

MINUTES OF THE HAMILTON COUNTY DRAINAGE BOARD

February 13, 2023

The meeting was called to order Monday, February 13, 2023 at 12:00 p.m.

The members of the Board present were Mr. Mark Heirbrandt-President, Mr. Steven C. Dillinger-Vice President (Virtually) and Ms. Christine Altman-Member. Also present were staff of the Hamilton County Surveyor's Office: Mr. Jerry Liston, Mr. Gary Duncan, Mr. Sam Clark, Mr. Reuben Arvin and Mr. Steve Cash. The Board's attorney's, Mr. Michael Howard and Mr. Connor Sullivan, were also present.

Approval of Minutes of January 23, 2023:

The minutes of January 23, 2023 were presented to the Board for approval.

Altman made the motion to approve the minutes of January 23, 2023, seconded by Dillinger and approved unanimously.

Professional Services Agreement - Cool Creek Bank Stabilization:

Duncan presented a Professional Services Agreement from Clark Dietz who did a study of a section of Cool Creek just south of 146th Street in Foster Estates regarding some significant erosion. This was presented to the Board and this agreement would be a design of the recommended solution to stabilize that erosion in the amount of \$84,600.00.

Altman made the motion to approve the Professional Services Agreement with Clark Dietz in the amount of \$84,600.00 for design, seconded by Dillinger and approved unanimously.

White River Alliance - MS4 Public Education & Involvement:

Duncan stated this is our annual contract with White River Alliance. Our MS4 Program has a public education component, and we work with White River Alliance and the other communities in the county to provide that education component to the public. The value of the contract is the same as it was in 2021 and 2022.

Altman asked is this based on unincorporated population? I see the invoice is only \$7,000.00, but if we did our county population, we would be at 45,000.00. Even our unincorporated population is higher than that.

Duncan stated I'd have to look at that.

Altman stated it's just not fair to them because they're a not for profit if they haven't billed us correctly, but if you'd check into that.

Duncan stated I can look at that, yes.

Altman made the motion to approve the contract in the amount of \$7,000.00 for the MS4 Public Education and Involvement with White River Alliance with an invoice that reflects the population base of the contract, seconded by Dillinger and approved unanimously.

Permit Fees:

Duncan stated the Surveyor has asked that we table this item. He would like to be here to discuss this with the Board.

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

Hearing Requests:

Duncan asked the Board to set the following items for hearing on March 27, 2023: Herr-Haughey Drain; Hidden Bay Drain; Geistview Estates Drain; Williams Creek Drainage Area, O.F. Henley Arm, Ambleside Section 2; William Lehr Drain, J. S. McCarty Arm Phase 1 Reconstruction.

Duncan stated the first three are to change the collection period from 4 years to 8 years.

Heirbrandt stated some of them haven't even been revised since 2007.

Altman stated this will just increase the collection period; is that correct?

Duncan stated correct.

Altman stated it doesn't affect the rates.

Howard stated that might be a recommendation to the Board to look at increasing the annual assessments.

Altman made a motion to set the hearing date for the Herr-Haughey Drain, Hidden Bay Drain and the Geistview Estates Drain for March 27, 2023, seconded by Dillinger and approved unanimously.

Duncan stated the O. F. Henley Arm of the Williams Creek Drain is an arm for the proposed Ambleside Development. The hearing would accomplish two things. The reconstruction of the drain would be paid for by the developer and we would also establish the maintenance for the watershed associated with this arm.

Altman made the motion to set this for hearing on March 27, 2023, seconded by Dillinger and approved unanimously.

Duncan stated the last one to set is for the reconstruction of the J. S. McCarty Arm of the William Lehr Drain which is a drain that's in need of reconstruction. There's a history of drainage problems within the watershed. The County did a study of this drain back in 2018 looking for solutions for the chronic standing water and provide better drainage within the shed. This would be a reconstruction project for what we're saying is the first phase of what was recommended in the study. That is essentially to create an open ditch from Boden Road almost over Olio Road which would set the stage then to allow us to do the next two phases to bring drainage to the Town of Clarksville.

Altman made the motion to set the J. S. McCarty Phase 1 Arm of the William Lehr Drain for hearing on March 27, 2023, seconded by Dillinger and approved unanimously.

Final Reports:

Duncan presented the following final report to the Board for approval.

"To: Hamilton County Drainage Board

January 25, 2023

Re: Williams Creek D.A.: Meridian Suburban and Vernon Asher - US 31 Reconstruction

Attached are as-builts and other information for the US 31 Reconstruction of the Meridian Suburban and Vernon Asher Drains. 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 2, 2015. The report was approved by the Board at the hearing held January 25, 2016. (See Drainage Board Minutes Book 16, Pages 420-423)

The changes are as follows: the Meridian Suburban Drain had 35 feet of 12" RCP and 180 feet of open ditch installed with this reconstruction. The project removed 536 feet of existing Meridian Suburban Drain. The length of the new drain due to the changes described above is now **215 feet**.

The Vernon Asher Drain had 1202 feet of new open ditch added with this reconstruction. The reconstruction removed 794 feet of existing Vernon Asher open drain. The original tile was exposed with this work and map correction was written after my original report mentioned above. Therefore, per the map correction the tile was located and outlets into the new open ditch at Station 43+46. The remaining tile was vacated and removed downstream to Station 48+72. The length of the new drain due to the changes described above is now **1,202 feet**.

The work was done within the existing regulated drain easement and within the US 31 road right of way. The cost of the reconstruction was paid for by the Indiana Department of Transportation.

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

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor"

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

2023 Stop Collection List:

Duncan presented the 2023 Stop Collection List to the Board for approval.

"

To: Hamilton County Drainage
Board

13, 2023

Date: February

The following drain balances are greater than four times the assessed value of its annual assessment and should have collections stopped for 2023 per IC 36-9-27-43.

R.J. Craig	M0038	Hunters Creek South	M0188	Thomas Pierce	M0255
Oliver Shoemaker	M0042	Thistlewood	M0189	J.M. Endicott	M0266
Owen, John	M0043	Frank Huffman (Madison)	M0190	Bramblewood	M0269
Krause & Klepfer	M0048	Henry Bright	M0192	U.G. Mitchner	M0275
Loma Industrial Park	M0067	Shaw, Francis (Tipton)	M0193	Sail Place	M0298
Schneider & Pierce	M0100	Hilton Hobbs (Tipton)	M0194	Valleys at Geist	M0308
Kreager & Hinshaw	M0108	Mary Hodkins	M0200	Thor Run	M0309
Paulsel, Vance, Paulsel	M0109	Thomas Butler	M0202	Village of West Clay	M0312
Rebecca Roberts	M0115	Carefree Estates	M0208	Hidden Bay	M0314
Warner, Elizabeth	M0117	Hunters Knoll	M0215	Camden Walk	M0316
Margaret O'Brien	M0124	Timber Heights	M0222	Geistview Estates	M0324
Oliver Armstrong	M0131	Pines/Roxbury New Britton	M0224	Flat Fork Crk (Hancock)	M0325
Ellen Bishop	M0132	Industrial Park	M0226	Treesdale	M0327
Park Northwestern	M0136	Richard Moffitt	M0229	Highland Prairie	M0339
John Roe	M0137	Towne Lake	M0231	Hampton Cove	M0340
A.L. Haughey	M0138	Fairfield Farms	M0242	Lion Creek	M0342
Woodhaven	M0147	Bridgewater	M0245	Fox Hollow	M0344
Moffitt & Williamson	M0177	Bentley Oaks	M0247	Flat Rock Creek Farms	M0358
Fox Glen Section 5	M0180	Crooked Creek	M0250		

The following drain balances are greater than eight times the assessed value of its annual assessment and should have collections stopped for 2023 per IC 36-9-27-43.

Clara Gintert	M0008	Crawford, Lydia	M0164	Williams Creek	M0315
Lee Lambert	M0093	Masthead	M0203	Long Branch	M0331
Home Place	M0158	Windjammer	M0218	Kakasuleff	M0357

Kenton C. Ward, Hamilton Co. Surveyor

"

Altman made the motion to approve the 2023 Stop Collection List presented, seconded by Dillinger and approved unanimously.

Big Cicero Creek Joint Drainage Board Meeting:

Duncan presented the minutes of the Big Cicero Creek Joint Drainage Board of December 21, 2022, to the Board for their information.

Preliminary Variance - Cool Creek Drain, Springwater Project:

Clark presented his report to the Board for preliminary approval.

"Re: Cool Creek-Variance Preliminary Introduction

January 26th, 2023

To: Hamilton County Drainage Board

Project Name: Springwater -**Preliminary floodplain permit request**

Petitioner: Apollo Developers

Summary:

Apollo Developers requests to present their proposal for site grading and installing flood plain compensatory storage as part of the Springwater Project. The proposal will require the approval of a variance from Ordinance No. 09-26-16A for fill in the floodplain of the Cool Creek Drain. The project is located in the Northeast Corner of 161st street and South Union Street and just east of the banks of the Wheeler and Beals arm of the Cool Creek regulated drain. The plans are being designed by HWC Engineering. The engineering for the flood plain compensatory storage area is being reviewed by Clark Dietz Engineering which is the Drainage Board's consultant for the Cool Creek Drain Watershed. Following successful review, a Clark Dietz Engineering review memorandum will become part of the report submitted to the Board as part of the variance packet for the final submittal.

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

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

Samuel T Clark

Hamilton County Drainage Board
February 13, 2023

Plan Reviewer"

Altman asked does the Surveyor's Office have any objections to this request?

Clark stated no.

Altman made the motion to grant preliminary approval for this project, seconded by Dillinger and approved unanimously.

Preliminary Variance - Cool Creek Drain, Citizens Wastewater of Westfield:

Clark presented his report to the Board for preliminary approval.

"Re: Cool Creek-Variance Preliminary Introduction

November 23, 2022

To: Hamilton County Drainage Board

Project Name: Cool Creek Lift Station Replacement -**Preliminary floodplain permit request**

Petitioner: Citizens Wastewater of Westfield

Summary:

Citizen's Wastewater of Westfield requests to present their proposal for site grading and installing flood plain compensatory storage as part of a lift station replacement intended to serve sanitary sewer infrastructure. This item was tabled at the January 9, 2023 drainage board meeting. At that time the board required that bypass measures be added to the plans (Hamilton County Drainage Board Minutes Book 21, Page 111-112). The plans have been modified to show such measures as shown on sheet No. LS-3 of HNTB Job No. 82708-DS-001-001 dated November 4, 2022. The proposal will require the approval of a variance from Ordinance No. 09-26-16A for fill in the floodplain of the Cool Creek Drain. The project is located in the Northeast Corner of 161st street and South Union Street and just east of the banks of the Wheeler and Beals arm of the Cool Creek regulated drain. The plans are being designed by HNTB Engineering on behalf of Citizens Wastewater of Westfield.

The engineering for the flood plain compensatory storage area is being reviewed by Clark Dietz Engineering which is the Drainage Board's consultant for the Cool Creek Drain Watershed. Following successful review, a Clark Dietz Engineering review memorandum will become part of the report submitted to the Board as part of the variance packet for the final submittal.

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

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

Samuel T Clark
Plan Reviewer"

Altman asked what's the Surveyor's position on this?

Clark stated we recommend preliminary approval at this time.

Altman made a motion to grant preliminary approval provided that the lift station is designed with backup power and sump, seconded by Dillinger and approved unanimously.

Variance Request - Cool Creek Drain, Anna Kendall Arm, Harbors at Grand Park:

Clark presented his report to the Board for approval.

"Staff Report

August 3, 2022

To: Hamilton County Drainage Board

Re: Cool Creek Regulated Drain, Variance for The Harbors at Grand Park, DV-2022-00007

Attached is a request by Beazer homes for final variance approval from the following ordinance and standard in connection with the Harbors at Grand Park:

- Ordinance No. 3-25-02-A: regarding utility installation Cross Section (Detail C-6).

Summary:

The proposed utility crossing is part of a larger development project known as the Harbors at Grand Park located at the southeast corner of Kinsey and 186th street. The applicant is requesting a 6.3-foot separation between the utility and the bottom of the Anna Kendall Drain. The reason for the variance is that the required 10-foot separation would prevent the sewer line from connecting to the existing downstream manhole (sanitary manhole #499, sheet 500 per plans) because of the manhole's existing depth.

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Additional Information

- The Surveyor's Office has coordinated with the City of Westfield and Citizen's Energy Group in the review of this proposal. The utilities will be turned over to Citizen's Energy Group upon successful completion of construction.
- The separation requirements for pipeline and utility installation under open drains is depicted in Hamilton County Surveyor's Office Standard Plan Detail C-6.
- The plans have been designed by Weihe Engineering job no. W210148 dated April 1, 2022. The crossing can be found on page C301 and C500 of said plans.
- Given that this variance is a crossing variance and will not require a 3rd party review, preliminary approval of the variance is not required, and final approval can be allowed at this time.

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. The utility is to be encased in concrete if open cut is used.
 - b. Site inspection approval by Surveyor's Office
 - c. Submittal of as-built drawings showing the utility crossing location and elevation. As-built drawings are to be stamped and sealed by a professional engineer.
 - d. A surety in the amount of 120% of the engineers estimate to be released upon approved Surveyor's Office inspection report and acceptable as-builts submitted by the developer.

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

Samuel T Clark
Plan Reviewer
STC:stc"

Altman made the motion to approve with the staff recommendations included in that approval process.

Altman asked, when you say incased in concrete, what exactly are you talking about?

Dillinger seconded Altman's motion to approve.

Clark stated that's the structural measure we take to ensure the lifespan of the utility in the event if it's incased in concrete, it will have much larger lifespan and it will do much less prone to damage and therefore...

Altman stated so it's going to start out with reinforced concrete pipe that then has a layer of concrete over it?

Duncan stated it will be plastic pipe because it's sanitary. To give that added layer of protection we incase it in an envelope of concrete.

Altman stated so if someone comes in with a backhoe it will hit the concrete first.

Duncan stated exactly.

The motion had been made and seconded to approve the variance with the staff recommendations included in the approval process and approved unanimously.

Variance Request - Mud Creek/Sand Creek Drain, Exit Ten Arm - IU Saxony Hospital:
Liston presented his report to the Board for approval.

"Staff Report

August 2, 2022

TO: Hamilton County Drainage Board

RE: Mud Creek-Sand Creek Drain, Exit Ten Arm, IU Saxony Hospital Utility Relocations - DV2022-00016

Attached is a request by Harmon Construction Inc. for a Variance approval from the following Hamilton County Ordinance and Standard in connection with the water main relocation for the IU Saxony Hospital expansion in Fishers.

- **Ordinance No. 3-25-02-A: regarding utility installation Cross Section (Detail C-5).**

The proposed 8-inch water main relocation is part of the utility relocation project known as the IU saxony Hospital Utility Relocation. Utilities are being relocated for a proposed expansion of the IU Saxony Hospital that will occur in late 2022 or early 2023.

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Harmon Construction, the General contractor for the proposed IU Saxony Hospital expansion is a 4-foot separation between the relocated 8-inch water main and the bottom of an existing 72-inch RCP on the Exit Ten Drain. The reason for the Variance is that the required 10-foot separation would prevent Harmon Construction and their contractors from making the connection to the existing Citizens Energy water main south of the 72-inch regulated drain in the Tablick Street right-of-way. A 10-foot separation would place the water main at nearly 18 to 20-feet below the 72-inch invert which would make it difficult to connect the existing Citizen's water main in the right-of-way along the south side of Tablick Street.

Additional Information

- This is an after the fact variance as the 72-inch pipe was hit and damaged by the directional boring for the relocated water main. The 72-inch pipe was bored through and damaged just below the spring line of the pipe. The Office was notified by the City of Fishers and Harmon Construction of the hit on July 26, 2022. John Ward Construction was issued a workorder to repair the damage to the 72-inch pipe. The two (2) holes in the pipe were repaired using hydraulic cement by John Ward Construction. The cost of the pipe repair was \$436.72, and an invoice was e-mailed to Harmon Construction on August 1, 2022. On January 9, 2023 the Office received payment of \$436.72 from Harmon Construction for the repair of the Exit Ten Drain.
- The Surveyor's Office has coordinated with Harmon Construction and JPS Consulting Engineers in the review of this proposal. The relocated water main will remain private and under the jurisdiction of IU Saxony Hospital.
- The separation requirements for pipeline and utility installation under closed drains and open drains in Hamilton County is depicted in Hamilton County Surveyor's Office Standard Plan Detail C-5.
- The plans for the water main relocation have been designed by JPS Consulting Engineers, Project No. 21JPSC81 and showed the 72-inch regulated drain.
- In the review and issuance of a Work in the R/W permit the City of Fishers would not allow for an open cut of Tablick Street.
- The Surveyor's Office coordinated the repair of the voids under Tablick Street with the City of Fishers. The City of Fishers required the voids created by the directional boring to be filled with flowable fill to prevent future settling of the existing road surface.

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. Submittal of as-built drawings showing the utility crossing location and elevation. As-built drawings are to be stamped and sealed by a professional engineer.

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

Respectfully,

Jerry L. Liston
New Construction Inspector
Hamilton County Surveyor's Office"

Altman stated it's already installed, correct?

Liston stated yes.

Altman asked have you received asbuilts yet?

Liston stated I have not.

Altman stated I want to hold this until you get everything you want.

Liston stated okay, I'll get on the phone and see if those are done, but we have not received those yet.

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

Set Bid Date - 2023 Vegetation Control:

Duncan asked the Board to set the date to receive bids for the 2023 Vegetation Control contract for March 27, 2023.

Altman made the motion to set the date to receive bids for the 2023 Vegetation Control contract for March 27, 2023, seconded by Dillinger and approved unanimously.

Non-enforcements:

Duncan presented a non-enforcement request for the Vestal/Kirkendall Drainage Area, Russell Shugart Arm filed by Thomas and Kortney Riegel for parcel #10-10-04-00-03-056.000 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.

Duncan presented a non-enforcement request for the Williams Creek Drain, West Rail at the Station Arm filed by Duane and Dana Hunt for parcel #08-09-10-00-22-025.000 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.

Violations:

Duncan presented the reports to the Board for their information.

"NOTICE OF VIOLATION

VIO-2023-00003 - Certified Mail 7021 1970 0001 9530 3091

January 26, 2023

Force, Bradley & Amanda
608 Zephyr Way
Westfield, IN 46074

Parcel ID#: 08-09-10-00-02-016.000

RE: Williams Creek, Crosswind Commons Arm

Our office has been made aware of a fence encroachment on Lot 50 in Crosswind Commons Section 2. The wooden type fence encroaches into the regulated drain easements on the lot. The fence was installed without the permission of the Hamilton County Drainage Board and 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 Westfield-Wes Rood
Crosswind Commons HOA"

"NOTICE OF VIOLATION

VIO-2023-00004 - Certified Mail 7021 1970 0001 9530 3107

January 26, 2023

Rawlings, Phillip & Aimee
614 Zephyr Way
Westfield, IN 46074

Parcel ID#: 08-09-10-00-02-017.000

RE: Williams Creek, Crosswind Commons Arm

Our office has been made aware of a fence encroachment on Lot 51 in Crosswind Commons Section 2. The wooden type fence encroaches into the regulated drain easements on the lot. The fence was installed without the permission of the Hamilton County Drainage Board and 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.

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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 Westfield-Wes Rood
Crosswind Commons HOA"

"NOTICE OF VIOLATION

VIO-2023-00005 - Certified Mail 7021 1970 0001 9530 3114

January 26, 2023

Rios, Elsa Patricia & Juan Manuel Jr.
620 Zephyr Way
Westfield, IN 46074

Parcel ID#: 08-09-10-00-02-018.000

RE: Williams Creek, Crosswind Common Arm

Our office has been made aware of a fence encroachment on Lot 52 in Crosswind Commons Section 2. The wooden type fence encroaches into the regulated drain easements on the lot. The fence was installed without the permission of the Hamilton County Drainage Board and 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 Westfield-Wes Rood
Crosswind Commons HOA"

Violation Update:

Duncan presented the update to the Board for their information.

"January 27th, 2023

Perrone, Kristin
10629 Kensington Lane
Fortville, IN 46040
Parcel ID #: 13-16-05-00-02-007.000

RE: Non-Enforcement of Drainage Easement for Fences, Vermillion Drain-Heritage at Vermillion Section 5 Arm

On Friday January 27th, 2023, our office conducted a final inspection of the recently removed fence on Lot 381 in Heritage at Vermillion Section 5.

On December 7th, 2022, a Notice of Violation- VIO-2022-00023 was re-issued regarding the unresolved fence encroachment. Per the inspection, the office found the fence completely removed.

The Notice of Violation-VIO-2022-00023 has been resolved and signed off. Please maintain a copy of this letter in your records.

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Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/CLF"

Clara Knotts Drain, Park Broadway Arm Phase 1 Reconstruction - Change Order No. 5:
Duncan presented Change Order No. 5 to the Board for approval.

"February 7, 2023

To: Hamilton County Drainage Board

Re: Clara Knotts Drain - Park & Broadway Phase 1 Reconstruction,
Change Order #5

Change Order #5 was required due to additional asphalt repair due to heavy traffic & utility delays that extended the time the patches were maintained and C900 price increases.

The following items are changes to the reconstruction of the Clara Knotts Drain Reconstruction:

ADDITIONS

Asphalt Repair - 276.52 SF at \$100 per SF -----	\$ 27,652.00
C900 Cost Increase 213 LF of C900 at \$26.14 per LF -----	<u>\$ 5,567.82</u>
TOTAL ADDITIONS -----	\$ 33,219.82

Engineer's Estimate and 15% Contingency ----- \$650,902.30

Contract Bid -----	\$566,002.00
Change Order #1 -----	\$ 1,500.00
Change Order #2 -----	\$ 3,000.00
Change Order #3 -----	\$ 3,420.00
Change Order #4 -----	\$ 42,923.00
Change Order #5 -----	\$ 33,219.82
Total Base Bid Reconstruction Cost	\$650,064.82

Difference ----- \$ 837.48

Submitted By:

Luther Cline
Inspector"

Altman asked we're happy with that amount? It seemed awfully high.

Duncan stated we looked at the request and as I recall it was at the intersections so if we had done a trench ten feet in width the damage was maybe five feet each side so it just added up.

Altman asked are we almost done?

Duncan stated yes, we're done.

Howard stated I believe we have another change order because we're deleting some of the beehive and the extension on the very upstream part of that project. That's the one that the landowner...

Altman asked what is the status of that?

Howard stated it was dismissed with prejudice a week ago. There's been no questions or anything by opposing council.

Duncan stated that's on Phase 2. This change order is on Phase 1.

Howard stated so we'll be doing a change order on Phase 2 and deleting some of that work.

Altman asked we're going on Phase 2?

Duncan stated we are and still delayed from utilities. I have some questions regarding that project later on in the agenda, but yes, the contract is let and we're waiting on utilities.

Altman made the motion to approve Change Order No. 5 for Clara Knotts Drain, Park Broadway Arm Phase 1, seconded by Dillinger and approved unanimously.

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Altman asked on Phase 2, does the Board need to authorize the change by deleting?

Duncan stated I've already worked everything up. I've got an exhibit, I worked out the quantities and Luther (Cline) is going to work that up as a change Order. I gave that to him Thursday or Friday.

Altman stated so we'll deal with it at the next meeting as a change order.

Duncan stated I think we can have it done.

Altman stated let's get that done.

Surety Acceptance:

Liston stated that at this afternoon's Commissioners meeting the Board would be accepting the following sureties: Performance Bond No. 101197538 in the amount of \$480,564.00 for Midland Pointe Offsite, Russell Shugart Drain Reconstruction; Site Improvement Performance Bond No. 47SUR300214010528 in the amount of \$493,297.80 for Carramore Section 1, Cove Horney Drain Reconstruction.

Surety Release:

Liston stated that at this afternoon's Commissioners meeting the Board would be releasing the following surety: Payment No. B-9125034 in the amount of \$100,148.00 for Intracoastal at Geist Drain, Reconstruction.

Canal Place Drain, Strongbow Gate Arm - Change Order No. 1:

Liston presented Change Order No. 1 to the Board for approval.

"January 30, 2023

TO: HAMILTON COUNTY DRAINAGE BOARD

RE: Canal Place Drain, Thomas West Drain, Strongbow Gate Reconstruction - Change Order # 1

The following item is an addition to the Canal Place Drain, Thomas West Drain, Strongbow Gate Reconstruction contract being done by Agricon Inc.

CO1 Hydro Excavate Utility Conflict (Fluid Waste)	\$ 1075.00
Total Addition to CO # 1	\$ 1075.00

The following item is a deduction from the Canal Place Drain, Thomas West Drain, Strongbow Gate Reconstruction contract being done by Agricon Inc.

Line 6 Concrete Washout	\$ -(1500.00)
Total Deduction to CO # 1	\$ -(1500.00)
Agricon's Contract	\$106,750.00
Additional Cost with CO # 1	\$ 1075.00
Total	\$107,825.00
Additional Deduction with CO # 1	\$ -(1500.00)
Total	\$106,325.00

Submitted By

Jerry L. Liston
Hamilton County Surveyor's Office"

Altman made the motion to approve Change Order No. 1 for the Canal Place Drain, Strongbow Gate Arm, seconded by Dillinger and approved unanimously.

Elwood Wilson Drain, E. M. Hare Arm Reconstruction - Change Order No. 1:

Liston presented Change Order No. 1 to the Board for approval.

"February 1, 2023

TO: HAMILTON COUNTY DRAINAGE BOARD

RE: Elwood Wilson E M Hare Reconstruction - Change Order # 1

The following item is an additional to the Elwood Wilson E M Hare Reconstruction contract being done by Morphe Construction.

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Line Item B5 - Retaining Wall System	\$ 299,731.00
Guardian Material Increase for Concrete and Stone	<u>\$ 28,116.31</u>
Revised Total for Line Item B5 with Increase	\$ 327,847.31
Morphey's Contract	\$2,478,000.00
Additional Cost with CO # 1	<u>\$ 28,116.31</u>
Revised Bid Total	\$2,506,116.31

Submitted By

Jerry L. Liston
Hamilton County Surveyor's Office"

Altman made the motion to approve Change Order No. 1 on the Elwood Wilson Drain, E. M. Hare Arm, seconded by Dillinger and approved unanimously.

Construction Updates:

Elwood Wilson Drain, E. M. Hare Arm Reconstruction - Liston stated we're still dealing with the conflict on the watermain. We had our meeting with Clark Dietz and our contractor on that. We still need to meet with Home Depot and the Fire Department. This is going to involve shutting the water off to Home Depot while it's being relocated, which will create a fire watch for that building while that work is being done. We have the crossings in on Harger and Fleck. The contractor has started digging the open ditch across Harger and we've hit sand.

Altman asked who's bearing the cost on this project?

Howard asked the Home Depot cost?

Altman stated no, I'm talking about the sand.

Liston stated if I remember right the property owners and some deferred assessments.

Duncan stated correct. I think we did an assessment, but the majority of it was deferred.

Altman stated it seemed like there was a project where the homeowners objected to the bond. Is this a different one?

Duncan stated I believe that was the Musselman Drain, Burnau Arm where we were going to purchase a bond.

Altman stated okay.

Liston stated we'll come back with more information on that as the contractor moves along a little further with this.

Canal Place Drain, Strongbow Gate Arm - Liston stated the storm pipe has been installed. We will come back in March for the final grading. We had some conflicts there that we worked through. Nine Star Connect had to come in and do a secondary loop for their electric so they could kill the primary, but we worked through everything. Nine Star was good to work with on this project.

William Lehr Drain, Joseph & Brooks Arm (156th Street Reconstruction) - Liston stated this work has not started.

2022 Reconstruction of the W. S. Burnau Arm of the F. M. Musselman Drain - Liston stated this work is underway. There's about 1,000 feet of pipe in the ground.

Clara Knotts Drain, Park Broadway Arm Phase 2 - Duncan stated this was the project that continues to be delayed by utilities. The Surveyor had actually asked if the Board would need to take some formal action by writing a letter to the utilities formally indicating that we really need you to move. For Carmel Water the Surveyor had asked if anyone on the Board would be able to call Mayor Brainard and ask what the status is.

Altman asked, have you talked to Jeremy Kashman on this?

Duncan stated not directly to Jeremy.

Altman stated call Jeremy because Jeremy has been bugging me about how long this is taking and he needs to know it's his own utility in the way.

Duncan stated we've been dealing directly with Carmel Water.

Altman stated no, Jeremy in Engineering and ask Jeremy whether I should call Mayor Brainard.

Duncan stated I will do that.

Altman stated Jeremy has been in my ear about why is this taking so long and I said I think it's your utility.

Duncan stated the Mayor may not know that it's their own utility. Carmel Water was really responsive at first and now the most responsive is Center Pointe Energy, Vectren. They're moving forward, but still not fast enough.

Flora Mendenhall Drain Reconstruction - Duncan stated we saw the email from Heirbrandt regarding the meeting with Ms. Baker-Leak with your times. The Surveyor and I will get back with you on a time. The Surveyor and I have talked about this a lot in terms of this project and the pending development across Ms. Baker-Leak's properties. She owns all the property on which we're doing the reconstruction project. With the pending development the Surveyor would like to know if the Board would just like to rescind this project, rescind the contract, utilize the ARPA funds for another project.

Heirbrandt stated that's what my discussion has been with the Surveyor.

Altman asked are you going to come up with a recommendation and bring it to the Board?

Heirbrandt stated yes. I put out some additional dates because it's moving forward.

Duncan stated I'll have to get with Howard or Sullivan on the steps we need to do with the contract with White Construction. I've never had to mutually terminate a contract. We'll need to figure out what language is in our standard conditions on how we do that. I expect that after this length of time White Construction would have no issues with that.

Howard stated put a few little points in there. Find the biggest, most egregious failures, we'll mention those.

Altman stated I don't think they failed. We've just been holding them back. It's not their fault.

Heirbrandt stated in regards to those ARPA funds, whatever was allocated towards that I would just as soon that you move them to the next priority you have.

Duncan stated it was over \$600,000.00 and some change.

Intracoastal at Geist Drain (Pending Asbuilts) - Liston stated these asbuilts were laid on my desk last week.

Clara Knotts Drain, Park Broadway Arm Phase 1 (Pending Asbuilts) - Duncan stated these asbuilts are in process.

Ream Creek Drain, Orchard Park Arm (Pending Asbuilts) - Duncan stated these asbuilts are in process.

Mallery-Granger Drain Reconstruction (Pending Final Report) - Liston stated this report has been written and given to the Surveyor for review.

George Symonds Drain, Two Stage Ditch Reconstruction (Pending Final Report) - Liston stated this report has been written and given to the Surveyor for review.

Budget & Permit Update:

Duncan presented the budget and permit update to the Board for their information.

Stop Work Order - Andrew Leeman:

Mr. John Ward was present for this item.

Howard stated I had an email to you on Friday about this Leeman property on Strawtown Avenue that seems to be consuming an inordinate amount of time of at least Clara's (Furst) time, my time and Commissioner Heirbrandt's time. The gentleman that's working on that is John Ward. Sometimes the most simple answer is the most correct. Mr. Ward spent a lot of time worrying about whether or not State or Federal Law required permits, but the simple one sentence requirement is the variance required them to have SWPPP (Storm Water Pollution Prevention Plan). The variance required them to have erosion control matters, they haven't done it. I prepared a memo to send to Mr. Ward for his review and basically saying you've been wasting your time and our time, you don't have a variance until you get those permits, if you don't have those permits quit bothering us. That's really where we are. There's no hardship here. The variance was granted in 2021. There's really not anything to talk about, it's do or don't do in my opinion.

Ward stated he sent this letter on Friday and Wednesday of this week we had submitted everything to the Drainage Board for review, the SWPPP and also the Drainage Board. My point of all this was and part of the reason why I had the email come five times on Friday just to get him to respond to this, they had not responded in over two weeks, the Surveyor's Office nor he had responded to this with a legitimate response. If you can't get a response out of them or the Surveyor's Office that's delaying our time to doing our job here, to get this done. We had done submitted all this. As of today, we have everything with IDEM for the State response and it's in review as of now.

Heirbrandt asked Duncan, do you know that you have that in your office?

Duncan stated I don't know how that it could be because IDEM relies on us to give our approval locally as the MS4 before they would look at that. I don't know how that could be the case.

Ward stated I can show you the email.

Duncan stated then IDEM is not following their own process. Typically, to review a Notice of Intent at the State level they rely on us because they have empowered us to manage an MS4 program to review that beforehand.

Heirbrandt asked Duncan, can you resolve this with Mr. Ward to see what he submitted and make sure everyone is on the same page?

Duncan stated yes.

Howard stated just for clarification, Mr. Ward, are we in agreement that you are required to have a SWPPP and are required to have erosion control on the site as required by the variance?

Ward stated it is required by the variance in the letter that I received today.

Howard stated very good, that's progress.

Altman stated the information I received from our staff was that we've not had communication with your engineer for a month or so. I believe the communication that was made to you is you've hired a professional, you need to have your professional direct those questions to our staff to avoid a bunch of lost time because you're not an engineer, I'm not an engineer.

Ward stated and they have and they have not responded since January 11th.

Howard stated I read the January 11th email and basically it was their consultant and I'm paraphrasing here, I haven't read it for a couple of days, telling our consultant that a SWPPP is not required by IDEM. That may be true, but a SWPPP was required as a condition of the zoning approval and until that's done you don't have approval to use that site for stacking, removing and transferring dirt.

Ward stated right and that's done been submitted, it was submitted last Wednesday for review.

Howard stated submitted.

Ward stated yes.

Howard stated not approved.

Ward stated I agree, submitted. That's why I said submitted, not approved.

Heirbrandt asked how long does it take to review that for approval or denial?

Howard stated that's the Surveyor's Office question, I don't know.

Duncan stated it's based on our workload. I can't commit to, it's in process with all the other ones that we have to review.

Heirbrandt asked if you could just give us a timeline and then we'll move on?

Ward stated and the prior one that we submitted I am identified on the application as the contact. I was never contacted and it went well beyond the 28 day rule in your book that you're supposed, the Surveyor's Office is supposed to follow. I was never even contacted.

Duncan stated this is tied to a violation, so this is not customary to submit a SWPPP and then after 28 days. This is tied to a violation.

Ward stated well it was also tied to Clara (Furst) telling us that she was not shutting us down on the site and then less than a week later she comes and shuts us down for violations. You didn't give us a chance to get that information sent into you.

Duncan stated we've already gone over this. There's been time to repeal and the notice of violation and the fact that you're in violation.

Heirbrandt stated so it has been submitted, we'll review it and Connor (Sullivan), Mike (Howard) and I will stay on it to see where it's at.

Ward stated and everyone keeps dragging us under the bus, throwing us under the bus saying, "you're in violation, you're in violation". We're not in violation now because the violation's done been done. That was almost a year ago now. We're trying to work through all this and I don't understand why everyone keeps bringing up all the past. We're trying to move forward here and try to get this done and taken care of. I'm trying to work with people, I'm not trying to argue with people. I'm trying to make sure that we're following every stent of the law as written and move forward. Would you like me to email you that thing from IDEM, so you have contact with them?

Duncan stated I don't know if I want to get involved in their permit.

Heirbrandt stated send it to Mike (Howard).

Howard stated if IDEM doesn't approve the permit, I don't know how we're supposed to go forward.

Duncan stated we can't.

Heirbrandt stated it's been submitted so we'll see whether he gets approved.

Duncan stated but still, the process is in place and what IDEM has empowered the County as the MS4 I'm kind of stunned that IDEM has even accepted your submittal. I'm kind of taken aback by that, because again, by law they've empowered us to manage a program. If people can just simply circumvent our entire program I don't know what to say about that.

Heirbrandt asked Howard, you'll follow up on that?

Howard stated I'll follow up.

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

Mark Heirbrandt - President

Lynette Mosbaugh
Executive Secretary