

MINUTES
Stormwater Board Meeting
Tuesday, September 30, 2014
7:00 PM

- **Call to order: Matt Lake called the meeting to order at 7:00 P.M.**
- **Pledge of Allegiance**
- **Roll Call**
 - Roll Call was taken: Edward Corns present, Matt Lake present, Tom Cartwright Present
- **Approval of Minutes**
 - Ed Corns made a motion to approve minutes from July 10, 2014. Motion was seconded by Matt Lake, Carried 2-0
- **Old Business**
 - **Powell Ditch Report**

A discussion was held on the status of the Powell Ditch project. Mr. Corns voiced concerns over the delay in starting the project. He stated that there was a limit in the contract of 45 days from the signing of the contract and the notice to proceed to the start of the project. Mr. Corns had concerns of the weather impeding the project. Greg White stated that the contractor, Austgen, was waiting for supplies. It was also stated that the proposed duckbill regulator was replaced with a flap gate due to the size, availability and cost of a duckbill.
 - **Sump Pump Ordinance**

A letter to the Town council was presented for signature concerning the creation of an ordinance to better regulate the discharge of stormwater through sump pump and downspout discharges. The board requested that Greg White update the letter to include verbiage that makes enforcement of the ordinance at the discretion of Public Works, Planning Director, Building Official and Town Engineer. Letter was updated per the board's request. A motion was presented by Matt lake to present the letter to the Council as written, Seconded by Edgar Corns, Passed 3-0
 - **Detention Ponds**

Greg white presented a pond analysis report that covered the majority of system related ponds in the Town of Lowell. The 65 page document included condition status and photographs of each pond to be used to give decision makers a real world view of each pond. Mr. White stated that he was presenting the report to fulfill a request by the Town Council so that they may make a determination on how to move forward on pond maintenance. Matt Lake stated that this is an initial evaluation of what's out there, who owns it and other variables about the ponds.



A discussion about the town's maintenance procedures for ponds followed. Greg White stated that one of the most important parts of this discussion is what shape we (the Town) expect the ponds to be in before they are turned over to the Town for maintenance. He also stated that there must be a structure process in place for accepting ponds for maintenance, including an initial evaluation, contact with the property owner, and an application and permitting process for maintenance. He stated that reconstruction of a pond could cost more than years of maintenance and that is not what the stormwater fee allows for in his opinion. He mentioned that decision makers need to decide whether stormwater ponds are considered a part of the municipal stormwater system, and should be regarded as such for maintenance, or if they are private property and should be maintained by residents and/or developers perpetually. Matt Lake stated that it's all about budgeting and liability. He said that you don't want to triple your stormwater fee or have to create special assessments, both of which would be unfavorable to the residents. Matt said that the next step is to present this report to town attorneys and to establish the potential liability costs and the maintenance cost to the town. He asked Greg White to pursue some estimates from landscapers to mow key ponds and how to structure this contract. Edgar Corns stated that we have to be sure what the fee ordinance allows for. Matt Lake said that the process has to be fair and equitable, and that is also reliant on pond ownership and easements and responsibility.

Edgar Corns pointed out the new tile at Dahl Estates Pond, and asked about sedimentation in the pond. Greg White gave an overview of the pond and the problems in the pond. Greg also stated that the pond is owned by the property owner. He stated that the pond needs to be re-landscaped before the town could consider maintenance if the owner wished to do that. He said without having a process of application for maintenance, we can't just take these ponds' maintenance. Greg White and Matt Lake agreed that ponds should not be constructed on an outlet any longer, but should be, somehow, divided up by adjacent property owners. Greg White pointed out that a builder should retain responsibility, and the Town should have no requirement to maintain a pond, until a development is at least 90% built out. Matt Lake stated the necessity for maintenance bonds, performance bonds and as built checks.

Matt Lake said he would like to see an analysis of the ordinance to see what it allows. He said that if town money is going to be used, it should only be used on town properties. He stated that the Town has to be smart about how it proceeds. Edgar Corns stated that some of the councilmen do not realize how much money it could cost to bring these ponds up to speed.

Greg White and Matt Lake agreed that mowing will have to be outsourced to a contractor. The MS4 fee will be the source of funding for the mowing. Tom Cartwright stated that his neighborhood, Heritage Falls, has a pond and that the residence of that neighborhood would be offended if they were to find out that they are paying a POA fee to maintain their pond and that others in town are getting the service through the stormwater fee, that they too are paying. White mentioned to keep in mind that some privately maintained ponds are manicured nicely, and those residents expect that, and that town ponds will most likely not be manicured nicely, and simply kept within the Town 8" rule, something that those residents should keep in mind when contemplating this.

Matt Lake stated that MS4 fees have been enacted primarily for the clean water aspects more so than flood control and cautioned the board and council on how they proceed with this topic, and to seek legal advice on how this fee is used to implement pond maintenance which could be perceived as flood control. Greg White once again reiterated that there is a line item in the Town of Lowell MS4 fee specifically for pond maintenance. He also mentioned that Lowell is not unusual in this circumstance and that there could be precedence for handing this. Matt Lake concluded the discussion by calling for more analysis of the ordinances that pertain to the subject.

- **New Business**

- **Minimum Control Measure Report – MS4 Coordinator**

- Greg White, Stormwater Coordinator presented a report of the work that The Town of Lowell Stormwater Department is tasked with. The report was organized by the 6 Minimum Control Measures required to organize reporting and filing information to IDEM.

- **NISWAG – Key Meeting Topics**

- Matt Lake updated the board on Key NISWAG topics including the upcoming IDEM Good Housekeeping Audit. Matt recommended that the MS4 Coordinator (Greg White) make the next NISWAG meeting a priority as Reggie Korthals would be present with information she will be requiring during the audit.

- **Public Comment**

None

- **Adjournment**

Motion to adjourn made by Edward Corns at 7:49 P.M. Seconded by Matt Lake. Carried 2-0

Matt Lake, President

Tom Cartwright, Secretary

Date: Thursday, November 6, 2014

