

Sometime between March 7th – March 9th, I was contacted via telephone by a citizen, Jim Reed, who had some concern about fill he noticed at 110 N. Main. I told Mr. Reed that I would look into the situation. When I asked Kim about the fill she stated that she had been down there with a group that included someone from the Army Corp of Engineers on an unrelated matter and that they, the Army Corp of Engineers, did not have any concerns over the fill. I called Mr. Reed back and relayed the information I was given. He then asked who the representative from the Army Corp of Engineers was. I told him I would have to ask Kim and get back with him. I was out of the office March 10th and 11th for vacation and returned on Monday, March 14th. I was able to speak with Kim and ask her who the representative from the Army Corp of Engineers was on March 15th, and she then indicated that there was no name to give because the person(s) that were on site with her never actually addressed the fill. I had taken her earlier comment to mean that while at the site for another reason, the Corp had seen the fill but didn't find any concerns with it. I mistakenly thought that meant it was actually discussed. I believe Kim was somewhat upset that I had misunderstood what she was saying. She instructed me to communicate with Mr. Reed from that point forward via e-mail. She instructed me to write an e-mail using the language "formal complaint". I felt like my communication with Mr. Reed to that point was cordial and that although he was voicing concern, he was not making a formal complaint. I did write Mr. Reed an e-mail telling him what Kim said, but decided not to use the words "formal complaint" because I did not feel comfortable insinuating that is what he was doing. Below in red is a copy of my e-mail to Mr. Reed.

Jim,

The U.S. Army Corp of Engineers was with Kim several weeks ago walking along the creek at the property in question (110 N Main). Although they were there for a different project, they saw the fill that had taken place and did not raise any concern. This was not a formal inspection or ruling, just general observations. There is no documentation or approval since there was no permit pulled by the property owner. Should you have additional questions or concerns, we will ask our engineer to address the situation.

Respectfully,

Crissy Lee

Village of Salado
254-947-5060

Mr. Reed then responded with an e-mail in which he copied the Mayor, Alderman Coachman, Dirk Aaron, and Commissioner Tim Brown. A copy of his e-mail is below in green.

I do have some concerns. When we spoke you stated that Kim and a representative from The Corps of Engineers looked at the fill area in question and determined that there didn't appear to be a problem. I have asked for the name of who was at that meeting from The Corps of Engineers so I can discuss the basis of that determination. That contact has not been provided.

My intent is not to be difficult, it is to understand the rationale. My concerns are three-fold.

First, there is the basic issue of the lack of adherence to both The Village permitting process and the Corps floodplain management responsibilities. The lack of enforcement of these weakens and ultimately makes ineffective and unenforceable all of those regulations. To allow this to continue unaddressed is not an acceptable course of action in my opinion. There are recent developments which The Village has denied encroachment on the floodplain and those decisions could be endangered or challenged if this situation is not addressed.

Second, there has been no provided evidence that the fill has no impact now or in the future. Changes to the elevation of the floodplain are regulated for a reason and I think it is reasonable to ask that either The Village or the owner assess that impact to the satisfaction of those downstream within reason.

Third, the recent rains washed out a portion of the filled area due to a lack of sedimentation control fences or vegetation thus sending the fill material downstream. If we aren't going to enforce our floodplain regulations and ordinances, shouldn't we at least be enforcing the runoff requirements placed on other developments?

Please let me know how you intend to proceed. At a minimum I reiterate my respectful request for the contact at The Corps of Engineers and a plan to stop the current fill from running off during the next rain event.

I let Kim know that Mr. Reed had replied to my e-mail and she came into my office to read what he wrote. She then asked to read the e-mail I had sent him. She said she had asked me to use the words "formal complaint" and instructed me to reply with the below e-mail in red, which she dictated to me while standing in my office.

Jim,

Thank you for submitting an official complaint. I will have our Floodplain Manager inspect the area and will advise you of any results and further actions that may be taken.

Thank you,

Chrissy Lee

Mr. Reed then responded to my e-mail with the following e-mail in green below.

I'm not filing a formal complaint. All I am asking is for the contact information for the person you stated made the determination at The Corps of Engineers. Not sure why I can't just get that information. If they can explain their rationale, I'm okay with that. The rest are just my concerns, not a formal complaint.

At this point I again let Kim know Mr. Reed had responded to my e-mail. She entered my office and read it and proceeded to type him the below response from my computer and e-mail address. She did not indicate in the response that it was coming from her and did not sign the e-mail with her name. A copy of that e-mail is below in red.

We have already indicated that the Corps was out there for a different reason (Main Street sewer), they saw the fill, and didn't raise any concerns. There was no determination. In no way did we indicate that they approved it or even discussed it for that matter. Therefore, calling the Corps will only raise unnecessary scrutiny, primarily to the sewer project. The first point of investigation is always the Village Engineer and that is what we are doing. Thank you.

Shortly after this e-mail was sent I received an e-mail from Alderman Coachman asking me to give Mr. Reed the name of the representative from the Army Corp of Engineers. I informed Kim about Alderman Coachman's request and she immediately got on the phone with him. She was instructed by Alderman Coachman to contact Jim Reed personally and resolve this matter. She then called Mr. Reed on speaker phone while I was in her office. They spoke for a good length of time and throughout the entire conversation Mr. Reed indicated his displeasure that the matter escalated to the point it had. He continually indicated he didn't understand why I was being so difficult and unhelpful. He indicated that the e-mails were drawn out and unnecessary. Kim did not tell him or Alderman Coachman that she was the one who instructed me to send the e-mails, that she dictated the one e-mail to me, or that she actually wrote the last e-mail. At one point, another employee came and sat in the office and heard her apologizing to Mr. Reed that he felt like he had gotten bad customer service from me. Another office employee overheard the entire exchange. Later that week the Mayor called the office to check on things as he often does. I happened to answer the phone and he asked me to explain the "Jim Reed incident" to him. I explained the incident to the Mayor as outlined above.

End Statement Concerning Jim Reed – Christina Lee 05/24/2016