

MINUTES OF THE HAMILTON COUNTY DRAINAGE BOARD

January 23, 2023

The meeting was called to order Monday, January 23, 2023 at 9:07 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. Jerry Liston, Mr. Gary Duncan, Mr. Sam Clark, Ms. Clara Furst, Mr. Reuben Arvin, Mr. Steve Cash, Mr. Gavin Maxwell, Ms. Suzanne Mills and Mr. Brian Rayl. The Board's attorney's, Mr. Michael Howard and Mr. Connor Sullivan, were also present.

Approval of Minutes of January 9, 2023:

The minutes of January 9, 2023 were presented to the Board for approval.

Dillinger made the motion to approve the minutes of January 9, 2023, seconded by Altman and approved. Heirbrandt abstained.

Appoint Attorney:

Dillinger made the motion to re-appoint Mike Howard as attorney for the Hamilton County Drainage Board, seconded by Altman and approved unanimously.

Appoint Big Cicero Creek Joint Drainage Board Representative:

Dillinger made the motion to reappoint Mark Heirbrandt as the representative for Big Cicero Creek Joint Drainage Board, seconded by Altman and approved unanimously.

Appoint White River Alliance Representative:

Altman made the motion to appoint Kent Ward as the representative for the White River Alliance, seconded by Dillinger and approved unanimously.

Appoint Citizens Energy Group Service Advisory Board Representative:

Altman made the motion to appoint Kent Ward as the representative to the Service Advisory Board of Citizens Energy Group, seconded by Dillinger and approved unanimously.

Thorpe Creek Drainage Area - Collins Extension:

There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"November 18, 2022

To: Hamilton County Drainage Board

Re: Thorpe Creek Drainage Area, Collins Extension

Attached is a drain map and petition for the extension of the Thorpe Creek Drainage Area, Collins Extension. The proposed drain is located in Fall Creek Township.

To be extended is that portion of open drain known as Thorpe Creek from the north line of tract 13-12-31-00-00-004.000 owned by Elizabeth Collins and runs downstream in a generally southwesterly direction following the existing stream 1,083 feet to the south line of said tract.

This extension will consist of the following:

Open Ditch 1,083 feet

This extension is located on the following parcel:

<u>Parcel</u>	<u>Owner</u>
13-12-31-00-00-004.000	Elizabeth Collins

This tract is currently being assessed maintenance for Thorpe Creek.

Thorpe Creek Drain is classified as an urban drain per my report dated January 25, 2007.

The nature of maintenance work required is as follows:

1. Bank erosion protection and/or seeding as might be required.
2. Removal of debris and/or blockages from existing open drain.
3. Removal of beaver dams.
4. Any other repairs necessary to restore proper flow to the open ditch.

The frequency with which maintenance work should be performed is annually as required by the condition of the drain.

The easements for the drain should be set at 75' from top of bank as set out in IC 36-9-27-33.

I have made a personal inspection of the land described below. Upon doing so, I believe that the drain is practicable, will improve the public health, benefit a public highway and be of public utility and that the costs, damages, and expenses of the proposed drain will probably be less than the benefits accruing to the owners of land likely to be benefited.

The project falls under the requirements as set out in IC 36-9-27-52.0. Therefore, a hearing is required for the petition. I recommend that the Board set a hearing date for January 23, 2023.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor

KCWp11"

Altman asked how much is left that is unregulated on Thorpe Creek?

The Surveyor stated Steve Cash told me that there is a petition coming in for another section to the south after that there would be about 3,000 feet out of four miles.

Altman asked does this connect with the parcels north and south?

The Surveyor stated there will be a gap to the south.

Altman asked is that the blue line (on the map)?

The Surveyor stated yes.

The Surveyor stated there is a petition coming in for the section to the north.

Altman stated so we'll have from this parcel north, the entire run?

The Surveyor stated from there to the county line, yes.

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.

"STATE OF INDIANA)
) ss: BEFORE THE HAMILTON COUNTY
COUNTY OF HAMILTON) DRAINAGE BOARD
NOBLESVILLE, INDIANA

IN THE MATTER OF THE
RECONSTRUCTION OF THE
Thorpe Creek Drainage Area, Collins Extension

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the ***Thorpe Creek Drainage Area, Collins Extension*** came before the Hamilton County Drainage Board for hearing ***on January 23, 2023***, 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.

Hamilton County Drainage Board
January 23, 2023

Wherefore, it is ORDERED, that the proposed Reconstruction of the **Thorpe Creek Drainage Area, Collins Extension** 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

2023 Drain Classification List:

The Surveyor presented the 2023 Drain Classification List to the Board for approval.

January 12, 2023

To: Hamilton County Drainage Board

Re: Drain Classification

Under the authority of the Indiana Drainage Code: IC 36-9-27-34, I hereby submit the following drains for classification:

A. DRAINS IN NEED OF RECONSTRUCTION	ACRES	PETITIONED
1. Emily Vestal Drain	6,797.82 ac	
2. Jesse DeVaney Drain (Taylor Creek) 2000,		3,425.99 ac January 4,
3. E. Clark & S.J. Compton Drain	4,369.70 ac	
4. Wheeler & Beals Drain (Cool Creek)	4,108.00 ac	
5. Clark & Inman Drain	440.00 ac	April 18, 2011
6. William Baker Drain	2,114 ac	February 13, 2013
7. Marion Blanton Drain	1,227.59 ac	October 1, 2013
8. Flora Mendenhall Drain		
9. Wilson-Nagle Drain		December 17, 2014
10. Taylor & Jessup		March 4, 2016
11. Clara Knotts Drain (103 rd , Park, Ruckle, Broadway, 102 nd , Central & New Jersey)		June 23, 2017
12. Vermillion Drain		December 12, 2017
13. Hortonville Drain		June 11, 2018
14. Ed Waltz Drain		December 7, 2020
15. Beaver & Brooks Drain		February 24, 2021
16. Mary Wilson/Oak Tree		March 1, 2021
17. N. H. Teter Drain		April 21, 2021
18. William Weaver Arm, Weaver & Hooke Drain		April 21, 2021
19. Adam Ault Drain		April 26, 2021
20. J. M. Gustin Arm, Jonas Rogers Drain		April 30, 2021
21. E. E. Cornthwaite Drain		May 3, 2021
22. Hamilton County Employee Parking Garage		May 11, 2021
23. John Roe Drain		April 8, 2022
24. Little Cicero Creek		April 8, 2022
25. William Baker Drain		April 8, 2022
26. Raymond Briles Drain		April 8, 2022
27. Mary Parks Drain		April 8, 2022
28. Highland Springs Drain		April 28, 2022
29. Elwood Wilson Drain, E. M. Hare Arm		
30. Elwood Wilson Drain, Craig Holleran Arm		
31. Glen Oaks Drain, Bellwood Arm		September 7, 2022
32. Ida Teter Drain		October 11, 2022

B. DRAINS IN NEED OF MAINTENANCE

1. Guy Guilky Drain
2. Green Harris Drain
3. Kline-Miller Drain
4. A. Stehman Drain
5. Little Cicero Creek
6. Hinkle Creek
7. W.C. VanArsdale Drain Reconstruction turned down by Board 2/23/98
8. Herbert Billingsley Drain Maintenance turned down by Board 3/27/06
9. James E. Driver Drain Maintenance turned down by Board 2/22/10

ALL OTHER REGULATED DRAINS/DITCHES THAT WERE CERTIFIED TO THE AUDITOR OF HAMILTON COUNTY IN 1957, AS REGULATED DRAINS/DITCHES TO BE CLASSIFIED AS DRAINS/DITCHES IN NEED OF PERIODIC MAINTNENACE.

C. DRAINS IN NEED OF VACATION

No drain found to be in need of vacation at this time.

PETITIONS FOR NEW DRAINS

At this time the Board has been petitioned for new drains to be constructed. These petitions are as follows:

<u>Name</u>	<u>Date Petition Filed</u>	<u>Township</u>
1. Hortonville Arm, Henry Plew Drain	June 11, 2018	Washington
2. Ream Creek (Orchard Park Subdivision)	January 5, 2011	Clay
3. Barnette Arm, Harriett Sheward Drain	March 8, 2011	White River
4. Southeast Arcadia Drain	November 4, 2022	Jackson

DRAIN MAPPING PROJECT:

During the mapping project which was completed in 2005 for the regulated drains, eight (8) new drains were discovered. These drains were not listed on the drains which were certified to the Auditor in 1957. The 1957 list has been utilized for the classification list since 1965. Utilizing the 1957 list, plus adding new drains or removing vacated drains over the years, the length of drains which had been reported previously was 1,077 miles. As a result of the mapping project the length of drain miles increased to 1,095 miles. This figure is believed to be very accurate based on the methodology which was utilized in the creation of the new mapping. This is the length reported to the Auditor in 2004 for the GASB34 reporting of Capital improvements.

The new drains that were added to the classification list in 2005 not on maintenance as yet are as follows:

- Guy Guilkey Drain
- Green Harris Drain
- Kline-Miller Drain
- A. Stehman Drain
- James E. Driver Drain (Hearing held Feb. 22, 2010, Board dismissed report)
- Herbert Billingsley Drain (Hearing held Mar. 27, 2006, Board dismissed report)

At this time these drains have been added to the classification list as drains which are in need of maintenance. As more data is compiled for each of these the classification could change at a later date. Whenever possible these drains should be consolidated with the drain which serves as its receiving stream.

REGULATED DRAIN EXTENTIONS:

Along with the classification list, I also recommend that in the future the following drains be extended or established in length to the indicated receiving streams or County boundaries. This can be accomplished through the petition process as set out in IC 36-9-27-36 and 49 and IC 36-9-27-54.

These extensions or establishments can be done by utilizing IC 36-9-27-34 (b) (3) (E) and IC 36-9-27-49 (b) (2).

Delaware Township

- R.J. Craig Drain to White River
- Castetter & Randall, Shoemaker & Krause Drains to White River
- Lynnwood Hills Drain to White River
- Pines & Roxbury Drain to White River

Fall Creek Township

- Thorpe Creek Drain to Geist Reservoir
- Flat Fork Creek Drain to Fall Creek

Wayne Township

A.J. Huffman Drain to Stony Creek
S.E. Carpenter Drain to Stony Creek
William Locke as Stony Creek to Madison County Line
William Locke as Stony Creek to White River
Frank Huffman Drain to William Locke

Noblesville Township

Schneider Peirce Drain to White River
Mallery-Granger Drain to White River
William Locke as Stony Creek Drain to White River
County-McMahon Drain to White River
George Booth, Pebble Brook, Beals & Cox, Ellis Barker, Bliss Johnson, Mill Creek Drains
as
Sly Run Drain to Cicero Creek.

Jackson Township

M.E. Scherer Drain to Little Cicero Creek
Ed Waltz/Bear Slide Creek Drain to Morse Reservoir
Whisler & Brenner & H.A. McMullen Drains to Big Cicero Creek
Marion Blanton, Ed Waltz, & Bear Slide Drains to Morse Reservoir as Blear Slide
Raymond Briles Drain to Isaac Jones Drain
Symonds Ditch to Morse Reservoir (Little Cicero Creek)
Wilson-Nagle Drain to Big Cicero Creek
Jesse DeVaney Drain to Little Cicero Creek
Raquet & Ehman Drain to Little Cicero Creek
William Baker/Baker Jones Drains to Hinkle Creek
Jacob Yansel Drain to Hinkle Creek
Sylvester Gwinn Drain to Jesse DeVaney Drain

White River Township

Frank Shaw Drain to Duck Creek
Guy Guilkey, Shyrock, Kepner & Cornthwaite Drains to White River
Hill & Webb and Rebecca Webb Drains to White River
Harriet Sheward Drain to White River
George Keck Drain to Bear Creek
Rebecca Roberts Drain to White River
Sarah Dentz Drain to Duck Creek
Bear Creek Drain to Duck Creek
Clara Gintert Drain to White River
Burkhardt Drain to White River
Henry Gunn Drain to Pipe Creek
Vincent Case Drain to White River
Lambertson Drain to Duck Creek
William Shyrock Drain to White River

Adams Township

Symonds Ditch to Morse Reservoir (Little Cicero Creek)
Jay Ditch to Symonds Ditch

Washington Township

Stuart Rawlings Drain to Little Eagle Creek
Oak Park Drain to Mary Wilson Drain
Little Eagle Creek to Boone County Line
Bear Creek to Little Eagle Creek
Wheeler & Beals Drain (Cool Creek) to White River
William Knight Drain to Cool Creek
Oak Manor Drain to Cool Creek
Oak Woods Drain to Cool Creek
Harmon Clark & H.G. Kempton Drains to Cool Creek.

Clay Township

Albert Shaw Drain to Boone County Line
Long Branch (J.W. Brendel) Drain to Boone County Line
Brandywine Drain to Crooked Creek
Timber Heights Drain to Carmel Creek
Fertig/Hawkins Drain as Carmel Creek Drains to Marion County Line
Richard Moffitt Drain to Carmel Creek
Hunters Creek Village Drain to Cool Creek
Hunters Creek South & Bentley Oaks Drains to Cool Creek
Spring Mill Run Drain to Williams Creek
Thomas Hussey Drain to Williams Creek
Osborn-Collins as Williams Creek to Marion County Line
Clay Creek Drain to Williams Creek
Crossfields Drain to Clay Creek Drain

Asher Drain to Williams Creek
Clay Springs Drain to Williams Creek
John Osborn Drain to Spring Mill Run Drain

I believe that as the Stormwater Phase II Program progresses in Hamilton County that the above extension will become important. Doing so will allow the Drainage Board better control of the stream not only hydraulically but more importantly in regard to water quality.

DRAINAGE SHEDS:

I recommend the Board continue the creation of larger drainage sheds. By the identification of the main receiving stream and the inclusion of a single rate schedule which blankets the entire drainage shed, main and the various smaller drains which enter into it, will have long range benefits. These are as follows:

1. Reduce the number of funds to be managed. At this time the Board has 368 drain funds for maintenance. Of these 179 funds have now been combined into larger drainage sheds. As an example, when the Mud Creek/Sand Creek basin was created, 23 smaller funds were included within the drain.
2. Reduce the need for the creation of future funds.
2. Eliminate the problem of the smaller sheds, which cannot generate enough funds for maintenance, of being in the red and having to borrow from GDIF.
4. Reduce the number of multiple assessments on single tracts. This became very important when the drain billing was combined on the individual property tax bill.
5. Perhaps if the number of funds are reduced and become more manageable from an Accounting perspective, the Treasurer would add interest to the maintenance funds. Doing so should eliminate a complaint from the landowners that have been heard by the Board and myself many times, in the past. This would also help the funds financially and provide better service to the landowners within the drainage sheds. However, this could be negated if the Board were to be able to utilize the General Drain Improvement Fund interest for Phase II Funding.

At this time the Board should begin collections on the maintenance funds until the fund reaches eight (8) times the annual assessment instead of four (4) times the annual assessment which is currently done. This is allowed under IC 36-9-27-43. This will increase the available balance in the drain funds. The Board would then be able to utilize maintenance funds to partially pay for reconstruction projects. Under IC 36-9-27-45.5, the Board may transfer up to 75% of a maintenance fund to pay for reconstruction projects. This could reduce, or eliminate, the assessments for future reconstructions.

Currently the following drains are in need of increasing the collection period from four (4) years to eight (8) years.

Benton Hinesley Drain #41	William Thomas Drain #181	Ream Creek Drain #338
Henry Gunn #82	Beaver & Brooks Drain #233	Bellewood Drain #348
J.R. McKinzie Drain #146	Prairie Creek Drain #279	Flat Fork Creek Farms #358
Lynnwood Hills Drain #152	George Beam Drain #322	

IC 36-9-27-43

OMMISSION OF ANNUAL ASSESSMENT:

- a. If in any year a maintenance fund established under Section 44 of this chapter has an unencumbered balance equal to or greater than four (4) times the estimated annual cost of periodically maintaining the drain for which the fund was established, the annual assessment for the maintenance of that drain may be omitted for that year.
- b. The County Drainage Board may collect the drain assessment even though the unencumbered balance of the maintenance fund is equal to or greater than four (4) times the estimated annual cost of periodic maintenance of the drain for which the fund was established if the Drainage Board does the following.
 1. Conducts a public hearing in accordance with Section 40 of this chapter.
 2. At the public hearing estimates what the unencumbered balance of the maintenance fund would be, as a multiple of the estimated annual cost of periodic maintenance of the drain, after the collection of the total amount that the Board intends to collect in assessments. However, the annual assessment for the maintenance of the drain shall be omitted if, according to the estimate of the Board, the collection of the intended total amount of assessments would increase the unencumbered balance of the maintenance fund to equal or exceed eight (8) times the estimated annual cost of periodic maintenance of the drain for which the fund was established.

As added by Acts 1981, P.L. 309, Sec.101. Amended by P.L.276-2001, Sec.13.

IC 36-9-27-45.5

EXCESS DRAINAGE MAINTENANCE FUND BALANCE; TRANSFER OF FUNDS:

- a. This section applies when a county surveyor advises the drainage board that in the county surveyor's opinion a maintenance fund has a balance in excess of the amount reasonably needed in that fund for maintenance work in the foreseeable future.
- b. The board may transfer an amount up to a maximum of seventy-five percent (75%) of the money in the maintenance fund to a reconstruction fund that covers the same watershed as the maintenance fund from which the money is transferred.

As added by P.L.154-1993, Sec.6.

ASSESSMENT INCREASES:

In 2005 the Board began increasing maintenance assessments for drains throughout the county to a standard set of rates. Although due to size of the drainage shed, difficulty of access and type or size of the facilities anticipated maintenance costs may vary. The recommended minimum rates are as follows:

1. Maintenance assessment for roads and streets set at \$15.00 per acre.
2. Maintenance assessment for agricultural tracts set at a minimum of \$3.00 per acre with a \$25.00 minimum per tract.
3. Maintenance assessment for non-platted residential tracts be set at a minimum of \$3.00 per acre with a \$25.00 minimum per tract.
4. Maintenance assessment for commercial, institutional and multi-family residential tracts be set at a minimum of \$20.00 per acre with a \$95.00 minimum per tract.
5. Maintenance assessment for platted lots in subdivisions whose drainage systems will not be part of the regulated drain (those systems maintained by a city or town) set at \$45.00 per lot/minimum. Common areas within non-regulated drain subdivisions shall be assessed at \$10.00 per acre with a \$45.00 minimum per tract.
6. Maintenance assessment for platted lots within subdivisions whose drainage system will be part of the regulated drain shall be set at a minimum of \$75.00 per lot/minimum. Common areas within the regulated drain subdivision shall be set at a minimum of \$15.00 per acre with a \$75.00 minimum per tract.

I recommend the Board continue this process until all rates are adjusted to at least the above levels. At some time in the future the rates should be increased. This increase can be at a given time period such as every 2, 5 or 10 years so as to keep up with the increasing costs of materials, fuel and labor. This can be done at given percentages such as 5, 10 or 15% on a regular basis. The Board could also utilize IC 36-9-27-42 whereby the Board can increase the maintenance assessment for a drain up to 25% without hearing. Currently the following drains are in need of increases in the annual assessment.

Ingerman-Lockwood Drain #21	Highland Springs Drain #165	Prairie Creek Drain #279
Henry Gunn Drain #82	Clark & Compton Drain #354	Ream Creek Drain #338
Elwood Wilson Drain #126	Johnson & Gardner Drain #355	

IC 36-9-27-42

INCREASES AND DECREASES IN ASSESSMENTS FOR PERIODIC MAINTENANCE OF DRAINS; PROCEDURE:

- a. The Board may at any time increase or decrease the amount annually assessed for periodic maintenance of a regulated drain if the board finds that the county surveyor's estimate of the cost of maintaining the drain was insufficient or excessive.
- b. The Board may decrease the amount annually assessed without notice to the affected owners if the percentage of benefit assigned to all tracts of land affected is not changed from that originally determined by the board.

c. The Board may increase the amount annually assessed once without notice to the affected owners if:

1. the percentage of benefit assigned to all tracts of land affected is not changed from that originally determined by the board; and
2. the increase does not exceed twenty-five percent (25%) of the amount initially established.

d. If the Board:

1. finds that the percentage of benefit assigned to any particular tract or tracts of land should be increased due to a change in land use or for any other reason; or
2. proposes an increase or decrease that would affect all of the lands assessed for the maintenance of the drain and that is not exempted from the giving of notice under subsection (b) or (c); the board shall mail a notice to the owner or owners of the land. The notice must state the proposed change in the assessment, and specify a date, time, and place, not less than ten (10) days after the notice is mailed, when the board will hear objections to the change. An owner may file written objections to the proposed change on or before the date of the hearing. At the hearing, the board shall consider all objections and evidence filed and shall enter an order as justice may require. The board shall mail a copy of its order to the owner or owners affected. If an owner does not request judicial review of the order under section 106 of this chapter within twenty (20) days after his receipt of the copy of the order, the order becomes conclusive.

e. A Joint Board that includes three (3) or more counties in a drainage basin that exceeds one hundred thousand (100,000) acres shall publish notice in accordance with IC 5-3-1 instead of mailing notice to the owner or owners of land as required by subsection (d).

As added by Acts 1981, P.L.309, SEC.101. Amended by Acts 1981, P.L.317, SEC.25; P.L.370-1983, SEC.2.

CLEARING/FILTER STRIPS

As the balances in the maintenance funds increase, the Board should consider clearing contracts for clearing drains which have not been reconstructed and thus not under a vegetation control (spray) program. I recommend that these be done by individual contract by drain rather than being done by work order to the maintenance contractor. I believe that this will give the Board better control of prices if done in this manner.

Per my recommendation, it has been the practice by the Board to establish filter strips along the open drains which are reconstructed. These are done on the side of the drain which is cleared for the project and are usually 20 feet in width. This provides a year-round access for inspection, vegetation control and maintenance without damaging crops. I recommend that when the drains are cleared as discussed above, that a filter strip be established on the cleared side of the open ditch. In order to make the filter strip a part of the drain I suggest that the Board hold reconstruction hearings for this purpose. By doing so the drains specifications would be changed and the filter strips would become a part of those specifications for the future. These strips should be mowed annually under maintenance.

DRAINS IN RIGHT OF WAY:

Recently it has come to the forefront that when the regulated drain parallels the roadway that problems are beginning. This is particularly true in urbanizing areas. The following areas should be considered for reconstruction in the future. This could be done by developers as development occurs or thru the regular reconstruction process.

ADAMS TOWNSHIP

1. Thomas Pierce #255 - approximately 1,300 feet east of Jerkwater Road on 281st Street
2. J M Endicott #266 - approximately 1,300 feet east of Ditch Road on 296th Street
3. J M Endicott #266 - approximately 630 feet south of 296th Street on Six Points Road
4. Mary Parks# 287 - east and west of Dunbar Road along the south side of 276th Street
5. George Symonds #283 - approximately 520 feet south of 256th on west side of Six Points Road
6. Pearson Drain - approximately 450 feet north of 236th Street on east side of Ham./ Boone Co. line
7. Pearson Drain - approximately 2,900 feet south of 236th Street on west side of Ham. / Boone Co. line

JACKSON TOWNSHIP

8. W P Bennett Drain - approximately 200 feet east of US-31 on south side of 266th Street
9. W P Bennett Drain - approximately 2,700 feet east of US-31 on south side of 266th Street
10. W P Bennett Drain - approximately 2,200 feet south of 276th Street along north side of Salem Road.
11. W P Bennett Drain - approximately 730 feet west of Salem Road along south side of 276th street
12. Hunter Snowburger Drain - approximately 300 feet south of 296th Street along east side of DeVaney Road
13. Lewis Wright Drain - approximately 230 feet west of Edmondson Road along south side of 296th Street
14. H A McMullen #118 - along Millersburg Road at 281st Street
15. Big Cicero Creek #249 - along west side of Crooked Creek Road north of new bridge north of 266th Street
16. Mary Nagle #140 - approximately 100 feet south of 231st Street along west side of Toll Gate Road
17. Charles Caylor #204 - approximately 1,000 feet north of 256th Street along east side of Lacy Road
18. Jonas Rogers #84 - approximately 3,200 feet east of ST RD 213 along the south side of 296th Street
19. F Beeson Drain - approximately 75 feet south of 291st Street along west side of Carpenter Road
20. F Beeson Drain - approximately 1,700 feet south of 291st Street on west side of Carpenter Road

WHITE RIVER TOWNSHIP

21. Duck Creek - approximately 600 feet west of ST RD 37 along Duck Creek Ave.
22. Duck Creek - north and south of 276th street along Duck Creek Ave.

WASHINGTON TOWNSHIP

23. Kreager Hinshaw #108 - approximately 1,200 feet north of 206th street on east side of Ham. / Boone Co. line
24. Cove Horney #36 - approximately 700 feet west of Springmill Road on south side of 193rd Street
25. Isaac Jones Drain - approximately 900 feet east of Oak Ridge Road along north side of 206th Street
26. Wheeler & Beals Drain - along the east side of Flippens Road at 191st Street
27. Wheeler & Beals Drain - along Grassy Branch Road at 186th Street
28. Gardner & Johnson Drain - approximately 1,900 feet north of ST RD 32 along the west side of Joliet Road
29. Gardner & Johnson Drain - approximately 2,000 feet south of ST RD 32 along the east side of Joliet Road
30. Osborne Collins Drain - approximately 1,300 feet west of Springmill Road on north side of 156th Street
31. U G Mitchner # 275 - approximately 550 feet north of 146th Street on east side of Gray Road

NOBLESVILLE TOWNSHIP

32. Wheeler & Wheeler Drain #25 - approximately 350 feet north of Greenfield Ave. on east side of Cumberland Road
33. Schneider-Pierce #100 - approximately 1,700 feet west of Creek Road on north side of 206th Street

WAYNE TOWNSHIP

34. Frank Huffman #190 - approximately 650 feet north of 211th Street on east side of Cyntheanne Road

CLAY TOWNSHIP

35. Stultz & Almond # 45 --- approximately 1,200 feet west of Ditch Road on south side of 136th Street
36. Moffitt-Williamson #177 - along north side of 106th Street between Stratford Place and Haverstick Road

DELAWARE TOWNSHIP

37. R J Craig #38 - approximately 1,000 feet east of Hague Road on south side of 106th Street

FALL CREEK TOWNSHIP

38. Sand Creek Drain - approximately 300 feet west of Marilyn Road on north side of 136th Street

FLOOD STORAGE/WETLAND MITIGATION BASINS:

Currently the Board has four areas that have been either donated or purchased for flood storage and/or wetland mitigation. These areas are as follows:

- Cool Creek - North side of S.R. 32. Basin designed by Clark-Dietz
- Sand Creek - Southeast corner of Cumberland Road and 106th Street. Basin designed by Burke Engineering - Two (2) of the three (3) pods completed in 2019 for mitigation needed by Hamilton County Highway on the Cyntheanne Road project at Mud Creek.
- William Krause Drain - East side of Sheridan, south of 2nd Street - Basin completed in 2020 as flood control for Sheridan.
- Symonds Ditch - East side of Eagletown Road basin designed by Banning Engineering
East side of Lamong Road - completed 2020 as mitigation for the Drainage Board on the Lockwood Drain.

These basins will help reduce flooding along the drains which they are located. They will also provide areas for wetland mitigation for future county road and drainage projects. As funding allows more such basins should be considered in drainage sheds where flooding has been a problem. Partnerships with either the County Parks Department or local parks should be considered so as to provide maintenance of the basins in the future.

STREAM GAUGES:

On June 23, 2004 I submitted a report to the Board regarding a letter sent by the U.S.G.S. Water Resources Division on October 17, 2003. After seeking input from representatives of Carmel, Noblesville, Cicero, Westfield, Fishers, and consultants Christopher Burke and Clark-Dietz about future stream gauges, it was determined that a prioritized list would be needed to set up an order of when new or reactivated gauges could come online.

The existing stream gauges are as follows:

1. Logan Street over White River in Noblesville
2. S. R. 37 over Stony Creek near Noblesville
3. Atlantic Avenue over Fall Creek near Geist Reservoir
4. Pleasant Road Bridge over Big Cicero Creek near Arcadia (installation 2004)
5. 146th Street over White River (installed 2006)
6. 96th Street over Williams Creek (installed 2007)
7. 196th Street over Locke Drain east of Noblesville (installed 2008)
8. Atlantic Road over Stony Creek (installed 2008)
9. Cumberland Road over Mud Creek (Installed 2012)
10. 116th Street over Sand Creek (Installed 2013)
11. Strawtown Road over White River (Installed 2017)

Below is a prioritized list of proposed gauges or abandoned gauges that could be reactivated to benefit Hamilton County. The gauge is either Proposed or Abandoned and the Priority ranking is High, Medium or Low.

1. 96th Street over White River (Proposed-High)
2. 266th Street over Little Cicero Creek (Abandoned-Low)
3. Hazel Dell Parkway over Cool Creek (Proposed-Medium)
4. S R 32 over Cool Creek near Anna Kendall Drain (Proposed-Medium)
5. Atlantic Road over Pipe Creek (Proposed-High)
6. 296th Street over Duck Creek (Proposed-Medium)
7. S R 38 over Cicero Creek (Abandoned-Low)
8. 225th Street over Hinkle Creek (Abandoned - High)
9. Greenfield Avenue over Mud Creek (Proposed-Low)

Some of the above gauge locations would be ideal sites for both stream and potential water quality gauge monitoring. Existing gauges 2 and 3 would be excellent locations if funding is available for water quality monitoring. If these gauges can be equipped with water quality monitoring instruments, the cost can be justified under Phase II.

Funding for gauges 3 and 4 can be provided through drain maintenance funds for Cool Creek, gauge 11 can be funded out of the Mud Creek fund and gauge Number 6 can be funded out of the Duck Creek Fund. Funding for gauges 2 and 9 can be funded sometime in the future when Little Cicero Creek and Hinkle Creek are placed on maintenance. Funding for gauges 1, 5 and 7 could be cost shared with other entities such as Duke Energy and Citizens Water and/or cities or towns.

I recommend the Board approve this Drain Classification List for 2023 as submitted.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/llm"

Altman stated I do have a question on Number 22, Drains in Need of Reconstruction. That's the employee garage. I thought we did the work we needed to do during construction.

The Surveyor stated you did. There was a petition that was required to make that part of a regulated drain. I wanted to talk to Steve Wood about that and to see if we can get that moved forth or taken off.

Dillinger asked what needs to be done to it?

The Surveyor stated this was an issue with the City of Noblesville on their stormwater quality issues. It had to do with the offsite going across 8th Street to the river.

Altman stated it's not literally across the street, it's under or over.

The Surveyor stated it's under the street. The outlet going into the river, they wanted certain things done. In talking to Steve Wood and the City of Noblesville it was decided to make that a regulated drain so the county would have jurisdiction over that. I'm thinking we could take care of that in our SWPPP for the parking garage and circumvent the need for making it regulated drain, but I haven't flushed all of that out yet.

Altman asked do we have an eta on that; when we're going to get it resolved? To me, it's problematic to have it sitting on the list if there's no work to be done.

The Surveyor stated this is the second time it's on the list and that was one of the things I wanted to get done before summer.

Howard stated the labeling is problematic. Basically, it's not to make it regulated it's to get a SWPPP for the site.

The Surveyor stated initially it was to make it regulated, but I think we can circumvent that by just including that in the SWPPP.

Altman asked can we delete it from this list?

Howard stated that label, I think the label's what you want to do.

Altman stated it's not in need of reconstruction because it's been reconstructed.

Howard stated if the public reads it, they're going to think it's a regulated drain and it sounds like that's off the table.

Altman made the motion to approve the 2023 Drain Classification List with the deletion of Item #22 moving up the items below on the list of drains in need of reconstruction, seconded by Dillinger and approved unanimously.

Drainage Easements and Variances - Hamilton County Recorder's Office:

The Surveyor stated I forwarded to you an email I received from the Recorder. In the past items given to the Recorder from our office have not been charged for recording. As of February 1, 2023 she's wanting recording fees at \$25.00 per document.

Altman asked is it per document or page?

The Surveyor stated the Recorder says per document.

Dillinger asked why would one county department charge another county department?

Altman stated I think the reasoning in the next email we got from the Recorder was that it was a permit process, and we should be passing those fees through to the permit requester. There's logic to that.

Heirbrandt stated I immediately sent that over to Attorney Howard. I know you looked into this.

Howard stated the Statute providing for recording fees says, "the Recorder shall charge fees" and then there are exceptions, such as INDOT recording fees, Veterans papers, discharging, but charges to other entities was not other governmental entities of the same unit, was not an excluded issue. A strict interpretation of the Statute I believe she is correct. It is a major change. I know the Surveyor has not incorporated those into his fees, but I heard kind of the same justification that since the Surveyor is charging fees why should the Recorder waive the fees. Her fees that she collects goes into document perpetuation fund, which, I think, runs her operating expenses.

Dillinger stated so you're charging a fee for this, you're just not passing it onto her?

Howard stated no, he's charging a plan review fee. The question is should we add a document recording fee and those are before you. I think that would be the way to resolve it.

Heirbrandt stated with that I know there's going to be a lot more paperwork and probably staff. Are you prepared for this?

Altman stated I think it's easy. Instead of a direct fee or add on we ought to charge or say before you get your approval you have to submit your document recording fee and make it separate. It's really not up to us requiring it be recorded and they should bear the cost of recordation. My preference is to separate it and say here's your review fee, but before you're going to get approval from either the Surveyor's Office or the Board you have to submit your recording fees because we require them to be part of the property record.

Howard stated but it is going to be an extra step for his office to go through. They haven't been fingerprinting that money.

Dillinger asked the Surveyor, how do you feel about that?

The Surveyor stated it is another step that we'll have to take.

Dillinger stated it doesn't sound like we have a choice.

Altman stated I would rather them make their check out to the recorder because that's really who's charging them.

Dillinger stated that would bypass some efforts on your part I would think.

The Surveyor stated yes.

Altman stated we don't have to worry about our budget or anything else. I just think we insist on withholding approval.

The Surveyor stated and that way if it's not approved, whatever the permit may be, we can return then that check because we don't return the check for the application.

Altman stated I guess we could do it with the application saying, "give it" and if it gets approved and otherwise you get your money back.

Howard asked would it be out of line to suggest to the recorder that we might push that deadline back. It's been there forever. We might move it back a couple of months to allow him...

Altman stated she can't. I don't think she can. Once she's on notice that she's doing it incorrectly she kind of has to move. I think we have a gap period. We can start immediately that nothing will be approved and final...

Altman made the motion the Board does not approve any further processes for release until we receive in hand the proper document recording fee made payable to the Hamilton County Recorder.

The Surveyor stated from today forward, but those that are in front of you today...

Altman stated they don't get approved, they get approved, but they don't get released to whomever...

Howard stated they can be recorded before February 1st.

The Surveyor stated they can be recorded today.

Howard stated the Recorder says that she's going to start charging for those February 1st.

Altman stated let's make sure we get them over there or we've got a gap.

Dillinger seconded Altman's motion to not approve any further processes for release until we receive in hand the proper document recording fee made payable to the Hamilton County Recorder and approved unanimously.

Altman made the motion effective with new submissions that the recording fee be collected by separate check at the time of application before consideration, seconded by Dillinger and approved unanimously.

Permit Fees:

The Surveyor stated some time ago I gave you an outline of permit fees.

Altman asked are they in our packet?

The Surveyor stated I can't find it. I was hoping you had it.

Altman stated I can go through my emails and get it. I was expecting another email.

The Surveyor stated I put it in a digital folder and can't find it.

Howard asked the Surveyor, do you want to get those to me and I'll put them in an ordinance along with adding our recording fee?

The Surveyor stated yes.

Altman made the motion to table this item, seconded by Dillinger and approved unanimously.

Hearing Requests:

The Surveyor asked the Board to set the following items for hearing on February 27, 2023: Guy Gilkey Drain; William Baker Drain and William Baker Drain Extension, US 31 and 236th Street Reconstruction; John Roe Drain.

Altman asked the Gilkey Drain, what's the basis of this? Is this a developer?

The Surveyor stated it was petitioned.

Altman asked by whom?

The Surveyor stated it was petitioned by Steven Cavanaugh.

Altman asked is it the landowner petitioning or a developer?

The Surveyor stated it's a landowner.

Altman asked why is he petitioning?

The Surveyor stated he took peat and topsoil out of an area. This was the upstream area for that particular drain. This drain wasn't on maintenance and is still not on maintenance. The drain is collapsing and because of that the pond is staging high and getting close to the houses that have now been put around that pond that was dug for the peat. It's needed to keep that drain functioning.

Altman asked who's going to bear that cost because we have a whole lot of cost associated with this.

The Surveyor stated I'm recommending a maintenance cost and also a fee for...

Heirbrandt asked how many homes are around that pond?

The Surveyor stated I think there's four or five homes.

Altman stated but that would be separate from this person.

The Surveyor stated yes and I'm also recommending a cost for the work that's needed to be spread among the property owners.

Altman asked, are we going to notice all the property owners?

The Surveyor stated yes.

Altman stated this is asking for what? What is this going to be scheduled for? Is this for regulation or reconstruction or what? I could not tell.

The Surveyor stated reconstruction and maintenance. It's laid out in page two as far as what's needed for the reconstruction.

Altman stated but it's all currently regulated.

The Surveyor stated it's a regulated drain, but it's not on maintenance.

Altman stated and this guy's regulated also.

The Surveyor stated yes.

Altman stated I didn't know what the report was saying. It didn't say for reconstruction, and I didn't know whether this was already regulated or not. I just didn't want to pick up a bunch of liability for a drainage shed because somebody has a problem.

The Surveyor stated no, it's already regulated.

Altman made the motion to set these items presented for hearing on February 27, 2023, seconded by Dillinger and approved unanimously.

Citizens Energy Group - Service Advisory Board Minutes:

The Surveyor presented the minutes of the Service Advisory Board for November 15, 2022 to the Board for their information. He asked if there were any questions.

There were no questions.

Variance Request - Mud Creek/Sand Creek Drain, Hyde Park Phase 4:

Mr. Bill Butz was present for this item.

Cash presented his report to the Board for approval.

Staff Report

December 18, 2022

To: Hamilton County Drainage Board

Re: Mud Creek - Sand Creek Drainage Area, Sand Creek Regulated Drain, Variance for Hyde Park Phase 4, DV-2023-00001, Parcels: 13-11-22-00-00-008.000; 13-11-22-00-00-008.002; 13-11-22-00-00-013.000; 13-11-22-00-00-007.101; 13-11-22-00-00-007.141; 13-11-22-00-00-007.111; 13-11-22-00-00-007.112

Attached is a request by MAB Capital Investments, LLC requesting approval of a variance from the following ordinance and standard in connection with the Hyde Park Phase 4 project:

- Ordinance No. 09-26-16A: regarding fill in the flood plain.

Summary:

As part of a new development project, the petitioner proposes to grade portions of Hyde Park Phase 4 which results in new fill being placed in the floodplain. To comply with Hamilton County requirements to offset the fill, the project will excavate compensatory floodplain storage within the Sand Creek floodplain, which also affects the floodplains for the TJ Patterson Drain and EE Bennett Drain. The construction will require placing 46,958 cubic yards of fill within the floodplain and removing 142,226 cubic yards from the floodplain. The cut/fill ratio meets the standard 3:1 ratio required for consideration of the variance with a proposed ratio of 3.03:1. It should be noted that Phase 4 works in conjunction with the compensatory storage and detention of Phases 1 - 3, which the Board has previously approved.

The project site for the Phase 4 mass grading generally encompasses an area extending from 136th Street to north of Campus Parkway and located west of Brook School Road / Boden Road in the City of Noblesville. This project is located on both side of Sand Creek, and also affects the TJ Patterson Drain and the EE Bennett Drain.

This proposal received preliminary concurrence by the Drainage Board on July 12, 2021. This project, Phase 4, also involves a Non-enforcement Request for proposed trails within the Regulated Drain Easement on both sides of Sand Creek. The proposed 141st Street bridge which will cross Sand Creek will be issued a Crossing Permit by this office following the Board's approval of this floodplain variance.

The engineering review has been conducted by Kerry Daily of Christopher B. Burke Engineering, Ltd. See attached approval memorandum dated October 27, 2022.

Due to the proposed construction in the floodway, a Construction in the Floodway Permit has been obtained from the Indiana Department of Natural Resources-Division of Water.

Staff Recommendations:

1. If this variance is approved by the Drainage Board, the Surveyor has recommended that as a condition of approval the following items be met:
 - a. Protection of floodplain compensatory area with dedicated easement. Easement to be in favor of the Hamilton County Drainage Board and Hamilton County Commissioners.
 - b. Surety to be posted to cover the construction costs of the flood plain compensatory storage areas. The amount of the surety should be 120% of the engineer's estimate.
 - c. An engineer's estimate or copy of the contract for the storage areas to be submitted along with the surety.

Hamilton County Drainage Board
January 23, 2023

2. The Surveyor also requests the following conditions be met for release of surety:
 - a. Site inspection approval by Surveyor's Office.
 - b. Submittal of as-built drawings showing the cut and fill sections and dirt balances. As-built drawings are to be stamped and sealed by a professional engineer.
 - c. As-built drawings to be reviewed by Burke for compliance.
 - d. Fulfillment of developer financial responsibility for review fees incurred.
3. The following is to be placed on the secondary plat or recorded against the parcel:

The maintenance of the floodplain compensatory area, including but not limited to sediment removal, erosion control along the banks, mowing and aquatic vegetation control will be the responsibility of the Homeowners Association or owner of record. The Board will retain jurisdiction to enforce the storage volume for which the floodplain compensatory area was designed will be retained, thereby, allowing no fill or easement encroachments. In the event that the owner, in the sole discretion of the Board, fails to adequately maintain the flood compensatory area, after 30 days written notice to the Homeowners Association or owner of record, the Board may perform the required maintenance and assess the cost thereof to the Homeowners Association or owner of record as a special assessment.

Based on this information, this report is respectfully submitted for your consideration.

Sincerely,

Steven T. Cash
Plan Reviewer

STC:stc"

Dillinger made the motion to approve the Variance presented, seconded by Altman with the provision that the Surveyor's conditions are incorporated in the approval and approved unanimously.

J. W. Wagner Drain - Omori Property:

Dillinger asked Cash, can you address the issue we talked about before concerning the Omori property on 206th Street? Did it ever get resolved? Did you get approval from the State?

Heirbrandt stated this was brought up in past meetings.

Cash stated they've not yet gotten the approval from the State.

Dillinger asked, why? Why is it taking so long?

Cash stated evidently Cripe, their modeling, they changed their computer programs, and they were having difficulty modeling it according to the requirements that the State required. They've been trying to work out getting through that. Every time I contact them, the State had actually been very responsive.

Heirbrandt asked who are you working with at Cripe?

Cash stated his name is Stev Pierre of Cripe.

Dillinger asked isn't this highly unusual for this to take this long?

Cash stated it's taken much longer than it should.

Dillinger asked what can we do to expedite this?

Cash stated we can push the owner to push Cripe, his own consultant to get the information to the State that the State needs.

Dillinger stated that doesn't sound logical to me because Cripe's normally much more responsive than that.

Heirbrandt stated I do have a meeting with Cripe on Thursday?

Dillinger asked Heirbrandt, would you ask them about this?

Heirbrandt stated I will, if Cash could get me some more details on this?

Cash stated yes, I have a long list of emails on this. Christopher Burke has reviewed it for us already. They have the model of the flood elevations and I'll get all of that information and correspondence.

Dillinger stated I know you've been working on it and I'm not blaming you, but it just seems terribly inconsiderate to our taxpayer for this to take this long, who's ever fault it is. They don't know who's fault it is I don't think.

Cash stated I don't quite understand why Cripe, which has done many of these why they're having difficulty.

Dillinger stated there is something wrong here, I don't know what it is, but we need to find out what it is.

Heirbrandt stated if you get me the details, I bring it up to them at our meeting on Thursday.

Variance Request - Mud Creek/Sand Creek Drain, Hultz Pool (Filling in the Floodplain):

Mr. Steve Gray was present for this item.

Staff Report

January 18, 2023

To: Hamilton County Drainage Board

Re: Mud Creek - Sand Creek Drainage Area, Mud Creek Drain, Lake Stonebridge Arm. Variance for Hults Pool - Lake Stonebridge, Sec. 1D, Lot 18, DV-2023-00002, Parcel No. 19-15-04-00-22-003.000. 11103 Peppermill Lane, Fishers.

Attached is a request by Stewart & Jayne Hults requesting approval of a variance from the following ordinance and standard in connection with their lot in Lake Stonebridge subdivision:

- Ordinance No. 09-26-16A: regarding fill in the flood plain.

Summary:

As part of a new residential patio & pool project, the petitioner proposes to grade portions of their lot in Lake Stonebridge subdivision which results in new fill being placed in the floodplain. To comply with Hamilton County requirements to offset the fill, the project will excavate compensatory floodplain storage. The construction will require placing 11 cubic yards of fill within the floodplain and removing 34 cubic yards from the floodplain. The cut/fill ratio meets the standard 3:1 ratio required for consideration of the variance with a proposed ratio of 3.09:1.

This proposal received preliminary concurrence by the Drainage Board on October 24, 2022

The engineering review has been conducted by Kerry Daily of Christopher B. Burke Engineering, Ltd. See attached approval memorandum dated December 15, 2022.

Staff Recommendations:

1. If this variance is approved by the Drainage Board, the Surveyor has recommended that as a condition of approval the following items be met:
 - a. Protection of floodplain compensatory area with dedicated easement. Easement to be in favor of the Hamilton County Drainage Board and Hamilton County Commissioners.
 - b. Surety to be posted to cover the construction costs of the flood plain compensatory storage area. The amount of the surety should be 120% of the engineer's estimate.
 - c. An engineer's estimate or copy of the contract for the storage area to be submitted along with the surety.
2. The Surveyor also requests the following conditions be met for release of surety:
 - a. Site inspection approval by Surveyor's Office.
 - b. Submittal of as-built drawings showing the cut and fill sections and dirt balances. As-built drawings are to be stamped and sealed by a professional engineer.
 - c. As-built drawings to be reviewed by Burke for compliance.
 - d. Fulfillment of developer financial responsibility for review fees incurred.
3. The following is to be placed on the secondary plat or recorded against the parcel:

The maintenance of the floodplain compensatory area, including but not limited to sediment removal, erosion control along the banks, mowing and aquatic vegetation control will be the responsibility of the owner of record. The Board will retain jurisdiction to enforce the storage volume for which the floodplain compensatory area was designed will be retained, thereby, allowing no fill or easement encroachments. In the event that the owner, in the sole discretion of the Board, fails to adequately maintain the flood compensatory area, after 30 days written notice to the owner of record, the Board may perform the required maintenance and assess the cost thereof to the owner of record as a special assessment.

Based on this information, this report is respectfully submitted for your consideration.

Sincerely,

Steven T. Cash
Plan Reviewer

STC:stc"

Altman made the motion to approve the variance presented subject to staff recommendations being incorporated in, seconded by Dillinger and approved unanimously.

Variance Request - Mud Creek/Sand Creek Drain, Citizens Energy (Fill in the Floodplain):
Ms. Sarah Wittig, Ms. Kasey Marley, Mr. Ryan Taylor and Mr. Kurt Wanninger was present for this item.

Staff Report

January 18, 2023

To: Hamilton County Drainage Board

Re: Mud Creek - Sand Creek Drainage, Variance for Citizen's Energy Group (CEG) 106th & Cumberland Road Booster Station, DV-2022-00018, Parcel No. 15-15-07-00-00-006.001

Attached is a request by Citizen's Energy Group requesting approval of a variance from the following ordinances and standards in connection with the 106th & Cumberland Road Booster Station project:

- Ordinance No. 09-26-16A, 04-26-99-C & Standard 105.01:
 - a. Regarding fill in the flood plain.
 - b. Regarding detention within the flood plain.

Summary:

Request #1 re Fill in Flood Plain - As part of a new water booster station project, the petitioner proposes to grade portions of the site which results in new fill being placed in the floodplain. The site is located at the SW corner of 106th & Cumberland Road in the City of Fishers. The site is located completely within flood hazard zone of Mud Creek, including being partially within the floodway. The site is currently part of the City of Fishers Cumberland Road Park. To comply with Hamilton County requirements to offset the fill, the project will excavate compensatory floodplain storage within the flood hazard zone of Mud Creek. The construction will require removing 11,533.33 cubic yards from the floodplain to compensate for placing 3,450.67 cubic yards of fill within the floodplain. (Note: The Burke memo describes the volume in cubic feet as 34,600.00 cu. ft. cut and 10,352.67 cu. ft. fill). The cut/fill ratio meets the standard 3:1 ratio required for consideration of the variance with a proposed ratio of 3.34:1.

This proposal received preliminary concurrence by the Drainage Board on October 24, 2022.

Request #2 re Detention within Flood Plain - In addition, the petitioner requests to allow detention within the flood plain below the Base Flood Elevation (BFE). Note: Hamilton County policy requires detention areas to be functionally separated from the flood waters in order to provide detention during storm events. (The separation is typically achieved by elevation, flood flap-gate or backflow prevention device). The request by Citizen's is to allow both the flood plain compensatory storage area and detention area to be combined into a single area.

The engineering review has been conducted by Kerry Daily of Christopher B. Burke Engineering, Ltd. See attached approval memorandum dated December 20, 2022.

Due to the proposed construction in the floodway, a permit has been obtained from the Indiana Department of Natural Resources-Division of Water. (Certificate of Approval #: FW-31313-0, Permit Effective Date: 02/26/2022).

Surveyor's Office Review Criteria: When HCSO conducts a flood plain review, the design criteria is the Base Flood Elevation (BFE) as shown on the FEMA FIRM. The BFE is a result of the 1% storm event - also called 100-year storm. The 1% storm event equates to a calculated rainfall of 6.46" during a 24-hour rainfall event. It should be noted, actual rainfall events have exceeded this amount in the past and may exceed this amount in the future. For example, during the Labor Day Flood of 2003, recorded rainfall in the area exceeded 7.94" by 8:00 am Sep. 1, 2003 and more rain fell over the several day rainfall event.**1 In addition to rainfall amounts, other factors can also affect the elevation of flood waters - such as saturated ground, frozen ground, flowline conditions, obstructions, etc..

The proposed building is required to be constructed with a flood protection grade of at least 2' above the BFE. The BFE at the building, per FEMA FIRM has an elevation of 784.0. Per the plans by Wessler Engineering, the proposed building's first floor elevation is 786.2'.

Staff Recommendations:

The proposal to locate this facility within one of Hamilton County's most historically flooded areas has created cause for concern. In light of the great efforts over the past three decades and the resources expended in this immediate watershed to reduce the negative impacts of flooding along Mud Creek - Sand Creek, and the fact that future flood events will likely occur within the flood plain, as flood plains are designed to do, HCSO staff warily makes the following recommendations:

1. If this variance is approved by the Drainage Board, the Surveyor has recommended that as a condition of approval the following items be met:
 - a. Protection of floodplain compensatory area with dedicated easement. Easement to be in favor of the Hamilton County Drainage Board and Hamilton County Commissioners.
 - b. Surety to be posted to cover the construction costs of the flood plain compensatory storage area. The amount of the surety should be 120% of the engineer's estimate.
 - c. An engineer's estimate or copy of the contract for the storage area to be submitted along with the surety.
2. The Surveyor also requests the following conditions be met for release of surety:
 - a. Site inspection approval by Surveyor's Office.
 - b. Submittal of as-built drawings showing the cut and fill sections and dirt balances. As-built drawings are to be stamped and sealed by a professional engineer.
 - c. As-built drawings to be reviewed by Burke for compliance.
 - d. Fulfillment of developer financial responsibility for review fees incurred.
3. The following is to be placed on the secondary plat or recorded against the parcel:

The maintenance of the floodplain compensatory area, including but not limited to sediment removal, erosion control along the banks, mowing and aquatic vegetation control will be the responsibility of the owner of record. The Board will retain jurisdiction to enforce the storage volume for which the floodplain compensatory area was designed will be retained, thereby, allowing no fill or easement encroachments. In the event that the owner, in the sole discretion of the Board, fails to adequately maintain the flood plain compensatory storage area, after 30 days written notice to the owner of record, the Board may perform the required maintenance and assess the cost thereof to the Homeowners Association or owner of record as a special assessment.
4. The owner is to provide a hold-harmless and indemnification document that exempts Hamilton County from any and all liability associated with the placement of the improvements within the proximity of the Mud Creek - Sand Creek flood plain, including but not limited to building, pumps, electronics, water mains, etc., that may be damaged due to flood events. This document is to be in recordable form, recorded against the title at the Hamilton County Recorder's Office and be applicable to all successors and assigns.

Based on this information, this report is respectfully submitted for your consideration.

Sincerely,

Steven T. Cash
Plan Reviewer

STC:stc"

Altman asked did they request the second part, Request Number 2, when they presented the fill in the floodplain initially with the initial approval? I don't recall that.

Heirbrandt stated I know there's been a long discussion on this, and I really appreciate you guys getting to this point because I know how important this particular project is to Citizens.

Cash stated when it came before the Board, I was out with Covid.

Altman stated I just don't recall the detention in the floodway. That, to me, is counter intuitive that you put detention in a floodway. Am I just missing it?

The Surveyor stated no, we don't like to see that, and I think I presented the initial request, but I don't remember if it was part of the preliminary or not.

Altman stated I may not have picked up on it, but is there another area they could provide the detention other than in the area they're working?

Heirbrandt stated I know they've looked at any possible area and that's when Burke really got involved in this.

Altman stated Burke would have looked at Item No. 1 just as a matter of course when we gave tentative approval.

The Surveyor stated I don't know that there is any other location near this site. If I remember the floodplain correctly it goes up to 106th Street. I don't believe there's any other location to provide it.

Altman asked are they doing back up? Is this a booster station? Does it rely on pumps?

Cash stated we have representatives from Citizens and Wessler here.

Altman stated I want backup pumps. I'm tired of approving things with raw sewage etc. without having a backup system in the pumping. It ends up failing and then we have all kinds of environmental issues.

The Surveyor stated this has been an area where we've had at least two of them in the recent past.

Altman asked where is the detention?

Wittig stated the detention is built into the compensatory storage area.

Altman stated it's part of the compensatory, that's where I'm just struggling with trying to figure out how this meets our ordinance or protects the people that rely on that floodway when you overlap it. I may be missing something. I'm certainly not a drainage expert, but that's concerning. Is this a lift station?

Wittig stated it's a booster station, so essentially yes, it is.

Altman asked is it for sewer or water?

Wittig stated it's for water.

Altman stated okay, then I don't have to worry about backup.

Wittig stated the main purpose of the booster station is to transport water from the Castleton Water District to the Geist Water District. It's important specifically in recent years because the Geist District has had so much development. In order to avoid any water use restrictions especially when the rates increase this summer..

Altman asked will this effectively draw from sources other than Geist?

Wittig stated it will pull from the Castleton District to Geist.

Altman asked the Castleton District gets its water from where? What's the water source?

Taylor stated the Geist Reservoir actually feeds into Fall Creek. Fall Creek feeds into the Fall Creek Treatment Plant and the White River Treatment Plant. In general, those areas to the south are fed from the White River Treatment Plant down south in Fall Creek. This area would be served by Geist mostly, the Geist Treatment Plant on the dam and that's a well water treatment plant so it doesn't get fed from Geist Reservoir.

Altman stated just the aquifer.

Taylor stated yes, just the aquifer in that area.

Marley stated the compensatory area is a separate total required area from the detention so it's not like we're combining the two. It's the same area where it will be detained, but the detention area added to the compensatory area that makes up the detention area. The required detention is 2,400 square feet and the compensatory area is 31,000 square feet.

Altman asked do you add those two numbers together on what you remove?

Marley stated yes, the total proposed volume is 34,600 of that pond.

Heirbrandt stated I feel better about the changes that have been done to this from where it came from.

Altman stated you followed it further than I, but other than the public utility portion of this I would say we would never approve it. Given the need and the fact it's clear water.

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

Non-enforcements:

Furst presented a non-enforcement request for the Bentley Oaks Drain filed by John and Ginger Donham for parcel #17-09-26-02-04-024.000 for a fence. The Surveyor's Office recommends approval.

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

Furst presented a non-enforcement request for the Williams Creek Drain, Stultz & Almond Arm filed by Sanjaya and Maithri Bandaranayake for parcel #17-09-20-00-21-010.000 for a fence. The Surveyor's Office recommends approval.

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

Furst presented a non-enforcement request for the Williams Creek Drain, Hamlet at Jackson's Grant Arm filed by Terry LaGrange for parcel #17-09-34-00-16-008.000 for a fence. The Surveyor's Office recommends approval.

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

Furst presented a non-enforcement request for the Williams Creek Drain, Stultz & Almond Arm filed by Ramanuja Rao Samala for parcel #17-09-27-00-00-001.006 for a fence. The Surveyor's Office recommends approval.

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

Violations:

Furst presented her reports to the Board for their information.

"NOTICE OF VIOLATION

VIO-2023-00001 - Certified Mail 7021 1970 0001 9530 3053

January 5, 2023

Gates, Richard
1536 Springmill Ponds Blvd
Carmel, IN 46032
Parcel ID #: 17-09-23-01-03-001.000

RE: Non-Enforcement of Drainage Easement for Fences, Cool Creek-Springmill Ponds

On October 5, 2022 our office sent via first-class mail, a letter, addressing the improperly installed fence on lot 37. The aluminum wrought type fence encroaches into the regulated drain easements on the lot.

The approved *Non-Enforcement of Drainage Easement for Fences* permit requires the following, "Fence will encroach 7.5ft into rear (NW) 15ft D.E. on lot 37." Per the final inspection, the office found the fence **not** installed per the requirements of the permit. The permit did not allow for the section to be connected to the wooden fence located on the neighbors to the rear of your lot. The fence is in violation of IC 36-9-27-33.

Upon receipt of this letter the property owner has ten (10) days in which to correct the violation according to the standards set forth by this office and the Hamilton County Drainage Board.

Please contact Mrs. Clara L Furst at the Hamilton County Surveyor's Office upon receiving this violation letter to discuss what measures are needed to correct the situation. The number is 317-776-8495.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/clf
CC: City of Carmel
Springmill Ponds HOA"

“

STATE OF INDIANA)
)
COUNTY OF)
HAMILTON

NOTICE OF VIOLATION

HAMILTON COUNTY SURVEYOR'S
OFFICE

IN THE MATTER OF)
Mega Holdings LLC)
8505 Hornady Drive)
Indianapolis, IN 46239)

Parcel ID#: 14-14-02-00-00-029.102
Parcel ID#: 14-14-02-00-00-029.001
Delaware Township

VIO-2023-00002

NOTICE OF VIOLATION

January 18th, 2023

VIA USPS CERTIFIED MAIL, RETURN RECEIPT REQUESTED 7021 1970 0001 9530 3084

TO: Mega Holdings LLC
8505 Hornady Drive
Indianapolis, IN 46239

You are NOTIFIED that the Hamilton County Surveyor (Surveyor), pursuant to Sections 14-25-2-14 and 14-25-3-8 of the Code of Ordinances of Hamilton County, Indiana, hereby issues this NOTICE OF VIOLATION (Notice) to the owner of Parcel No.: 14-14-02-00-00-029.102 and Parcel No.: 14-14-02-00-00-029.001 (the Parcels). Said Parcels has the common address of 10720 Hague Road Fishers, IN 46038. The owner of the Parcels is listed in the records of the Auditor of Hamilton County, Indiana as Mega Holdings LLC.

In accordance with Sections 14-25-3-2 and 14-28-3-5 (10), the Hamilton County Surveyor's Office is responsible for, or is jointly responsible for, the administration, implementation, and enforcement of Title 14, Article 25, Chapter 3, "Construction and Post Construction Stormwater Runoff," and Title 14, Article 28, Chapter 3, "Floodplain Management."

In accordance with Section 14-25-3-3 (a), Title 14, Article 25, Chapter 3, "requires the control of polluted run-off from construction sites with a land disturbance greater than or equal to one acre,..."

Land disturbance is defined in Section 14-25-3-2 as, "Any man-made change of the land surface, including removing vegetative cover that exposes the underlying soil, excavating, filling, transporting, and grading."

Per Section 14-28-3-3 (a), Title 14, Article 28, Chapter 3 applies to all SFHA's and known flood prone areas within the jurisdiction of the Hamilton County Plan Commission.

This Notice is issued for the following violations:

1. Section 14-25-3-3 (a) states, "In general, this chapter requires the control of polluted run-off from construction sites with a land disturbance greater than or equal to one acre,..."
 - a. During the Investigation, there were no installed measures evident that would control polluted runoff from the Parcels.
2. Section 14-25-3-6 requires, "Erosion and sediment control measures shall be designed and installed in accordance with Rule 5 (Construction Stormwater General Permit), the Hamilton County Drainage Standards Manual, and the Indiana Stormwater Quality Manual."
 - a. During the Investigation, there was no evidence of installed erosion and sediment control measures.

By means of this Notice, the Surveyor hereby requires the following:

1. Per Section 14-25-2-14(a) (3), the violating discharges, practices, or operations shall immediately cease and desist.
2. Provide all materials required by Section 14-25-3-4. Such materials shall conform to requirements of Section 14-25-3-5 and Section 14-25-3-6. The SWPPP Shall include measures for minimizing tracking of soil, mud, and other debris from the Parcel to the adjacent roadways.
3. After the measures of the approved SWPPP are installed, any fill material (tree debris/fallen trees) that has been placed within the SHFA shall be removed from the SHFA.
4. After the measures of the approved SWPPP are installed, commence an inspection program in accordance with Section 15-25-3-7.

Per Section 14-25-2-15 (a) "Any person receiving a notice of violation may appeal the determination of violation to the county surveyor." Per Section 14-25-3-15 (b) "The notice of appeal must be received within seven days from the date of the notice of violation. Hearing on the appeal before the authorized enforcement officer shall take place within 15 days from the date of receipt of the notice of appeal. In the event the landowner disagrees with the determination of the director of the county surveyor's office, the landowner may appeal a decision of county surveyor's office to the county drainage board and any appeal of a municipality's authorized enforcement office to the board of public works and safety of said municipality."
Such right of appeal applies only to violations of Title 14, Article 25, Chapter 2.

In the event that the violations are not addressed, corrected, remedied, or that there is not compliance with the Order above, the County may take enforcement action per 14-25-2-14, (Specifically 14-25-2-14 (b) which states, "should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator." 14-25-2-16, 14-25-2-17, 14-25-2-18, 14-25-2-19, 14-25-3-7 (g), 14-25-3-8, 14-25-4-4, 14-25-4-6, and 14-28-3-3 (i).

Should you have any questions or comments, please feel free to contact Clara Furst-Engineering Technician/MS4/Permits for the Hamilton County Surveyor's Office at 317-776-8495.

Copies of this Notice of Violation Shall be provided to the City of Fishers and the State of Indiana Department of Environmental Management.

Thank you for your cooperation.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor

Cc: City of Fishers
Indiana Department of Environmental Management"

Altman asked what kind of development is Mega Holdings?

Furst stated Mega Holdings is the property owner for the site location at 106th Street and Hague Road and this project has not been developed yet. It's an older home and land. There was a SWPPP that was achieved about a year and a half ago for this site, but it was a Stop Work Order due to clearing and grubbing of the land and tree falling without permits. The SWPPP was obtained and since that point the site has fallen into disrepair. The fallen trees are within a floodplain, overall housekeeping issues and the building on the site is in degradation. Between the municipality and our office is how it came about to us, so we followed through with getting in contact with them and then we issued a violation, but we have not heard back from them.

Surety Release:

Liston stated that at this afternoon's Commissioners meeting the Board would be releasing the following surety: Irrevocable Letter of Credit No. 8028565409 in the amount of \$86,826.00 for Belle Crest, Clark & Inman Drain Reconstruction.

Construction Updates:

Elwood Wilson Drain, E. M. Hare Arm Reconstruction - Liston stated at the last meeting we were working through a water main conflict at Home Depot. Clark Dietz has submitted a relocation plan, it went to Morphey Construction, Morphey went back with some recommendations on fittings, and we're close to resolving this conflict. We don't have the cost for this water main relocation.

Altman asked, have we resolved who's going to pay the cost?

Liston stated that's still being discussed. We envision Home Depot.

Altman stated the landowner.

The Surveyor stated Liston did find that we had a permit for the crossing, it was one of eleven on the same permit. On the plans that accompanied those permits, it did show the water main, and it had a note on the plan it should have 54 inches of cover and it showed the main going under the structure.

Duncan stated it showed our standard detail which at the time required it be five feet below the regulated drain, which would have been the box culvert.

Howard stated it ended up being built at what level?

Duncan stated above the box culvert.

Liston stated with about two feet of cover. On a very cold day the fire department connection at the building was leaking and I think that's because it keeps that system from freezing in cold weather.

Howard stated when we start talking to people about who's problem it is if you need somebody in that meeting give me a call.

Liston stated also with this project we asked Morphe Construction to give us a cost on Gabion Baskets behind Field Rubber because the subcontractor who's working under Morphe has asked for a \$28,000.00 increase for a retaining wall.

Duncan stated we specified a specific product for the retaining wall which is essentially concrete filled bags. It's a very tight area, it was a good solution for this to build this retaining wall as we lowered the ditch through the dredging, but it's the concrete that they've indicated has gone up in price so we're looking at other options.

Liston stated as soon as we get that we'll come back to the Board with a recommendation.

Canal Place Drain, Strongbow Gate Arm - Liston stated the pipe is in the ground and it is backfilled. We'll go back around the first of March and do final grading and button that project up.

William Lehr Drain, Joseph & Brooks Arm (156th Street Reconstruction) - Liston stated I'm working with the City of Noblesville to get a road cut permit and a permit to shut that road down.

2022 Reconstruction of the W. S. Burnau Arm of the F. M. Musselman Drain - Liston stated we anticipate that work starting this week.

Clara Knotts Drain, Park Broadway Arm Phase 2 - Duncan stated this project is still delayed by utilities. I'm trying to schedule a meeting this week with the utilities to fully understand why they are not yet out of the way.

Altman asked which utilities?

Duncan stated Carmel Water, CenterPoint Energy and AT&T.

Altman stated make sure that the City of Carmel Engineer is involved in that meeting please.

Duncan stated we've been working with them, they're involved.

Altman stated I've had some conversation with him. He needs to understand the problem.

Flora Mendenhall Drain Reconstruction - Duncan stated we should know more about this on Wednesday. We're having a meeting with the property owner. They're proposing a fairly substantial development in the area. It expanded north of the limits of the project, but we're going to meet with them on Wednesday to fully understand the limits of this project and how we're going to move forward on the drain.

Heirbrandt asked where's is the Flora Mendenhall located?

Duncan stated more or less between 236th Street and 226th Street and between Dunbar Road and US 31. The southwest corner of the interchange. Ms. Baker-Leak, the property owner, she owns substantial acreage in there.

Intracoastal at Geist Drain (Pending Asbuilts) - Liston stated I believe Duncan is reviewing these.

Duncan stated yes, I need to look at those one more time. They've been reviewed, revised, reviewed again and they need one more review.

Clara Knotts Drain, Park Broadway Arm Phase 1 (Pending Asbuilts) - Liston stated Duncan is looking at these asbuilts also.

Ream Creek Drain, Orchard Park Arm (Pending Asbuilts) - Liston stated Duncan is reviewing these asbuilts.

Mallery-Granger Drain Reconstruction (Pending Final Report) - Liston stated this has been reviewed by the Surveyor and is back on my desk for revision.

George Symonds Drain, Two Stage Ditch Reconstruction (Pending Final Report) - Liston stated this has been reviewed by the Surveyor and is back on my desk for revisions.

Southeast Arcadia Drain RFQ:

The Surveyor stated Commonwealth was the low bidder on this item and I have yet to have a chance to call Arcadia to see if they will contribute to part of this cost.

Altman stated we'll need a number too, of their contribution.

Jonas Rogers Drain, J. M. Gustin Arm:

The Surveyor stated I have been working on calling the references because the low bidder was a new contractor that we're not familiar with. I've talked to three of the six references so far and one called in after work on Friday and left a message to call back. I'll call them today. So far, glowing reports.

J. S. McCarty Drain, Phase 1:

The Surveyor stated Duncan is working on reviewing the bids for this project.

Duncan stated the low bidder is also a new contractor, Indiana Excavating Services, they were the apparent low bidder. I reviewed their bid; their bid is complete and I have talked with four of the provided references and I'm waiting on a fifth to call me back. Same thing, very positive recommendations. The references I talked to, two were developers and two were commercial projects.

Jonas Rogers Drain, J. M. Gustin Arm (Continued):

The Surveyor stated I had asked for \$65,000.00 of ARPA originally. The bids came in at \$79,329.00 and with the 15% contingency that would be \$91,000.00. The fund for Duck Creek has a balance of \$212,000.00 right now and I wondered when I write this up, would the Board want to do 50/50?

Altman asked if we've got that kind of money sitting in a fund, why are we even looking at it for an ARPA project?

The Surveyor stated that's what I need to know.

Heirbrandt stated I would prefer to use the money out of that fund and shift the ARPA towards some of the other projects.

Altman made the motion to use the Duck Creek Fund for the J. M. Gustin Arm Reconstruction of the Jonas Rogers Drain to fund the project, seconded by Dillinger and approved unanimously.

The Surveyor asked if the Board would be willing to put that on for hearing on February 27, 2023.

Altman made the motion to set the Jonas Rogers Drain, J. M. Gustin Arm for hearing on February 27, 2023, seconded by Dillinger and approved unanimously.

J. S. McCarty Drain, Phase 1 (Continued):

The Surveyor stated I would recommend Phase 1 be funded out of the William Lehr Drain because I believe we have about \$1,000,000.00 in that fund and this is \$400,000.00.

Altman asked how much does it feed per year?

The Surveyor stated I don't have that on me. I'm not ready to have that before you yet.

Cool Creek Drain, Anna Kendall Arm:

Howard stated you can expect the Union Square Project over in Westfield because we're building a huge box culvert through that area. Something unique. I've been in contact with the developers and Sam (Clark) has done a great job as usual. That will be presented along with a maintenance agreement which I've drafted. It was pretty much a per scratch document, we hadn't had one exactly like that.

Williams Creek Drain - Ambleside:

Howard stated you have a public hearing under the Commissioner's agenda at 1:00 pm today on the Ambleside trade on 146th Street. That concerns land that's going to be used in the drainage shed, but in fact it is a Commissioner's trade.

MS4 Violation/Stop Work Order (Andrew Leeman):

Heirbrandt asked if there was anything to add on the Ward/Leeman violation? Ward is here today because he's interested in what's happening with this. We've had several discussions. I want to encourage this to move forward.

Sullivan stated this past weekend, I talked to John (Ward) on Friday and I know Howard has worked through the file and has had kind of a eureka moment where he thinks he may be able to help with pushing this along.

Howard stated this file grows daily, but it seems that there's an issue now whether or not the developer has to comply with getting a discharge into the waterway permit and whether or not they need a SWPPP. I think the problem has come in bureaucratic language that both our ordinance and IDEM language talks about post construction. Post construction in the drainage issue means while the soil is disturbed for construction purposes and then how it is then closed out. In this case the use of that property is going to be bringing dirt, possibly gravel, stone and other materials in, depositing them out on site, not covered, no erosion control, whatever and that site is forty or fifty feet higher than the floodway of the river, which is down below. If you look at construction, post construction that language is confusing. It is erosion producing sedimentation and in this case the erosion will continue forever as long as the use, which is approved by the variance goes into place. My guess is, because the application in my file refers to an IDEM portal for the person representing the landowner, my guess

is that has squares and one of them is post construction and that is meaningless in the context of this property. I think that may be part of the issue. I'm going to wait and hear the back and forth between the parties.

Heirbrandt asked, have you had any conversations with their engineer?

Howard stated no. All that has gone through Clara (Furst).

Heirbrandt stated I'd like you to make sure you get involved and work with Clara to..

Howard stated make sure bureaucratic' s speak in real language; problematic speak haven't had a problem.

Sullivan stated I didn't know if John (Ward) wanted to report on the progress he's made.

Ward stated I did speak with the engineer on Friday. They are going forward and working with IDEM on a couple of more issues we have and also she is working with Clara (Furst) currently and she's come up with some new results I think that will be reported this week.

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

Mark Heirbrandt - President

Lynette Mosbaugh
Executive Secretary