

MINUTES OF THE HAMILTON COUNTY DRAINAGE BOARD

February 22, 2021

The meeting was called to order Monday, February 22, 2021 at 9:00 a.m.

The members of the Board present were Mr. Steven C. Dillinger-President (Virtual), Ms. Christine Altman-Vice President and Mr. Mark Heirbrandt-Member. Also present was the Hamilton County Surveyor, Kenton C. Ward, and members of his staff: Mr. Andy Conover, Mr. Gary Duncan, Mr. Steve Cash, Mr. Sam Clark, Mr. Jerry Liston, Mr. Steve Baitz, Ms. Suzanne Mills and Mr. Brian Rayl. The Board's attorney, Mr. Michael Howard, was also present.

**Approval of Minutes of February 8, 2021:**

The minutes of February 8, 2021 were presented to the Board for approval.

Dillinger made the motion to approve the minutes of February 8, 2021, seconded by Heirbrandt and approved unanimously.

**Bid Opening - Mallery-Granger Drain Reconstruction:**

Mr. Walter Johnson was present for this item.

Howard stated the first bid packet is from 5-Star Company, Inc. with all required forms present and a bid of \$925,533.00. This appears to be all the bids on this project. Do any persons know of any other bids; none appearing I recommend the bids be referred to the Surveyor's Office for review and recommendation two weeks from today.

The Surveyor stated we're under the gun getting trees down before the April 1<sup>st</sup> deadline.

Altman asked and you didn't bid clearing separately?

The Surveyor stated no, we didn't. Duncan is going to go back, take a look at the bid and bring it back before the end of the meeting.

Howard stated or amend that suggested motion to "or at the end of this meeting" if they can be reviewed by that time.

Heirbrandt made the motion to refer the bid to the Surveyor's Office for review and recommendation at the end of this meeting, seconded by Dillinger and approved unanimously.

Altman stated I presume, Gary (Duncan), if you do have a problem, we could hold this meeting open until the start of the Commissioner's meeting and then give you a little more time if you need.

Duncan stated yes, thank you.

**Frank Huffman Drain - Cyntheanne Road Extension:**

There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"December 23, 2020

To: Hamilton County Drainage Board

Re: Frank Huffman Drain, Cyntheanne Road Extension

Attached is a drain map, drainage shed map and schedule of assessments for the extension of the Frank Huffman Drain. This proposed drain is located in White River Township.

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 drain will consist of the following:

Open Ditch 36.6 ft.

The total length of the drain will be 36.6 feet.

The extension will begin at the existing east right of way line of Cyntheanne Road and extend across to the west right of way line of Cyntheanne Road.

The area is currently assessed for the Stony Creek Drainage Area. There would be no change in the current annual maintenance collection for this extension.



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

Steven C. Dillinger  
PRESIDENT

Christine Altman  
Member

Mark Heirbrandt  
Member

ATTEST: Lynette Mosbaugh  
Executive Secretary "

**Carmel Creek Drain - Keystone Parkway Extension:**

There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"January 7, 2021

To: Hamilton County Drainage Board

Re: Carmel Creek Drain, Keystone Parkway Extension

Attached is a drain map for the extension of the Carmel Creek Drain. This proposed drain is located in Clay Township.

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 drain will consist of the following:

Open Ditch 227 ft.

The total length of the drain will be 227 feet.

The extension will begin at the existing east end of the box culvert under Keystone Parkway as per my Surveyor's Report dated June 12, 1996 and extend west to the west right of way line of Keystone Parkway.

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 recommend that the Board set a hearing for this proposal for February 22, 2021.

Sincerely,

Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/pll"

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

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February 22, 2021

Heirbrandt made the motion to approve the Surveyor's report, seconded by Dillinger 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  
**Carmel Creek Drain, Keystone Parkway Extension**

**FINDINGS AND ORDER FOR RECONSTRUCTION**

The matter of the proposed Reconstruction of the **Carmel Creek Drain, Keystone Parkway Extension** came before the Hamilton County Drainage Board for hearing **on February 22, 2021**, on the Reconstruction Report consisting of the report and the Schedule of Damages and Assessments. The Board also received and considered the written objection of an owner of certain lands affected by the proposed Reconstruction, said owner being:

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

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

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

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

Wherefore, it is ORDERED, that the proposed Reconstruction of the **Carmel Creek Drain, Keystone Parkway 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

Steven C. Dillinger  
PRESIDENT

Christine Altman  
Member

Mark Heirbrandt  
Member

ATTEST: Lynette Mosbaugh  
Executive Secretary"

**Morrow-Follett Drain, R. J. Follett Arm - Duke Energy-Carmel 69 Substation Reroute:**  
There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for their approval.

"December 30, 2020

To: Hamilton County Drainage Board

RE: Morrow-Follett Drain; RJ Follett Arm---Duke Energy-Carmel 69 Substation Re-Route

Attached is a petition and plans for the proposed reconstruction of the RJ Follett Arm of the Morrow Follett Regulated Drain. The reconstruction is being proposed by the City of Carmel. The proposal is to reconstruct the RJ Follett Drain currently located within the limits of and in the right of way surrounding the Duke Energy Substation at

Hamilton County Drainage Board  
February 22, 2021

the northwest corner of Rangeline Road and 8<sup>th</sup> Street in Carmel, Indiana. The reconstruction is occurring due to a planned expansion of the substation facilities. The reconstruction is per plans by Crossroad Engineers, having Job No. 20-SW-11 and dated 12/22/2020.

The new system consists of several lengths of 48 inch reinforced concrete pipe which will be partially in the public right-of-way and partially within the property limits of the substation. The reconstruction shall begin at Structure 10 per the plans and existing Structure 214 located at Station 53+90 per the drain's original description. The drain then runs northeast for 80 linear feet before stopping at Structure 11 per the plans then turning north-northeast, the drain runs for 67 feet and stops at Structure 12 per the plans. The drain then turns north and runs for 177 feet before ending at Structure 13 per the plans.

The reconstructed drain shall consist of the following:

48" RCP                      324 feet

The total length of the reconstructed drain will be 324 feet. The total amount of drain being removed is 288 feet. The beginning station is located in the public right of way south of the lot at Station 53+90 and the end station is located at the northeastern corner of the lot at Station 56+78 per the 1928 description of the drain. The total length of the drain will be increased by 36 feet.

The plans include Structure 10A and a 16 feet length of 12" pipe between Structure 10 and Structure 10A. This length of 12" pipe and Structure 10A are not to be considered part of the regulated drain.

The cost of the drain relocation is to be paid by the City of Carmel. The performance bond requirement is waived since this is a project by the city.

The proposed relocation falls within the current 75' statutory easement. However, Structures 11 and 12 lie very close to the east edge of the existing statutory easement. Because the Rangeline Road right of way exists at or within the easement boundary additional easement acquisition will not be required as the needed easement will fall within right of way.

I recommend the Board set a hearing for February 22, 2021.

Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/pll"

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

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

"FINDINGS AND ORDER

CONCERNING THE PARTIAL VACATION OF THE

**Morrow-Follett Drain, R.J. Follett Arm  
Duke Energy-Carmel 69 Substation Reroute**

**Station 53+90 to Station 56+78**

On this **22<sup>nd</sup> day of February, 2021**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Morrow-Follett Drain, R.J. Follett Arm, Duke Energy-Carmel 69 Substation Reroute (Station 53+90 to Station 56+78)**.

Evidence has been heard. Objections were presented and considered. The Board then adopted an order of action. The Board now finds that the costs of continued maintenance to the portion of the above drain exceed the benefits to the real estate benefited by the portion of the drain to be abandoned and issues this order vacating the above section of the **Morrow-Follett Drain, R.J. Follett Arm, Duke Energy-Carmel 69 Substation Reroute (Station 53+90 to Station 56+78)**.

HAMILTON COUNTY DRAINAGE BOARD

Steven C. Dillinger  
President

Christine Altman  
Member

Mark Heirbrandt  
Member

Attest: Lynette Mosbaugh "

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

BEFORE THE HAMILTON COUNTY  
DRAINAGE BOARD  
NOBLESVILLE, INDIANA

IN THE MATTER OF THE  
RECONSTRUCTION OF THE

**Morrow-Follett Drain, R.J. Follett Arm, Duke Energy-Carmel 69 Substation Reroute**

**FINDINGS AND ORDER FOR RECONSTRUCTION**

The matter of the proposed Reconstruction of the **Morrow-Follett Drain, R.J. Follett Arm, Duke Energy-Carmel 69 Substation Reroute** came before the Hamilton County Drainage Board for hearing **on February 22, 2021**, on the Reconstruction Report consisting of the report and the Schedule of Damages and Assessments. The Board also received and considered the written objection of an owner of certain lands affected by the proposed Reconstruction, said owner being:

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

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

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

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

Wherefore, it is ORDERED, that the proposed Reconstruction of the **Morrow-Follett Drain, R.J. Follett Arm, Duke Energy-Carmel 69 Substation Reroute** 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

Steven C. Dillinger  
PRESIDENT

Christine Altman  
Member

Mark Heirbrandt  
Member

ATTEST: Lynette Mosbaugh  
Executive Secretary "

**Little Cicero Creek Drain - U.S. 31 Extension:**

There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"January 7, 2021

To: Hamilton County Drainage Board

Re: Little Cicero Creek Drain, U.S. 31 Extension

Attached is a drain map, drainage shed map and schedule of assessments for the extension of the Little Cicero Creek Drain. This proposed drain is located in Adams/Jackson Townships.

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 drain will consist of the following:

Open Ditch 192 ft.

The total length of the drain will be 192 feet.

The extension will begin at the existing west right of way line of U.S. 31 and extend across to the east right of way line of U.S. 31.

The current rates for the Little Cicero Creek Drain are \$10.00 per acre for roads. The annual maintenance collection for this extension will be \$285.00.

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 recommend that the Board set a hearing for this proposal for February 22, 2021

Sincerely,

Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/pll"

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

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

**"FINDINGS AND ORDER**

**CONCERNING THE MAINTENANCE OF THE**

**Little Cicero Creek Drain, U.S. 31 Extension**

On this **22<sup>nd</sup> day of February, 2021**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Little Cicero Creek Drain, U.S. 31 Extension**.

Evidence has been heard. Objections were presented and considered. The Board then adopted the original/amended Schedule of Assessments. The Board now finds that the annual maintenance assessment will be less than the benefits to the landowners and issues this order declaring that this Maintenance Fund be established.

HAMILTON COUNTY DRAINAGE BOARD

Steven C. Dillinger  
President

Christine Altman  
Member

Mark Heirbrandt  
Member

Attest: Lynette Mosbaugh  
Executive Secretary"

Hamilton County Drainage Board  
February 22, 2021

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

BEFORE THE HAMILTON COUNTY  
DRAINAGE BOARD  
NOBLESVILLE, INDIANA

IN THE MATTER OF THE  
RECONSTRUCTION OF THE  
**Little Cicero Creek Drain, U.S. 31 Extension**

**FINDINGS AND ORDER FOR RECONSTRUCTION**

The matter of the proposed Reconstruction of the **Little Cicero Creek Drain, U.S. 31 Extension** came before the Hamilton County Drainage Board for hearing **on February 22, 2021**, on the Reconstruction Report consisting of the report and the Schedule of Damages and Assessments. The Board also received and considered the written objection of an owner of certain lands affected by the proposed Reconstruction, said owner being:

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

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

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

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

Wherefore, it is ORDERED, that the proposed Reconstruction of the **Little Cicero Creek Drain, U.S. 31 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

Steven C. Dillinger  
PRESIDENT

Christine Altman  
Member

Mark Heirbrandt  
Member

ATTEST: Lynette Mosbaugh  
Executive Secretary "

**Little Cicero Creek Drain - 266<sup>th</sup> Street Extension:**

There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"January 7, 2021

To: Hamilton County Drainage Board

Re: Little Cicero Creek Drain, 266<sup>th</sup> Street Extension

Attached is a drain map, drainage shed map and schedule of assessments for the extension of the Little Cicero Creek Drain. This proposed drain is located in Adams Township.

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.

Hamilton County Drainage Board  
February 22, 2021

The drain will consist of the following:

Open Ditch 60 ft.

The total length of the drain will be 60 feet.

The extension will begin at the existing north right of way line of 266<sup>th</sup> Street and extend across to the south right of way line of 266<sup>th</sup> Street.

The current rates for the Little Cicero Creek Drain are \$10.00 per acre for roads. The annual maintenance collection for this extension will be \$51.00.

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 recommend that the Board set a hearing for this proposal for February 22, 2021

Sincerely,

Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/pll"

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

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

**"FINDINGS AND ORDER**

**CONCERNING THE MAINTENANCE OF THE**

**Little Cicero Creek Drain, 266<sup>th</sup> Street Extension**

On this **22<sup>nd</sup> day of February, 2021**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Little Cicero Creek Drain, 266<sup>th</sup> Street Extension**.

Evidence has been heard. Objections were presented and considered. The Board then adopted the original/amended Schedule of Assessments. The Board now finds that the annual maintenance assessment will be less than the benefits to the landowners and issues this order declaring that this Maintenance Fund be established.

HAMILTON COUNTY DRAINAGE BOARD

Steven C. Dillinger  
President

Christine Altman  
Member

Mark Heirbrandt  
Member

Attest: Lynette Mosbaugh  
Executive Secretary"

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

BEFORE THE HAMILTON COUNTY  
DRAINAGE BOARD  
NOBLESVILLE, INDIANA

IN THE MATTER OF THE  
RECONSTRUCTION OF THE  
**Little Cicero Creek Drain, 266<sup>th</sup> Street Extension**

**FINDINGS AND ORDER FOR RECONSTRUCTION**

The matter of the proposed Reconstruction of the **Little Cicero Creek Drain, 266<sup>th</sup> Street Extension** came before the Hamilton County Drainage Board for hearing **on February 22, 2021**, on the Reconstruction Report consisting of the report and the Schedule of Damages and Assessments. The Board also received and considered the written objection of an owner of certain lands affected by the proposed Reconstruction, said owner being:

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

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

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

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

Wherefore, it is ORDERED, that the proposed Reconstruction of the **Little Cicero Creek Drain, 266<sup>th</sup> Street 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

Steven C. Dillinger  
PRESIDENT

Christine Altman  
Member

Mark Heirbrandt  
Member

ATTEST: Lynette Mosbaugh  
Executive Secretary"

**Little Cicero Creek Drain - Anthony Road Extension:**

There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"January 7, 2021

To: Hamilton County Drainage Board

Re: Little Cicero Creek Drain, Anthony Road Extension

Attached is a drain map, drainage shed map and schedule of assessments for the extension of the Little Cicero Creek Drain. This proposed drain is located in Jackson Township.

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.

Hamilton County Drainage Board  
February 22, 2021

The drain will consist of the following:

Open Ditch 37 ft.

The total length of the drain will be 37 feet.

The extension will begin at the existing west right of way line of Anthony Road and extend across to the east right of way line of Anthony Road.

The current rates for the Little Cicero Creek Drain are \$10.00 per acre for roads. The annual maintenance collection for this extension will be \$39.00.

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 recommend that the Board set a hearing for this proposal for February 22, 2021.

Sincerely,

Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/pll"

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

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

**"FINDINGS AND ORDER**

**CONCERNING THE MAINTENANCE OF THE**

**Little Cicero Creek Drain, Anthony Road Extension**

On this **22<sup>nd</sup> day of February, 2021**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Little Cicero Creek Drain, Anthony Road Extension**.

Evidence has been heard. Objections were presented and considered. The Board then adopted the original/amended Schedule of Assessments. The Board now finds that the annual maintenance assessment will be less than the benefits to the landowners and issues this order declaring that this Maintenance Fund be established.

HAMILTON COUNTY DRAINAGE BOARD

Steven C. Dillinger  
President

Christine Altman  
Member

Mark Heirbrandt  
Member

Attest: Lynette Mosbaugh  
Executive Secretary"

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

BEFORE THE HAMILTON COUNTY  
DRAINAGE BOARD  
NOBLESVILLE, INDIANA

IN THE MATTER OF THE  
RECONSTRUCTION OF THE  
**Little Cicero Creek Drain, Anthony Road Extension**

**FINDINGS AND ORDER FOR RECONSTRUCTION**

The matter of the proposed Reconstruction of the **Little Cicero Creek Drain, Anthony Road Extension** came before the Hamilton County Drainage Board for hearing **on February 22, 2021**, on the Reconstruction Report consisting of the report and the Schedule of Damages and Assessments. The Board also received and considered the written objection of an owner of certain lands affected by the proposed Reconstruction, said owner being:

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

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

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

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

Wherefore, it is ORDERED, that the proposed Reconstruction of the **Little Cicero Creek Drain, Anthony Road 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

Steven C. Dillinger  
PRESIDENT

Christine Altman  
Member

Mark Heirbrandt  
Member

ATTEST: Lynette Mosbaugh  
Executive Secretary "

**Little Cicero Creek Drain - Dunbar Road Extension:**

There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"January 7, 2021

To: Hamilton County Drainage Board

Re: Little Cicero Creek Drain, Dunbar Road Extension

Attached is a drain map, drainage shed map and schedule of assessments for the extension of the Little Cicero Creek Drain. This proposed drain is located in Adams Township.

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.

Hamilton County Drainage Board  
February 22, 2021

The drain will consist of the following:

Open Ditch 42 ft.

The total length of the drain will be 42 feet.

The extension will begin at the existing west right of way line of Dunbar Road and extend across to the east right of way line of Dunbar Road.

The current rates for the Little Cicero Creek Drain are \$10.00 per acre for roads. The annual maintenance collection for this extension will be \$30.00.

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 recommend that the Board set a hearing for this proposal for February 22, 2021.

Sincerely,

Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/pll"

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

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

**"FINDINGS AND ORDER**

**CONCERNING THE MAINTENANCE OF THE**

**Little Cicero Creek Drain, Dunbar Road Extension**

On this **22<sup>nd</sup> day of February, 2021**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Little Cicero Creek Drain, Dunbar Road Extension**.

Evidence has been heard. Objections were presented and considered. The Board then adopted the original/amended Schedule of Assessments. The Board now finds that the annual maintenance assessment will be less than the benefits to the landowners and issues this order declaring that this Maintenance Fund be established.

HAMILTON COUNTY DRAINAGE BOARD

Steven C. Dillinger  
President

Christine Altman  
Member

Mark Heirbrandt  
Member

Attest: Lynette Mosbaugh  
Executive Secretary"

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

BEFORE THE HAMILTON COUNTY  
DRAINAGE BOARD  
NOBLESVILLE, INDIANA

IN THE MATTER OF THE  
RECONSTRUCTION OF THE  
**Little Cicero Creek Drain, Dunbar Road Extension**

**FINDINGS AND ORDER FOR RECONSTRUCTION**

The matter of the proposed Reconstruction of the **Little Cicero Creek Drain, Dunbar Road Extension** came before the Hamilton County Drainage Board for hearing **on February 22, 2021**, on the Reconstruction Report consisting of the report and the Schedule of Damages and Assessments. The Board also received and considered the written objection of an owner of certain lands affected by the proposed Reconstruction, said owner being:

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

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

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

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

Wherefore, it is ORDERED, that the proposed Reconstruction of the **Little Cicero Creek Drain, Dunbar Road 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

Steven C. Dillinger  
PRESIDENT

Christine Altman  
Member

Mark Heirbrandt  
Member

ATTEST: Lynette Mosbaugh  
Executive Secretary "

**Elijah Jay Drain - 256<sup>th</sup> Street Extension:**

There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"January 8, 2021

To: Hamilton County Drainage Board

Re: Elijah Jay Drain, 256th Street Extension

Attached is a drain map, drainage shed map and schedule of assessments for the extension of the Elijah Jay Drain. This proposed drain is located in Adams Township.

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 drain will consist of the following:

Open Ditch 103 ft.

Hamilton County Drainage Board  
February 22, 2021

The total length of the drain will be 103 feet.

The extension will begin at the existing south right of way line of 256th Street and extend across to the north right of way line of 256th Street.

The current rates for the Elijah Jay Drain are \$10.00 per acre for roads. The annual maintenance collection for this extension will be \$81.00.

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 recommend that the Board set a hearing for this proposal for February 22, 2021.

Sincerely,

Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/pll"

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

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

**"FINDINGS AND ORDER**

**CONCERNING THE MAINTENANCE OF THE**

**Elijah Jay Drain, 256<sup>th</sup> Street Extension**

On this **22<sup>nd</sup> day of February, 2021**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the ***Elijah Jay Drain, 256<sup>th</sup> Street Extension.***

Evidence has been heard. Objections were presented and considered. The Board then adopted the original/amended Schedule of Assessments. The Board now finds that the annual maintenance assessment will be less than the benefits to the landowners and issues this order declaring that this Maintenance Fund be established.

HAMILTON COUNTY DRAINAGE BOARD

Steven C. Dillinger  
President

Christine Altman  
Member

Mark Heirbrandt  
Member

Attest: Lynette Mosbaugh  
Executive Secretary"

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

BEFORE THE HAMILTON COUNTY  
DRAINAGE BOARD  
NOBLESVILLE, INDIANA

IN THE MATTER OF THE  
RECONSTRUCTION OF THE  
***Elijah Jay Drain, 256<sup>th</sup> Street Extension***

**FINDINGS AND ORDER FOR RECONSTRUCTION**

The matter of the proposed Reconstruction of the ***Elijah Jay Drain, 256<sup>th</sup> Street Extension*** came before the Hamilton County Drainage Board for hearing ***on February 22, 2021***, on the Reconstruction Report consisting of the report and the Schedule of Damages and Assessments. The Board also received and considered the written objection of an owner of certain lands affected by the proposed Reconstruction, said owner being:

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

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

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

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

Wherefore, it is ORDERED, that the proposed Reconstruction of the ***Elijah Jay Drain, 256<sup>th</sup> Street 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

Steven C. Dillinger  
PRESIDENT

Christine Altman  
Member

Mark Heirbrandt  
Member

ATTEST: Lynette Mosbaugh  
Executive Secretary "

**Elijah Jay Drain - 261<sup>st</sup> Street Extension:**

There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"January 8, 2021

To: Hamilton County Drainage Board

Re: Elijah Jay Drain, 261st Street Extension

Attached is a drain map, drainage shed map and schedule of assessments for the extension of the Elijah Jay Drain. This proposed drain is located in Adams Township.

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.

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The drain will consist of the following:

Open Ditch 129 ft.

The total length of the drain will be 129 feet.

The extension will begin at the existing south right of way line of 261st Street and extend across to the north right of way line of 261st Street.

The current rates for the Elijah Jay Drain are \$10.00 per acre for roads. The annual maintenance collection for this extension will be \$72.00.

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 recommend that the Board set a hearing for this proposal for February 22, 2021.

Sincerely,

Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/pll"

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

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

**"FINDINGS AND ORDER**

**CONCERNING THE MAINTENANCE OF THE**

**Elijah Jay Drain, 261<sup>st</sup> Street Extension**

On this **22<sup>nd</sup> day of February, 2021**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Elijah Jay Drain, 261<sup>st</sup> Street Extension**.

Evidence has been heard. Objections were presented and considered. The Board then adopted the original/amended Schedule of Assessments. The Board now finds that the annual maintenance assessment will be less than the benefits to the landowners and issues this order declaring that this Maintenance Fund be established.

HAMILTON COUNTY DRAINAGE BOARD

Steven C. Dillinger  
President

Christine Altman  
Member

Mark Heirbrandt  
Member

Attest: Lynette Mosbaugh  
Executive Secretary"

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

BEFORE THE HAMILTON COUNTY  
DRAINAGE BOARD  
NOBLESVILLE, INDIANA

IN THE MATTER OF THE  
RECONSTRUCTION OF THE  
***Elijah Jay Drain, 261<sup>st</sup> Street Extension***

**FINDINGS AND ORDER FOR RECONSTRUCTION**

The matter of the proposed Reconstruction of the ***Elijah Jay Drain, 261<sup>st</sup> Street Extension*** came before the Hamilton County Drainage Board for hearing ***on February 22, 2021***, on the Reconstruction Report consisting of the report and the Schedule of Damages and Assessments. The Board also received and considered the written objection of an owner of certain lands affected by the proposed Reconstruction, said owner being:

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

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

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

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

Wherefore, it is ORDERED, that the proposed Reconstruction of the ***Elijah Jay Drain, 261<sup>st</sup> Street 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

Steven C. Dillinger  
PRESIDENT

Christine Altman  
Member

Mark Heirbrandt  
Member

ATTEST: Lynette Mosbaugh  
Executive Secretary"

**Elijah Jay Drain - 246<sup>th</sup> Street Extension:**

There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"January 8, 2021

To: Hamilton County Drainage Board

Re: Elijah Jay Drain, 246th Street Extension

Attached is a drain map, drainage shed map and schedule of assessments for the extension of the Elijah Jay Drain. This proposed drain is located in Adams Township.

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.

Hamilton County Drainage Board  
February 22, 2021



Wherefore, it is ORDERED, that the proposed Reconstruction of the **Elijah Jay Drain, 246<sup>th</sup> Street 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

Steven C. Dillinger  
PRESIDENT

Christine Altman  
Member

Mark Heirbrandt  
Member

ATTEST: Lynette Mosbaugh  
Executive Secretary "

**Anchorage Drain Erosion Study - RFQ:**

The Surveyor stated I sent a request for proposal on the Anchorage Drain. This is on the erosion we discussed at the last meeting. It's quite serious in one of the ravines in the subdivision. This was sent to Burke, Clark Dietz and V3. We did not receive any response from V3, we did receive a response from Burke and Clark Dietz. By looking through the responses Clark Dietz was \$18,200.00 and Burke was \$9,500.00. The difference between the two responses it looked like Clark Dietz had included two in person meetings with staff, an in person presentation to the Drainage Board, coordination with erosion control vendors and detailed alternatives, which Burke did not include or if it is included they did not specify or detail that out.

Heirbrandt stated I think that's going to be important on this one.

Altman asked was that included in the RFQ, those items?

The Surveyor stated it wasn't to be fair.

Heirbrandt asked can someone make a quick call and find out?

The Surveyor stated I emailed both of them Friday and I hadn't seen responses yet, but it was late in the afternoon.

Heirbrandt stated I'd like to get this thing moving.

Altman stated I think to be fair we'd have to put an RFQ for the supplemental services.

The Surveyor stated I'd like to see what they (Burke) proposed with these details.

Heirbrandt stated we can get moving on this one. This one is bad.

Howard stated suggestion, it looks like we're moving right along this morning. We might, at the end of our agenda, move to recess until about 11:45 or such time as you might choose. That gives the Surveyor time to talk to them and then we come back into session.

Heirbrandt stated that would be fine.

Altman stated I just want to be fair to everyone.

Heirbrandt stated I want to be fair, but this one is a little different. We have a tree that's about ready to fall.

Howard stated neither one of these firms are going to go broke if they lose this proposal, but we want to see what's inclusive.

Altman asked is this regulated?

Heirbrandt stated yes.

Altman stated if it's regulated why don't we take down the tree.

Heirbrandt stated the tree is very difficult to get back to and you're going to have to clear a lot to even get to that tree.

Altman stated not if you get a climber taking it down.

Heirbrandt stated I wouldn't climb it. You can walk underneath the tree.

The Surveyor stated I think it's a dead Ash Tree.

Heirbrandt stated you can walk underneath the tree from the creek. The root system is holding it up right now.

Howard stated if it's an Ash Tree they can deteriorate very, very rapidly. I've had them in my yard.

Altman stated let's see at the end of the meeting. We have two things to consider on extending the meeting and then we'll decide at that time.

The Surveyor stated we can't go wrong with either firm.

**Ream Creek Drain - Professional Services Agreement (Burke):**

The Surveyor stated this is an extension of their contract. We're so close right now. We've been bounced around with the pipeline for years and this is what they said they would agree to although we don't have the final agreement yet. We are working on easements now, but this is the additional scope in order to close things out.

Altman asked again, is this the one I emailed you about it's not on our standard contract?

The Surveyor stated no, it's the Anchorage Drain.

Altman stated we had our discussion and the discussion has to be that it goes on our contract.

Heirbrandt stated it's only approved if it's on our contract.

Altman stated all of our RFQ's should say that. If they don't then they just get knocked out because I'm tired of having this discussion over and over again.

Howard stated they can always add an appendix to add whatever additional information they want.

Heirbrandt asked Howard, have you looked at this agreement for replacement of drainage tile?

Howard stated yes, I drafted it. Are we to that agreement yet?

The Surveyor stated not yet. On the Ream Creek this is an amendment to the original contract.

Heirbrandt made the motion to approve the amendment to Burke's contract on Ream Creek in the amount of \$46,500.00 for surveys, geotechnical analysis, biological assessments, bidding and contract documents, construction observations, construction in a floodway permit application, Rule 5 permit application and additional meetings, seconded by Dillinger and approved unanimously.

**Ream Creek Drain - Easement Purchases:**

Howard stated I have reviewed these appraisals and traditionally we have two appraisals and the Council has to approve the acquisition, but that only applies to acquisitions over \$25,000.00. I've reviewed all of these appraisals and the appraiser Lonnie Miller, is one that I am very familiar with, he does a great job. The highest appraisal is still below \$7,000.00. I think we are statutorily authorized to move forward and I would recommend these acquisitions be referred to the right of way manager (Tim Knapp) for drafting of offers.

Heirbrandt made the motion to refer these appraisals to Tim Knapp, Right of Way Manager, for drafting of offers, seconded by Dillinger and approved unanimously.

**J. C. Ringer Drain Tile Reconstruction - Moore Agreement:**

Howard stated I was requested to draft this agreement. It's kind of a unique situation. The proposed person doing the work is the tenant farmer, the agreement has not been signed by the landowners. The pipe will be moved 20 feet within the easement, but still within the statutory easement. The agreement provides that this construction will not alter the location of the ditch. Photographs show a lot of erosion and the landowner is going to take care of all of that outside this agreement. We looked at his unit prices and contingencies and they were below the unit prices of our five maintenance contractors. Given that we're looking at less than \$20,000.00 we'd recommend that the agreement be approved, that because we have looked at similar work through the competitive bidding process that the competitive bidding process be waived for this project and that the contract be approved as written.

Heirbrandt made the motion to approve the agreement with Moore, seconded by Dillinger and approved unanimously.

Howard asked the Surveyor, have the Moore's seen this contract?

The Surveyor stated no, they haven't.

Howard stated I've seen their rough proposal, and this is consistent with the material elements.

**Mallery-Granger Drain Reconstruction - Signature for Findings:**

The Surveyor stated we're missing a signature on this page.

Altman stated it wasn't signed because I had a conflict on it. I'll put an abstain next to my name. Show signature as abstained.

Howard stated show SS Steve Dillinger by consent; will that work?

Heirbrandt stated Dillinger was at the meeting.

Howard stated when was it?

Heirbrandt stated he would have been at the meeting because he hasn't missed any.

Howard stated but he was there virtually.

Heirbrandt stated yes.

Howard stated SS and it has his consent on it and you type his name in.

**Weaver & Hooke Arm - Old Wayne Township Fire Station Relocation:**

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

**"To: Hamilton County Drainage Board**

**February 4, 2021**

**Re: Weaver & Hooke Drain: Old Wayne Twp. Volunteer Fire Station Relocation**

Attached are as-builts and other information for the Old Wayne Twp. Volunteer Fire Station Relocation. An inspection by Andy Conover of the drainage facilities for this section has been made and the facilities were found to be complete and acceptable. The final inspection was conducted on December 7, 2019.

During construction, changes were made to the drain, which will alter the plans submitted with my report for this drain-dated November 17, 2019. The report was approved by the Board at the hearing held November 23, 2019. (See Drainage Board Minutes Book 19, Pages 420-422)

The changes are as follows: the project installed 75 feet of 12" HDPE and set 3 24" x 24" box inlet structures. The length of the drain due to the changes described above is now **75 feet**.

The project removed 54' of existing 10" Tile between Sta. 6+60 to Sta. 7+14.

The work was conducted within the existing regulated drain easement and paid for by the petitioner, Township Board and Township Trustee of Wayne Township.

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 27, 2021**

**Re: Vermillion Drain, The Enclave at Vermillion Sec. 4**

Attached are as-built, certificate of completion & compliance, and other information for Enclave at Vermillion Section 4. 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 9, 2020. The report was approved by the Board at the hearing held December 14, 2020. (See Drainage Board Minutes Book 19, Pages 433-435)

The changes are as follows: the open ditch was piped down stream of structures 154 and 133. This was done with 24" RCP. The open ditch listed through Pond 19 was built in what will be platted as The Enclave of Vermillion Section 5 and will be reported in the final report of that section. The pipe between structure 134 to 155 was upsized to a 15" RCP. The developer did not install the proposed sump structures. The 12" RCP was shortened from 1,720 feet to 1,618 feet. The 15" RCP was lengthened from 418 feet to 540 feet. The 18" RCP was shortened from 420 feet to 421 feet. The 24" RCP was lengthened from 20 feet to 676 feet. The 6" SSD was shortened from 4,137 feet to 4,111 feet. The open ditch was shortened from 1,308 feet to 359 feet. The length of the drain due to the changes described above is now **7,815 feet**.

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February 22, 2021

The non-enforcement was approved by the Board at its meeting on December 14, 2020 and recorded under instrument #2020091426.

The following sureties were guaranteed by Standard Financial Corporation and released by the Board on its January 25, 2021 meeting.

Bond-LC No: 1369ENC4  
Amount: \$244,179.90  
For: Storm Sewers  
Issue Date: August 22, 2019

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**

**February 1, 2021**

**Re: Elwood Wilson: County Farm Arm - Field Dr. & Cumberland Rd. Roundabout and Partial Drain Vacation**

Attached are as built and other information for the Field Dr. & Cumberland Rd. Reconstruction. 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 April 16, 2019. The report was approved by the Board at the hearing held May 28, 2019. (See Drainage Board Minutes Book 18, Pages 431-433) Therefore, the length of the drain remains at **0 feet**. This project removed 220 feet of existing 12" Concrete tile.

The new structure set on the existing Elwood Wilson Drain was done in existing regulated drain easement. The project was paid for by the City of Noblesville.

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 Dillinger and approved unanimously.

**Capital Asset Notifications:**

The Surveyor presented the following Capital Asset Notifications to the Board for approval: Weaver & Hooke Arm; Springdale Estates Extension; and William Krause Drain.

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

**Set Bid Date - 2021 Vegetation Control:**

Baitz stated the Surveyor's Office requests the Board to set a date of March 22, 2021 to receive bids for the 2021 Vegetation Control Contract.

Heirbrandt made the motion to receive bids for the 2021 Vegetation Control contract on March 22, 2021, seconded by Dillinger and approved unanimously.

**Preliminary Variance Request - Thorpe Creek Drain:**

Mr. Jim Pence was present for this item.

Altman stated the information that was sent, I could not tell what was going on so let's walk this through.

Cash stated Jim Pence with Weihe Engineers is here to introduce the project for the variance preliminary introduction. This will come back for final approval at a later meeting.

Pence stated we're obtaining from DNR the ability to install a bridge over Thorpe Creek along Florida Road for this homeowner to get back to his property. The property from Florida Road all the way back to Thorpe Creek is all floodplain and floodway. We're in the process of obtaining a DNR permit and with this project we would be filling in about 750 cubic yards of floodplain and per the ordinance we would be going after a variance to provide the 3:1 compensatory storage in that same area. We've submitted plans to the County, and they've pushed it through to Banning Engineering for review. We have some

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preliminary comments back from them already. We've also submitted plans to DNR and we believe we have our approval from them. We're just looking to get this variance approved.

Heirbrandt asked the Surveyor's Office has reviewed this and are okay with this?

Howard asked let's clarify the record. Are we waiving the 3:1?

Altman stated no.

Howard stated it will be done 3:1, it would just be within the same watershed?

The Surveyor stated yes, the same property.

Pence stated it will be done on this site on the east side of the creek. The west side of the creek is totally wooded and we're trying to stay out of that.

The Surveyor stated and this is just preliminary. This will come back.

Altman stated with the compensation this wouldn't affect if we; I don't know if the county has any bridges that have to be reconstructed that we wouldn't have an issue with piers. I doubt if this is wide enough that it would need piers on a county structure anyway, would we?

The Surveyor stated this is immediately downstream of Southeastern Avenue and I believe that's a fairly new structure.

Heirbrandt made the motion to preliminarily approve the variance, seconded by Dillinger.

Altman stated having seen what I've seen on White River with Conner Prairie that you just eat up capacity. I want to make sure we don't do that with private entities.

The motion had been made and seconded to preliminarily approve the variance requested and approved unanimously.

**Duck Creek Drain - Huntzinger Property/Elevation Homes:**

Conover stated you should have in your packet a copy of the Stop Work Order for a project in Deer Walk Estates Lot No. 2 along with two violations. One violation is for fill in the floodplain and the other violation is the lack of erosion control that was on the approved plans is no longer in place. The fourth item on this is a warning citation of the debris on the road ordinance in Hamilton County due to all the mud they've tracked off of the site. Apparently, what happened is they started building this house, they had an approved plan showing the grading plan, showing where the floodplain was. I've been on the site with the contractor previously, a couple of different times and told them don't fill in the floodplain, keep your erosion control in place. We got a call from a resident out there in the Deer Walk Subdivision about the mud on the road. I went out and the builder had truck loads of dirt brought into the site, filled the site in. The fill went into the floodway, the erosion control, where it was shown on the plan, I don't know if it was in place and then covered up, but it's not there and they were tracking the mud onto the road.

Heirbrandt stated the fact is you've went above and beyond your call of duty, going out there, looking at this warning, the builder on it. I know Bart Runner is one of the neighbors and he has sent me several emails of concern. I still can't believe that the builder filled the floodplain.

Altman asked was he just plain ignoring the heed not to do it? I just want to clarify for the record, in your opinion, do you think you made it clear that the area was floodway and there was no fill to be placed in it before that happened.

Conover stated absolutely. I stood there where they put a driveway culvert in, where the floodplain was. The area of floodway on the lot determined where the driveway had to go because there was just a narrow area where there was no floodplain. I met with the builder on that to locate where the driveway was knowing he had to avoid the floodplain and another time we were out there he put a culvert pipe in and I was standing on the site and I said "whatever you do stay out of the floodplain". It's shown on the plans clearly delineated on the plans he sent to the Plan Commission and had approved. He also had grading on that. He's not following the grading plan; he's not following the erosion control and again he filled in the floodplain. This is a really strange site. They're wanting to build the equivalent of a four-bedroom house with only a two bedroom septic system because there's no more room for that. They signed an affidavit saying they're only going to use two of these bedrooms. I was on site again with the Health Department on this site because we have a regulated drain in the back and they were telling this guy at the time you cannot disturb this site where the septic is and the guy asked can I dig dirt out of there and the Health Department said no, you can't disturb this where the septic is supposed to go. I don't know when they brought all this dirt in if they messed with that area, so I notified the Health Department on that.

Altman asked those are on septic?

Heirbrandt stated yes.

Howard asked who's the zoning jurisdiction?

Conover stated Hamilton County Plan Commission. They're on board with the stop work order and said they won't allow anything else until our issues are addressed on this.

Howard stated I think we not only issue a stop work order, we have him come in for a show cause hearing why he shouldn't be substantially fined and enter a mandatory order against him.

Heirbrandt stated I agree. Conover has gone above and beyond on this one.

Howard asked is this guy a real builder or is he just doing it himself?

Conover stated he's a real builder and has new offices out in Chatham Hills now.

Altman asked is this a spec house or a custom?

Heirbrandt stated it's a custom house.

Altman stated you might want to bring the owner in because it will be a lien against his property too won't it?

Howard stated we need to send him a notice of a hearing at our next meeting, copy the Plan Commission and the Health Department so they may want to participate.

Altman stated the Health Department probably ought to go and inspect that site because if he filled where the septic is going, they've got real problems.

Conover stated I know that they told him at the time if you fill this in your done. This is the only place you can squeeze one in. Again, I don't know if they filled in there, but whoever is bringing the fill in had neglected everything else on the plan, so I don't know if they neglected this also.

Altman stated we might as well find out before much more money goes into that property because they won't be able to flush toilets.

Howard stated he'll turn it into an unbuildable lot if he hasn't already. It sounds like this is amateur hour.

Altman stated it sounds worse that's why I think all the parties need to come in because there's potential liability for the homeowner.

The Surveyor stated the homeowner has been informed.

Altman stated give them notice of the hearing so they can come take care of it.

Howard stated I think the homeowner should be here and hear what their builder is and is not doing.

Altman asked could you restate what action the Drainage Board you would advise to do?

Howard stated that we issue a notice of a hearing at your next meeting for this contractor to come in and show cause why he shouldn't be fined and a permit prohibition being entered and that he be notified of a stop work order of all site work until the conclusion of that hearing..

Altman stated I assume that notice would include the builder and the owner.

Howard stated the builder, the owner, carbon copy to the Planning Department and the Health Department. Rough that out and get it to me and let's get out here in the next 24 hours.

Heirbrandt made the motion to issue a notice of hearing at the next Drainage Board meeting for this contractor to come in and show cause why he shouldn't be fined and a permit prohibition being entered and that he be notified of a stop work order of all site work until the conclusion of that hearing, seconded by Dillinger.

Altman stated make sure you talk with Jason (LeMaster) directly from the Health Department because they're still so consumed by the vaccination.

Conover stated I've been emailing Amy Ballman at the Health Department.

The motion had been made and seconded to issue a notice of hearing at the next Drainage Board meeting for this contractor to come in and show cause why he shouldn't be fined and a permit prohibition being entered and that he be notified of a stop work order of all site work until the conclusion of that hearing and approved unanimously.

**Violation - R. J. Craig Drain:**

Liston stated the office has issued a violation notice to Heritage Meadows Homeowners Association in Fishers for the planting of trees along the George White Arm of the R. J. Craig Drain.

The Surveyor stated after being told not to.

Altman stated give us some more detail on "told not to" if you would. Were you involved Jerry?

Liston stated we believe it's the Homeowners Association. Somebody came through and cleared trees and then replanted trees. It's all on the Homeowners Association tracts, but we're waiting for a response from the Homeowners Association.

**Non-enforcements:**

Mr. Don Thompson was present for this item.

Clark presented a non-enforcement request for the Williams Creek Drain, Jackson's Grant Arm filed by Donald and Linda Thompson for parcel #17-09-34-00-13-030.000 for a fence. The property owner would like to state his case for his desired fence orientation which is a slight deviation from what our office is recommending. Thompson has a ten-foot drainage easement at his rear property line. What our office is recommending is a two-foot encroachment into the ten-foot drainage easement which would ultimately place it eight feet off of the property line. His original desire was for the fence to be located five feet into the ten-foot drainage easement. It's worth noting that there is a six-inch subsurface drain cutting into the southwest corner line and a riser being about three feet off the property line. With our recommendation it would place the fence five feet off of that six-inch subsurface drain riser. With Thompson's desire which is a five-foot encroachment into the ten-foot drainage easement that would place his fence about two feet off of the riser. There is a drainage basin behind the property as well which is about twenty feet in width. Additionally, where we would want to place the fence it would place it about twelve feet off of the porch and what Thompson wants would be about fifteen feet off of the porch.

Altman asked do we have ten feet on the other side of his lot? It's a total of twenty-foot drainage and utility easement if you combine lots?

Clark stated no, it's actually a ten-foot drainage and utility easement. It's twenty feet from his property line.

Altman stated no, I'm asking, looking at the lot that would adjoin him to the south.

The Surveyor stated its common area. It's where an open ditch is.

Altman stated okay, so that's common area. This house is under construction currently? Is that erosion control?

The Surveyor stated yes. The Schonstedt is on top of the riser and if you look at the area where the snow is, there's no flat spot to put a backhoe if we need to dig that out. Being three feet off of the property line we need to be able to have a backhoe squared up on that.

Altman stated but the common area doesn't have any drainage and utility easement marked?

The Surveyor stated yes, it is.

Altman stated so we have a total of twenty feet if you combine the two, that was my question.

Howard stated for the record, the easement on the property owner's common area, is that level?

The Surveyor stated no, it's not.

Howard stated so that's the issue.

The Surveyor stated that's the issue.

Howard stated it's not only the width, it's the topography. Also, for the record, approximately how deep is this six-inch pipe?

Clark stated traditionally they're about two feet in the ground.

Altman stated I'm just surprised they got away with a ten and ten with Carmel.

Thompson stated we're requesting a fifteen-foot fence line off of the southwest corner of the property. There's a screened in porch there. The problem we have is if we have twelve feet back it's going to seem as though we're stepping off of our porch and into a fence. The three is more esthetic than anything. The type of fence we're talking about is aluminum, 48" aluminum fence. Our purpose is that we have dogs and we would like to keep the dogs, when we let the dogs out, we'd like to have that fenced area.

Heirbrandt asked is it going to be a removable fence?

Thompson stated that's the other part I wanted to say, if there is a need to get back there with equipment and equipment can't get back there I'm willing to take that responsibility and remove the fence because it is going to be the type of fence that's fairly easy to remove. It's just a simple aluminum structure into the ground. I'll take that responsibility all day. I'm asking for this more for esthetics than anything.

Altman asked how long are your panels, eight feet?

Thompson stated I believe they are, yes.

Altman stated you're going to have two posts on either side right by that riser. That would be the best-case scenario is we've got four feet on each side of the riser to work. Is that doable?

Heirbrandt stated they'll have to remove the fence.

Altman stated the posts also. Thompson is talking about removing the panels, I'm talking about the fence posts.

The Surveyor stated if they're eight feet..

Altman stated you'll have four and four at best case scenario and we could require that spacing in that location.

The Surveyor asked Baitz, how long is the backhoe?

Baitz stated it all depends if they take a mini or a backhoe. It puts you in tight quarters by the time you stack the dirt and those type things.

The Surveyor stated if it was a backhoe, in order to square that up and put the outriggers down.

Baitz stated you're going to have to have twelve feet.

The Surveyor stated so sixteen feet to be safe.

Baitz stated yes, but obviously you can reach out with the swinging and all of that, it makes it tight.

Howard stated I guess for the property owner's association we need a little bit of property law here. When you bought that lot that easement was there.

Thompson stated correct.

Howard stated it was in your title work, knew about it and frankly saying if you need to get back there, we'll get around to moving the fence. Well, if they need to get back there, they may need to get back there if not later today, tomorrow and you're not going to be able to get it. In this market you ask for a contractor, you'd be lucky to get them next month let alone this month and that's the problem. Your builder decided or you decided, or somebody decided to put that back porch up that close to the easement. To come to this Board and I don't want to sound trite, but I've painted myself in a corner would you un-paint me from the corner. The Board has to look at not can the fence be moved, but if they need to get a contractor in there's a function of time. The contractor's clock is ticking and so in the macro when we deal with thousands and thousands of these and contractor's and time it's not a very effective use of taxpayer money or drainage assessment money because we want to be farther away from the back porch. I'm being the bad guy, but that's really the other side of the coin.

Thompson stated I don't know about easements and things like that and we actually ended up paying a premium for this lot because it was a corner lot and subsequently as our house was designed and put on that lot we found out that that which we wanted to build was not available to us because of the easements that follow along the sides and the easements that follow along the back. While my wife and I wanted to downsize we ended up downsizing even more once the build was started because we started figuring out where we can and cannot go. That's why I'm here to appeal to you with regard to the extra three feet that we originally planned for. If it's going to be a problem, I certainly respect that opinion.

Heirbrandt stated I want to help you, but then again this is a unique situation especially with the riser and given the adjacent property. Not even to be able to get a backhoe in there is even troublesome, but normally as Howard had said when something like this happens and we have to get in there you don't normally get a warning. They come in and if the fence is in the way they're tearing it all down to get to the pipe to fix the problem. With that said, I wanted to help you a little bit on this, but you need to realize and understand that if they come in there they're taking the fence down and it's at your expense if this did get approved. You may not get a notice when they come in and do it.

Altman stated you might come home, and your fence is down.

Heirbrandt stated yes, you may come home, and the fence may be down and we don't have a choice. We have to get in there and we have to fix it.

Howard stated no, we're not going to fix the fence.

Heirbrandt stated we're fixing the drainage issue, but we're not fixing the fence or any other damage that the backhoe or any other equipment do.

Altman stated this drainage easement even adding the homeowner's side is extremely small for Carmel Standards. I can't believe the builder got away with it. It must have been a PUD (Planned Unit Development).

Howard stated you hate to convict the guy who's not in the room, but your builder understood everything that's been said from both sides of the fences.

Heirbrandt stated exactly, that builder knew what was there.

Thompson stated we kind of feel the same way. What do you do now?

Heirbrandt stated I'm leaning to help you on this, but you need to agree if we need to get access to that area and that fence comes down that you accept all those damages.

Altman stated we're going to have to require that regardless on the variance. That's just part of the variance process that if we have to get in, we're not going to be responsible for the fence. What we're trying to tell you is we will work as hard as we can to get in there and not disturb the fence if we leave enough room to do that, but you're putting us in a corner where undoubtedly your fence is gone if we have to access it and I just don't think that's a good place for you to be personally. The other thing is we'd have to restrict where those posts are and you may come up with some weird length on your fence because at a minimum the posts have got to be an equal distance from that riser, which I don't think we have to do if it's just as per recommendation.

Dillinger stated I agree with everything you all are saying. It seems to me like if he is willing to wave all of his rights if we have to go in there and know if we have to tear the fence down, I don't have a problem with it.

Heirbrandt asked Thompson, are you willing to accept that?

Thompson stated I believe so, yes.

Heirbrandt stated we need a yes or a no.

Thompson stated yes. My hesitation was I'm just thinking under what sort of circumstances, knowing that swale and the twenty-foot area it's pretty wide open.

Altman stated but we can only go on twenty feet.

Thompson stated it's a grass swale right now.

Dillinger stated another thing is, as unlikely as it may be for us to have to do that we do have to do it sometimes and if we make this record you understand you are giving full permission for us to do whatever we need to do and you're taking full responsibility for the liability and damages this caused.

Altman stated and it runs with the title so if you sell the land the next guy gets this gift also. I don't know if it will affect marketability. Like you said you don't know easements, they may not know but they very well may know.

Dillinger stated we want to help you if we can, but we still have to protect the other landowners as well.

Howard stated this will be a waiver, recorded, cross referenced to your deed so when you sell that property it'll show up on schedule B of the other guys title policy. Now, he may not read it either, but that always is an issue. We want to make sure you're fully advised. You may be in a "be careful what you wish for" situation, but we want to make full disclosure to you of the effects of what happened to you it sounds like and we're doing the best we can to minimize it if the motion passes.

Thompson stated to be clear, I totally understand that's my responsibility, financially and I am willing to carry that forward formally.

Heirbrandt asked Howard, can you tell us from a motion standpoint...

Altman stated what's important to me before you formulate that is that the fence posts have to be equal distance from the riser when set. They'll be no responsibility on the Drainage Board's plate, now or in the future when we're not sitting here, if we remove the fencing material it will have to be removable panels and we won't be responsible for any animals or creatures that may be roaming around in your yard when we take the fence away. That's the other thing, we may have to come in and dogs are out and you're not at home.

Thompson stated no, we do not keep our animals outside. It's simply to let them out and bring them in.

Howard stated any and all damages direct or indirect will be the language that's in the variance and recorded.

Dillinger made the motion to grant the approval under those conditions stated, seconded by Heirbrandt.

The Surveyor stated if you're leaning towards this direction, I would also recommend then that landscaping be prohibited within that easement area.

Altman stated that would make sense, but it's still prohibited because the variance is for the fence only.

Howard stated the variance is for the fence not for trees, bushes and shrubs and all of that.

The motion was made and seconded to approve the non-enforcement request with the conditions stated and approved unanimously.

Liston presented a non-enforcement request for the Canal Place Drain, Weatherstone Arm filed by Brian and Amanda Socolofsky for parcel #13-15-12-00-02-059.000 for a retaining wall with landscaping. The Surveyor's Office recommends approval.

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

Liston presented a non-enforcement request for the Fred Hines Drain, Cranbrook Arm filed by James and Carrie Borders for parcel #10-06-33-00-13-012.000 for a fence. The Surveyor's Office recommends approval.

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

Clark presented a non-enforcement request for the Vestal/Kirkendall Drain, Crestview Arm filed by David and Jessica Willis for parcel #08-10-05-00-03-035.000 for a fence. The Surveyor's Office recommends approval.

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

Clark presented a non-enforcement request for the Williams Creek Drain, West Rail at the Station Arm filed by Jessica Jaworski for parcel #08-09-10-00-20-028.000 for a fence. The Surveyor's Office recommends approval.

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

**Surety Acceptance:**

Liston stated that at this afternoon's Commissioners meeting the Board would be accepting the following sureties: Bond No. 132177F in the amount of \$297,168.00 for Countryside Industrial Park Section 1, storm sewers and detention pond; Bond No. 132810H in the amount of \$53,382.00 for Countryside Industrial Park Section 1, erosion control.

**Surety Release:**

Liston stated that at this afternoon's Commissioners meeting the Board would be releasing the following sureties: Performance Bond No. 30060972 in the amount of \$735,885.00 for the William Krause Drain, Phase 3 Reconstruction; Payment Bond No. 30060972 in the amount of \$735,885.00 for the William Krause Drain, Phase 3 Reconstruction.

**Construction Updates:**

Ellis Barker Drain Reconstruction - Duncan stated there has not been much progress. I know Luther (Cline) has been trying to get ahold of Frontier to see when they will pull the fiber optic line through the conduit that has been installed, but as far as I know we have not heard back from them. I know our contractor, Morphey Construction, has essentially said he stands ready to finish his work.

Altman asked is this work that ought to be done while the ground is frozen, should we get it done now?

Duncan stated really since they have to repave the road it's kind of beneficial that it waits.

Altman stated okay, if it doesn't matter in terms of what we need.

Howard stated if we don't see some progress by next meeting I'm going to suggest that Steve and I send a letter and send it to the resident agent for Frontier because sending it to the local buy we've worn out the postal system sending stuff to him and he doesn't have any control.

Altman stated he doesn't have authority anyway until we go to the resident agent.

Howard stated yes, and also put them on alert that we are going to seeking our additional damages which are now in the amount of "x" and could get higher.

Duncan stated I have the final numbers from Morphey.

Howard stated okay, you and I need to get together later this week and put that together.

Clara Knotts Drain, Park Broadway Arm - Duncan stated AT&T appears to have done a project very recently that is now in the way and we are attempting to get ahold of them.

Altman stated it's just insidious.

Heirbrandt stated these utilities...

Altman stated no, it's the fiber. They have people drilling and pulling and it's just a mess.

Howard stated they subcontract everything to everybody. We canceled AT&T at our place six months ago and they still call and want to set a date. They don't care and the people that man the telephones don't know anything.

Altman stated and thank you Indiana Legislature for this mess.

Heirbrandt stated yes, it's the State Legislature that's allowing this stuff to happen.

Overman-Harvey Drain, Adios Pass Reconstruction - Duncan stated construction is continuing. The weather has kind of put a little damper on the progress.

Intracoastal at Geist Drain - Duncan stated we have a utility conflict with this project as well with Duke Energy and we're working through that.

Altman stated maybe what we ought to do is send a biweekly, every time we have this send a letter to our Legislature saying these are holdups and these are the causes. I am not kidding.

Heirbrandt stated we really should. Can you guys do that and get with the Highway Department too and let them know the delays and the costs and the money that is costing these taxpayers because of these ridiculous attempts against home rule.

Altman stated and maybe we should copy the Reporter with it.

Heirbrandt stated yes, copy all the newspapers and media with it too. I'm not kidding, I'm all for it, I'm tired of it.

Altman stated they gave them a blank check to mess around with Drainage Board repairs and taxpayers. It's not a situation where it's a true monopoly, but there's nobody else that would come in. You've got how many cable companies all throwing stuff in our right of way. It's not like we won't have it.

Burnau Arm Reconstruction (Pending Asbuilts) - Liston stated I was to meet in the field last Tuesday when we closed the offices. We're going to reschedule that site meeting. There are three things on the asbuilts that need to be addressed two of them are items that are mislabeled and the third one they just didn't pick up. I hope to see an email this morning from their survey manager and will meet with them sometime this week to finalize everything.

**Mallery Granger Drain Reconstruction - Bid Award:**

Mr. Walter Johnson was present for this item.

Duncan stated I completed a review of the bid that was submitted for the Mallery-Granger Drain. We receive one bid from Five Star Company, Inc. The bid submittal appears to be in proper form and complete. Everything that we required was included. There were no addition errors in their bid, I crosschecked all that. The bid is in the amount of \$925,533.00. As far as I know this would be the first contract with Five Star Company, Inc. They do list under experience work for INDOT, the City of Greenburg as well as Franklin County. The company has four years' experience. A signed contract was included with the bid submittal so we can sign the contract today.

Altman asked what form is the contract on?

Duncan stated it's our standard form. They do list several subs that they'll use for paving, traffic control and erosion control which is fairly common on our ditch jobs. Of note, the construction estimate for construction was \$862,405.00 and the bid does exceed that amount by \$63,128.00. If we were to award it per what's been approved through the reconstruction we would have \$66,232.75 as contingency.

Dillinger made the motion to accept the bid as submitted, seconded by Heirbrandt and approved unanimously.

Howard stated we still need to adjourn because of the consultant contract issue that the Surveyor is looking into.

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

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Steven C. Dillinger - President

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Lynette Mosbaugh  
Executive Secretary