spoke about the area to the north of Fieldstone Blvd. Autio asked about the area being the spillway for the dam. He spoke about changes to the area when the Summerfield houses were built. He said the contractor rediverted flow on the spillway during construction. There was a discussion of the spillway area and the outlet from the Fieldstone Dam. He said during construction in 2005, the ground was

disturbed, and the developers were supposed to grade the spillway so it flowed back to the pond but they never did. Thetonia displayed aerial views from 2005 and discussed the development.

Butler said our plan is to take this conversation and make sure there is no back up into our pond and across the street. He said that is the main takeaway I am getting from that conversation. He says it appears that our discharge would be going to the northwest and not back to the Fieldstone pond just discussed.

DB members indicated they would like to look at this plan again in March. Lee Jones excused herself from the meeting at approximately 9:32 am.

Dave Schilling spoke regarding the N Buskirk Petition to the Drainage Board for Removal of an Obstruction of a Natural Watercourse. He talked about a stormwater nuisance statute and obstruction of a natural drainage way in the ordinance. He said in this situation, someone has done some grading, but it is also in a floodway. He said my thought is to talk to Planning about the best way to resolve this and maybe the petition could be withdrawn and DB can be off the hook. Dave Schilling excused himself from the meeting at approximately 9:35 am.

**c. K&S Rolloff Enforcement and Future Development – Drainage design standards**

Thetonia gave an overview of the existing site off West State Road 45. She said they are filing an amendment, but I do not have a full presentation for today.

**5. Staff Reports/Discussion**

**a. N Buskirk Rd. Petition to Drainage Board for Removal of Obstruction of a Natural Watercourse**

Trohn said I recommend that we do not take public comment yet since it is only a discussion item today. Thetonia said there was a property owner, Mr. Chapman, present on the Zoom. She said she would give a quick overview. She said we received a petition from Mike Carmin on behalf of the petitioners. She said this is part of state drainage code. She said the first step that DB takes when we receive a petition is to inspect the site. She said Trohn and I did a site visit yesterday. She said this is in the Indian Creek watershed. Trohn said the best indication is that the northern property was developed in 2018 and then just recently, in the last year or two, the southern property has a driveway. Thetonia noted a driveway and a building that have been put in more recently and are in a floodplain. She said as Dave and Trohn have stated, I did pass this on to other county departments because there are local ordinances that are enforceable, and we can pursue enforcement of the local ordinances to correct some of this. She said some of this is beyond what the DB oversees; DB is concerned with Chapter 808. She displayed the floodplain boundary around the property. She said the obstruction question we see is the drive put in to access this field. She said the property owner put in a crossing to get across this drainage way. She talked about looking for evidence of a defined channel/water course. Davis asked about the petition referencing a swale. Thetonia asked if the DB would be concerned with that because it is not in a defined channel. She said the only other local ordinance would be in Chapter 761 Section 6 that includes provisions saying a new private drive crossing must be designed so that you don't back up water to someone's house or onto a road. She said she wrote up a quick report after our site visit yesterday. She showed a photograph of the crossing and asked if it is considered an obstruction if it is not backing water up onto the neighboring upstream property.

Trohn read from Indiana Code concerning obstructions in a drainage way. He noted that the code mentions obstruction and impeding water flow repeatedly. He said another part of the code talks about what DB is supposed to do. He said it's up to the DB to decide if a hearing is necessary or not. Davis suggested reconvening after other avenues are explored.

Riggert talked about an IDEM Water Quality 401 certificate and the general permit. Davis asked for clarity on what exactly the petition was talking about; she thought they were talking about the material on the surface as well as the driveway crossing. Trohn talked about the possibility of using our local ordinances to try to resolve this. Thetonia said we are on a timeline with this; we have 30 to 90 days from the receipt of this to hold the hearing. She said I received it right after the last DB meeting.

Tammy Behrman spoke. She said if a structure was going on slopes greater than 15% in this area, that is what the restriction would be. DB members decided to continue this discussion at the next meeting.

**b. Monroe County Stormwater Management Ordinance and Technical Standards Manual  
Revisions - tabled**

**6. Adjournment**

**a. Date of Next Meeting: Wednesday March 1, 2023, at 8:30 AM**

The meeting adjourned at approximately 9:57 a.m.

**Minutes approved:** \_\_\_\_\_

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**President**

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**Secretary**