

**MONROE COUNTY
STORMWATER MANAGEMENT BOARD
MEETING MINUTES
NAT HILL MEETING ROOM
3:00 P.M., OCTOBER 11, 2018**

MEMBERS PRESENT: Amanda Barge, Trohn Enright-Randolph, Julie Thomas

MEMBERS ABSENT: Patrick Stoffers

STAFF: Terry Quillman (MS4 Coordinator), Donna Barbrick (Secretary), Lisa Ridge (Public Works Director), Stuart Nissenbaum (Stormwater Service Corps Fellow)

OTHERS: CATS TV, Martha Miller (Monroe County Soil & Water District)

CALL TO ORDER: Called to order at 3:09 P.M. by Julie Thomas.

APPROVAL OF MINUTES FOR AUGUST 9, 2018

Trohn Enright-Randolph motioned for approval. Amanda Barge seconded. Julie Thomas asked if there were any comments or corrections. Trohn said no. **VOTE:** Ayes (Trohn Enright-Randolph and Julie Thomas); Abstain (Amanda Barge). Minutes approved.

NEW BUSINESS

a. Monthly Budget Report—August and September 2018

Terry Quillman went through the report items for August 1st. He noted an expenditure for backfill material. He said for on-call services they were using on-call flaggers. He noted activity for Stipp Road and Baby Creek Road projects. He said Stipp Road is progressing and in September it is built out at 42%. He said Baby Creek, that \$32,000 is the preliminary study that we had done on the five structures out there. He said the study is completed and I am discussing a design proposal with them now.

Quillman said in September the backfill is a little bit less. He noted disposal fees; we had sweepings hauled out. He said Cherry Lane is a project that I have been working on and I have photos where water is flooding over Fairfax Road and there are several reports of yards, garages and septic fields flooding so I am trying to get that activated and we are working with the engineer on that and I have a meeting scheduled in about two weeks with property owners.

He asked if there were any questions from SWMB. Trohn said he liked the way these reports have built out; thank you. Thomas said these are very easy to follow, thank you.

Barge asked about Baby Creek project. Quillman said the preliminary study has been done. He said I am working with Shrewsbury right now on a proposal to do detailed design on the five crossings.

**MONROE COUNTY SOIL & WATER CONSERVATION DISTRICT FUNDING
REQUEST/MINI-GRANTS PROGRAM REPORT**

Quillman said Martha Miller has been coordinating with Dana Wilkinson primarily on this so I will just defer to Martha.

Thomas asked what fund this would be coming out of. Lisa Ridge said it comes out of the education line. She said at our council meeting for the stormwater budget, Councilwoman Hawk questioned about SWCD mini-grants. She said I know you (Martha Miller) have said in the past that you don't have to release publicly who gets the mini-grants. She said I suggested to Dana that since that question keeps popping back up every year, you keep stating a law that says that, that it would be better to get a copy of that law for the records. She said because it did come up again at the budget hearing this year.

Martha Miller said, yes, actually Trohn and I just talked about that.

Trohn said my question is Council still hasn't finalized the budget, right, so should we wait until it's officially finalized for 2019. Thomas said I wouldn't worry about it because we put this money in there and we can wait to pay it out until we get final approval.

Miller said this is for 2019; what Dana asked me to do was to tell SWMB about the program itself as a whole and where it came from. Thomas said so this is not an additional request; you are just providing information and this isn't anything that we need to vote on because it's in our budget for next year.

Ridge said SWMB does vote on whether to give the SWCD the \$35,000 for the upcoming year and then we have an agreement that we sign. She said we don't have the agreement here because we were not going to sign it today; (Miller) is just here to present where the funding goes and then come back for the request.

Miller said let me go back to Lisa's question. She said it is on <http://www.usda.gov>. She said it is not that we won't tell someone who gets the money or where the money has gone or how many projects we have put out and how much we allocated to each project. She said that is not a problem. She said but I work primarily off of a federal computer so when we put all the information into a federal machine it becomes federal property and so we follow all the federal guidelines that says we will not give out personal information. She said I can definitely give you a copy of where that guideline is. She said it is the same guideline we follow for the federal equip program. She said you can't walk into our office and find out how much a specific landowner is getting for a federal contract. Ridge said that is great; I will forward this on so if someone wants to watch this and follow your explanation. Miller said if anyone in the public has a specific concern we want to hear that because we don't want to be giving money where it's not due or if someone is doing something that we are not aware of. She said we will be glad to make an appointment and sit down with you and talk about what we are doing with all of money not just the stormwater money. She said we are a public entity; we are a state organization. She said we definitely want to keep open communication.

Barge said I get that you follow guidelines and that makes sense but I think just the reason why would be helpful to people. She asked if there was a specific reason. Miller said I don't really know the exact reason. She said when I first started 15 years ago, it was public knowledge. She said sometime in the early 2000s, the federal government decided that that was information that should be kept private so you can't get online and find out how much someone is getting for a federal contract. She said I have asked our state liaisons where that puts us with local projects and state projects. She said state projects fall under that same guideline. She said we can give out how much we have given out for any type of project or general locations. Thomas said let's do it this way just to be simple. She said the rule or whatever it is that you are following then if questions come up we could put your name and phone number on there and forward that. Miller said we will find a way to deal with it.

Miller had a presentation about the mini-grants projects. She said 14.28% goes to administrative support; we hire administrative staff out of this money. She said we do this because I am the only employee; it's helpful to have that second person. She said there are a few other SWCDs in the state that don't have

more than one person, but not a whole lot. She said the remaining 85.72% goes back to landowners in the county. She said the two big things that we do with that are rain gardens and mini-grants. She said we have worked with the stormwater utility to put this rain garden program in place. She said the Soil & Water District has been addressing rain gardens for about the last ten years and in the last three years we have taken \$5,000 of that \$35,000 we have been given so that rain gardens take top priority. She said the rest of the money goes to mini-grants. She said the focus of the mini-grants is things such as rain gardens because they are definitely important to soil health and then the soil health and then that definitely gives way to water quality or water quantity depending on the issue. She said we also give a lot of these mini-grants to heavy use pads. She said these are not just for cattle; they are for any heavily trafficked area that could be causing erosion or sediment to get into our waterways. She said underneath the base of gravel what you see is a 6- to 8-inch layer and at the very bottom is a very heavy, thick landscape fabric and large rock on top of that and then the smaller #2s on top of that. We like them to put fines on top of that which creates a concept of concrete yet still makes the water permeable so that is our goal there. Next is cover crops. She said this one has had a lot of attention given to it for different reasons. She said it does have a very valid impact; we have recently been starting to see a lot more statistics coming out about the economic impact and the benefits, not to mention reduction of erosion. She said the Indiana State Department of Ag has been tracking all of our cover crop fields to give estimates of tons of soils saved by having cover crops. She said I do not have those figures but we can get those. She said another thing we do is stormwater catchments. She said this actually saves us some money because that water does not necessarily go back into the system but is used for other purposes. She said grass waterways are areas where when we see erosion beginning to happen in a farm field and we know that there is going to be a bigger issue and it's going to get worse, we will actually have engineers come down and they design these based on measurements, survey, slope and all that sort of thing and what happens is the rock chute will gather the water and then slowly disperse it back into the soil. She said so the center part is grassed permanently; they sign an agreement that they will never plant there. She said they can take hay off of it I think it's one time a year if they have planted the right type of grass in there.

Thomas said I have a question. Is this recorded with the deed so when the property is sold the next owner is aware of this requirement? She said it probably should be. Miller said I don't know; nobody has ever asked that question. Thomas said because we do this with Planning; if there is a commitment we have to record that commitment so it stays with the property; if you could contact our legal office maybe Dave Schilling would help with that. Miller said yes, if we are using stormwater money then we could definitely add that.

Trohn said I just wanted to add something to that. He said that is one subject I've been wanting to discuss more in depth because with the Clean Water Act and green infrastructure on private property is tracking these structures throughout the county, creating a database and some type of appendix with best maintenance practices. He said I am not sure if you guys have worked in tandem yet on that because this looks like green infrastructure. He said I hope we can start some type-e of dialogue so that we know where the green infrastructure is on private property; we discussed having this type of thing on the deed as well. He said I just want to echo collaboration is between stormwater and SWCD. Thomas said yes, I wonder if we should be recording things like rain gardens if we are installing them. Quillman said that's a good point, Trohn. He said we have a section in there on low-impact development where I assume we would be making adjustments down for that, so that would meld in there well.

Miller said the current cycle that we use is based off that we come in around October-November and we request the funds for the next year, then usually around March-April we get the funds and then usually in April or May we announce to the public in multiple ways and then we usually try to get those applications approved by the SWCD board based on their ranking and then we get those agreements signed by May-June at the very latest because they only have until the 15th of December to finish the projects. She said I say that because I would like people to be aware that we really only have three or four months to turn

these suckers around; that's the current situation. She said I would like to make a suggestion and see how it flies. She said in order to actually get a mini-grant from the SWCD at this time, the first thing is a person has to be a landowner in Monroe County outside of the city limits. They have to make an application that consists of the minimum of a paragraph of why they want the money, what they want to do with it and how it affects soil health and water quality. The second requirement is they have to have a minimum of three pictures of the current site. She said then from there we determine whether it needs engineering, are they going to hire a private engineer, is it something that NRCS can do for us, or is it something we can do ourselves. She said that is the basic gist of it.

Miller said I wanted you to see pictures of current projects. She talked about heavy use pads and their typical cost. She talked about a rain garden application and current thinking on minimal impact during construction. She showed an image of a field where she said a waterway could develop soon without the use of cover crops. She talked about streambank stabilization projects. She talked about projects that were finished last year including a water catchment system, a heavy use pad on a small slope, and a grass waterway where she said that erosion was caused by the state working on Highway 45 West. She displayed a summary of funds received from SWMB and mini-grants projects. She talked about educational efforts. She talked about making the public more aware of what SWCD is doing. She said she wanted to take a minute to plug the latest endeavor of making videos capturing people of Monroe County. She said every month a video highlight a landowner or a company and it highlights conservation. She said ultimately we hope to make one about stormwater, sometime next year. She said I would encourage people to go to www.peopleofmonroecounty.com to see the videos; they are not very long, about five minutes. She said we are not using stormwater funds for this, but because we have stormwater funds we are able to use our other funds in other ways.

Thomas said I would like to have for the next meeting is an exact list for the 2018 money. She said if we could get an exact dollar breakdown of how stormwater funds were spent specifically. She said the other question I have is that these numbers on the summary are not jiving for me because if you have spent as SWCD \$186,000 since 2010, we started providing funding for part of it in 2013 and then it's \$155,000 so... Miller said that is all that we spent from 2010 to 2013 we had spent a little over \$30,000.

Miller asked SWMB to consider a two- or three-year funding cycle because what we are running into is weather. She said it would make much more sense for us to be able to allocate now and then if they don't complete for two years to give those people the ability because crisis happens. I have a couple right now, they've signed up, they've committed, but they are not sure, so that's going to be \$2,000-\$4,000 and I can't get that spent in two months, it's impossible. Thomas said if the SWMB agrees, we can ask Mr. Shilling (Legal) to look at this. She said the question is as a grantor can we do that. She said without committing to anything, can we have Mr. Schilling look at this and give us some information. She said I think what it would entail for me is a very detailed reporting that identifies the year's funds and how they are spent and a continually rolling list; it would need to be more detailed and more often. She said I know that is more work but I think that's what we would have to do, I think; for me that is what would be required. Miller said to clarify, we are not asking for multiple years of funding; we are asking, for instance, in 2019, can we have until 2020 to get that spent. Thomas said right, but we don't want to lose track of that money. Miller said right; we do have other grants that we track for multiple years so giving you guys a monthly report is not a big deal. Thomas said so we can look into the legal side of it before we make a decision and then we can talk about it next month maybe before we do an appropriation request. Miller said another possibility, too, is to see if whether a member of this board or utilities would like to sit in when we do that first official flush of reviews. Miller said you can come in and see the applications as well, so that might help, also. Thomas said great, thank you so much; that was really informative.

Trohn said I have just a few thoughts. He asked if we have ever followed up with anyone who has gone through the program on whether they liked it and whether they are still doing the practice. He said I

would really like to see that and see if they took any initiatives upon themselves to keep doing it. He said it would be neat, especially if we are going to extend it with a multi-year type of thing. Miller said we have not done an official survey but I know of at least three or four of the people who have done it who have come back in and talked about how important it was and what the benefits were. She said when people from around the state hear how you are supporting us this way, they are going back to their counties and saying hey, how come we don't do something like this. Trohn said a survey monkey type of thing would be neat.

DISCUSSION OF U.S. FOREST SERVICE STORMWATER FEES

Stuart Nissenbaum said I am the SPEA Service Corps fellow and I was an intern over the summer. He said one of the things I have been working on is fee stuff. He said one of the things that that entails is the federal parcels. He said we have found that over time they have refused to pay the fee. He said in 2011 President Obama signed into law that the federal government would start paying a reasonable stormwater fee and we got in contact with Patrick McClellan of the U.S. Forest Service to try to push them a little bit on this and especially after the Department of Justice sent an email saying that it would pay their bills. He responded saying that he wouldn't pay the bills because the USDA had handed down guidelines. He said number 2 guideline, the one that they were using as their reason for not paying is "the property is connected to the stormwater management system; many Forest Service properties are served by retention ponds, open ditch drainage or French drainage system. He said what they are saying is that there are impervious surfaces, the water flows into Lake Monroe and they should not be charged. He said after an assessment they found that four of their parcels did in fact flow into our stormwater system however what we are looking for and unfortunately Dave Schilling isn't here today -- is a little bit of guidance as to what SWMB wants to do for next steps, whether we want to continue to try to pursue this or whether we want to just be happy with the four parcels that they agreed to pay. He said I will also mention that we have also been in a back-and-forth with the Army Corps of Engineers as they oversee Lake Monroe and they have someone new in charge at their Louisville office who contacted us about a month ago who said she is looking into this and the conversation seemed that they would possibly be paying something. He said so I am just looking for your guidance on this.

Thomas when I look at the USDA guidance document it says in Number 5 it has to be some kind of active management system that they are looking for and this is really a good Dave Schilling question, clearly. She commented he has a lot of work to do; we are just piling up the stacks on his desk. She said I wonder if we could connect a large timbering operation because when the Forest Service does a massive timbering operation it impacts us more and I know that they have one planned. Nissenbaum said their argument would be if it flows down the grade to Lake Monroe, then they are in the clear. He said one of the arguments I tried to make to them is if a person has a retention pond in their yard, they are still paying the fee and it's no different, but we wanted to bring this up to SWMB first. Thomas said so they've agreed to pay for four parcels; I think we'll take that for now but I think this is above all of our pay grades and you are a champ for going after this. He said I will say in discussing this with Dave, this may be the best way, to just leave it with the four because going for the rest of them would be messy. He said if we try to push it then other counties may try to sue and it could be a legal mess. Thomas said I could see that; at some point you have to cut your losses in terms of how much you are willing to fight for a few dollars and there. Barge commented I want to hear from Mr. Schilling. Trohn said I just wanted to offer that I do have some connections across the state and I'd be willing to provide some of those connections if you want, to see what other counties are doing, so my office is open to you and we can sit down, maybe look at the map and see where there are other areas that have large forestries and contact that county and see what they are doing. Nissenbaum said I can probably assure you that the federal government is choosing not to pay. Thomas said part of it is the principle that the forest is worth more than the money because it does a good deal for us, cleaning stormwater and eliminating erosion if they are not cutting it down. I will

mention that with delinquent fees included for those four parcels, but the Army Corps, if we were to tally everything it is in the realm of \$300,000. Thomas said it is worth thinking about. Thomas said and then you have quarries; what do you have for us on quarries.

DISCUSSION OF QUARRY STORMWATER FEES

Nissenbaum said within the work I have been doing, I split the county up into a grid and going through and looking for any errors in impervious surface measurements. He said the way we do measurements is purely through GIS. He said we find an area based on our change list for year or looking around on the map and finding mistakes and then we use a measure tool and we trace out the shape and we measure that and convert that to ERU and then convert that to the stormwater fee. He said now in doing so I found that we have a pretty significant drawing error with quarries. He said historically there was some alleged agreement that we would just charge them for access roads and structures. He said I looked for hours through past SWMB meetings dating back to 2013 and 2012 and I found nothing of that sort. He said one of the issues here is the image on the left is what I discovered for one quarry and the image on the right is if you were to just do the access roads and the structures, still significant, but what our issue is that this takes us from a total payment of all these different quarries paying in the realm of \$13,000 to all of the sudden with just the access roads and structures paying over \$100,000 total and if we were to include all impervious surface, access roads and structures aside then we are looking at upwards of \$300,000.

Thomas said so you don't consider the rock that's been uncovered to be impervious surface. Nissenbaum said according to our ordinance Chapter 766 any open rock, gravel, anything is an impervious surface so in theory this could all be charged; now the issue is if all of the sudden we up someone's charge from \$35.16 to \$33,000 there is going to be a bit of contention coming from those quarry companies and that is where I look to guidance from you guys for how to proceed with this. He said maybe call a meeting with some of the quarries in the area, possibly write an amendment to our ordinance. He said what I would suggest based on these numbers is, say we measure full impervious surface and take one-third of that because the total impervious surface comes to \$328,000 whereas if we just do access roads and structures it becomes – the thing is quarries are variable from year to year based on how they move the stones so that is why I would say measure the whole thing and then take some percentage of that so that we would not have to go back every year and try to re-measure these roads.

Thomas said for me, it seems like, granted, left to nature this would not be uncovered rock, but limestone is pretty porous and there are pits so the water is not running off so I can kind of see that, in terms of how limestone behaves but I know there are also gravel quarries and all kinds of other things.

Quillman said I have a comment. He said a lot of times you'll see a good portion of it draining to their pits and there is not an outfall for that portion of their ground. He said so I think that is a good question for Dana (Wilkinson). Nissenbaum said we actually have discussed that and it falls in line with us saying that if someone has a retention pond in their backyard does that make them instantly not have to pay the fee and if there is a certain level of that then we are going to have complaint after complaint after complaint. He said so I think having one standard would make the most sense.

Quillman said I don't want to get into a debate because the pits are different in nature from a retention pond. He said but we can talk about that.

Thomas said I think I get what you are saying about the one-third just because they have uncovered it, they have roads and they have structures and the roads move and the structures move and the pits continually move and change size. She said so I could see that for sure. She said so we have a limited number of parcels involved; I think again that it would be worth having a discussion with Dave Schilling about this, too, and then if we decide to proceed then having some sort of meeting and discussion about it

would make sense. Nissenbaum said we just wanted to bring it to SWMB first. Thomas said and we could do it gradually, make an agreement and then gradually increase it. She said I really appreciate you doing this; this is really good.

Ridge commented that Dave Schilling was going to be here to present but he ended up having to go to Indianapolis. She said this is kind of the direction that he wanted to go. She said Dave has been included on everything; this was to be his presentation and this is how he was going to present it so instead of bringing it back, if it's okay we'll go with the four parcels on the federal lands and then maybe work with Dave on doing the one-third.

Trohn said we had talked with Dave about doing stormwater incentives; I feel like what Terry was alluding to, maybe if they do act differently and they are not necessarily outletting to a stormwater infrastructure, that could be maybe an incentive over time which could reduce some of their costs because I think you are right if you go from minimal payment to something that is over 100 times that it is going to really impact them but I think adding incentives could really help us with the forestry area and maybe these quarry areas and with private property. Thomas said I think my concern is that we have to have a program set up for everybody. She said it sounds like what you are saying, Ms. Ridge, is that Mr. Schilling has said keep the four parcels on the U.S. Forest Service, he agrees with that – do we have concurrence on that? Okay, she said, then the other part was about Mr. Schilling also says that he agrees with this one-third cut payment. Ridge said I don't want to speak for Dave, but I wanted you to know we have had discussions with Dave previously and I think it was a joint decision on what to bring to you guys. Nissenbaum said he did think it was a good idea to sit down with them (quarries) before making that decision final because obviously they are going to push back a little bit. Thomas said I think that's a great idea; I would have Mr. Schilling there at the meeting. She said I would also recommend if it's a large jump in fees that we find a way to bump them up a couple years. She said I appreciate that a lot. She asked are we okay with them moving ahead with the meeting. Barge said yes, about the four parcels I would just like to hear from Schilling about that. Thomas said thank you so much for being here; I appreciate your information.

PUBLIC COMMENT

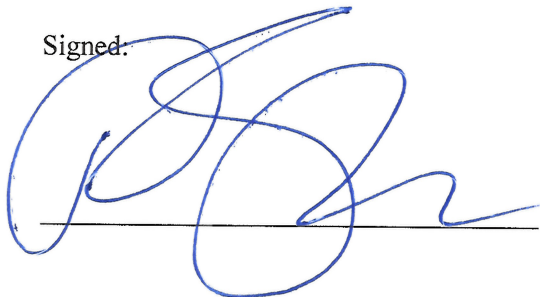
None.

ADJOURNMENT

There being no further business, Thomas adjourned the meeting at 4:02 p.m.

Minutes approved: 11-8-2018

Signed:



Secretary:

Donna Barbrick