MINUTES OF THE HAMILTON COUNTY DRAINAGE BOARD
February 11, 2019

The meeting was called to order Monday February 11, 2019 at 12:00 p.m.

The members of the Board present were Ms. Christine Altman-President, Mr. Mark Heirbrandt-Vice President and Mr. Jerry Rulon-Alternate Member. Also present was the Hamilton County Surveyor, Kenton C. Ward and members of his staff: Mr. Steve Baitz, Mr. Gary Duncan, Mr. Andy Conover, Mr. Greg Hoyes, Mr. Jerry Liston, Mr. Steve Cash and Mr. Reuben Arvin. The Board’s attorney, Mr. Michael Howard, was also present.

Approve Executive Session Memoranda: Heirbrandt made the motion to approve the Executive Session Memoranda of January 28, 2019 for discussion of IC 5-14-1.5-6.1(a)(1)(2)(b)(1)(2)(D), seconded by Rulon and approved unanimously.

Approve Minutes of January 28, 2019: The minutes of January 28, 2019 were presented to the Board for approval.

Heirbrandt made the motion to approve the minutes of January 28, 2019, seconded by Rulon and approved unanimously.

Thorpe Creek Drain, John Underwood Reconstruction – Award Bid: Duncan presented his report of recommendation to the Board for approval.

"February 1, 2019

Hamilton County Drainage Board
RE: Thorpe Creek Drain; John Underwood Arm Reconstruction

Dear Board Members:

At the meeting of the Drainage Board on January 14, 2019 three bids were received for the Thorpe Creek Drain; John Underwood Arm Reconstruction project.

The bids received were as follows:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Bid Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Millenium Contractors, LLC</td>
<td>$840,221.00</td>
</tr>
<tr>
<td>Van Horn Excavating</td>
<td>$467,835.00</td>
</tr>
<tr>
<td>Morphey Construction</td>
<td>$438,000.00</td>
</tr>
</tbody>
</table>

The Engineer’s Estimate for construction was $565,909.25.

The apparent low bidder is Morphey Construction. The Hamilton County Surveyor’s Office has reviewed this bid submittal and found it to be complete. Morphey Construction has performed work for the County before and is in good standing with the County.

At the November 26, 2018 meeting of the Drainage Board, the Board approved the reconstruction of the John Underwood Arm of the Thorpe Creek Drain. The cost of the reconstruction will be paid through the Drains’ maintenance fund.

The Surveyor recommends that the Board award the Contract to Morphey Construction in the amount of $438,000.00.

Sincerely,
Gary R. Duncan, Jr., PE
Staff Engineer"

Heirbrandt made the motion to award the project to Morphey Construction at a cost of $438,000.00, seconded by Rulon and approved unanimously.

Thistlethwaite Drain, California Street Arm Extension – Award Bid: Duncan presented his report of recommendation to the Board for approval.

"February 1, 2019

Hamilton County Drainage Board
RE: Thistlethwaite Drain, California Street Arm Reconstruction
Dear Board Members:

At the January 14, 2019 meeting of the Drainage Board two bids were received for the reconstruction of the California Street arm of the Thistlethwaite Drain.

The bids received were as follows:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Bid Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Millennium Contractors, LLC</td>
<td>$192,568.90</td>
</tr>
<tr>
<td>Morphey Construction</td>
<td>$196,000.00</td>
</tr>
</tbody>
</table>

The Engineer’s Estimate for construction was $177,077.25.

The apparent low bidder is Millennium Contractors, LLC. The Hamilton County Surveyors Office has reviewed this bid submittal and found it to be complete. Millennium Contractors, LLC has performed work for the County before and is in good standing with the County.

At the January 28, 2019 meeting of the Drainage Board, the Board approved the reconstruction of the California Street Arm of the Thistlethwaite Drain. The cost of the project will be paid through the Drains’ maintenance fund.

The Surveyor recommends that the Board award the Contract to Millennium Contractors, LLC in the amount of $192,568.90.

Sincerely,

Gary R. Duncan, Jr., PE
Staff Engineer

Heirbrandt made the motion to award the project to Millennium Contractors at a cost of $192,568.90, seconded by Rulon and approved unanimously.

**William Krause Drain, Krause Drain Reconstruction Phase 3:**

Heirbrandt made the motion to amend the agenda, seconded By Rulon and approved unanimously.

Duncan stated I wanted to ask for the direction of the Board on the reconstruction of the William Krause Drain Phase 3. At the meeting on January 14, 2019 two bids were received for the reconstruction project, Millennium Contractors, LLC submitted a bid of $785,865.00 and Morphey Construction submitted a bid of $781,000.00. The bids included a base bid and three alternate bids. Those numbers reflect the base bid plus all three alternates. The Engineer’s Estimate was $865,902.40 and the bids were under that estimate. In reviewing the bids the apparent low bidder was Morphey Construction but they submitted an incomplete bid. As part of the bid submittal we require the contractor to submit the supplemental bid forms which has various items of work that could arise on the project for which we want to have costs for in the event that they do arise. The contractor did not feel that any of those work items were applicable to the project so he indicated all of them as “not applicable” rather than submitting a cost. With that in mind since they’re the low bidder by roughly $5,000.00 we’d like to know what the Board’s discretion is. Do we want to allow them to amend their bid submittal to include the supplemental bids or reject the bids and go with the next lowest bidder?

Heirbrandt stated I would defer to the attorney.

Howard asked was it clear in the bids that you wanted the itemized unit costs?

Duncan stated yes it’s clear.

Howard asked based on your experience if there are change orders that arise due to unforeseen circumstances then those T & M type quantity bids would be used to determine the fair amount of the change order?

Duncan stated yes, we use them for that purpose.

Howard stated so essentially if there were no change orders in the project they would be the low bidder, but if there were change orders you would have no objective standard to determine what would be fair compensation based on the bid.

Duncan stated correct, we would rely solely on the price that they would provide.

Howard stated given the de minimis difference in bids and especially in light of the fact that when you’re doing drainage projects its below the ground, the chances of there not being a change order is de minimis also. I’d recommend that the low bid be rejected as non-responsive.

Heirbrandt made the motion that Morphey Construction’s bid is non-responsive, seconded by Rulon.
Altman stated I would point out that they’ve also had the opportunity to review the other submittals and should they fill in those blanks now they now have information that would be anti-competitive.

Howard stated yes, competitive advantage.

The motion had been made and seconded to rule Morphey Construction’s bid as non-responsive and approved unanimously.

**Professional Services – Cool Creek Stream Bank Slope Failure:**

Duncan stated this project is underway at the Cool Creek Park at 151st Street and US 31. This contract is an additional service to Clark Dietz which was the engineer of record for the project. This is to include services for construction staking and asbuilt survey.

Heirbrandt made the motion to approve the Professional Services Agreement with Clark Dietz not to exceed $9,760.00 on the Cool Creek Park Stream Bank Slope Failure, seconded by Rulon and approved unanimously.

**William Krause Drain, Krause Drain Reconstruction Phase 1 – INDOT Certification:**

Duncan stated this is for Phase 1 of the William Krause Reconstruction project that’s being funded through the USDA Loan through the Town of Sheridan. The work is complete. This included an open cut of S.R. 38 which is an INDOT control facility. Per IC 36-9-27-71 INDOT is responsible for the payment of the work within the right of way and certification of this assessment would allow us to seek payment for that work from INDOT.

Heirbrandt made the motion to approve the certification for the INDOT work on S.R. 38 on the William Krause Phase 1 Reconstruction in the amount of $92,632.50, seconded by Rulon and approved unanimously.

**2019 Stop Collection List:**

The Surveyor presented the 2019 Stop Collection List to the Board for approval.

"To: Hamilton County Drainage Board
Date: February 11, 2019

The following drain balances are greater than four times the assessed value of its annual assessment and should have collections stopped for 2019 per IC 36-9-27-43.

<table>
<thead>
<tr>
<th>Herr-Haughey</th>
<th>Frank Huffman</th>
<th>M0266</th>
</tr>
</thead>
<tbody>
<tr>
<td>M.E. Scherer</td>
<td>Hilton Hobbs</td>
<td>M0194</td>
</tr>
<tr>
<td>Krause &amp; Klepfer</td>
<td>Mary Hodkins</td>
<td>M0200</td>
</tr>
<tr>
<td>Albert Shaw</td>
<td>Thomas Butler</td>
<td>M0202</td>
</tr>
<tr>
<td>Paulsel, Vance, Paulsel</td>
<td>Carmel Creek</td>
<td>M0277</td>
</tr>
<tr>
<td>J.W. Wagner</td>
<td>Hunters Knoll</td>
<td>M0215</td>
</tr>
<tr>
<td>Rebecca Roberts</td>
<td>Tamenernd</td>
<td>M0219</td>
</tr>
<tr>
<td>Margaret O'Brien</td>
<td>Timber Heights</td>
<td>M0222</td>
</tr>
<tr>
<td>Oliver Armstrong</td>
<td>Pines/Roxbury</td>
<td>M0224</td>
</tr>
<tr>
<td>Ellen Bishop</td>
<td>New Britton Industrial Park</td>
<td>M0224</td>
</tr>
<tr>
<td>J.R. Dunn</td>
<td>Richard Moffitt</td>
<td>M0229</td>
</tr>
<tr>
<td>Park Northwestern</td>
<td>Towne Lake</td>
<td>M0231</td>
</tr>
<tr>
<td>John Roe</td>
<td>Larkspar</td>
<td>M0232</td>
</tr>
<tr>
<td>A.L. Haughey</td>
<td>Beaver &amp; Brooks</td>
<td>M0233</td>
</tr>
<tr>
<td>Woodhaven</td>
<td>Fairfield Farms</td>
<td>M0242</td>
</tr>
<tr>
<td>Hunters Creek Village</td>
<td>Bridgewater</td>
<td>M0245</td>
</tr>
<tr>
<td>W.R. Fettig</td>
<td>Bentley Oaks</td>
<td>M0247</td>
</tr>
<tr>
<td>Moffitt &amp; Williamson</td>
<td>Crooked Creek</td>
<td>M0250</td>
</tr>
<tr>
<td>Fox Glen Section 5</td>
<td>Thomas Pierce</td>
<td>M0255</td>
</tr>
<tr>
<td>Thomas Fouch</td>
<td>Lamplighter</td>
<td>M0256</td>
</tr>
<tr>
<td>Hunters Creek South</td>
<td>Atlanta Drain</td>
<td>M0260</td>
</tr>
</tbody>
</table>

The following drain balances are greater than eight times the assessed value of its annual assessment and should have collections stopped for 2019 per IC 36-9-27-43.

| Wheeler & Wheeler | Springs Cambridge/Bee Camp Creek | M0242 |

Kenton C. Ward, Hamilton Co. Surveyor"

Heirbrandt made the motion to approve the 2019 Stop Collection List, seconded by Rulon.

Altman stated so we don’t have any drains that are now at eight times that need to be stopped.

The Surveyor stated this list would include those.
Altman stated it says four times. I just want to clarify these are at four times the annual assessment.

The Surveyor stated I would have to check.

Howard asked if they are at four times would we want to increase them to eight? Are those balances we should look at?

The Surveyor stated we’ve already looked at all of the balances.

Howard asked these are accurate at four times?

The Surveyor stated yes, per the statute, four or eight either way.

Altman asked why don’t we amend this report to delete four are now at the multiple times of the assessed values as the case may be so we have an accurate record? Probably next time we probably ought to differentiate it.

The Surveyor stated we will have to change our standard letter.

Altman asked if there was a motion to amend the report?

Heirbrandt made the motion to amend the report from four times the annual assessment to now at the multiple times of the assessment values, seconded by Rulon and approved unanimously.

Heirbrandt made the motion to approve the report as amended, seconded by Rulon and approved unanimously.

White River – IDNR Warning Letter:
The Surveyor stated this is the old River Bend Camp Ground north of Clair. This is the camp ground we discussed last year as a possible area to have wetlands. This is a letter from IDNR they’ve evidently filled in the floodplain and IDNR has sent them a letter to cease and desist.

Heirbrandt asked Howard if he had seen this letter?

Howard stated I saw the letter. This isn’t the project we approved the zoning for within the last couple of weeks?

Altman stated no, this is on the river, the other wasn’t.

Rulon asked was it a recent fill in or 50 years ago?

The Surveyor stated evidently recent.

Howard stated it looks like it’s disturbed soil.

Conover stated they were bringing in truckloads of dirt last fall when this started. From the letter it sounds like the property owner says they filled in where it had washed out at one point, but when I was there, there were lots of dump truck loads in there so it would have more than what it would have taken to fill in anything that had washed out recently.

Altman asked so apparently they just said don’t do it again and seed it? That’s the way I looked at it.

The Surveyor stated I did not have a chance to contact IDNR about this.

Howard stated that’s what it said down at the bottom.

Hearing Request:
The Surveyor presented a request for hearing for the Benton Hinesley Drain, Grass Waterway for March 25, 2019.

Heirbrandt made the motion to approve the request for hearing for March 25, 2019, seconded by Rulon and approved unanimously.

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

“To: Hamilton County Drainage Board October 15, 2018

Re: Margaret O’Brien Drain: Concourse at Crosspoint Detention Area Maintenance & Expansion

Attached are as-builds, certificate of completion & compliance, and other information for Concourse at Crosspoint Detention Area. An inspection of the drainage facilities for this section has been made and the facilities were found to be complete and acceptable.
During construction, there were no significant changes made to the drainage plans submitted with my report for this drain dated February 22, 2017 and approved by the Board at its meeting held April 24, 2017. (See Drainage Board Minutes Book 17, Pages 331-333) The project involved maintenance and expansion of the detention area. Therefore, the length of the drain remains at 0 feet.

The drainage easement granted to the Board of Hamilton County Commissioners was recorded under instrument #2019003248. The cost of the project was paid for by the developer and the following sureties were guaranteed by Busey Bank and released by the Board on its September 24, 2018 meeting.

| LC No: | 10009 800-24465 |
| Insured For: | Margaret O’Brien Drain Maintenance |
| Amount: | $168,887.00 |
| Issue Date: | October 13, 2016 |

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

Sincerely,

_________________________
Kenton C. Ward, CFM
Hamilton County Surveyor

“To: Hamilton County Drainage Board  January 30, 2019
Re: Williams Creek Drainage Area – Jackson’s Grant Section 2

Attached are as-built, certificate of completion & compliance, and other information for Jackson’s Grant Section. An inspection of the drainage facilities for this section has been made and the facilities were found to be complete and acceptable.

During construction, changes were made to the drain, which will alter the plans submitted with my report for this drain-dated November 20, 2017. The report was approved by the Board at the hearing held January 22, 2018. (See Drainage Board Minutes Book 18, Pages 6-8)

The changes are as follows: the 12” RCP was lengthened from 1,178 feet to 1,207 feet. The 15” RCP was shortened from 405 feet to 380 feet. The 6” SSD was shortened from 5,857 feet to 5,525 feet. The length of the drain due to the changes described above is now 7,131 feet.

The non-enforcement was approved by the Board at its meeting on January 22, 2018 and recorded under instrument #2018044751. The following sureties were guaranteed by Standard Financial Corporation and released by the Board on its August 27, 2018 meeting.

| Bond-LC No: | 1294JQ2 |
| Amount: | $191,950.38 |
| For: | Storm Sewers |
| Issue Date: | November 6, 2017 |

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

Sincerely,

_________________________
Kenton C. Ward, CFM
Hamilton County Surveyor

Heirbrandt made the motion to approve the final reports presented, seconded by Rulon and approved unanimously.

Variance Request – Vestal/Kirkendall Drain, Fred Hines Arm, Wood Hollow Section 2:
Mr. Brandon Burke and Mr. Michael Morgan were present for this item.

Cash stated the variance today is on the Vestal/Kirkendall Drainage Area specifically the Fred Hines Drain Arm and the variance is for Wood Hollow Subdivision Section 2. This project came before the Board on May 29, 2018 for preliminary concurrence and as an introduction to the project. Since then the engineering has been done and the review has been made by Clark Dietz with regards to the proposed fill in the floodplain. As part of the new residential subdivision project the petitioner proposes to regrade portions of Wood Hollow Subdivision specifically a common area which results in new fill in the floodplain where there are actually some lots and then to excavate within the common area along the Fred Hines Drain. They are proposing, the grading will have a fill of 563 cubic yards within the floodplain and the excavation will result in 1,704.9 cubic yards being removed from the floodplain. They meet the standard 3:1 ratio required by the Board for consideration of the variance. Clark Dietz reviewed the submittal and they have concurred with the findings that they meet the 3:1 ratio. The Surveyor’s Office recommends approval with the standard conditions. Those conditions include protection of the floodplain within dedicated easement for the area that covers the floodplain.
compensatory area that’s outside of the standard regulated drain easement. This is actually in common area so it’s covered by drainage easement per their plat.

Heirbrandt asked so they’ve met all your staff recommendations?

Cash stated yes, they would need to post a surety. I believe though that this may be; today we have Brandon Burke with HWC Engineering and Mike Morgan with Pulte. One of the requirements if approved is to post a surety in the amount of 120% for the floodplain compensatory storage area. That may be already covered by Noblesville’s bond for the grading.

Burke stated considering its primarily earthwork I’m not sure that we bond earthwork with Noblesville. We can do a surety for the Surveyor’s Office.

Cash stated new to the standard language we also included a comment about the maintenance of the floodplain and it specifically states “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 and/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 Homeowners Association or owner in the soul direction of the Board fails to adequately maintain the floodplain 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”.

Heirbrandt asked have they met your staff recommendations?

Cash stated yes.

Howard stated I’m not deciphering the scroller, but the thing that jumps off the page to me is if this is in the covenants and have the covenants been recorded? If they have been recorded should we require an amendment to those covenants because when the developer is gone that Property Owner’s Association doesn’t know anything and nothing’s binding on them unless it’s in the covenants.

Altman stated we record that. I presumed on these variances we probably should record the variance.

Cash stated we do record these and attach them to the secondary plat.

Howard stated in other words you cross reference under the secondary plat.

Cash stated yes.

Altman stated Cash and I worked on Number 3 and I wanted to make sure you were comfortable with what we concocted in terms of continuing and then assessing the cost if they don’t do it.

Howard stated right. Have any lots been sold yet?

Cash stated no.

Howard stated let’s tickle that and make sure that recorded condition gets recorded as soon as possible.

Heirbrandt made the motion to approve the variance request, seconded by Rulon and approved unanimously.

Altman stated we’re going to use that standard language on any variance and make sure they sign off on it and we’re good.

2019 Vegetation Control – Set Bid Date:

Baitz stated the Surveyor’s Office would like the Board to set the date of March 25, 2019 to receive bids for the vegetation control.

Heirbrandt made the motion to set the date to receive bids for the 2019 Vegetation Control Contract for March 25, 2019, seconded by Rulon and approved unanimously.

Bidders List:

Baitz stated that Forrer Excavating, Inc. and Will Power Excavation & Bulldozing would like to be placed on our bidder’s list so they receive notice of upcoming projects.

Heirbrandt asked if the Surveyor was fine with that?

The Surveyor stated yes.

Heirbrandt made the motion to include Forrer Excavating, Inc. and Will Power Excavation & Bulldozing to the bidders list, seconded by Rulon and approved unanimously.
Non-enforcements:
Mr. Zach Ortman was present for this item.

Liston presented a non-enforcement request for the Mallery-Granger Drain filed by Zachary Ortman for parcel #10-06-24-00-01-005.000 for an addition. The Surveyor’s Office recommends approval.

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

Cornthwaite-Kepner Drain Reconstruction – Final Report:
Conover presented his final report to the Board for approval.

"To: Hamilton County Drainage Board
December 31, 2019

RE: Cornthwaite Kepner Drain Reconstruction – Final Report

This is the inspector’s final report on the Cornthwaite Kepner Drain Reconstruction located in Section 8 of Township 19 North Range 5 East in White River Township, Hamilton County, Indiana.

The Revised Surveyor’s Report for the Cornthwaite Kepner Drain Reconstruction dated April 10, 2018 was presented to the Drainage Board and approved on May 29, 2018 (Hamilton County Drainage Board Minutes Book (Book) 18, Pages 139-141). The revised reconstruction cost estimate of $100,755.73 was presented to the Drainage Board on June 11, 2018 (Book 18 Page 177). The bid was awarded to Van Horn Construction for the amount of $100,755.73 on June 11, 2018 (Book 18 Page 177).

The Cornthwaite Kepner Drain Reconstruction consisted of removing 226 feet of 24 inch tile, removing 152 feet of 15 inch tile, removal of a headwall, installation of 40 feet of 18 inch CMP pipe, installation of 204 feet of 15 inch HDPE, construction of 277 feet of open ditch with 6 foot wide bottom & 2:1 side slopes, dredging of 100 feet of existing open channel and the installation of a 47 foot rock chute. The project also included the construction of a new arm (Arm 1 to the EE Cornthwaite Drain) which consisted of the 47 foot rock chute, 24 feet of rip rap apron above and below the rip rap chute and 25 feet of open channel for a total of 96 feet.

There were 5 change orders on this project change order for additional work or field revisions on the project as allowed by IC 36-9-27-80.5. Those change orders are as follows:

Change Order #1 was for the installation of a temporary construction entrance on Cumberland Road. Total cost of Change Order #1 was $4,331.75 approved on September 10, 2018 (Book 18, Page 243).

<table>
<thead>
<tr>
<th>Change Order #1</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>#2 Commercial Stone</td>
<td>21.24 TON</td>
<td>$22.50</td>
</tr>
<tr>
<td>Geotextile</td>
<td>100.00 SYS</td>
<td>$2.00</td>
</tr>
<tr>
<td>Labor</td>
<td>4.00 HR</td>
<td>$28.00</td>
</tr>
<tr>
<td>Bobcat</td>
<td>2.00 HR</td>
<td>$70.00</td>
</tr>
<tr>
<td>Machine Operator</td>
<td>2.00 HR</td>
<td>$34.00</td>
</tr>
<tr>
<td>Cost by Van Horn for Change Order #1</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Change Order #2 was to add 60 feet of 15 inch HDPE pipe for realignment of the Cornthwaite outlet. Total cost of Change Order #2 was $1,680.00 approved on October 8, 2018 (Book 18, Page 266).

<table>
<thead>
<tr>
<th>Change Order #2</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>60'' of 15'' HDPE</td>
<td>60.00 LF</td>
<td>$28.00</td>
</tr>
<tr>
<td>Cost by Van Horn for Change Order #2</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Change Order #3 was required due to provide an outlet for a private tile that was encountered. This private tile now discharges at the north bank of the open ditch in the rock chute. Total cost of Change Order #3 was $357.47 approved on October 22, 2018 (Book 18, Page 274).

<table>
<thead>
<tr>
<th>Change Order #3</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>20'' of 6'' CMP</td>
<td>20.00 LF</td>
<td>$17.00</td>
</tr>
<tr>
<td>6'' animal guard</td>
<td>1.00 EA</td>
<td>$17.47</td>
</tr>
<tr>
<td>Cost by Van Horn for Change Order #3</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Change Order #4 was for additional rip-rap required where the surface water enters the open channel. Total cost of Change Order #4 was $967.20 approved on November 13, 2018 (Book 18, Pages 281-282).

<table>
<thead>
<tr>
<th>Change Order #4</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Graded Rip-Rap (7''-9'')</td>
<td>20.15 Ton</td>
<td>$48.00</td>
</tr>
<tr>
<td>Cost by Van Horn for Change Order #4</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Change Order #5 was for removal of the temporary construction entrance on Cumberland Road. Total cost of Change Order #5 was $661.00 approved on November 13, 2018 (Book 18, Page 282).
Altman asked did we have any significant problems with frozen ground and the rain we got? he didn’t get too much done. was scheduled to start work at the Cool Creek Park last week. I expect with the weather he didn’t get too much done. Altman asked did we have any significant problems with frozen ground and the rain we got?

Van Horn Excavating final costs for the reconstruction are as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contractor’s Bid</td>
<td>$87,613.68</td>
</tr>
<tr>
<td>Change Order #1 Total</td>
<td>$997.90</td>
</tr>
<tr>
<td>Change Order #2 Total</td>
<td>$1,680.00</td>
</tr>
<tr>
<td>Change Order #3 Total</td>
<td>$357.47</td>
</tr>
<tr>
<td>Change Order #4 Total</td>
<td>$967.20</td>
</tr>
<tr>
<td>Change Order #5 Total</td>
<td>$661.00</td>
</tr>
<tr>
<td>Reconstruction Cost by Van Horn Excavating</td>
<td>$92,277.25</td>
</tr>
<tr>
<td>Easement Purchase Cost</td>
<td>$6,915.00</td>
</tr>
<tr>
<td>Total Reconstruction Cost</td>
<td>$99,192.25</td>
</tr>
<tr>
<td>Amount Approved by the Board</td>
<td>$107,670.73</td>
</tr>
<tr>
<td>Total Reconstruction Cost</td>
<td>$99,192.25</td>
</tr>
<tr>
<td>Difference</td>
<td>$8,478.48</td>
</tr>
</tbody>
</table>

At the May 29, 2018 revised hearing the reconstruction the rates of $168.56 per acre and minimum for Residential/Ag properties and $505.68 per acre and minimum for Commercial properties & roads were approved. This was based on a cost estimate of $107,670.73. The final cost was $99,192.25. I recommend the reconstruction assessments be reduced to $87,613.68 per acre and minimum for Residential/Ag properties and $505.68 per acre and minimum for Commercial properties & roads.

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

<table>
<thead>
<tr>
<th>Pay Request</th>
<th>Date Requested</th>
<th>Date Paid</th>
<th>Billed</th>
<th>Retained</th>
<th>Paid</th>
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<td></td>
<td>$(13,841.59)</td>
<td>$0.00</td>
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Van Horn Excavating Totals: $92,277.25

Statement of All Incurred Expenses Paid signed by the contractor as required in IC 36-9-27-82(b) was received on October 30, 2018.

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

As of November 14, 2018, I hereby attest to and agree that the reconstruction was installed according to the specified plans and change orders and have approved such work under IC 36-9-27-82(a). All inspections have been completed. Final inspection was on November 8, 2018.

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

Respectfully,

Andrew Conover
Inspector

Heirbrandt made the motion to approve the final report for the Cornthwaite-Kepner Drain Reconstruction, seconded by Rulon and approved unanimously.

Construction Updates:

Thorpe Creek Drain, Martha Ford Arm Relocation – Liston stated the work is continuing as much as the weather allows us. Ron Brown is moving along and about 75% to 80% done on the south side of the road.

Cool Creek Park Bank Stabilization Project – Duncan stated Cline is not here today, but I reached out to the contractor and have not heard or confirmed if he has started work. He was scheduled to start work at the Cool Creek Park last week. I expect with the weather he didn’t get too much done.

Altman asked did we have any significant problems with frozen ground and the rain we got?
Duncan stated the inspectors went out last week and there was flooding, but it wasn’t as bad as we thought it would be in certain places. You would expect with the frozen ground and the amount of rain we’ve had that we’d have flooding everywhere.

Altman stated I was kind of the same way when I was observing where the water came up and it didn’t. The river was a mess.

Duncan stated we went out to look at known areas to document it and in some places it wasn’t as bad as it’s been other times.

Rulon stated there was a 24-hour break in between and that helped an awful lot.

Howard stated a lot of it got to the river because creeks and streams didn’t look that bad, but the river was pretty brutal.

**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.

**Drainage Board Attorney (Pending Items):**

Windemere Pond Outlet (Documented & Recorded Negotiations) – Howard stated this is not complete, but Duncan and I have a few items we need to fill in the blanks on elevations and we will have that before you soon.

Petition to Circuit Court for Alternate Members – Howard stated this petition has been filed with the court. I haven’t seen the order back yet and the judge has not asked for an interview with Rulon.

Ordinance for Drainage Structure Replacement/Damage – Howard stated that’s roughed out. Does the Surveyor get accident reports if there is damage; I assume most of the damage is going to be bridges and culverts and things of that nature.

The Surveyor stated we do not.

Howard stated in that situation if you had an ordinance that would be a starting point for finding out.

The Surveyor stated that would be good information although since May people have gone through my fence at S.R. 32 and Cyntheanne Road five times now. I believe there’s only been twice that the Sheriff’s Deputies responding’s actually mentioned that there’s been property damage.

Howard asked it wasn’t in their report, they said there’s no property damage?

The Surveyor stated correct.

**William McKinstrey Drain – Lake Stonebridge:**

Heirbrandt asked where are we at with this project?

Duncan stated we talked about that this morning. The east side of the overflow spillway is going where we have Lake Master under contract to do the west side and they will not respond to any of our phone calls or emails. We’re ever hopeful that they will get out there and do the work. As it relates to what could be considered a second phase of this project, which is the repair of the cracked concrete we have been struggling to find a contractor, a lifting contractor, to actually take on the project. No one seems interested. We had interest probably before Thanksgiving and in trying to set a meeting time out at the site to look at it we can’t get them to respond with a time to do that. What we did talk about this morning at Staff Meeting was what can we do besides lift the concrete and I think we’re going to have a contractor look at possibly replacing the concrete and getting a cost for that. We’re trying to move it forward.

Heirbrandt stated why don’t we send an email blast out again with everybody copied again and I’ll start badgering them with phone calls like we did the last time.

**Anchorage Drain:**

Duncan stated I sent an email update last week to the folks and Fishers has indicated that they’re willing to participate mainly through the Grant Program. The grant matches dollar for dollar anything that the residents pay, but our discussions related to that keep coming back to how much money do you need from us. We really can’t answer that question with an estimate so we’re moving forward with developing the construction plans to actually put it out for quotes so we can get some real dollars in.

Heirbrandt stated so we know what it is and if we can’t get any grant dollars then I can make some phone calls.

Duncan stated right. I think we’ll get the grant dollars, it’s just a matter of how much. I’d imagine that it’s not just a match for match with a ceiling. They probably only have so much to spend. Until we know the cost and I have it to work on.

Heirbrandt asked when do you anticipate having all of that?
Duncan stated I’ll probably have the plans ready for quotes by the end of next week.

276th Street (Terry Henderson):
Heirbrandt asked if the office has been contacted by Terry Henderson about 276th Street; a new project? He was going to be reaching out to you about some drainage.

Duncan stated I have not heard.

Heirbrandt stated he said he had reached out to your office.

The Surveyor stated I think it went to Surveyor’s mailbox and it got sent to me last week. I just breezed through those this morning.

Heirbrandt stated he’s going to be coming to Plan Commission meeting so I wanted to make sure you’ve been communicating with him. That you’ve had adequate time to go through it before it comes to that.

The Surveyor asked this month’s Plan Commission meeting?

Heirbrandt stated yes.

Conover stated I’ve been reviewing that project.

Heirbrandt stated I wanted to make sure that had been looked at so we don’t get into Plan Commission meeting and nobody has really looked at it knowing that this date is coming up.

J. C. Ringer Drain:
The Surveyor stated on S.R. 38 for Grider.

Heirbrandt stated you saw my email?

The Surveyor stated yes.

Heirbrandt stated I talked to Todd May from INDOT. There are some issues there that we probably need to talk about. There’s a private drain involved.

The Surveyor stated it is a private drain, actually it’s INDOT’s drain.

Heirbrandt stated Todd made it sound like it’s not their drain, it’s a private drain. I asked how in the world did it get put where it is if it’s not yours? And he said it’s private, we need to talk. I said I’ll get ahold of the Surveyor and that was my email that I sent.

Rulon stated I have one of those and we can’t get the State to fix them. It’s right beside the road, but they swear they don’t have anything to do with it.

Heirbrandt stated that’s what they’re saying. They say they don’t have anything to do with it and it is a mess over there.

Rulon stated it’s going to be a mess when the road falls in it, but I’m not going to worry about it anymore because they won’t talk. I’ve worked on that for three years.

The Surveyor stated this is just like on S.R. 213 last year or the year before at Omega. It was a side ditch, I sent my crew up there, we did a three hour survey, gave them the plans and they went out...

Rulon stated it was marked.

Heirbrandt stated when we set that appointment I want to make sure you go through everything and we’re ready for that meeting. This needs to be fixed.

Altman asked where’s this located?

Heirbrandt stated it’s up in Sheridan area and this guy has been inundated with water. Why he’s put up with it for so long; he’s tried to contact INDOT several times, but they just ignore him. We started chain emails and we’re all hammering them. Finally, Todd May from INDOT has been calling me and he’s been sending people out there. I put our Senators, our State Representatives, I’m putting them all on the emails and saying “hey, we need some attention out here” and then they’re hammering them. They said should we go to Joe McGinnis on this? And then all of a sudden he calls.

Howard asked these are private, not regulated?

The Surveyor stated they’re not regulated.

Howard stated the bill you were going to send to them on the Sheridan project, how have those been working out? I know there’s been times we’ve sent it to them and they sent your former employee up here to tell us how they shouldn’t have to pay it.

The Surveyor stated if it’s a certified assessment on a regulated drain they do pay it.

Howard stated but private’s they ignore.
The Surveyor stated yes. Even roadside ditches they ignore.

Heirbrandt stated there’s another pipe on that property that’s way undersized.

The Surveyor stated before the meeting I want to send Brian (Rayl) out and get a profile of that side ditch from Grider. I want that in hand when we meet with them.

Heirbrandt stated it’s in your court to throw some dates out.

The Surveyor stated I’ll get those out today.

Heirbrandt made the motion to adjourn, seconded by Rulon and approved unanimously.

_____________________________
Christine Altman – President

_____________________________
Lynette Mosbaugh
Executive Secretary