

MINUTES OF THE HAMILTON COUNTY DRAINAGE BOARD

January 10, 2022

The meeting was called to order Monday, January 10, 2022 at 12:04 p.m.

The members of the Board present were Mr. Steven C. Dillinger-President and Ms. Christine Altman-Vice President. Also present was the Hamilton County Surveyor, Kenton C. Ward and member of his staff: Mr. Steve Cash, Mr. Reuben Arvin and Mr. Sam Clark. The Board's attorney's, Mr. Michael Howard and Mr. Connor Sullivan, were also present.

Approval of Minutes of December 20, 2021:

The minutes of December 20, 2021 were presented to the Board for approval.

Altman made the motion to approve the minutes of December 20, 2021, seconded by Dillinger and approved unanimously.

Re-Organize the Board:

Dillinger made the motion to appoint Commissioner Altman as President of the Hamilton County Drainage Board, seconded by Altman and approved unanimously.

Dillinger made the motion to appoint Commissioner Heirbrandt as Vice-President of the Hamilton County Drainage Board, seconded by Altman and approved unanimously.

Appoint Attorney, Secretary and Alternate Members:

Dillinger made the motion to reappoint Michael Howard as attorney for the Hamilton County Drainage Board with Conner Sullivan as Alternate Attorney in Howard's absence, seconded by Altman and approved unanimously.

Dillinger made the motion to reappoint Lynette Mosbaugh as secretary for the Hamilton County Drainage Board, seconded by Altman and approved unanimously.

Dillinger made a motion to recommend Steve Holt and Jerry Rulon as Alternate Members for the Hamilton County Drainage Board, seconded by Altman and approved unanimously.

Designate Surveyor for Claims:

Dillinger made the motion to designate the Surveyor for claims, seconded by Dillinger and approved unanimously.

Appoint Big Cicero Creek Joint Drainage Board Representative:

Dillinger made the motion to reappoint Commissioner Heirbrandt as Hamilton County's representative to the Big Cicero Creek Joint Drainage Board, seconded by Altman and approved unanimously.

Appoint White River Alliance Board Representative:

Dillinger made the motion to reappoint Kent Ward as Hamilton County's representative to the White River Alliance, seconded by Altman and approved unanimously.

Bid Opening - Clara Knotts Drain, Park Broadway Arm Phase 2:

Mr. Conner Milbourne was present for this item.

Howard stated the first bid is from Morphe Construction with all required forms enclosed and a base bid of \$1,440,000.00 and an alternate bid of \$111,000.00. This appears to be all the bids on this project. Do any persons know of any other bids; none appearing I recommend the bid be referred to the Surveyor's Office for review and recommendation on January 28, 2022.

Dillinger made the motion to refer the bid to the Surveyor's Office for review and recommendation on January 28, 2022, seconded by Altman and approved unanimously.

Bid Opening - Elwood Wilson Drain, Hare Arm:

Mr. Conner Milbourne, Mr. Walter Johnson and Mr. Jacob Johnson were present for this item.

Howard stated the first bid is from 5Star Company, Inc. with all required forms present and a bid of \$2,729,295.00; the next bid is from Morphe Construction with all required forms present and bid of \$2,478,000.00. This appears to be all the bids for this project. Do any persons know of any other bids; none appearing I recommend the bids be referred to the Surveyor's Office for review and recommendation on January 28, 2022.

Dillinger made the motion to refer the bids to the Surveyor's Office for review and recommendation on January 28, 2022, seconded by Altman and approved unanimously.

The Surveyor stated this project is where there is development ground involved. You mentioned you wanted to do deferred assessments when those properties develop. Is that still your nexus?

Altman stated yes.

The Surveyor stated we'll word the report, so the funding comes out of General Drain and then we'll backfill General Drain Fund to reimburse it once the project is done.

Altman asked what's our time period for the outlook?

The Surveyor asked for the project?

Altman stated no, for reimbursement.

Howard stated where is the project?

The Surveyor stated it's Harger over to Promise Road.

Howard asked are there some assessments that you're going to collect now as agriculture?

The Surveyor stated I would assess all of them deferred and leave the agriculture alone because it's the big properties. It's dominos. You've got Harger, the Shrine, Fleck's and across the road you've got...

Howard asked so you've got enough money to cash carry those?

The Surveyor stated yes.

Howard stated I know those are all for sale and the option has expired once by corporate.

The Surveyor stated drainage is a big part.

Howard stated yes, it's a chicken and egg development.

The Surveyor stated and with this project we're also constructing the sanitary sewer for Noblesville across Presley and once it gets across Presley it's a straight shot to Promise Road right along our easement.

Howard stated so you're doing the sanitary just so far to Harger's property line and then they can pick it up from there?

The Surveyor stated exactly.

Howard stated and you've designed it with wastewater and capacity?

The Surveyor stated basically we stepped back and let Noblesville and Clark Dietz do that and they did receive approval from IDEM last week or the week before.

Howard stated we probably need to sit down and work on that Urban Drain.

The Surveyor stated some of that \$2,000,000.00 we've got crossings at Presley, we've got the crossing at Promise and we've got the crossing at Home Depot so all of those will be paid for by the owners of the crossing. The sanitary sewer, Noblesville said they will pay for whatever the cost is and that's why we segregated them.

Altman asked do you know what the net will be out of General Drain?

The Surveyor stated not yet.

Howard stated should this really be four weeks instead of two? It sounds like there's a lot of leg work between now and...

The Surveyor stated it could go four weeks because we can't have the hearing until March so we could set it in February.

Howard asked should we have a motion to defer the Elwood Wilson, Hare Arm recommendation until four weeks from today?

Dillinger made the motion to refer the bid to the Surveyor's Office for review and recommendation on February 14, 2022, seconded by Altman and approved unanimously.

Set Bid Date - Flora Mendenhall Drain:

The Surveyor asked the Board to set the bids for the Flora Mendenhall Drain for February 14, 2022.

Dillinger made the motion to set the bid date for the Flora Mendenhall Drain for February 14, 2022, seconded by Altman and approved unanimously.

Professional Services Agreement - On-Call Phase 2 (Burke):

The Surveyor stated we have a Professional Services Agreement for the On-Call Phase 2.

Altman stated I'd like to table that until we have a full Board, plus there's a question. I went through that agreement. Did we align with our other professional services agreements that we're using for Highway on those?

The Surveyor stated yes, they (Burke) insist on retyping everything.

Altman stated we may want to look at that agreement because there's an exculpatory clause, Item 11, last paragraph. If we have that in Highway, we probably need to look at that too because we ought to at least hold them to their professional liability coverage and have a minimum on that.

The Surveyor stated that hadn't been touched for a long time.

Howard stated under our COI we need to probably include that, and I think Connor is up to speed on the COI and what should be in there.

The Surveyor asked will we have a replacement document before the next meeting?

Sullivan stated yes, I can get one.

Howard stated I think you just add the clause.

Sullivan asked Altman, are you talking about Paragraph 11, indemnification, look at the Highway's and add the appropriate COI language?

Altman stated plus look at Highway's because we should be holding engineers in professional services to their liability coverage on damages.

Sullivan stated okay, it will be ready for the next meeting.

Big Cicero Creek Joint Drainage Board:

The Surveyor presented the minutes of the Big Cicero Creek Joint Drainage Board of November 17, 2021 to the Board for their information. He asked if there were any questions.

There were no questions.

Citizens Energy Group - Service Advisory Board:

The Surveyor presented the minutes of the Service Advisory Board of November 16, 2022 to the Board for their information. He asked if there were any questions.

Altman asked is there anything other than they keep looking to take more water from us?

The Surveyor stated that's about it.

Howard asked the Surveyor, do you know whether or not what they're drilling share on SR 32 in front of..?

The Surveyor asked, Syds?

Howard stated yes.

The Surveyor stated I know they have that wellfield almost ready to produce.

Howard asked on Syds property or where the city's easement is for the wastewater plant?

The Surveyor stated no, I'm talking about the land that Syd Davis owns.

Non-enforcements:

Clark presented a non-enforcement request for the Little Eagle Creek Drain, Preserve at Bear Creek Arm filed by Sukmar Bollineni and Sireesha Adusomilli for parcel #17-09-19-00-12-025.000 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, Saddle Creek Arm filed by Brian and Monica Porter for parcel #17-09-21-00-06-018.000 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, West Rail at the Station Arm filed by Blake and Mary Joyce Carr for parcel #08-09-10-00-20-040.000 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.

Preliminary Variance Request - Sly Run Drain, The Timbers Section 1:

Mr. Rick Ellis and Mr. Neil VanTrees were present for this item.

Cash presented his report to the Board.

"Re: Sly Run - Variance Preliminary Introduction

January 7, 2022

To: Hamilton County Drainage Board

Project Name: The Timbers, Sec. 1

Petitioner: Lennar Homes of Indiana, Inc.

Summary:

Lennar Homes of Indiana requests to present their proposal for site grading and installing flood plain compensatory storage as part of The Timbers, Sec. 1 project. This proposal will require the approval of a variance from Ordinance No. 09-26-16A for fill in the floodplain of Sly Run Drain. The project site is located on the north side of State Road 38, northeast of the intersection with Little Chicago Road. The plans are being designed by Weihe Engineers.

The engineering design for the flood plain compensatory storage area is being reviewed by Clark-Deitz which is the Drainage Board's engineering consultant for the Sly Run Drain watershed. Following successful review, a Clark-Deitz review memorandum will become part of the report submitted to the Board as part of the variance packet.

The purpose of this presentation is to introduce the project to the Drainage Board and to request Preliminary Concurrence.

If Preliminary Concurrence is granted, this project will return to the Board for final approval.

Steven T. Cash
Plan Reviewer"

Ellis stated this is a proposed 310 lot subdivision located on the northeast corner of SR 38 and Little Chicago Road. 290 of those proposed lots will be located northeast of Sly Run which is a landlocked area between two other existing subdivisions and the drain to the south. There will be a proposed bridge that we'll have to construct. Our entrance will be off of SR 38 and then it crosses Sly Run. As part of the incidental construction of the bridge it's going to require compensatory storage and that's what I'm here to request that this be considered today.

Altman stated so you're not planning any lots on the area, it's just to build facilities.

Ellis stated correct.

Altman asked Cash, has our engineering firm already looked at this or is this just going for preliminary today?

Cash stated this is the introductory meeting. They're seeking preliminary concurrence to move forward and have Clark Dietz, which is our consultant for this watershed, review the project.

Dillinger asked is there any reason we wouldn't give them authority to go on?

Cash stated no, we would recommend the developer be allowed to move forward.

Howard asked do they have the 3:1 compensatory?

Cash stated yes.

Dillinger made the motion to allow the developer to move forward with the variance for The Timbers Section 1 Variance, seconded by Altman and approved unanimously.

Howard stated this about the fourth entity to try to take a stab at it. The City wanted the bridge to line up with the road cut on the south side of SR 38 and nobody's been willing to build a bridge. They wanted to cut over and intersect closer to Little Chicago Road intersection, which would be a misalignment and traffic safety nightmare. These guys have decided to build the bridge.

Spills:

Mud Creek/Sand Creek Drainage Area - The Surveyor stated it turned out there were no fluids released, but it was the semitruck that floated in the pond.

Dillinger stated they forgot to put the break on, it says here.

The Surveyor stated it was a trainee, her second day I think.

Howard asked where was it?

The Surveyor stated it was behind the trucking firm south of 121st Street and Cumberland Road.

Surety Acceptance:

The Surveyor stated that at today's Commissioners meeting the Board would be accepting the following surety: Performance Bond No. PRF9382682 in the amount of \$1,006,502.94 for the George Symonds Drain, Two Stage Ditch Reconstruction.

Construction Updates:

George Symonds Drain, Two Stage Ditch Reconstruction - The Surveyor stated the utility notices are out. I do not believe that the preconstruction meeting has been held yet.

Intracoastal at Geist Drain - The Surveyor stated Mr. Orr called last week and the utilities have been flagged, which is a good sign that Duke is getting ready to start.

Mallery-Granger Drain Reconstruction - The Surveyor stated Liston is getting ready to reinspect the drain for the final.

Canal Place Drain, Strongbow Gate Arm - The Surveyor stated the contractor is still waiting for material.

Ellis Barker Drain Reconstruction - The Surveyor stated the final grading was done last week and that should be coming up for final report now.

Clara Knotts Drain, Park Broadway Arm - The Surveyor stated the contractor is still working around the water lines. Carmel still has not lowered them, but they come to the water line, leave the gap and go on.

Ream Creek Drain Reconstruction, Orchard Park Arm - The Surveyor stated the contractor will start the first week of February on construction.

Altman asked is Carmel doing the work on the water lines for Clara Knotts Drain themselves or do they need to contract it?

The Surveyor stated Carmel said they were doing it themselves and then they said that they were going to contract it and I don't know where they are.

Altman asked, have we been talking with Duffy on that?

The Surveyor stated I believe Cline has been talking to John Duffy.

Budget & Permit Update:

The Surveyor presented the budget and permit update to the Board for their information. He asked if there were any questions.

There were no questions.

Pending Items:

Altman stated before the next meeting on Wednesday, with our Board packet, I'd like to have written notes on each one from the responsible parties as to where we stand, what's inhibiting the completion and when it will get done.

The Surveyor stated I know a couple of them I think we're ready to move on.

Variance Request - White River Fill in the Floodplain (Milestone) - The Surveyor stated we received an email last week from the Corps of Engineers and...

Altman stated they acted like there was minimal problem.

The Surveyor stated exactly; did you see my response?

Altman stated yes.

The Surveyor stated and I have not heard a response yet from them.

Howard stated that would be good to get out of the way. Basically, you just want the authority to enforce what their commitments are as far as capacity and flow.

The Surveyor stated yes.

Altman stated and we don't want to enforce what they want to enforce except if it conflicts with our easement.

The Surveyor stated right. I think we might be able to get over the hurdle on that.

Drainage Board Attorney (Pending Items):

Lake Stonebridge Agreement (Backflow Preventer) - Howard stated this item should come off of my list. That has been completed, installed and is over, other than payment by the HOA. They've acknowledged receipt of our bill and they're processing it.

The Surveyor stated we still need the maintenance agreement.

Howard stated okay.

The Surveyor stated but we finally have the number and that's all we've been waiting for is that number.

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

Christine Altman - President

Lynette Mosbaugh
Executive Secretary