

**RECORD OF PROCEEDINGS
SPECIAL COUNCIL HYBRID MEETING
FRIDAY, JUNE 11, 2021 – 7:30 A.M.
MAYOR WILLIAM G. KOONS PRESIDING**

MEMBERS PRESENT: Canton, Carroll, Galicki, Nairn (Zoom), Porter, Berger (Zoom 7:31 am)

OFFICIALS PRESENT: Fiscal Officer Romanowski, Solicitor Matheney (Zoom), Engineer Haibach, Street Commissioner Alder

VISITORS: Clyde Hadden, CT Consultants; Randy Glorioso, HP-4585476545

The Mayor called the Special Council meeting conducted in person and via the teleconference service Zoom to order. The Fiscal Officer read the roll and noted Berger was absent. The Mayor advised that the meeting was initiated by the Street Committee.

Carroll advised that the purpose of the meeting was for the review of the Stormwater Update report, to listen to the CT Consultant's recommendations, and for discussion of options by Council. Part of the stormwater discussion would involve questions that were generated from a recent tour of the Country Estates properties by Carroll and Galicki.

The Engineer explained that CT Consultants was tasked by the Village to update the existing 2003-2004 Stormwater Study. For the most part, the original report was still accurate. However, a more in-depth exploration was conducted into each of the problem areas. The report reflects a priority list of projects in order of importance/urgency. The Engineer perceived that the most important project was in the Village Hall/Kensington Green vicinity. During a large rain event, water overtops Chillicothe Rd., closing it to emergency and regular traffic, which was unacceptable and a safety concern. This water then floods the dental office on the other side of the road and then inundates Chagrin Lakes. This problem was examined in the 2004 report and the solution was identified as modifying the outlet control structure of Bullfrog Pond since that was the only upstream retention the Village had before it cascaded across Chillicothe Rd. Looking at this issue with fresh eyes, the Engineer concluded that Bullfrog Pond was not big enough to accomplish this even with the most restrictive outlet control structure. The current study proposes that the land south of Village Hall be utilized since it is almost in line with the stream, has enough grade, and discharges to the point where the water naturally wants to go. The proposal is to construct a retention basin on Village owned property just south of Village Hall. The advantage is the Village already owns the property and there is no need to negotiate with third parties for access. Furthermore, the parcel of land is big enough to construct an appropriately sized retention basin. He explained that it would be a dry basin. The conservative complete project estimate would be \$480,000.

The Engineer explained that ancillary issues that go along with this would be the replacement of culverts that run under Chillicothe Rd. The Village wanted to replace them next year in advance of the paving of Chillicothe Rd. These include the culvert near the red ranch, and the 15" culvert that discharges adjacent to the dental office where there is the greatest amount of overtopping of

stormwater. It was identified as being significantly undersized and should be replaced with a 30" culvert. The Engineer still wanted to accomplish this and had applied for an Ohio Public Works Commission (OPWC) grant to help fund it. With the proposed retention basin, it was likely the Village would not need the additional capacity. However, the Engineer still wanted the larger culvert with the goal of Chillicothe Rd. not having to be closed during large rain events. He explained that the culvert would be completed before the retention basin, but the two projects would go hand in hand.

Canton stated it was important to take a look at what was happening today, but it also seemed like the Engineer was thinking about tomorrow. The Engineer agreed and said he was looking 10 to 20 years down the road. Canton stated that perhaps if 30 years ago or so they thought of today, the Village would not have these problems. The Engineer explained that in the past, stormwater retention requirements were not as comprehensive or strict as they are today. It is easy to address issues in hindsight. Canton stated that by studying what it was like previously, we could look at tomorrow a lot clearer. The Engineer concurred and said his efforts involve doing future proofing in terms of infrastructure.

Carroll noted that the project proposed by the Engineer would also soften the impact on the Parkland Dam, and the Engineer agreed and explained that the water travels from the Chagrin Lakes to the Parkland Lake. The Engineer discussed a previous effort to mitigate stormwater through the Village's efforts on the Federated Church Family Life Center property.

Clyde Hadden, CT Consultants, advised that he and the Engineer discussed the potential to move the culvert south, away from the dental office, if it were to be replaced. The Engineer advised that if Council were to choose to do the retention basin, this would be wrapped up in the design process. Carroll added that in Street Committee discussions about the dry retention basin, Hadden offered that the basin could have alternate uses. The Engineer explained that given the quality of the site, it would be possible to design it in a way that in the future a practice field venue could be created. Carroll verified that this project would not impact the 319-grant project next to Village Hall, and the Engineer verified it would be south of it.

Hadden added that if the 30" culvert replacement were done prior to the basin being built, he would recommend a restricted inlet on it.

The Mayor asked if Council knew of anybody in Chagrin Lakes who had gotten water in their basements. The Engineer said he was not aware of any. The Mayor stated that this proposed project was basically to keep the water from flooding Chillicothe Rd., and the Engineer agreed and added that it would have a chain of improvements downstream from it and ease the stormwater burden for everyone downstream.

Porter asked how big the proposed basin would be, and Hadden said it would be four to five feet deep when it was dry. When full of water, it would be possibly six or seven feet. It would be 200' by 200'. Porter offered that it would be 4,000 square feet. The Engineer explained that with such a grade, they would dig down at the high end and bring up the lower end to make a more level surface. Porter noted that it looked larger than Bullfrog Pond, and Hadden stated it would be about an acre of surface area. He explained that what was reflected was the largest

possibility and could be reduced or changed to meet the Village's needs. The Engineer explained that typically when designing a stormwater improvement, a 25-year recurrence design storm was considered. What was proposed was much more robust because the Engineer would prefer to have something that could accommodate the increasing storm intensities.

Nairn clarified that the project would be a dry basin, and the Engineer stated he wanted the basin to be a relatively active basin to temper the flows downstream.

Berger asked about the relocation of the culvert, and the Engineer reiterated that the culvert would be relocated to a more optimal spot. Berger asked if this would be south of the cemetery, and the Engineer stated no. Berger asked about the impact on the Village Hall 319 grant project, and the Engineer explained that with the relocation of the upsized culvert, the 15" culvert would remain in place and collect and discharge local water.

Nairn expressed her concerns with the culvert being moved closer to the cemetery. The Engineer stated that Nairn raised good concerns and said that the location of the culvert was still preliminary and acknowledged that this would be an issue to consider.

Porter asked the Engineer to address the permitting process for the project. Hadden said that the big permitting issue would be if there were wetlands on the property, which would mean the permitting would be harder and lengthier by the Army Corps of Engineers. He further explained the variety of permitting possibilities. The worst-case scenario would be a six-to-nine-month process for permitting.

The Mayor asked if there was an urgency to do the project right away. The Engineer stated yes. The Village had a proven track record that during big rain events, Chillicothe Rd. floods and makes it incredibly unsafe for passenger cars and emergency vehicles to traverse north and south on the Village's prime arterial corridor. This is a big deal. He did not anticipate the rain events becoming less intense going forward.

Porter asked if, in the future, the retention pond could be made deeper without having to go through all the requirements. The Engineer said that increasing the depth and size in the future was doable because the whole site was not being used. Porter reviewed the estimate and asked if there was potentially a grant that could help with the process, and the Engineer said it would be unlikely for a retention project. Porter asked how long the design process would take, and Hadden said six weeks.

The Engineer addressed the second priority, which also had additional components. This was in the vicinity of Manor Brook Dr. and the red ranch, where there was currently a 319 grant in place. However, the project was currently stalled due to land ownership issues. Carroll stated that it was communicated to the Streets Committee that the property was going to be quit claimed to Thomas and Thomas. Porter had taken the lead with the contact of Peter Dougherty and Nancy Moran. The Engineer stated that the 319 grant was incredibly important and would be incredibly effective. Flow calculations were conducted to illustrate this. In the event the undersized culvert was replaced in the vicinity of the red ranch, the increased size of the culvert would bring the water downstream more quickly. The 319-grant project would buffer that flow.

The storage capacity of the stream improvement project would decrease the flows downstream. Carroll stated that this was not being disputed.

The Engineer explained that in the event the 319-grant project could not proceed, the culvert still needed to be replaced. In this case, he suggested installing an upstream restrictor plate on the culvert to help alleviate the flooding problem on the east side of Chillicothe Rd. while tempering it on the west side. Carroll addressed the possibility of a detention/retention site at Fox Run, which was currently not an option, but could potentially become one at some point in the future. The Engineer stated that the Village would jump on this if it ever were to become available. Carroll asked the cost of placing an upstream restrictor, and the Engineer said about \$97,000.

Carroll asked if re-grading the ditch on Manor Brook would help in the event the Village could not go forward with the 319-grant project. The Engineer said it would assist in conveying the flow but would not assist in reducing the flow. Porter stated that the ditches help, and the Engineer added that they are not the answer. Carroll stated the ditch could be widened, which had been discussed. The Engineer said this was the whole purpose of the 319-grant, and Carroll added that this project may not happen, and it was necessary to plan accordingly. The Engineer stated that without the 319-grant, the Village could alleviate some of the flooding east of Chillicothe Rd., but it would not be throttling it back to the degree desired for the properties downstream. It would be a balancing act.

The Mayor asked who was opposing the Manor Brook grant. The Engineer stated that he did not know that anyone was opposing the Manor Brook project, but that ownership was an issue. The Mayor asked how they know that and asked if they said they were opposed to it. Galicki stated that the Village did not know who owned the property. Carroll added that they had not provided the Village an easement. The Mayor stated that Council did not know that the property owner would say no. The Village was just waiting for the title to get transferred. The Engineer explained that there was no one to say yes or no. Carroll stated that Porter had been working on it, but it had been muddied up because Bob Royer emailed that the property was going to be quit claimed, but there were no straight answers from anyone. Carroll acknowledged that Whitetail was not much of an issue, but the Village needed the quit claim part to take place, and then to figure out what was going to be done about the easement that would be reasonable because an offer had been put on the table and the Village never received a counter. At the last Finance Committee meeting, the Mayor had suggested \$15,000 again for the easement. He felt the Village was just spinning its wheels on the easement. Once the property was transferred and a serious discussion could occur about a reasonable easement amount, Carroll thought all of Council would support the project. However, he had a hard time committing \$15,000 of Village funds to an easement. There were too many ethical problems with the whole project, bluntly. Carroll emphasized that he was not against the project.

The Mayor stated that there was no one from Manor Brook or no one saying that they were against the project. Galicki explained that the Village had no one saying they own the property. After two years of negotiations and \$8,000 in legal fees expended by two of the Homeowners' Associations (HOA) which used the same legal firm, there was no clear ownership of the parcels and that was the issue. He asked with whom should the Village negotiate if ownership cannot be established. Porter stated that the last he saw, Whitetail owned the properties. However, if the

Village negotiated an easement with Whitetail HOA, which was in favor of the 319-grant, with Manor Brook's potential claim for three of the parcels, the Village risked having an easement with Whitetail that would somehow get undone down the road. Porter added that Nancy Moran told him that once the Manor Brook HOA had the parcels in its name, they would speak to the Village. Porter explained that the Solicitor made an assignment that would have solved this problem, but Manor Brook wanted the property in its name.

Galicki asked Porter what the quit claim would do, which was in process according to Bob Royer. Porter said Whitetail HOA was quit claiming the three parcels back to the original owner, Thomas and Thomas, instead of directly to Manor Brook. Presumably, it would then go to Manor Brook from Thomas to Thomas. Porter was not sure why this was necessary. If it wanted progress, Porter thought the Village should start the process with the Engineer to do the study for the detention pond south of Village Hall. In the meantime, perhaps the Village would get the easement with Whitetail for the one parcel. Porter further stated that his understanding was that Manor Brook was also in favor of the project but wanted the property in its name. Carroll added that once this occurred and a reasonable easement cost was presented, he thought the 319-grant would sail through. By reasonable, Carroll explained it would not be \$10,000 or \$15,000.

The Mayor began to ask Carroll if he lived in Manor Brook, and Carroll interjected that this was a rhetorical question the Mayor asked previously, and he would not respond to it. Carroll further stated that the HOA could not use or build on the parcels because they were part of the green space. Carroll reiterated that his position on the matter has been that the Village should not spend \$15,000 on a piece of property for which the Village can get an easement. It is irresponsible for Council to do this. The failure was in not getting the easement before starting the project. Just like Kensington Green, the project was bugged up because the cart was put before the horse. Carroll suggested moving on from the discussion.

Referring to the new stormwater study, the Engineer stated that priorities three through ten were ranked somewhat arbitrarily. The third issue was identified as the flow through Country Estates ponds 1 through 4. He explained that there is a 36" culvert that discharges into Pond 1 from Bell Rd. There is a 36" culvert that connects Pond 1 to Pond 2 which is functioning perfectly. From Pond 2 to Pond 3, there is an overgrown swale that may or may not be functioning. Once the water is in Pond 3, there is only a 12" culvert that goes out. The Engineer stated that 36" of water cannot be forced through a 12" culvert and therefore is overflowing and causing water to shunt to the east taking the next most accessible route. This was causing some heartache for the community to the east because the water could not flow to the north. Galicki noted that this neighborhood was uphill from Country Estates, and the Engineer said that part of it is uphill. He explained that it is strange topography. Galicki stated he had walked and driven the neighborhood and noted that part of the problem with the adjoining community was that it was officially designated as wetlands. The Engineer concurred. Galicki noted that the elevation of it was higher than Pond 3. The Engineer agreed it was on the back end of it. Galicki said he was trying to figure out how water flowed there from Pond 3 because of the restriction to Pond 4 that was described. He asked the Engineer to illustrate the issue a little better.

The Engineer explained that on the north end, Alderwood was high and on the south end, it was low. Country Estates was almost on a separate plain. The south end of Country Estates is high, at least in the area of the ponds, and the north end is low. The water flows in and through Country Estates and needs to continue to flow northwest according to subdivision plans. The swales that connect the Ponds 2, 3, and 4 are in terrible condition. Galicki said he understood this issue but was trying to understand how the water from Country Estates migrates uphill to the Preserve. The Engineer stated that water does not go uphill. Galicki stated that was correct. The Engineer said he had seen pictures of a past rain event that showed Pond 3 swelling to overflow its banks where it spilled over into the low area between. Galicki noted the grade from the houses where there was a significant drop. The Engineer added that this would always be wet because the water table is very high there and the area is just wet, does not drain well, and never had. Unless there was a big rain event that overflowed the banks of Pond 3 which connected it to that wetland area between the two communities, Pond 3 eventually drains through the 12" culvert and out. Another issue caused by the restrictions in the northwesterly flow of water through Country Estates is the swale between Pond 2 and Pond 3. The water shunts to the east from Pond 2. Since the water cannot effectively make it through all four ponds unimpeded, it shunts to the east. Carroll observed a 36" pipe in the Preserve near Pond 3 that was aimed towards Pond 3. The Engineer said this pipe flows to the east and explained that it is the inlet not the outlet. Galicki said it did not look like an inlet. The Engineer said he believed it was. Carroll stated it was higher, and the Engineer agreed but said he thought it was installed after the subdivision was built in the event the water built up to that culvert so it could drain out. Carroll asked where all the storm breaks connect and flow from Teaberry and Buttonbush. The Engineer explained it flows to Alderwood and south towards the double ponds near the intersection of Alderwood and Bell Rd. The Engineer stated that he was almost certain the pipe to which Carroll referred was installed as a relief storm sewer. The reason for the elevation of the culvert was because the storm sewers on Alderwood are relatively shallow. Carroll indicated that what he observed was that the water was flowing from Alderwood more towards Country Estates filling the wetland area. The Engineer stated that with the backyards that are on Teaberry that slope down, the water has nowhere to go. Carroll said this was true, but that Council had been painted a picture that a lot of the problem was Country Estate's issue and not the Preserve. He articulated that they both seem to be contributing to a wetland area that will be wet no matter what. The maintenance between Pond 2 and Pond 3 is another discussion, to allow that water to flow and not contribute to additional water in that wetland potentially. The Engineer explained that instituting a free-flowing drainage system through ponds 1 through 4 would not solve the wet issue that is in the back of Teaberry. Carroll noted issues that would preclude the drainage of the wetland, and the Engineer concurred and said it would not happen without some significant regrading. Carroll stated that the issue he had was that Country Estates had been painted in a bad light versus the Preserve. Carroll added that Council sat and listened to the Preserve for an hour. Walking the property and getting a better feel for the lay of the land was helpful to Carroll.

The Engineer wanted permission for a survey crew to access between Pond 2 all the way to Pond 4 to get the elevations. Carroll asked if the Engineer would only be doing Country Estate's elevations or the Preserve's as well. The Engineer said he would also do the culvert that Carroll thought was flowing towards Pond 3 and the Engineer thought it was flowing away from Pond 3. Carroll was concerned that the survey might be too narrow. Hadden suggested doing an aerial

survey that encompassed the wetland area as well as the two separate subdivisions to determine the source of the water. Galicki added that the Government had topographical information. Just looking at what existed without a survey, it would appear all the water was flowing downhill into the area around Pond 3. The Engineer stated it was. The survey information the Engineer was seeking would tell him what improvements needed to be done to the swales between the ponds to provide the residents with a definitive solution to restore the drainage channel.

Carroll stated that any survey done should include both sides to ensure the Village is doing due diligence to make certain that what is proposed will have a positive impact on all parties.

Carroll asked if the Chagrin River Watershed Partners (CRWP) provided a suggested solution to Country Estates. Speaking to Doug Meil, a resident of Country Estates, it appeared the community was allowed to work with CRWP but were subsequently told that CRWP was done with them. The Engineer did not know about this and said that CRWP typically provides a soft solution and were not equipped to provide engineering details. Carroll stated that he understood that when Meil reached out to CRWP, he was told that the Village instructed them not to work with Country Estates anymore. The Mayor asked when this was and said there was communication two days ago between CRWP and Country Estates. Carroll advised that he walked the property two days earlier, and Meil had an email chain that showed that Meil was told by CRWP that the Village said not to engage him anymore. This came from CRWP to Meil. The Mayor said Country Estates could deal with CRWP. The Mayor said that CRWP would tell Country Estates to take their ponds out and let it go back to a stream. The Engineer said he did not know what CRWP would say, but a typical approach they would take when a private property owner has an issue of a wet yard would be to provide vegetation suggestions. Galicki thought CRWP was more concerned about restoration and habitats rather than control of flooding. The Engineer agreed. He explained that the problem required engineering. Carroll quoted the email to say that CRWP was requested by the Village to no longer assist with the matter. The Mayor stated that this matter was not CRWP's expertise. It had nothing to do with the water flow. Carroll noted that CRWP was being used for the Manor Brook 319 project. The Engineer stated that they were working in conjunction with the Village but were not providing any of the engineering solutions. Carroll said he would distribute a copy of the email to Council. Canton stated he had one.

Carroll asked what watersheds were involved with the Manor Brook 319 grant, and the Engineer said it goes all into the park. Carroll asked about the watershed for Alderwood and the Preserve, and the Engineer could not provide a definitive answer. Carroll asked for this information and added that the Engineer previously stated that it might not be possible to use the 319-grant in the Alderwood/Preserve area because it might be a different watershed. Carroll reminded the Engineer that he asked him to definitively find the answer from the Ohio Environmental Protection Agency (OEPA) because the Engineer said that OEPA probably would not allow the use of the 319-grant in this area because it might be a different watershed. Carroll asked the Engineer to identify whether the Manor Brook 319 grant, if it were to fail, could be repurposed in the same watershed to provide a positive outcome to those areas. The Engineer agreed. Carroll added that the repurposing of the grant would be like what was done with the Kensington Green 319 grant. The Engineer said it was an interesting solution and he liked it.

The Engineer addressed the fourth item on the list. He stated that the 2004 Stormwater Study addressed an issue on Bell Rd. in the vicinity of the Kensington Green northeast dry pond. The study did not take a good look at this dry pond. After a closer look, the Engineer concluded that this pond was not functioning anywhere near how it was originally intended to function. The water that was supposed to flow into the pond was bypassing it and ending up ultimately at Paw Paw Lake. The Engineer proposed a more in-depth look at this area to confirm his suspicions. The Mayor stated that they have two bids now to clean out the pond. One bid was for \$3,000 and one for \$9,000. The Engineer explained he was more interested in determining how the water gets into the pond. He added that it would be well worth the money to clean the pond out, but there may be another issue that is precluding the water from even getting into the pond. Porter asked for clarification, and the Engineer explained that he was referring to a swale that may or may not exist that is draining surface water towards the pond. The Mayor stated that there are two concrete bulkheads where pipes come in. Hadden explained that there is some overland flow on the west side of Sun Ridge Ln. all the way into Kensington that is supposed to go into the basin to be stored and then walk around to Bell Rd. He stated that the water in that overland flow that is west of Sun Ridge is just going down the property line, around the basin, and directly to Bell Rd. The Mayor stated that the man at the corner of Sun Ridge complains all the time about the water in his basement. Galicki clarified that Hadden was referring to waterflow coming from the adjoining development of Sun Ridge that should go to the pond. Hadden said yes. Galicki further clarified that it was not the water coming from Kensington Green. Rather the retention pond on Kensington property allegedly should divert water from the adjoining development. Hadden said not entirely. He explained that in the area west of the subdivision line for the Sun Ridge and Kensington properties, there is a lot of water that flows directly north between the two subdivisions that mostly comes from Kensington but some from Sun Ridge. It should go into the basin to be attenuated, but he did not think it was going into the basin. Carroll asked if the Village has an easement on it, and the Engineer did not know.

Hadden asked if it is found that the basin was not doing what it is supposed to do, what would then be done. Would the HOA be contacted and told they must make changes? This would save a lot of hard infrastructure cost to the Village on Bell Rd. The Mayor clarified that Hadden would like the Solicitor to see if there is an easement for the northeast corner of Kensington Green dry retention pond. The Engineer said an easement would be great, but there is nothing showing a blanket easement over the basin. It is a private property issue in which there is public interest because the water comes out to Bell Rd. and effects everyone downstream. An improvement could be made through ditching and swales to get the water into the basin. The earlier study had recommended replacement of undersized pipes and the need for a larger ditch on Bell Rd. He did not think this was necessarily needed if it were possible to attenuate the water uphill. Galicki asked the Engineer if he had put eyes on the dry pond to see what had changed or was impeding the flow of water into the pond. The Engineer said he could not say. Galicki said for most residents adjacent to this property, it was just forgotten land. He concluded that the Engineer identified this as a problem area, but it was not known why it was not properly functioning. The Engineer agreed. The Engineer said that much like Country Estates, this would cost \$10,000 to \$12,000 to take a comprehensive look and identify a solution.

Porter made a motion that the Mayor and Fiscal Officer be authorized to enter into an agreement with CT Consultants for the purposes of doing engineering work required for a detention pond

south of Village Hall on the six acres owned by the Village at a cost not to exceed \$130,000 for the purposes of ultimately constructing a detention pond south of Village Hall on Village owned property, seconded by Carroll. Porter noted that these funds had not been appropriated, so that would need to be done. The Fiscal Officer stated that this project would be an example of where the Village could use the American Relief Plan Act (ARPA) money. Porter agreed that this would be the source of funding. The Fiscal Officer stated that it was not known when the Village would receive the money, and it could be taken out of Engineering by amending the budget. Porter repeated the motion for the benefit of Nairn who could not hear the original motion due to audio problems with the teleconference system. Voice vote – ayes, all. Motion carried.

Carroll addressed the aerial survey for Country Estates and asked if permission would be required from the residents. Hadden said the cost would be in the \$10,000 to \$12,000 range. Carroll asked about the accuracy of the survey, and Hadden said that it could determine elevations to one-half inch. The elevations provided through the Geauga website have a two-foot accuracy, which was why a more detailed survey was necessary. Carroll asked the Engineer to provide the cost of this.

A visitor, Randy Glorioso, advised he was the new owner of 112 Anglers, which was at the tail end of Pond 3. They had lived there a month. He offered that if anyone ever needed to look at the property and see the pond and walk around it for survey purposes, that was more than fine. He gave permission for people to come and look as needed. He had spoken to the Mayor a few times and stated that if and when the pipe actually needed to come out, he assumed that South Russell would be covering the cost involved with this. Glorioso was happy to help in anyway to get the situation resolved. Carroll thanked Glorioso. The Mayor stated that there had been two similar situations in the past few years, one on Forest Dr. and one on Fawn Ct., and Council voted to cover the cost on both. He assumed Council would do the same for this situation since the pipe was handling the Village's water. The Mayor stated that hopefully Glorioso and his family could relax. He stated it would come to a formal vote but reiterated that there were two other situations in the past two years where the Village had covered the cost of removing something like the pipe. Glorioso was happy to hear this.

The Mayor asked Galicki if he was in the backyard of Teaberry. Galicki explained that he and Carroll had done a visual from the street because they did not have permission to go onto the property. They saw Teaberry from the Country Estates side, and he added that from this position, Teaberry was uphill. The Mayor agreed. He added that United States Geological Survey (USGS) has a monitor on a well in this neighborhood and it is 8 feet deep. He said it is a heavy contributor to the situation. During the last storm in April, when the Mayor said he was there, water was coming out of Pond 3 and heading south to a 36" black pipe heading back to Teaberry. On the other side of the bank between Teaberry and Pond 3, water flows south coming out of Modroo and joins that water and goes through this black pipe. The only thing that keeps the water from Pond 3 from Teaberry is the bank. When this overflows, it has water on either side. When the Mayor was there during the winter, there was still standing water in the Teaberry backyard. Galicki stated from his observations, he took exception with the Mayor's observations because the water flow he observed two days earlier would indicate the water flow was to Pond 3. He saw no water going into any black pipe. The Engineer stated he would have

to take a closer look at this black pipe to determine which way it was pitched. He believed it was pitched so the water would flow to the east, not towards Country Estates. Galicki felt the matter required further investigation because this was not what he observed. He suggested that perhaps they were discussing two different pipes. The Mayor said he would send Galicki the video that someone from Teaberry took of the water coming at them.

Canton made a point of clarification regarding the location of Pond 3. He verified Dr. Stephenson's address was 137 Teaberry and stated he was in the backyard and said that it definitely slopes. The Engineer stated that the water table is almost at the surface. He wondered if something like a French drain would help, and the Engineer said no because it would have no where to go. The Engineer explained that if the Village could restore a free flow condition from Pond 1 all the way to Pond 4 and out, that area would always be wet just because it is low, isolated, the water table is high, and the drainage in the area is generally poor. Canton clarified that there was no solution for that backyard. The Engineer said not without some extensive regrading, which would likely involve wetlands issues. Canton asked if there was any proof that water was coming from Pond 3 to the 137 Teaberry backyard. The Engineer said he had seen photos where there was water on both sides of the pond bank, and it was all just wet. Once the water had inundated the area, it could not be determined what water was what other than that the whole area gets inundated with water during a big rain event. The goal would be to restore a free-flow condition from Pond 1 through Pond 4 and out, which would help. The area between the subdivisions in the Teaberry backyards is low and wet just by nature and will always be that way.

Galicki stated that historically, there were issues discussed by the Village Council and Planning Commission when the development, Emerald Lakes II, was being built. There were lawsuits involved. The issue was whether it was advisable to build the Preserve because of the wetlands and water table issue. The Engineer added that the road was elevated on a big mound for a reason. Galicki said that the homes are at the highest points and every backyard slopes down as do the cul-de-sacs. The Engineer agreed. Canton said he understood that the Village fought and lost in court.

The Engineer addressed priorities five through ten of the updated report and explained that they were just culverts throughout the Village that were identified as not meeting the 25-year design criteria. The culverts are undersized and when the roads are paved the culverts should be upsized. The Engineer advised that items five through ten were not arranged in a particular order. The Village should be mindful of these items, but they do not warrant urgent action.

Glorioso advised that his neighbor took photos during one of the last big rain events and showed that water never overflowed the banks, but there was still water going onto the Teaberry backyard.


Nairn clarified that the Village had attempted through litigation to stop the development of Emerald Lakes but lost. The Mayor said this was correct. She stated with all the back and forth with the two neighborhoods, what was important to remember was that water can flow where it wants. She did not think that all the surveys, money, and all the projects in the world would do a

thing about Mother Nature. It was a tough one. She was unaware of this history and felt for everyone.


The Mayor thought that Council should be prepared to explain its priorities if the Village planned to pay \$480,000 to keep water off of a State Route for safety. This would not keep water out of the basements of the residents. Council would be looking at possibly \$535,000 to keep water out their basements. If there were questions on Council's priorities, he thought it was necessary to go with the safety first but explain that the Village was cognizant that residents were getting water in their basements and their properties were being destroyed.

The Mayor stated that at the June 14, 2021 regular Council meeting, there would be changes to the agenda. Eagle Scout Avery Shinkawa would attend and there would be the Parkland Dam discussion again. He hoped there would be a vote on July 12th on the Parkland Dam issue. Three residents from Country Estates also planned to attend and speak. The original proposal by Doug Meil of a one-hour presentation would now be 15 minutes.

ADJOURNMENT: Being that there was no further business before Council, Porter made a motion to adjourn at 9:14 a.m., seconded by Canton. Voice vote – ayes, all. Motion carried.



William G. Koons, Mayor



Danielle Romanowski, Fiscal Officer

Prepared by Leslie Galicki