

PORTER COUNTY STORMWATER ADVISORY BOARD
January 11, 2021

LOCATION: County Administrative Center, Ste 205 **TIME:** 5:00 p.m.
155 Indiana Avenue, Valparaiso IN

MEMBERS IN ATTENDANCE

Bob Gilliana (virtual), Fred Martin, Paul Nelson, and Jeremy Rivas were present. Also in attendance were Clay Patton-Attorney, Kevin Breitzke, Mike Novotney, and staff. Scott Severson and Jeff Good were absent.

All Recommendations will be voted on at the next Storm Water Management Board meeting

New Business:

Docket No. SM-21-0001

Applicant: James Kreiger

Location: CR 300 W, approx. 800 FT south of CR 300 S

Request: To allow for the extension of an existing culvert providing a private farm lane crossing across Ludington Ditch, Arm 10 and its associated regulated drainage easement.

Staff Findings and Recommendations:

The extension of the culvert and the widening of the private farm lane is necessary to accommodate modern farm equipment.

The extension of the culvert will be completed by coupling additional lengths of 24" dual wall HDPE pipe to the existing culvert. Couplings used to complete the extension of the culvert will be water-tight.

Once the culvert has been extended, the private farm lane crossing will be widened by backfilling using suitable material and constructing an embankment atop the culvert.

Staff recommends approval of the request to extend the existing 214" by 20' long dual wall HDPE culvert carrying Ludington Ditch, Arm 1- under the private farm lane located on the above referenced property. The culvert may be extended up to 40' long.

Standard terms and conditions associated with conducting work within a regulated drain/regulated drainage easement shall apply. 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 that the regulated drain may incur as a result of the project and any damages that the improvements may incur during future maintenance activities on such regulated drain. Staff also recommends that the Department be contacted at least 48 hours prior to the start of work so that staff can be present during the performance of the work.

Discussion: Applicant is purchasing the pipe and he will own it. It is anticipated that work will begin in the next two weeks or more.

Motion: Jeremy Rivas moved to approve Case SM-21-0001 subject to staff recommendations and execution of a Hold Harmless Agreement. Seconded by Paul Nelson. So approved with a roll call vote of 4-0.

Docket No. SM-21-0002

Applicant: Herbert L. Kilmer & Christine Moore c/o Abonmarche

Location: Spectacle Dr., approx. 1,600 FT east of Meridian Rd.

Request: Discuss post-construction storm water management plan for proposed 10-lot The Gardens at Loomis Lake subdivision and responsibility for maintenance of storm water infrastructure to be located therein.

Staff Findings and Recommendations:

The Department has performed reviews of the proposed storm water management plan for the project for compliance with the Porter County Storm Water Standards. The Department is currently awaiting a re-submittal from the applicant in response to the comments generated during Review #4. At this point the proposed construction and post-construction storm water management plans appear to substantially conform to Porter County's Erosion & Sediment and Storm Water Management Standards and that the proposed construction plans appear to substantially conform to the Porter County's Design & Construction Standards.

This case is being presented to the Storm Water Advisory Board at this time to discuss the proposed storm water management plan and the responsibility for the maintenance of the storm water infrastructure to be located within the proposed development.

At the time of preliminary acceptance of the public improvements located within the development, the storm water infrastructure to be located within the proposed development may become public infrastructure. This would charge Porter County with the inspection, maintenance, and repair of such infrastructure. It may remain private infrastructure, which would charge the property owners within the proposed development with the inspection, maintenance, and repair of such infrastructure. At a minimum, we recommend that the responsibility for inspection, maintenance, and repair of the storm water infrastructure to be located within the proposed development be given to a property owners association. Given the general case history of property owners associations' efforts to maintain storm water infrastructure across Porter County, it is the Department's recommendation that the storm water infrastructure located within and serving the proposed development become public infrastructure at the time of preliminary acceptance of the public improvements.

Given the current status of the proposed project, the Storm Water Advisory Board may request that the applicant return at a later date (once the project has been presented to the Porter County Plan Commission and once the proposed construction and post-construction storm water management plans for the project have been found to conform to Porter County's Erosion & Sediment and Storm Water Management Standards and the proposed construction plans have been found to conform to Porter County's Design & Construction Standards) before making a recommendation to the Drainage Board regarding the maintenance of the storm water infrastructure to be located within the proposed development.

Randy Peterson of Abonmarche and Todd Leeth, attorney for the developer presented.

Discussion: Bob Gilliana asked if the ditch is large enough. Mike Novotney answered it is sufficient up to and including a 100-year event. Jeremy Rivas asked if it is normal for responsibility to go to Porter County. Mike Novotney replied it can go to either. He recommends putting it in the County's hands. Staff recommends to SWAB that infrastructure be public under Storm Water Management System upon acceptance of the infrastructure. This petitioner prefers it this way. Kevin Breitzke pointed out that often POAs fall to the wayside. Fred Marin stated that if a person falls on hard times and cannot make their house payment, they are not going to be making a POA payment. The government will get money first and keep the infrastructure maintained. Todd Leeth stated POAs will do fine if they have things to do. When there is nothing to do, they will be a failure. This subdivision will only have 10 lots. The Board of Directors will consist of three property owners.

Motion: Jeremy Rivas moved to approve Case SM-21-0002 subject to staff recommendations. Seconded by Paul Nelson. So approved with a roll call vote of 4-0.

Storm Water Program Director's Report

Mike Novotney reported they are starting to work on projects for 2021. It will be a busy year.

Next Meeting Date: February 8, 2021

There being no further business, the meeting recessed.

Fred Martin, Pro Tem

Mike Novotney, Engineer/Program Director

Recess