

MINUTES OF THE HAMILTON COUNTY DRAINAGE BOARD

August 24, 2020

The meeting was called to order Monday, August 24, 2020 at 9:01 a.m.

The members of the Board present were Mr. Mark Heirbrandt-President, Mr. Steven C. Dillinger-Vice President and Ms. Christine Altman-Member. Also present was the Hamilton County Surveyor, Kenton C. Ward, and members of his staff: Mr. Reuben Arvin, Mr. Steve Baitz, Mr. Steve Cash, Mr. Andy Conover, Mr. Sam Clark, Mr. Luther Cline, Mr. Jerry Liston, Ms. Suzanne Mills and Mr. Gary Duncan.

Approval of Minutes of August 10, 2020:

The minutes of August 10, 2020 were presented to the Board for approval.

Dillinger made the motion to approve the minutes of August 24, 2020, seconded by Altman and approved unanimously.

Intracoastal at Geist Drain:

There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"July 10, 2020

TO: Hamilton County Drainage Board

RE: Intracoastal At Geist Drain

Attached is the hydraulic study prepared by Clark Dietz for the Intracoastal at Geist Drain. This was presented to the Board at its June 22, 2020 meeting. On June 30, 2020 a conference call was held with this office, the City of Fishers and Clark Dietz represented. Those minutes are attached.

As a result of that call it was agreed that Alternate 1 - Increase storm sewer capacity and improve overland flow outlet was the most cost efficient alternative. The cost estimate for that alternative is as follows:

Construction Costs (From study)	\$ 76,252.00
15% Contingency	<u>\$11,437.80</u>
Total Construction	\$ 87,689.80
Study Costs	\$28,000.00
Engineering (Design & construction services)	<u>\$33,000.00</u>
Total Cost	\$148,689.80

At this time the drain fund brings in \$11,832.10 annually. The current balance in the fund is \$48,119.09. The fund collects on a four (4) year period. Discussions with Fishers has resulted in a 75%/25% split of the costs. With this, Fishers would pay \$37,172.45. The county portion would be \$11,517.35. Using the funds available in the drain fund at \$48,119.09 the remaining \$63,398.26 would be paid using 75% of the annual assessment of \$11,832.10 which would be \$8,874.08 per year over seven (7) years.

I recommend the Board set this for hearing for August 24, 2020.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll"

The Surveyor stated we have Clark Dietz working on the set of plans for this project. We received the plans on Thursday, I looked over them this weekend and sent them some changes that I'd like to see. I don't think Gary (Duncan) has even had a chance to look at them and I don't think Fishers has either. Once we get the plans ready, we'd like to go out and get three quotes for the work and bring it back to the Board for approval. At this time, I'd ask the Board whether or not they'd want to open the public meeting. I'd recommend tabling it at this time.

Heirbrandt stated since we advertised it...

Altman asked do you want to open the public hearing and then table it?

The Surveyor stated yes.

Heirbrandt opened the public hearing; seeing no one present Heirbrandt closed the public hearing.

Dillinger made the motion to table the hearing for Intracoastal at Geist Drain, seconded by Altman and approved unanimously.

Sly Run Drainage Area, Bliss Johnson Arm - Shafer Woods Partial Vacation:

There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"June 16, 2020

To: Hamilton County Drainage Board

Re: Sly Run Drainage Area, Bliss Johnson Arm, Shafer Woods Partial Vacation

Attached is a petition to vacate a portion of the Sly Run Drain, Bliss Johnson Arm by Shafer Park, LLC to facilitate the construction of proposed Shafer Woods Subdivision. The proposal is to vacate a remaining portion of the original Bliss Johnson Arm that is located at the southwest corner of the proposed subdivision. The adjacent subdivision, Conner Crossing of Noblesville, previously relocated the drain upstream and downstream of proposed Shafer Woods subdivision. This proposal affects the following parcels: Parcel No. 11-06-28-00-00-014.000 owned by Shafer Park LLC; Parcel No: 11-06-28-00-05-021.000, owned by Diane Kebedjian (Lot 149 of Conner Crossing of Noblesville - Brookston Sec. 2); and Parcel No: 11-06-28-00-05-020.000 owned by Joni Gale Brown and Fredrick Martin (Lot 148 of Conner Crossing of Noblesville - Brookston Sec. 2).

The portion of the Bliss Johnson Arm to be vacated will be 363' of 12" tile installed in 1940 between existing stations 32+47 and 36+10.

This request will remove 363 feet of existing drain from the drain's total length.

The vacation of this part of the drain will not change the assessed watershed. The parcels affected by this vacation will continue to drain within the watershed of the Sly Run Drainage Area, Bliss Johnson Arm. When the parcel is platted, the change to a residential subdivision will affect the assessments. This will be the subject of a future report to the Board.

The Bliss Johnson Drain was established by the Hamilton County Circuit Court per the viewers report dated July 27, 1940. In 2011, the drain was made an arm to the Sly Run Drain. See Drainage Board Minutes Book 13, pages 280-282. The drain immediately downstream (south) of proposed Shafer Woods was previously relocated per the Board's approval on March 24, 2003 as the "Bliss Johnson Drain, Conner Crossing of Noblesville, Brookstone Phase One Relocation." (See Minutes Book 7 pages 16-17). The drain immediately upstream (west) of Shafer Woods was previously relocated per the Board's approval on May 29, 2018 as part of the "Sly Run Drain, Bliss Johnson Arm - Conner Crossing of Noblesville Cottage Grove, Sec. 2 Relocation." (See Minutes Book 18 pages 143 - 146). That previous relocation shifted the regulated drain around the Shafer Woods site. Therefore, this portion of the original tile is no longer needed at this location. The storm sewer system in Shafer Woods subdivision will be maintained by the City of Noblesville and is not proposed to be regulated drain.

Upon review of the request, I believe the above portion of the drain meets the requirements for vacation as set out in IC-36-9-27-34(d). In my opinion, the vacation will not adversely affect other property owners within the drainage shed.

I recommend the Board set a hearing date for August 24, 2020.

Sincerely,

Kenton C. Ward
Hamilton County Surveyor

KCW/stc"

Heirbrandt opened the public hearing; seeing no one present Heirbrandt closed the public hearing.

Dillinger made the motion to approve the Surveyor's report, seconded by Altman and approved unanimously.

"FINDINGS AND ORDER

CONCERNING THE PARTIAL VACATION OF THE

Sly Run Drain, Bliss Johnson Arm, Shafer Woods Partial Vacation

Station 32+47 to Station 36+10

Hamilton County Drainage Board
August 24, 2020

On this **24th day of August, 2020**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Sly Run Drain, Bliss Johnson Arm, Shafer Woods Partial Vacation (Station 32+47 to Station 36+10)**.

Evidence has been heard. Objections were presented and considered. The Board then adopted an order of action. The Board now finds that the costs of continued maintenance to the portion of the above drain exceed the benefits to the real estate benefited by the portion of the drain to be abandoned and issues this order vacating the above section of the **Sly Run Drain, Bliss Johnson Arm, Shafer Woods Partial Vacation (Station 32+47 to Station 36+10)**.

HAMILTON COUNTY DRAINAGE BOARD

Mark Heirbrandt
President

Christine Altman
Member

Steven C. Dillinger
Member

Attest: Lynette Mosbaugh "

Elijah Jay Drainage Ara, J. C. Ringer Arm Reconstruction:

There were no objections on file. Ms. Janet Vawter was present for this item.

The Surveyor presented his report to the Board for approval.

"TO: Kent Ward

DATE: July 8, 2020

RE: J C Ringer Arm of the Elijah Jay Regulated Drain #359

ITEM: Drainage Investigation Request #2020-00297

Kent,

The Surveyors Office received a drainage investigation request on June 3, 2020 from Matt Viehe. Mr. Viehe is the tenant farmer for the property owned by Jeffery B. Moore, Michael T. Moore, and Daniel L. Moore, 1/3 int each. The property affected is parcel 01-05-03-00-00-019.000 in Section 3, Township 19, Range 3 of Adams Township. This parcel is located west of Six Points Road and north of SR-38.

Investigation revealed Four large holes on the 16" regulated drain tile and severe erosion across the field. The erosion is being created by surface water flows from the pipes under SR-38. The erosion has completely washed the soil away from the regulated drain and caused it to collapse. To repair the regulated drain in its current location would require extensive earth work, large amounts of fill dirt, several feet of tile, rip rap to dissipate flow velocity's, seeding and erosion control blankets. The original J. C. Ringer Drain was constructed in 1903 through petition to the Hamilton County Board of Commissioners.

Another option discussed on site with Mr. Viehe and the property owner Mr. Moore was installing a new tile slightly west of the existing tile and then vacating the old tile. The new tile would then become the regulated drain. The old tile would remain in place and become the property owners to maintain. The new tile would be an 18" smooth bore, dual wall tile with an animal guard, connecting to the existing tiles that cross under SR-38 and extending to the open ditch approximately 1,200 feet to the north east. Mr. Viehe is a tile installation contractor and has quoted a price of \$14.10 per lineal foot installed for the new tile. Mr. Viehe has a laser-controlled trencher equipped to install this type material. The old tile would be capped just downstream of the eroded area and left in place to allow the existing lateral connections from the east to function. Tiles connecting to the old tile from the west would be connected to the new tile. The eroded area across the field would be the property owners to address. By the construction of a grass waterway.

The J C Ringer drain is an arm to the Elijah Jay regulated drain #359. The annual assessment for the drain is \$17,743.94. The fund currently has a balance of \$93,709.66. This drain has one outstanding work order for vegetation control at a cost of \$500.00.

The estimated cost for the tile installation is as follows.

1200 lineal feet of 18" smooth bore tile @ \$14.10 per ft.-----	\$16,920.00
1 -18" animal guard installed -----	\$ 100.00
15% contingency -----	\$ 2,553.00
Total -----	<u>\$19,573.00</u>

The contingency is to cover the connection of unknown tiles.

Sincerely,

Stephen Baitz
Drainage Inspector
Hamilton County Surveyors Office"

Heirbrandt opened the public hearing.

Vawter stated I'm the owner of the Ringer Farms which is, I'm assuming, to where the Surveyor is talking about, correct?

The Surveyor stated yes.

Vawter asked does that mean that you are not coming upon my property to repair anything or is this strictly the Moore property?

The Surveyor stated it's on the Moore property.

Vawter asked so it's not on me at all?

The Surveyor stated no, and this was something that Mr. Moore and Mr. Viehe had proposed to the Board in order to improve the tile across Mr. Moore's property. At this point in time the water under S.R. 38 is washing the tile out and the tile is exposed and breaking down through the Moore property.

Vawter asked is Moore paying for all of this and then I'm not going to be reassessed for anything?

The Surveyor stated right now the proposal is to take it out of the maintenance fund, which is up to \$93,000.00 and under the Statute the Board can do that up to 75% of what's in the balance of the maintenance fund.

Vawter asked and how do I find out if I'm going to be reassessed for the drain fund?

Howard stated she won't be, will she?

The Surveyor stated no, this is not a proposal where we assess.

Vawter stated alright, just making sure because I got dinged on the other one and I'm still working with you guys on it. I don't want to get dinged again. I've already paid my first installment on that one, so I want to make certain, I'm here.

The Surveyor stated yes, this comes out of the maintenance fund.

Heirbrandt asked if anyone else cared to address the Board; seeing no one Heirbrandt closed the public hearing.

Dillinger made the motion to approve the reconstruction of the J. C. Ringer Arm of the Elijah Jay Drainage Area, seconded by Altman and approved unanimously.

The Surveyor asked Howard, what about the agreement? When this was brought to the Board and the hearing set you said we needed an agreement with Mr. Viehe and Mr. Moore.

Howard stated I'll have to get that. I know it's on my list. Are you going to be around at the end of the week?

The Surveyor stated yes.

Howard stated we've got three weeks until the next meeting, so we need to work on my list. This isn't for action, public hearing or anything?

The Surveyor stated the public hearing we just had. This is so we can get the work going.

"STATE OF INDIANA)
) ss:
COUNTY OF HAMILTON)

BEFORE THE HAMILTON COUNTY
DRAINAGE BOARD
NOBLESVILLE, INDIANA

IN THE MATTER OF THE
RECONSTRUCTION OF THE
J. C. Ringer Arm of the Elijah Jay Regulated Drain

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the **J. C. Ringer Arm of the Elijah Jay Regulated Drain** came before the Hamilton County Drainage Board for hearing **on August 24, 2020**, on the Reconstruction Report consisting of the report and the Schedule of Damages and Assessments. The Board also received and considered the written objection of an owner of certain lands affected by the proposed Reconstruction, said owner being:

Evidence was heard on the Reconstruction Report and on the aforementioned objections.

The Board, having considered the evidence and objections, and, upon motion duly made, seconded and unanimously carried, did find and determine that the costs, damages and expenses of the proposed Reconstruction will be less than the benefits accruing to the owners of all land benefited by the Reconstruction.

The Board having considered the evidence and objections, upon motion duly made, seconded and unanimously carried, did adopt the Schedule of Assessments as proposed, subject to amendment after inspection of the subject drain as it relates to the lands of any owners which may have been erroneously included or omitted from the Schedule of Assessments.

The Board further finds that it has jurisdiction of these proceedings and that all required notices have been duly given or published as required by law.

Wherefore, it is ORDERED, that the proposed Reconstruction of the **J. C. Ringer Arm of the Elijah Jay Regulated Drain** be and is hereby declared established.

Thereafter, the Board made inspection for the purpose of determining whether or not the lands of any owners had been erroneously included or excluded from the Schedule of Assessments. The Board finds on the basis of the reports and findings at this hearing as follows:

HAMILTON COUNTY DRAINAGE BOARD

Mark Heirbrandt
PRESIDENT

Christine Altman
Member

Steven C. Dillinger
Member

ATTEST: Lynette Mosbaugh
Executive Secretary"

George Symonds Drain, Two Staged Ditch - Amendment to Task Order No. 3:

The Surveyor stated this particular item is a portion of the work proposed by the Banning Study on the Symonds and Krause Drains. We have most of those projects completed now as you know. To be done yet is the two staged ditch on the Symonds Drain and also the Swan property and the Eagletown Road improvements. Since the project per the Task Order for Banning is completed, the plans are completed and in the office, Banning would like to take this off of their to-do list and is proposing to do an amendment to Task Order No. 3.

Altman stated so it's complete. I was trying to figure out what was going on. They've done all their work?

The Surveyor stated they've done all their work?

Altman asked then why would they still be on? Is that just how we do stuff?

The Surveyor stated yes, until the project is built.

Altman made the motion to approve the Amendment to Task Order No. 3 of the George Symonds Two Staged Ditch for Banning Engineering in the amount (\$4,776.25), seconded by Dillinger and approved unanimously.

Bellewood Drain, Glen Oaks Arm - Konow Property:

The Surveyor presented his report to the Board.

"August 19, 2020

TO: Hamilton County Drainage Board

RE: Bellewood Drain, Glen Oaks Arm, Konow Property

At the June 22, 2020 meeting of the Hamilton County Drainage Board, the Board was presented with the findings of the study of the Konow situation by Banning Engineering (see Hamilton County Drainage Board Minutes Book 19, pages 250-254). At that meeting the Board asked that a meeting be held with the parties involved with the building of the Konow residence to discuss the drainage problems.

On August 12, 2020 a meeting was held to discuss the drainage problem on the Konow property. Those in attendance were Chris Konow, owner; Nathan Althouse, Miller Surveying; Mike Howard, Board Attorney; Mark Heirbrandt, Board President; Jim Blanchard, City of Carmel Building Commissioner; Joe Miller, Banning Engineering; Mike Gollner of Gollner Construction who was Mr. Konow's builder was invited but did not attend and myself. During the meeting the drainage problem was discussed along with possible solutions. During the meeting Mr. Konow stated that he has been in contact with another builder to build a wall around his patio area. Also discussed was the alteration of the riprap area between the walk path and the extended 21" RCP with end section. This would be to widen the area to better reduce the velocity of the water entering the inlet and to better funnel the flow into the RCP. Also, the riprap would be placed in reno mattress and/or gabion baskets in order to keep the stone in place.

I recommend that this be sent to Banning Engineering for a design of the alteration. Upon receipt of the design a work order will be sent to a Drainage Board maintenance contractor for work to be done on the alteration.

At this time the office has closed out the drainage complaint as it has been determined by the Board to be a private matter.

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll "

The Surveyor stated basically I think Mr. Konow now realizes it is a private matter and that he was looking, basically, for defendants.

Heirbrandt stated we had everybody that we could possibly have there at that table.

Howard stated I think it was a good balanced solution. The part of the solution where you're going to reinforce the discharge point onto his property. His elevation issue and failure to enforce a rule, Carmel's immune from that, I think we pointed that out. Basically, it's him, his builder and at the end he started talking about his architect who designed the house. He's going to have some expensive solutions and I think we've targeted him to those who might become partners in those solutions, which did not include us.

Altman stated we've got an engineering task order, I don't see us paying for that, do we? It's not a drainage problem.

Howard stated there is a drainage problem as far as designing the baskets and putting those in. We discussed what the status of the maintenance fund was, and I think...

Heirbrandt stated there are some changes in drainage that we need to make because the water coming off of that is way too much flow.

The Surveyor stated the rocks are too small.

Altman asked but was it ours?

The Surveyor stated we actually used his rip rap that he had put in and then we added more to it.

Altman stated but your rule of complex problem solving is... that's my question.

Howard stated in this particular case all of the work is going to be done within the easement and essentially it is a function of the capacity of the conveyance that's dumping onto his property. I think it is a conveyance issue that's disproportionate onto his property, but as far as the solution we're not touching his house, we're not building the wall, we're not doing anything. We're just taking some small rip rap that was being washed away and tightening it up in a gabion basket or some other solution. I think it passes the straight face test as being, there's a nexus there of the conveyance through our drain.

Altman stated but then we have the work to verify location of easements, real property alliance, etc., why do we do that?

The Surveyor stated that would be to establish where the whole project is and be able to put all of that on the drawing.

Howard stated I think we need an engineered solution as opposed to just putting a bunch of rip rap at the end of the pipe which was a solution that we adopted and a solution that was unsuccessful. There was a lot of whose problem is it shifting, about 95% of the cost of the problem was shifted and the property owner was reasonably, I'm not saying he was happy, but he was not dissatisfied.

The Surveyor stated I think reality sunk in.

Howard stated it was the forum to have that discussion as opposed to here.

Dillinger made the motion to approve the Professional Services Agreement with Banning Engineering for the Glen Oaks Arm of the Bellewood Drain in the amount of \$5,900.00 for engineering and survey work, seconded by Altman and approved unanimously.

Hearing Requests:

The Surveyor asked the Board to set Jackson's Grant Section 7 Arm of the Williams Creek Drain for hearing on September 28, 2020.

Dillinger made the motion to set the hearing request presented for September 28, 2020, seconded by Altman and approved unanimously.

Final Reports:

The Surveyor presented the following final reports to the Board for approval.

"To: Hamilton County Drainage Board

August 11, 2020

Re: Vermillion Drain: Enclave at Vermillion Section 3

Attached are as-built, certificate of completion & compliance, and other information for Enclave at Vermillion section 3. An inspection of the drainage facilities for this section has been made and the facilities were found to be complete and acceptable.

During construction, changes were made to the drain, which will alter the plans submitted with my report for this drain-dated October 18, 2018. The report was approved by the Board at the hearing held November 26, 2018. (See Drainage Board Minutes Book 18, Pages 302-303)

The changes are as follows: the 12" RCP was lengthened from 558 feet to 560 feet. The 15" RCP was shortened from 472 feet to 468 feet. The 18" RCP was lengthened from 246 feet to 247 feet. The 24" RCP was lengthened from 160 feet to 171 feet. The 6" SSD was shortened from 3,032 feet to 2,989 feet. The open ditch was shortened from 68 feet to 65 feet. The length of the drain due to the changes described above is now **4,672 feet**.

The non-enforcement was approved by the Board at its meeting on November 26, 2018 and recorded under instrument #2020000403.

The following sureties were guaranteed by Standard Financial Corporation and released by the Board on its August 10, 2020 meeting.

Bond-LC No: 1341ENC3
Amount: \$169,172.40
For: Storm Sewers & SSD
Issue Date: October 15, 2018

I recommend the Board approve the drain's construction as complete and acceptable.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor"

"To: Hamilton County Drainage Board

August 11, 2020

Re: Vermillion Drain: Ridge at Flat Fork Sec. 3

Attached are as-built, certificate of completion & compliance, and other information for Ridge at Flat Fork Sec. 3. An inspection of the drainage facilities for this section has been made and the facilities were found to be complete and acceptable.

During construction, changes were made to the drain, which will alter the plans submitted with my report for this drain-dated October 18, 2018. The report was approved by the Board at the hearing held November 26, 2018. (See Drainage Board Minutes Book 18, Pages 308-309)

The changes are as follows: the 15" RCP was shortened from 185 feet to 184 feet. The 18" RCP was lengthened from 72 feet to 94 feet. The 21" RCP was lengthened from 152 feet to 162 feet. The 6" SSD was shortened from 2,542 feet to 2,501 feet. It should be noted that the drain at existing structure 298 was lengthened by 23 feet to new structure 299. The length of the drain due to the changes described above is now **3,060 feet**.

The non-enforcement was approved by the Board at its meeting on November 26, 2018 and recorded under instrument #2020052873.

The following sureties were guaranteed by Standard Financial Corporation and released by the Board on its August 10, 2020 meeting.

Bond-LC No:1322RFF3
Amount: \$97,416.54
For: Storm Sewers & SSD
Issue Date: April 25, 2018

I recommend the Board approve the drain's construction as complete and acceptable.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor"

Dillinger made the motion to approve the final reports presented, seconded by Altman and approved unanimously.

Capital Asset Notifications:

The Surveyor presented the following Capital Asset Notifications to the Board for their approval: Benton Hinesley Drain, Marion Adams School Arm (1995) and Benton Hinesley Drain, Sheridan Elementary School Arm (2008).

Dillinger made the motion to approve the Capital Asset Notifications presented, seconded by Altman and approved unanimously.

Non-enforcements:

Clark presented a non-enforcement request for the Cool Creek Drain, Bridlewood Arm filed by Jordan Cole for parcel #08-10-18-04-06-020.000 for a fence. The Surveyor's Office recommends approval.

Dillinger made the motion to approve the non-enforcement request, seconded by Altman.

Altman asked are we now taking the position that we will allow removable panels unless it's sitting on top of a pipe? Going through this it seems like the sands keep shifting on these non-enforcements.

The Surveyor stated we kind of took...

Altman stated that's fine, but I'm wondering about some of the other ones that maybe we didn't allow in the past that we might want to revisit if they haven't already located their fences. It bothers me when we shift position, I'd like to take a position and stay to it.

The Surveyor stated on these particular ones, it made sense to do so. Sometimes it does not. We spend about two hours looking over each one.

Altman stated then we really haven't shifted. Either we shifted or we didn't shift.

The Surveyor stated we really didn't shift, but we are looking at that more as an option. I think what we have before you today they all make sense and I'd recommend we do it.

Howard asked is there something about Covid-19 that's got people obsessed with putting in fences. I think the number of encroachments has grown exponentially in the last 90 days.

Dillinger stated I would say my position is swung a little bit.

Altman stated and that's fine. I just want to be consistent. That's my point and if we denied before, if they haven't put up a fence, I think...

Hamilton County Drainage Board
August 24, 2020

Dillinger stated when you read this thing up here, unless it's just not feasible to put up a fence that can't accommodate what we need I think we should try to accommodate.

Heirbrandt stated I agree.

Altman stated that's fine, I just want to be consistent.

The motion had been made and seconded to approve the non-enforcement request presented and approved unanimously.

Clark presented a non-enforcement request for the Hunters Knoll Drain filed by Judy Wagner for parcel #17-09-24-03-03-014.000 for a fence. The Surveyor's Office recommends approval.

Dillinger made a motion to approve the nonenforcement request presented, seconded by Altman and approved unanimously.

Clark presented a non-enforcement request for the Little Eagle Creek Drain, West Rail Arm filed by Charles and Kara Barker for parcel #08-09-10-00-20-008.000 for a fence. The Surveyor's Office recommends approval.

Dillinger made the motion to approve the non-enforcement request presented, seconded by Altman and approved unanimously.

Clark presented a non-enforcement request for the Little Eagle Creek Drain, Maple Village Arm filed by Arthur and Judith Bartges for parcel #08-09-03-00-12-029.000 for a fence. The Surveyor's Office recommends approval.

Dillinger made the motion to approve the non-enforcement request presented, seconded by Altman and approved unanimously.

Clark presented a non-enforcement request for the Little Eagle Creek Drain, Maple Village Arm filed by Debbie Magill for parcel #08-09-03-00-04-033.000 for a fence. The Surveyor's Office recommends approval.

Dillinger made the motion to approve the non-enforcement request presented, seconded by Altman and approved unanimously.

Clark presented a non-enforcement request for the Little Eagle Creek Drain, Preserve at Bear Creek Arm filed by Arun Kumar for parcel #17-09-19-00-12-038.000 for a fence. The Surveyor's Office recommends approval.

Dillinger made the motion to approve the non-enforcement request presented, seconded by Altman and approved unanimously.

Clark presented a non-enforcement request for the Long Branch Drain, Woods at Shelborne Arm filed by Noreen and David Gilliland for parcel #17-09-32-00-08-001.000 for a fence. The Surveyor's Office recommends approval.

Dillinger made the motion to approve the non-enforcement request presented, seconded by Altman and approved unanimously.

Clark presented a non-enforcement request for the Williams Creek Drain, Heather Knoll Arm filed by Taylor and Sarah Browning for parcel #17-09-20-00-11-027.000 for a fence. The Surveyor's Office recommends approval.

Dillinger made the motion to approve the non-enforcement request presented, seconded by Altman and approved unanimously.

Clark presented a non-enforcement request for the Williams Creek Drain, Heritage at Springmill Arm filed by William and Candace Reid for parcel #17-13-03-00-10-035.000 for a fence. The Surveyor's Office recommends approval.

Dillinger made the motion to approve the non-enforcement request presented, seconded by Altman and approved unanimously.

Violations:

Vermillion Drain, Woods at Vermillion Arm (Owens Property Follow-up) - Liston stated in your packets you have an invoice for the removing of the Owen's fence. The cost was \$1,060.00. At the last meeting the Board wanted to know what the cost to remove the fence was.

Altman asked did we give them a time limit for mailing the check?

The Surveyor stated no, we did not.

Altman stated let's give them a couple of weeks, send out the last notice and then we file it against their taxes, right?

Howard stated yes, it becomes a lien against their property pursuant to our ordinance. Collateral to this I think you asked at the last meeting what is our fine limit? Jerry (Liston) looked and it was \$500.00.

Liston stated I believe so.

Howard stated I would suggest we be authorized to look at a "stepped up fine system" where if it's removed and paid within 30 days or some reasonable amount of time that would be not to exceed \$500.00, but if it went on it would be an additional \$1,000.00 and we are entitled to collect fees and expenses.

Altman stated if people just make a mistake, I don't want to fine them for that, but if they're obstinate.

The Surveyor stated this is blatant.

Altman stated this is blatant or if they intentionally put it someplace else.

Howard stated a lot of times people come in here and they say "my property line is "x"" and maybe we do a five or six sentence primer on easement rights and I think that kind of goes back to what you were just talking about, our easement is for drainage purposes. When we approve these plats at the start 20 feet, 30 feet, 15 feet those are kind of swags, but on a case by case basis I think do we really need the use of that easement. I think we may want to do a little and that's on our Thursday or Friday meeting agenda, probably the first thing, so when people come in in a violation we insert in that violation order "you think you own to the property line, really your plat shows an easement for drainage and that means we can use it and you can't interfere with it".

Altman stated we probably ought to send that with the notice, correct?

Howard stated yes.

Altman stated along with it if we have a copy of their plat, a copy of that part of the plat and just send it out and advise them they may want to speak with their attorney because it's not our job to give them legal advice, but we can point out what we presume our rights are. When will you send that follow up letter with that lien notice? At that point I think we put the penalty on.

The Surveyor stated we have three weeks before the next meeting and you said give them a couple of weeks beforehand.

Altman stated yes.

The Surveyor stated we will have sent the letter then by that time and we'll let you know at the next meeting.

Altman asked do you want to go ahead and initiate the fine now if it's not paid?

Dillinger stated that's fine with me.

Heirbrandt stated yes.

Howard stated if the costs are not paid within fifteen days which basically gives us some time before the next meeting.

Altman stated send them a letter saying if it's not paid in fifteen days the full penalty will be imposed along with recordation of a lien. Give them some notice, hopefully that gets their attention. I don't want to fight about it, I just want the guy to do what he's supposed to do.

Altman made the motion to have the Surveyor send the Owen's a letter saying if invoice for the fence removal is not paid in fifteen days the full penalty will be imposed along with recordation of a lien, seconded by Dillinger and approved unanimously.

Thistlewaite Drain, California Street Arm - Final Report:

Conover presented his final report to the Board for approval.

"To: Hamilton County Drainage Board

March 11, 2020

RE: Thistlewaite Drain - California Street Arm Extension - Final Report

This is the inspector's final report on the Thistlewaite Drain - California Street Arm Extension located in Section 31 of Township 20 North Range 3 East in Adams Township, Hamilton County, Indiana.

The Surveyor's Report for the Thistlewaite Drain - California Street Arm Extension dated October 3, 2018 was presented to the Drainage Board and approved on January 28, 2019 (Hamilton County Drainage Board Minutes Book (Book) 18, Pages 345 - 349). The reconstruction cost approved was \$192,568.90. Bids for this project were solicited on November 26, 2018 (Book 18, Page 313) and on opened at the January 14, 2019 meeting of the Hamilton County Drainage Board (see Hamilton County Drainage Board Minutes Book 18, page 336). The bid was awarded to Millennium Contractors, LLC for \$192,568.90 on January 28, 2019 (Hamilton County Drainage Board Minutes Book (Book) 18, Pages 345 - 349). The Thistlewaite Drain - California Street Arm Extension consisted of 370 feet of 18-inch RCP, 34 feet of 12-inch RCP, two 72-inch manholes, two 48-inch manholes, four 30-

inch x 30-inch box structures, two 24-inch x 24-inch box structures, 178 feet of 5' sidewalk with bedding and 50 feet of curbing.

The above description reflects field changes to substitute structures from the design sizes, these changes were at no additional cost. The changes include two 30-inch by 30-inch structures which were substituted for 30-inch by 24-inch structures (str #603 & #609). One 30-inch by 30-inch structure substituted for one 48-inch manhole (str#604) and one 72-inch diameter manhole was substituted for a 48-inch manhole (str # 608).

There were 2 change orders on this project for additional work or field revisions on the project as allowed by IC 36-9-27-80.5. Those change orders are as follows:

Change Order #1 was to delete the curbing as designed on the project. Total cost of Change Order #1 was a deduction of \$3,120.00. Approved on September 9, 201 (Book 18, Page 580).

Change Order #1

Delete 48 lineal feet of curb @ \$65.00per foot ----- **-\$ 3,120.00**
 Cost by Millennium Construction of Change Order # 1 ----- **-\$ 3,120.00**

Change Order #2 was to add 50 feet of revised curbing. Total cost of Change Order #2 was \$11,565.00. Approved on January 28, 2019 (Book 19, Page 47).

Change Order #2

50' of Curbing - Lump Sum ----- \$ 11,565.00
 Cost by Millennium Construction for Change Order # 2 ----- \$ 11,565.00

Millennium Construction final costs for the reconstruction are as follows:

Contractor's Bid ----- \$192,568.90
 Change Order #1 Total ----- **-\$ 3,120.00**
 Change Order #2 Total ----- \$ 11,565.00
 Reconstruction Cost by Millennium Construction ----- \$201,013.90

Total Reconstruction Cost

Millennium Construction ----- \$201,013.90
 Amount Approved by the Board ----- \$192,568.90
 Difference ----- **-\$ 8,445.00**

This project was funded utilizing the maintenance funds in the Thistlewaite maintenance fund. The funding was to use 75% of the maintenance fund which equals \$138,994.20 and the balance \$53,574.70 was to be paid out of the General Drain Improvement Fund (GDIF) and reimbursed to the GDIF utilizing 75% of the maintenance collections for the following two years. Approved by the Board on January 28, 2019 (Book 18, Page 348). In 2019 1/2 of the balance, \$26,787.35 was transferred; in 2020 \$35,232.35 was transferred due to the extra \$8,445.00 in change orders.

Partial Pay Requests for this project submitted and paid as allowed in IC 36-9-27-81 are as follows:

	Date Requested	Date Paid	Billed	Retained	Paid
Pay Request #1	04/30/19	05/29/19	\$163,903.90	\$24,585.59	\$139,318.31
Pay Request #2	05/24/19	08/27/19	\$ 18,180.00	\$ 2,727.00	\$ 15,453.00
Pay Request #3	08/27/19	09/24/19	\$ 7,365.00	\$ 1,104.75	\$ 6,260.25
Pay Request #4	03/06/20	04/14/20	\$ 11,665.00	\$ 1,734.75	\$ 9,830.25
Pay Request #5	03/12/20	04//14/20	Main Retainage Release		\$ 28,417.34
Pay Request #6	03/13/20	05/12/20	Curb Work Retainage		\$ 1,734.75
Millennium Construction Totals:			\$201,013.90		\$201,013.90

Statement of All Incurred Expenses Paid signed by the contractor as required in IC 36-9-27-82(b) was received on 08/28/2019 for the main reconstruction and on 03/13/2020 for the curb installation.

The engineering design, plans, construction staking and as-built (record) drawings were prepared by the Hamilton County Surveyor's Office. The as-built drawings are attached.

As of March 13, 2020, I hereby attest to and agree that the reconstruction was installed according to the specified plans and change orders and have approved such work under IC 36-9-27-82(a). All inspections have been completed. Final inspection was on March 9, 2020.

I recommend the Board approve the reconstruction as complete and acceptable.

Respectfully,

Andrew Conover
 Inspector"

Dillinger made the motion to approve the final report presented, seconded by Altman and approved unanimously.

Construction Updates:

William Krause Drain Reconstruction Phase 3 - Conover stated the contractor is nearing completion. Last Tuesday the Surveyor and I met with the contractor's at the Masonic Lodge parking lot and went over what is going to be the responsibility of the county to reimburse on that or pave and let them know what they needed to do on the parking lot. There's a tiny portion of the parking lot that was not disturbed and they were going to contact the Lodge to see if the Lodge would want to pay to have that portion paved while the equipment was out there doing the balance of the parking lot.

Ellis Barker Drain Reconstruction - Cline stated we're still working with Frontier trying to get their line relocated. At the last meeting the Board asked Howard to send Frontier a letter to light a fire under them. I haven't talked to anybody with Frontier lately.

Howard asked Cline, did you send us that address with contact information?

Cline stated I sent you the information and then Gary (Duncan) emailed you with contact information.

Pending Asbuilts:

F. M. Musselman Drain, Burnau Arm Reconstruction - Liston stated the office received the asbuilts for this project on Friday and they are under review in our office.

Pending Final Reports:

Anchorage Drain, Reconstruction of a portion of Section 1 - Liston stated the report has been written and is under review in the office.

Crawford Wetland Mitigation - The Surveyor stated I'm working on this one. I'm working on trying to pull all the information together right now. This goes back with the mitigation.

William Krause Drain, Phase 1 - Conover stated the report is done.

William Krause Drain, Phase 2 - Conover stated this is with the pond area. We're still waiting to see if Mr. Ogle will accept the check.

The Surveyor stated the letter has been sent to Mr. Ogle to come in and pick up his check and sign for it.

Howard asked did we give him a deadline?

The Surveyor stated no, we didn't.

Altman asked do we need one? It sits there.

Howard stated it just sits there, I guess.

Clara Knotts Drain, Pipe Lining - Baitz stated that job is complete with the work. The retainage has been filed for and sent and we're finishing up the paperwork.

The Surveyor stated that's another one on my desk that I'm trying to pull together.

William Lehr Drain, Joseph & Brooks Arm:

Mr. Jim Hellman was present for this item.

The Surveyor stated the reconstruction on the open ditch, turning it from tile to open, is nearing completion on the Gradison property north of 156th Street and the Flora Nursery open ditch, changing that from a tile to an open, has been completed and now the only remaining section is across Hoods Gardens. Hoods have actually got an engineer and they have designed an open ditch. The structure under 156th Street needs to be designed and installed. I got an estimate from an engineer who is Mr. Hood's engineer on Sunday for \$8,800.00 to do the design for the structure, it's a box structure. I'm asking the Board if they would approve the design fees on that particular item.

Altman asked is that pretty much in line with what we would pay, it seems inexpensive.

The Surveyor stated I think it is pretty cheap.

Dillinger made the motion to approve a Professional Services Agreement with Civil Site Group for the design of a structure for Joseph & Brooks Arm of the William Lehr Drain in the amount of \$8,800.00, seconded by Altman and approved unanimously.

Pending Items (Attorney):

Howard stated we're scheduling a meeting to go over all of these items. We'll start from the bottom and go up.

The Surveyor stated on Thursday Heirbrandt, Duncan and I have a meeting to go over our projects. Also, with the engineering contract with the Board, that hasn't been revised yet.

Altman asked just the general for the insurance part?

The Surveyor stated yes.

Howard stated COI issue.

The Surveyor stated yes.

Howard stated there's a basic policy issue here as far as your maintenance contractors, the template requires if they are digging in the ground pollution liability. I know that's been a concern of yours and your regularly scheduled contractors. General Liability would be one thing, property damage, but I think we can talk about it now or we can talk about it in the appeals procedure that's in the COI ordinance.

Altman stated if there's pollution in our regulated drain where does the liability go? Have we determined base liability?

Howard stated the liability of the contractor would be if they had a spill.

Altman stated so you're thinking not preexisting.

Howard stated yes, the preexisting is not going to be their liability just because they found it.

The Surveyor stated so you're talking an oil spill or if a hose busts and you have hydraulic fluid on the ground.

Altman asked wouldn't that just be regular general liability?

Howard stated that would be regular general liability because of their spill, but as far as the template says "anybody digging" they have to have pollution. You and I have talked about this for months from our maintenance contractors that maybe a little bit of a hardship because it's such an open end liability and if you instruct us to; and under their general liability obviously if they; we would clarify that pollution caused by them, but if they find pollution they will just let us know as soon as possible.

The Surveyor asked will that need to go to the appeals or just the Commissioners do it because last time we got our hand slapped.

Howard stated I think we put in the contract with our maintenance people and then we tell the appeals people we've already been there and then let that Board take care of it. Just put it on their list for approval.

The Surveyor stated while we're on insurance, on the first paragraph of the policy, it says "a copy of this policy shall be included in any request for bids, quotations, general agreements or other proposals". You mean actually put the whole thing in there?

Altman stated yes.

Howard stated the purpose of that is to alert the contractor that this is an issue and then the department head, if the department head wants to work through that and do an appeal or do that we want all that on the front end. What was happening everything was going to my COI and they were rejecting it and the department heads were getting huge delays in their projects and we wanted to move this up the check list in the process. That's primarily for you and South 10th Street.

The Surveyor stated we really don't need to revise that, we just put this in there.

Howard stated if you put that in there, they're going to be asking you a question. Put this at the top of our list for our meeting this week.

Dillinger made the motion to adjourn, seconded by Altman and approved unanimously.

Mark Heirbrandt - President

Lynette Mosbaugh
Executive Secretary