

MINUTES OF THE HAMILTON COUNTY DRAINAGE BOARD

February 27, 2023

The meeting was called to order Monday, February 27, 2023 at 9:02 a.m.

The members of the Board present were Mr. Mark Heirbrandt-President, Mr. Steven C. Dillinger-Vice President (Virtually/Teams) and Ms. Christine Altman-Member. Also present was the Hamilton County Surveyor, Kenton C. Ward and his staff: Mr. Jerry Liston, Mr. Gary Duncan, Mr. Sam Clark, Mr. Reuben Arvin, Mr. Steve Cash, Ms. Clara Furst, Ms. Suzanne Mills, Mr. Luther Cline and Mr. Gavin Maxwell. The Board's attorney's, Mr. Michael Howard and Mr. Connor Sullivan, were also present.

**Approval of Minutes of February 13, 2023:**

The minutes of February 13, 2023 were presented to the Board for approval.

Altman made the motion to approve the minutes of February 13, 2023, seconded by Dillinger and approved unanimously.

Altman made the motion to ratify all actions taken at our last Drainage Board meeting by role call vote, seconded by Dillinger and approved.

**Guy Gilkey Drain:**

There were three objections on file. Mr. Sheldon Hermann, Ms. Keli Etchison, Mr. Brandon Etchison, Mr. Michael Fleming and Mr. Don Stevens were present for this item.

The Surveyor presented his report to the Board for approval.

"January 13, 2023

TO: Hamilton County Drainage Board

RE: Guy Gilkey Drain

Attached are drain maps, and schedule of assessments for the Guy Gilkey Drain. This drain is located in Section 8, Township 19 North, Range 5 East in White River Township. This drain is currently listed as Number 1 on the 2022 Drain Classification List for maintenance.

The Guy Gilkey Drain was petitioned to the Hamilton County Circuit Court on October 5, 1953, Cause No. 9614 and referred to the County Surveyor and Viewers on November 10, 1953. The report of the Surveyor and Viewers was filed with the court on May 8, 1954. After several continuances the hearing on the Surveyor and Viewers Reports was held on June 14, 1956. The drain was ordered to be constructed on October 24, 1956 and contract for construction approved on May 2, 1957. The original drain consists of approximately 2,475 feet of 16-inch clay tile. Beginning 300 feet south of 221<sup>st</sup> Street and running in a northerly direction replacing an existing tile drain which was then in place before terminating in the unnamed tributary to White River.

After construction no record of maintenance of the drain has been located. It was added to the 1932 drain map in pencil. It was not certified to the Auditor on June 30, 1957 which was the basis of the Classification List since 1965. This may be due to the drain possibly being under construction at the time the list was compiled. During the mapping project in 2005 the drain was researched, mapped and placed on the Classification List for the first time. On October 15, 2018 Mr. Steve Cavanaugh filed a request to place the drain on maintenance.

In May 2005 an inspection was made by the Surveyor's Office. At that time, it was found that the tile was flowing and in generally good condition; a portion of the tile south of 221<sup>st</sup> Street has been excavated out where the peat and topsoil mining operation was located; and the tile had been removed east of the Cavanaugh property north of 221<sup>st</sup> Street.

In February 2022 another inspection was made on the tile at which time the tile had several break downs with water boiling to the surface and flowing overland to the next location where it could flow back into the tile and at some point, the tile upstream of the lake located south of 221<sup>st</sup> Street created by the past peat and topsoil operation is broken down and not functioning. This was causing the water elevation of the lake to come relatively close to residential structures built around the lake.

In December 2022 the drain was reinspected for the purpose of compiling this report. At that time the water level in the lake had rescinded to below the invert of the Gilkey Drain. There were five (5) locations where holes have appeared over the tile. The old field stone head wall which was part of the original tile was found within the area east of the Cavanaugh property mentioned above where the tile had been removed. At this time, it was discovered that an additional section of tile had been removed north of 221<sup>st</sup> Street.

With the original length of the 1957 tile drain approximately 151 feet has been removed south of 221<sup>st</sup> Street as part of the peat and topsoil mining operation and the current lake is now in its place. This would be on the current parcel number 07-07-08-00-00-008.000 owned by Robert and Dawn Anglea. I believe since the 1957 tile followed an existing tile drain the length of the finished drain was off by 304 feet. The current length of drain is 2,020 feet. With the excavation by property owners of tile the current length of tile drain is 1,325 and the open ditch as measures from GIS is approximately 695 feet. The open portion of the drain is on current parcels 07-07-08-00-00-007.004 owned by Michael F. Fleming and Susan Dawson, and 07-07-08-00-00-007.000 owned by Brandon D. and Keli R. Etchison.

Work needed on the drain includes repairing areas of tile where its possibly broken down as evidenced on the holes on the surface of the ground over the tile; installation of breathers on the north side of 221<sup>st</sup> Street at the property line between Cavanaugh and Etchison, and the property line between Cavanaugh and Lehman; clearing along the drain on Fleming; reshaping and seeding of the open portion of the drain where excavated on Fleming and Etchison.

The estimated cost of this work is a follows:

Clearing	1 Ac @ \$5,000/Ac	\$5,000.00
Dredging	695 feet @ \$10.00/ft	\$ 6,950.00
Seeding	3 acres @ \$3,000/ac	\$ 9,000.00
Breathers	3 each @ \$1,000/each	\$ 3,000.00
Tile Repair	Lump Sum @ \$3,500	\$ 3,500.00
18" CMP Outlet	1 each @ \$2,500.00	\$ 2,500.00
		<u>\$29,950.00</u>
15% Contingency		\$ 4,492.50
		<u>\$34,442.50</u>

I have reviewed the drainage shed for the Guy Gilkey Drain and considered various factors for benefits and damage as set out in IC 36-9-27-112. Upon considering each parcel individually, I believe that each parcel within the drainage shed will have equal benefits as provided by the reconstruction of the drain, therefore, I recommend each tract be assessed on the same basis equally. I also believe that no damages will result to landowners by the reconstruction of this drain. The benefit of having this drain maintained by the Hamilton County Drainage Board outweighs the damages associated with the drainage easement. Therefore, damages will be set a \$0.00.

I recommend a reconstruction assessment of \$156.82 per acre with a minimum of \$500.00.

I recommend the Guy Gilkey Drain be placed on maintenance at the time as set out in IC 36-9-27-38. The nature of the work which may be required is as follows:

- A. Removal and/or prevention of brush within the drainage easement by hand, mechanical or spray methods.
- B. Re-excavating of open ditch to original grade line.
- C. Installation and/or repair of surface water structure as might be required.
- D. Bank erosion protection and/or seeding as might be required.
- E. Repair of private tile outlet ends as might be required.
- F. Repair of regulated tile outlet at drain end.
- G. Replacement of broken tile outlet ends as might be required.
- H. Cleaning and/or repair of existing catch basins as might be required.
- I. Installation of catch basins or inlets as may be required.
- J. Removal of debris and/or blockage from the existing tile drains including jetting or video work.
- K. Installation and/or repair of breather pipes.
- L. Removal of debris and/or blockage from the existing open drain.
- M. Maintain grass filter strips.
- N. Any other repairs necessary to restore the drain to its original intended condition.

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

I recommend the rates be revised to the following rates:

1. Maintenance assessment for agricultural tracts be set at \$6.00 per acres with a \$45.00 minimum.
2. Maintenance assessment for non-platted residential tracts be set at \$6.00 per acres with a \$45.00 minimum.
3. Maintenance assessments for platted lots in subdivisions whose drainage systems will not be part of the regulated drain shall be set at \$65.00 per lot/minimum. Common areas within the non-regulated drain subdivision shall be assessed at \$10.00 per acres with a \$65.00 minimum.

4. Maintenance assessment for platted lots within subdivisions whose drainage system will be part of the regulated drain shall be set at \$95.00 per lot/minimum. Common areas within the regulated drain subdivisions shall be set at \$25.00 per acres with a \$95.00 minimum.
5. Maintenance assessment for commercial, institutional and multi-family residential tracts to be set a \$35.00 per acres with a \$125.00 minimum.
6. Maintenance assessment for roads and streets be set at \$25.00 per acre.

With 185.09 acres benefits in the drainage shed the drain will collect \$2,080.20 annually. These collections will begin in 2024.

I further recommend that the period of collections be set at 8 times as allowed by IC 36-9-27-43.

I request the Board to set a hearing for this matter on February 27, 2023.

Sincerely,

Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/pl1"

The Surveyor stated there are three remonstrations before you today. The second point of the remonstrations I believe to be valid after reexamination of the drainage shed. The objections were filed by Fite, Fleming and Hermann. The objection is that there is additional drainage shed to the east that was not picked up. This, I believe, is a valid point that is in the remonstrations. Looking at the topography on Friday I believe we need to go out with boots on the ground and take a look at it on site to make sure we get it right this time. My recommendation to the Board at this point would be to go ahead and conduct the public hearing, hear the testimony and then table it and allow us to reexamine the drainage shed and possibly have modified assessments go out in the interim and have a re-hearing.

Altman stated understood, but with the records we have are you going to be able to ascertain whether the additional portion that's believed to be part of the watershed is indeed regulated? Was it included in the original petition? I would request you look at that and make sure.

The Surveyor stated we will examine those records also.

Howard stated we're going to have to have another public hearing anyway if you add people to this. This would be part of the public hearing and would be open subject to further action.

Heirbrandt opened the public hearing.

Hermann stated there's two issues to talk about here. The first one being that the Guy Gilkey Drain was modified both north and south of 221<sup>st</sup> Street by the owner of the property at that time. The area south of 221<sup>st</sup> Street was modified to construct a lake and I think that probably has the knowledge and permission of the Board to do that modification. The area north of 221<sup>st</sup> Street where the drain failed was modified by that individual and I doubt if you folks had knowledge or had given permission to do that. The modification ultimately caused the drain to be compromised and it failed. It's my thought that the individual who modified the drain might not have had all the qualifications to do so or the expertise. It's felt that this individual should bear the entire cost of the reconstruction. The maintenance costs it's pretty well understood that should be shared by all who benefit from the drain. The second issue, which was just brought up about the drainage the back part of my property when it was purchased was purchased with an easement from the person who sold me that property and that easement goes approximately 518 feet east of my property, which is about 172 yards. Then it goes approximately 320 feet through my property, which is about 105 yards or so to the west. Then that water ultimately drains into the Guy Gilkey Drain. I think that being indirect drainage, but they benefit obviously from the drain. That property should probably be included in the area for the shed.

Heirbrandt asked if anyone else cared to address the Board.

Etchison (Keli) stated the open drain is on my property. With this being open on our property and such a large area I have two young children who like to run around and play. I didn't know if there was a way to put up a temporary fencing or anything as such because it's such a huge safety concern as a mother to have this open and it has been for a year. That is my main concern right now.

Altman asked Etchison, could you clarify again, it's been open...?

Etchison (Keli) stated from what I remember it was around March of last year that it was dug up. It's a very wide area and a steep drop. At first when they first did it all the weeds and everything were knocked down, but now it's so tall I can't even see where it starts. When we walk around I say "stay away from the tile" because they could just drop in.

Altman asked the Surveyor, did we do any work on this or is this somebody else?

The Surveyor stated that was a landowner that did that work without our knowledge.

Altman stated is that what they're speaking of who's altered it?

The Surveyor stated I don't know if that's the person who altered it last March or not, but it has been altered.

Altman asked the Surveyor, have we inspected that work?

The Surveyor stated it has been inspected and it's not to our standards.

Altman asked is it a slope issue or...?

The Surveyor stated it's a slope issue and possibly gradient. We need to look at that also.

Etchison (Brandon) stated what had happened last year is the pond across the street, the tile had failed, the pond across the street was overflowing and the houses on that lake were at risk of going under water. I worked with some other people to clear the blockage of the tile. Basically, I was doing that in good faith with my neighbors. I wanted to make sure I was not the reason why their houses were at risk. Now, we've left it open because I didn't want to take on the financial responsibility of fixing this drain. Frankly, this is the second time this drain has failed since I've owned the property which was about seven years ago. That is how; it's about 200 feet by at least 20 feet wide dug out. That's how it got to the current state that it's at. The County was present as we were clearing that, and we did whatever the county suggested at the time. It needed to be closed up, I didn't want to pay the fee to close that up, so it's left in that current state.

Altman asked do you remember who was there at the County?

Liston stated it was me. We were short on people at the time, and I was asked to go out and look at that. Mr. Cavanaugh was there and also Rand Woodward. Tree roots are what caused the problem.

Altman stated okay, so the tile was internally blocked.

Liston stated it was completely plugged.

Heirbrandt asked if anyone else cared to address the Board; seeing no one Heirbrandt closed the public hearing.

Altman stated we're going to have to readvertise from what you said.

Howard stated we'll have to readvertise.

Altman asked is this area under maintenance or not?

The Surveyor stated it is not.

Altman stated so we don't have any money to fence it.

The Surveyor stated no, nor would we.

Heirbrandt stated I think with the proposed assessments it was going to be a little over \$2,000.00 per year that I think it would bring in. Is that correct?

The Surveyor stated I think that number is correct.

Altman stated when we go through this in the next two meetings to get it advertised, when would the construction start if we move forward?

The Surveyor stated I'd probably get a quote on this one from the maintenance contractors and move forward in that manner. It would probably be about 45 days before we could actually get somebody out there.

Altman stated from the decision we make.

The Surveyor stated yes, although that's going to be in our busy season too, so it could be a little longer.

Howard stated what's advertised is just maintenance, not a reconstruction, is that right?

The Surveyor stated right.

Howard stated so basically if we go out there immediately, we're going to have to borrow from GDIF (General Drain Improvement Fund) and then replace it from subsequent assessments.

The Surveyor stated correct. The assessments would not start until next year.

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

**Little Cicero Creek Drain - US 31 Extension (2023):**

There were no objections on file. Mr. Jim Neal was present for this item.

The Surveyor presented his report to the Board for approval.

"December 14, 2022

To: Hamilton County Drainage Board

Re: Little Cicero Creek Drain, U.S. 31 Extension, 2023

Attached is a petition, 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. The petition was filed by the Indiana Department of Transportation on April 8, 2022.

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 163 ft.

The total length of the drain will be 163 feet.

The extension will begin at the existing east terminus as described in my report to the Board dated January 7, 2021 and run 76 feet east to the new east right of way line of U.S. 31, also extending from the west terminus as described in the afore mentioned report and run 87 feet west to the new west 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 \$863.10.

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 27, 2023.

Sincerely,

Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/pll"

Heirbrandt opened the public hearing; seeing no one Heirbrandt closed the public hearing.

Altman stated the easements on these INDOT's are they all on State owned right of way?

Hamilton County Drainage Board  
February 27, 2023

The Surveyor stated yes.

Altman 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  
**Little Cicero Creek Drain, U.S. 31 Extension (2023)**

**FINDINGS AND ORDER FOR RECONSTRUCTION**

The matter of the proposed Reconstruction of the **Little Cicero Creek Drain, U.S. 31 Extension (2023)** came before the Hamilton County Drainage Board for hearing **on February 27, 2023**, on the Reconstruction Report consisting of the report and the Schedule of Damages and Assessments. The Board also received and considered the written objection of an owner of certain lands affected by the proposed Reconstruction, said owner being:

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

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

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

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

Wherefore, it is ORDERED, that the proposed Reconstruction of the **Little Cicero Creek Drain, U.S. 31 Extension (2023)** be and is hereby declared established.

Thereafter, the Board made inspection for the purpose of determining whether or not the lands of any owners had been erroneously included or excluded from the Schedule of Assessments. The Board finds on the basis of the reports and findings at this hearing as follows:

HAMILTON COUNTY DRAINAGE BOARD

Mark Heirbrandt  
\_\_\_\_\_  
PRESIDENT

Christine Altman  
\_\_\_\_\_  
Member

Steven C. Dillinger  
\_\_\_\_\_  
Member

ATTEST: Lynette Mosbaugh  
Executive Secretary "

**Little Cicero Creek Drain - 276<sup>th</sup> Street Extension (2023) :**  
There were no objections on file. Mr. Jim Neal was present for this item.

The Surveyor presented his report to the Board for approval.

"December 14, 2022

To: Hamilton County Drainage Board  
Re: Little Cicero Creek Drain, 276th Street Extension, 2023

Attached is a petition, 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. The petition was filed by the Indiana Department of Transportation on April 8, 2022.

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 222 ft.

The total length of the drain will be 222 feet.

The extension will begin at the existing northern point of the 2021 extension and extend 138 feet north to the new northern right of way line of 276th Street. Also, a portion of Little Cicero Creek beginning approximately 550 feet downstream of the north right of way line of 276<sup>th</sup> Street to the place the creek crosses the US 31 right of way and running 84 feet downstream to a point the creek again crosses the said right of way.

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 \$108.00.

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 27, 2023.

Sincerely,

Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/pl1"

Heirbrandt opened the public hearing; seeing no one Heirbrandt closed the public hearing.

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

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

IN THE MATTER OF THE  
RECONSTRUCTION OF THE  
***Little Cicero Creek Drain, 276<sup>th</sup> Street Extension (2023)***

**FINDINGS AND ORDER FOR RECONSTRUCTION**

The matter of the proposed Reconstruction of the ***Little Cicero Creek Drain, 276<sup>th</sup> Street Extension (2023)*** came before the Hamilton County Drainage Board for hearing ***on February 27, 2023***, on the Reconstruction Report consisting of the report and the Schedule of Damages and Assessments. The Board also received and considered the written objection of an owner of certain lands affected by the proposed Reconstruction, said owner being:

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

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

Hamilton County Drainage Board  
February 27, 2023

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, 276<sup>th</sup> Street Extension (2023)** be and is hereby declared established.

Thereafter, the Board made inspection for the purpose of determining whether or not the lands of any owners had been erroneously included or excluded from the Schedule of Assessments. The Board finds on the basis of the reports and findings at this hearing as follows:

HAMILTON COUNTY DRAINAGE BOARD

Mark Heirbrandt  
PRESIDENT

Christine Altman  
Member

Steven C. Dillinger  
Member

ATTEST: Lynette Mosbaugh  
Executive Secretary "

**Raymond Briles Drain - US 31 Arm:**

There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"January 6, 2023

To: Hamilton County Drainage Board

Re: Raymond Briles Drain, US 31 Arm

Attached is a petition, plans and other information for the proposed reconstruction of the Raymond Briles Drain, US 31 Arm, located at US 31 and 226<sup>th</sup> Street. The reconstruction was petitioned by the Indiana Department of Transportation. During the road reconstruction, the original 1959 Raymond Briles Drain will have a new arm installed. Those changes are as follows.

The project will construct a new arm that will parallel along the north side of 226<sup>th</sup> Street. The new arm will start approximately at Sta. 0+74 with Str. 110 constructed on the existing 6" tile. The new arm will end approximately at Sta. 25+50 with Str. 120 on the existing 10" tile. There will be ten new manhole structures on the new arm. These are numbered on the plans as Structure 110 to 118 and Structure 120. These are shown on Sheets 21 thru 24 of the US 31 and 226<sup>th</sup> Street construction plans having a Project Number 1900097, Contract Number B-42397, and dated 04/01/2022.

The total new length of the new closed drain shall be approximately 1,902 ft.

New arm shall be located entirely within the new right of way purchased by the State of Indiana for the US 31 and 226<sup>th</sup> Street improvements.

The project will construct one new lateral to the new Raymond Briles US 31 Arm. Lateral One will connect to Str. 110, approximately at Sta. 0+74, consisting of inlet Str. 109 with 123 ft of 15" pipe running from the south right of way of 226<sup>th</sup> Street to the north right of way of 226<sup>th</sup> Street. This is shown on Sheet 21.

The total new length of the new lateral shall be approximately 123 ft.

Str.'s 119 and 121 with 128 ft of 15" pipe and inlets will replace approximately 130 ft of the existing 1959 Raymond Briles Drain, approximately at Sta. 24+20 to Sta. 25+50, and will connect to Str. 120 at Sta. 25+50. This is shown on Sheet 24.

This will be a decrease of approximately 2 ft.

The cost of the new drain arm will be paid by the Indiana Department of Transportation.



I recommend the Board set a hearing for this proposed arm for February 27, 2023.

Sincerely,

Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/pll"

Heirbrandt opened the public hearing; seeing no one present Dillinger closed the public hearing.

Altman 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  
**Raymond Briles Drain, US 31 Arm**

**FINDINGS AND ORDER FOR RECONSTRUCTION**

The matter of the proposed Reconstruction of the **Raymond Briles Drain, US 31 Arm** came before the Hamilton County Drainage Board for hearing **on February 27, 2023**, on the Reconstruction Report consisting of the report and the Schedule of Damages and Assessments. The Board also received and considered the written objection of an owner of certain lands affected by the proposed Reconstruction, said owner being:

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

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

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

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

Wherefore, it is ORDERED, that the proposed Reconstruction of the **Raymond Briles Drain, US 31 Arm** be and is hereby declared established.

Thereafter, the Board made inspection for the purpose of determining whether or not the lands of any owners had been erroneously included or excluded from the Schedule of Assessments. The Board finds on the basis of the reports and findings at this hearing as follows:

HAMILTON COUNTY DRAINAGE BOARD

Mark Heirbrandt  
PRESIDENT

Christine Altman  
Member

Steven C. Dillinger  
Member

ATTEST: Lynette Mosbaugh  
Executive Secretary "

**William Baker Drain & William Baker Drain Extension - US 31 & 236<sup>th</sup> Street Reconstruction:**  
There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

January 13, 2023

To: Hamilton County Drainage Board

Re: William Baker Drain and William Baker Drain Extension  
U.S. 31 and 236<sup>th</sup> Street Reconstruction  
INDOT - Greenfield District

Included is a petition, plans, and other information for the proposed reconstruction of the William Baker Drain and the William Baker Drain Extension, for the U.S. 31 and 236<sup>th</sup> Street reconstruction. The reconstruction was petitioned by the Indiana Department of Transportation and filed April 8, 2022. During the road reconstruction, the William Baker Drain and the William Baker Drain Extension was affected, and those changes are as follows.

William Baker Drain

The project will reconstruct and realign a portion of the William Baker Drain. The reconstruction and realignment will remove approximately 455 feet of the existing 24" closed drain and realign/reconstruct to the west, between 50 to 90 ft, from Sta. 71+90 to Sta. 78+90 while creating 743 feet of open drain. This is shown on Sheet 70, 78 & 137 of the U.S. 31 and 236<sup>th</sup> Street construction plans having a project number 1702149, contract number R-41346, and dated 5/26/2021.

The total length of the new open drain shall be approximately 743 feet. This will result in an increase in length of approximately 43 feet.

The project will construct a new 64 linear feet arched Structure (502) over the William Baker Drain at Sta. 78+90, for the new local access road over the open drain. This structure is in the confluence of the regulated drain, at grade, however the structure will be the responsibility of INDOT to maintain. This is shown on Sheet 77 of the U.S. 31 construction plans.

The project will construct a new 198 linear feet arched Structure (503) over the William Baker Drain at Sta. 90+35 to Sta. 92+33 to support a new interchange ramp over the open drain. This is shown on Sheet 63 of the U.S. 31 and 236<sup>th</sup> Street construction plans.

The project will construct a new 11 linear feet extended box structure (504A) to an existing structure over the William Baker Drain at Sta. 94+13 as a safety feature. This is shown on Sheet 77 of the U.S. 31 construction plans. The project will construct a new 11 linear feet extended box structure (504B) to an existing structure over the William Baker Drain at Sta. 95+58 as a safety feature. These structures are in the confluence of the regulated drain, at grade, however the structures will be the responsibility of INDOT to maintain. This is shown on Sheet 77 of the U.S. 31 construction plans.

The easement for this drain shall remain the existing statutory 75 feet from the centerline of the tile or the top of bank of the open ditch, as per IC 36-9-27-33. This will not change or add easements to any parcels since the drains will be located within right of way owned by the State of Indiana.

William Baker Drain & William Baker Drain Extension

The project will reconstruct and realign a portion of the original William Baker Drain from Sta. 95+69 to Sta. 98+68. This is shown on sheet 63 of the U.S. 31 construction plans.

The project will reconstruct and realign a portion of the William Baker 2010 extension from Sta. 00+00 to Sta. 03+49. This is shown on Sheet 63 of the U.S. 31 construction plans.

The project will construct a new 134 linear feet arched Structure (505) over the William Baker Drain Extension at sta. 00+88 to Sta. 02+22 to support a new interchange ramp over the open drain. This structure is in the confluence of the regulated drain, at grade, however the structure will be the responsibility of INDOT to maintain. This is shown on Sheet 63 of the U.S. 31 and 236<sup>th</sup> Street construction plans.

The total length of the new open drain shall be approximately 1,154.50ft. This will result in an increase of approximately 506.50 feet.

The easement for the two drains shall remain the existing statutory 75 feet from the centerline of the tile or the top of bank of the open ditch, as per IC 36-9-27-33. This will not change or add easements to any parcels since the drains will be located within right of way owned by the State of Indiana.

Project Summary

Since the petitioner is the Indiana Department of Transportation and is being performed under the public bid process, no surety bond is required for the drain realignment, relocation, and reconstruction work.

The cost of the reconstruction is to be paid by the Indiana Department of Transportation.

I recommend the Drainage Board set a hearing for this petition for February 27, 2023.

Sincerely,

Kenton C. Ward, CFM  
Hamilton County Surveyor"

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

Altman 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  
**William Baker Drain and William Baker Drain Extension, U.S. 31 and 236<sup>th</sup> Street  
Reconstruction**

**FINDINGS AND ORDER FOR RECONSTRUCTION**

The matter of the proposed Reconstruction of the **William Baker Drain and William Baker Drain Extension, U.S. 31 and 236<sup>th</sup> Street Reconstruction** came before the Hamilton County Drainage Board for hearing **on February 27, 2023**, on the Reconstruction Report consisting of the report and the Schedule of Damages and Assessments. The Board also received and considered the written objection of an owner of certain lands affected by the proposed Reconstruction, said owner being:

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

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

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

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

Wherefore, it is ORDERED, that the proposed Reconstruction of the **William Baker Drain and William Baker Drain Extension, U.S. 31 and 236<sup>th</sup> Street Reconstruction** be and is hereby declared established.

Thereafter, the Board made inspection for the purpose of determining whether or not the lands of any owners had been erroneously included or excluded from the Schedule of Assessments. The Board finds on the basis of the reports and findings at this hearing as follows:

HAMILTON COUNTY DRAINAGE BOARD

Mark Heirbrandt  
\_\_\_\_\_  
PRESIDENT

Christine Altman  
\_\_\_\_\_  
Member

Steven C. Dillinger  
\_\_\_\_\_  
Member

ATTEST: Lynette Mosbaugh  
Executive Secretary "

**Jonas Rogers Drain - J. M. Gustin Arm Reconstruction:**

There were neither landowner present nor objections on file.

The Surveyor presented his report to the Board for approval.

"January 27, 2023

TO: Hamilton County Drainage Board

RE: Jonas Rogers Drain. J.M. Gustin Arm, Reconstruction

Attached is a schedule of assessments, petition and plans for the reconstruction of the J.M. Gustin Arm of the Jonas Rogers Drain. The petition was filed on April 30, 2021.

The proposed reconstruction will replace the existing 437 feet of 6-inch clay tile with a new 18 -inch perforated and non-perforated tile and RCP from its outlet into the Jonas Rogers Open Ditch north to the north side of 296<sup>th</sup> Street.

The cost of the reconstruction is as follows:

Line Item	Item Description	Quantity	Unit	Unit Cost	Total Cost
H-1	18" RCP with Granular Backfill	LF	36	\$149.57	\$5,384.52
H-2	3'x3' Precast Inlet with Casting [Structure 602]	EA	1	\$4,524.45	\$4,524.45
H-3	Pavement Removal and Repair	SYS	25	\$265.25	\$6,631.25
H-4	Maintenance of Traffic	LS	1	\$4,075.00	\$4,075.00
T-1	48" Diameter Manhole with Casting [Structure 601]	EA	1	\$4,625.31	\$4,625.31
T-2	Existing Tile Connections	LS	1	\$3,225.75	\$3,225.75
BB-1	Clearing	LS	1	\$12,681.63	\$12,681.63
BB-2	18" Non-Perforated HDPE	LF	209	\$50.11	\$10,472.99
BB-3	18" Perforated HDPE	LF	165	\$54.69	\$9,023.85
BB-4	24" CMP with Animal Guard [Regulated Drain Outlet]	LF	20	\$176.86	\$3,537.20
BB-7	6" CMP Breather	EA	1	\$2,080.81	\$2,080.81
BB-8	Revetment Rip Rap with Geotextile	TON	62	\$97.59	\$6,050.58
BB-9	Construction Entrance	EA	1	\$3,746.24	\$3,746.24
BB-10	Seeding with fertilizer and straw mulch	SF	8,265	\$.027	\$2,231.55
BB-11	Silt Fence	LF	60	\$17.30	\$1,038.00
Total Base Bid					\$79,329.13
15% Contingency					\$11,899.37
Total					\$91,228.50

The above cost for the work is derived from the low bid of Indiana Earthworks, LLC which was received and opened by the Board on January 9, 2023. The plans for the proposed reconstruction have been prepared in house by the Hamilton County Surveyor's Office staff and are dated September 14, 2022. Construction staking, inspection and as-built drawings will also be performed by Surveyor's Office staff.

I recommend that the cost of the new system under 296<sup>th</sup> Street be paid by Tipton County as per IC 36-9-27-71. This cost shall consist of the 18" RCP with backfill and pavement removal and repair totaling \$12,015.77. The remainder of the cost, \$79,212.73, shall be taken from the Duck Creek maintenance fund as allowed under IC 36-9-27-45.5 which the Jonas Rogers Drain is a part of. Currently this fund collects \$114,939.06 annually and has a current balance of \$212,788.03.

I recommend this reconstruction be set for hearing on February 27, 2023.

Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/pll"

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

Altman made the motion to approve the Surveyor's report, seconded by Dillinger.

Altman asked is there a limit as to how much we can pay out of maintenance? It seems like we were limited by Statute.

The Surveyor stated 75%.

Altman asked so does the contribution by Tipton act as that local share?

The Surveyor stated that portion is included in that total.

Altman stated if we're limited by 75% then how do we pay for it all out of maintenance without infusion of funds. That's why I'm asking is the Tipton comprised in the 25%?

Heirbrandt stated they agreed to pay their portion that's just north of that.

Howard asked is their money part of the 75%?

Altman stated 25%.

Howard asked is it the 25% or the 75%?

Altman stated we're at 100 so it's not comprising..

The Surveyor stated Tipton County's cost for the County Highway would be \$12,015.77 for that portion under 296<sup>th</sup> Street.

Altman stated but when you do the math your total cost is how much; \$91,000.00 plus contingency? Multiply that by 25% and that's what we have to pay outside of maintenance.

Heirbrandt asked does that meet our 75%?

Altman stated it doesn't.

Howard asked, Tipton's putting in how much?

Altman stated they're only putting in \$12,000.00. Anyway around it we're going to have to come up with \$25,000.00 plus.

The Surveyor stated we have \$212,000.00 in maintenance.

Altman stated I know and that's a really good number, but if law says we can only take 75% of the cost of reconstruction out of maintenance where's the other 25% coming from?

The Surveyor stated okay, out of that \$91,000.00 Tipton is paying \$12,000.00 so that reduces it to \$79,000.00.

Howard asked is this a shared fund?

The Surveyor stated yes.

Howard stated and all of the money in it, some's from Tipton and some's from us, but it's all maintenance collections out of a joint fund.

The Surveyor stated correct.

Howard stated so I think Commissioner Altman's position..

Altman stated it's not a position, I just want to make sure we're in compliance with State Law.

Howard stated since it's a mixed fund as maintenance we can only have 75% total out of maintenance. Who put it in doesn't make any difference.

The Surveyor stated 75% would be \$150,000.00.

Altman stated no, take the total cost times 25% and that's the part we can't take out of maintenance.

Duncan stated is it 25% of the fund or 25% of the project?

The Surveyor stated we can pay 75% of the maintenance balance onto a project.

Altman asked is it the balance of the fund or is it the project?

The Surveyor stated it's the balance of the fund.

Altman stated okay, good, then we have plenty in there.

The motion had been made and seconded to approve the Surveyor's report 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  
**Jonas Rogers Drain, J. M. Gustin Arm Reconstruction**

**FINDINGS AND ORDER FOR RECONSTRUCTION**

The matter of the proposed Reconstruction of the **Jonas Rogers Drain, J. M. Gustin Arm Reconstruction** came before the Hamilton County Drainage Board for hearing **on February 27, 2023**, on the Reconstruction Report consisting of the report and the Schedule of Damages and Assessments. The Board also received and considered the written objection of an owner of certain lands affected by the proposed Reconstruction, said owner being:

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

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

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

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

Wherefore, it is ORDERED, that the proposed Reconstruction of the **Jonas Rogers Drain, J. M. Gustin Arm Reconstruction** be and is hereby declared established.

Thereafter, the Board made inspection for the purpose of determining whether or not the lands of any owners had been erroneously included or excluded from the Schedule of Assessments. The Board finds on the basis of the reports and findings at this hearing as follows:

HAMILTON COUNTY DRAINAGE BOARD

Mark Heirbrandt  
PRESIDENT

Christine Altman  
Member

Steven C. Dillinger  
Member

ATTEST: Lynette Mosbaugh  
Executive Secretary "

**John Roe Drain - US 31 & 276<sup>th</sup> Street Reconstruction:**

There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"January 20, 2023

TO: Hamilton County Drainage Board

RE: John Roe Drain  
U.S. 31 and 276<sup>th</sup> Street Reconstruction  
INDOT - Greenfield District

Included are a petition, plans, and other information for the proposed vacated drain of the John Roe Drain, for the U.S. 31 and 276<sup>th</sup> Street Reconstruction. The reconstruction was petitioned by the Indiana Department of Transportation being filed April 8, 2022. The work is shown on the plans titled Indiana Department of Transportation Route: US-31 from: RP 141+ 0.74 to RP 142 + 0.55, Project No. 1901797 P.E., 190797 R/W, 1901797 Construction by CMT Engineering dated June 2, 2022. During the road reconstruction, the John Roe Drain will be affected, and those changes are as follows.

The original John Roe Drain was installed in 1929 and was reconstructed in 2012-2013 as the Reynolds Farm Equipment Relocation. The road improvement project will require the vacation of a portion of the original John Roe Drain. The vacation request will remove 450 linear feet of 14" tile from Sta. 18+60 to Sta. 23+10. Along with this the installation of 58 feet of 36x54 elliptical reinforced concrete pipe along with manhole will be added to the Reynolds Relocation to accommodate the reconfigured entrance for Reynolds Farm Equipment. This is shown on sheet 55 and 91 of the above-mentioned U.S. 31 and 276<sup>th</sup> Street construction plans.

The total reduction in length shall be 392 feet.

Since the petitioner is the Indiana Department of Transportation and is being performed under the public bid process, no surety bond is required for the tile to be vacated.

The cost of the reconstruction is to be paid by the Indiana Department of Transportation.

I recommend the Drainage Board set a hearing for this item for February 27, 2023.

Sincerely,

Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/pll"

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

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

"FINDINGS AND ORDER

CONCERNING THE PARTIAL VACATION OF THE

**John Roe Drain, U.S. 31 and 276<sup>th</sup> Street Reconstruction**

**Station 18+60 to Station 23+10**

On this **27<sup>th</sup> day of February, 2023**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **John Roe Drain (Station 18+60 to Station 23+10)**.

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 **John Roe Drain (Station 18+60 to Station 23+10)**.

HAMILTON COUNTY DRAINAGE BOARD

Mark Heirbrandt  
\_\_\_\_\_  
President

Christine Altman  
\_\_\_\_\_  
Member

Steven C. Dillinger  
\_\_\_\_\_  
Member

Attest: Lynette Mosbaugh "

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

IN THE MATTER OF THE  
RECONSTRUCTION OF THE  
**John Roe Drain, U.S. 31 and 276<sup>th</sup> Street Reconstruction**

**FINDINGS AND ORDER FOR RECONSTRUCTION**

The matter of the proposed Reconstruction of the **John Roe Drain, U.S. 31 and 276<sup>th</sup> Street Reconstruction** came before the Hamilton County Drainage Board for hearing **on February 27, 2023**, on the Reconstruction Report consisting of the report and the Schedule of Damages and Assessments. The Board also received and considered the written objection of an owner of certain lands affected by the proposed Reconstruction, said owner being:

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

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

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

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

Wherefore, it is ORDERED, that the proposed Reconstruction of the **John Roe Drain, U.S. 31 and 276<sup>th</sup> Street Reconstruction** be and is hereby declared established.

Thereafter, the Board made inspection for the purpose of determining whether or not the lands of any owners had been erroneously included or excluded from the Schedule of Assessments. The Board finds on the basis of the reports and findings at this hearing as follows:

HAMILTON COUNTY DRAINAGE BOARD

Mark Heirbrandt  
\_\_\_\_\_  
PRESIDENT

Christine Altman  
\_\_\_\_\_  
Member

Steven C. Dillinger  
\_\_\_\_\_  
Member

ATTEST: Lynette Mosbaugh  
Executive Secretary "



**Ream Creek Drain, Orchard Park Arm - Certificate of Assessment for Reconstruction:**

The Surveyor presented the certificate of assessments for construction on the Ream Creek Drain, Orchard Park Arm that's being wrapped up at this point in time. This is for collections starting in May this year in the amount of \$164,832.86.

Altman made the motion to approve the Certificate of Assessment for Reconstruction on the Ream Creek Drain, Orchard Park Arm in the amount of \$164,832.86, seconded by Dillinger and approved unanimously.

**Mary Wilson Drain - Habig Violation:**

The Surveyor stated this item came to our attention through our consultant who's doing the engineering on the Mary Wilson Drain Reconstruction. This is across the Habig property. As you may remember a portion of that drain is regulated, the open ditch going through Habig. The landowner has made repairs to the drain without our knowledge. Our consultant had already surveyed that section and we need to survey it again plus all that stone has to come out. I doubt if they put that at the two-foot depth that we were hoping to get through there. It's truly a violation, but I'm holding off on that until further discussion with the landowner.

**Final Reports:**

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

**"To: Hamilton County Drainage Board**

**February 17, 2023**

**Re: Cool Creek Drain: Clark and Inman Drain- Belle Crest Reconstruction**

Attached are as-built, certificate of completion & compliance, and other information for Belle Crest 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, changes were made to the drain, which will alter the plans submitted with my report for this drain-dated February 13, 2022. The report was approved by the Board at the hearing held June 27, 2022. (See Drainage Board Minutes Book 20, Pages 452-454)

The changes are as follows: the 36" RCP was shortened from 478 feet to 435 feet. The open drain was lengthened from 455 feet to 460 feet. The length of the drain due to the changes described above is now **895 feet**.

The non-enforcement was approved by the Board at its meeting on June 27, 2022 and recorded under instrument #2022058399. The following sureties were guaranteed by Forum Credit Union and released by the Board on its January 23, 2023 meeting.

Bond-LC No: 802856409  
Amount: \$86,826.00  
For: Storm Sewers  
Issue Date: January 25, 2022

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.

**Capital Asset Notifications:**

The Surveyor presented the following Capital Asset Notifications to the Board for approval: Cool Creek Drainage Area, Clark & Inman Arm; Williams Creek Drainage Area, Vernon Asher Arm, Meridian Highlands & Meridian Meadows; Williams Creek Drainage Area, Meridian Suburban Arm, US 31 Reconstruction; Williams Creek Drainage Area, Meridian Suburban Arm, 2002 Reconstruction.

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

**Big Cicero Creek Joint Drainage Board Meeting:**

The Surveyor presented the minutes of the Big Cicero Creek Joint Drainage Board of January 25, 2023, to the Board for their information. He asked if there were any questions.

There were no questions.

**Citizens Energy Group - Service Advisory Board:**

The Surveyor presented the minutes of the Service Advisory Board of January 17, 2023 to the Board for their information. He asked if there were any questions.

There were no questions.

**Appointment of Special Member:**

Howard stated in the past you've had two special members in case there's either a conflict or a member is absent. We've used Jerry Rulon and Steve Holt. Steve Holt called the Surveyor's Office and indicated that he would like not to be appointed to that position. We went ahead and prepared a petition and order because the actual order has to be approved by the Circuit Court Judge. We've received that order for Jerry (Rulon), but I look to the Board for an additional appointment to give us some more flexibility. You may want to confer and suggest that appointment at your next meeting. If you have one today we can file it with the court and get an order back by the end of the week.

Heirbrandt stated I don't know that we have anyone in mind at this time so we will discuss and come up with somebody at the next meeting.

**Preliminary Variance - Krause & Klepfer Drain, Hamilton Southeastern Bus Lot Expansion:**

Ms. Karen Collins was present for this item.

Cash presented his report to the Board for preliminary approval.

"Re: Krause & Klepfer Drain - Variance Preliminary Introduction

February 16, 2023

To: Hamilton County Drainage Board

Project Name: Hamilton Southeastern Schools Bus Lot Expansion

Petitioner: Hamilton Southeastern Schools

Summary:

A&F Engineering requests to present their proposal for site grading and installing flood plain compensatory storage as part of Hamilton Southeastern Schools Bus Lot Expansion project. This proposal will require the approval of a variance from Ordinance No. 09-26-16A for fill in the floodplain of Krause & Klepfer Drain. The project site is located on the west side of Cumberland Road, north of 131<sup>st</sup> street in the City of Fishers. The plans are being designed by A&F Engineering.

The engineering design for the flood plain compensatory storage area will be reviewed by Burke which is the Drainage Board's engineering consultant for the Krause & Klepfer Drain watershed. Following successful review, a Burke review memorandum will become part of the report submitted to the Board as part of the variance packet.

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

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

Steven T. Cash  
Plan Reviewer"

Collins stated we're working on behalf of the Hamilton Southeastern Schools on their bus lot expansion project. The existing bus lot is located at 13337 Cumberland Road in Fishers. The Krause & Klepfer Regulated Drain is on the southern boundary of the property. We're requesting a variance to fill in the floodplain to expand the bus parking lot for the schools. This project includes design of compensatory storage to comply with the 3:1 mitigation ratio. This morning we're seeking preliminary concurrence from the Board to move forward.

Altman stated I presume you don't want your buses to float away.

Collins stated no.

Altman asked did staff discuss with you the need for the schools to maintain that area to ensure capacity in the future?

Collins stated yes.

Altman made the motion to give preliminary approval for the fill in the floodplain for the Hamilton Southeastern School Bus Lot Expansion, seconded by Dillinger and approved unanimously.

**Variance Request - William Lehr Drain, Booth Zeis Arm, Hamilton Southeastern Utilities:**  
Cash presented the report to the Board for approval.

**"Staff Report**

February 22, 2023

To: Hamilton County Drainage Board

Re: William Lehr Drain, Booth Zeis Arm (2004 Ext)  
Variance - Sanitary Sewer DV-2022-00029

Attached is a Variance Application for Hamilton Southeastern Utilities requesting approval of variance from the following ordinance in connection with the installation of a new sanitary sewer located on the west side of Boden Road, approximately 280 feet south of State Road 38:

- Ordinance No. 3-25-02-A

Summary:

The Variance Application request is for the separation distance between the new sanitary sewer and the William Lehr Drain, Booth Zeis Arm open drain.

The Hamilton County Surveyor's Office Standard Plan C-4 requires 10 feet of separation between a sanitary sewer and the existing flowline of the drain. The submitted plan indicates that the proposed separation will be seven feet from the bottom of the existing open drain and the crown of the sewer. The sanitary sewer will be required to be encased in concrete at the area of crossing.

Additional Information:

The separation requirements for pipeline and utility installation under open drains is depicted in Hamilton County Surveyor's Office Standard Plan Detail C-4.

The plans have been designed by Wessler Engineering Project No. 238221-04-001 dated January 20, 2023. The crossing can be found on Sheet 04 of said plans.

Given that this variance is a crossing variance and will not require a 3<sup>rd</sup> party review, preliminary approval of the variance is not required and final approval can be allowed at this time.

Staff Recommendations:

If this variance is approved by the drainage board, the surveyor has recommended that as a condition of approval the following items be met:

1. The utility is to be encased in concrete if open cut is used.
2. Site inspection approval by Surveyor's Office before backfilling.
3. 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.  
Sincerely,



Andrew D. Conover"

Altman asked is this a force main or gravity flow?

Cash stated I believe this is gravity flow.

Altman asked do we know for sure?

Cash stated yes, it is gravity flow.

Altman asked there is no lift station in the area?

Cash stated there is none.

Altman asked is this preliminary request or is this an actual variance request?

Cash stated this is an actual variance.

Altman made the motion to approve the variance request by Hamilton Southeastern Utilities, seconded by Dillinger and approved unanimously.

**Non-enforcements:**

Furst presented a non-enforcement request for the Williams Creek Drain, Crosswind Commons Arm filed by Bradley and Amanda Force for parcel #08-09-10-00-02-016.000 for a fence. The Surveyor's Office recommends approval.

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

Furst presented a non-enforcement request for the Williams Creek Drain, West Rail at the Station Arm filed by Lori and Nick Migliore for parcel #08-09-10-00-22-006.000 for a fence. The Surveyor's Office recommends approval.

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

Furst presented a non-enforcement request for the Vermillion Drain, Woods at Vermillion Arm filed by Iqball Siddique for parcel #13-16-08-00-07-014.000 for a pool and deck. The Surveyor's Office recommends approval.

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

Clark presented a non-enforcement request for the Long Branch Drain, Woods at Shelborne Arm filed by Anthony and Kayla Lazzara for parcel #17-09-32-00-08-019.000 for a deck. The Surveyor's Office recommends approval.

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

Clark presented a non-enforcement request for the Williams Creek Drain, John Osborn Arm filed by AES Indiana for parcel #17-13-09-00-00-001.000 for a power pole. The Surveyor's Office recommends approval.

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

Clark presented a non-enforcement request for the Fitch & Jessup Drain filed by Christopher and Kathleen Betelak for parcel #17-13-09-00-00-025.000 for an outdoor riding arena and fence. The Surveyor's Office recommends approval.

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

**Construction Updates:**

Elwood Wilson Drain, E. M. Hare Arm Reconstruction - Liston stated at the last meeting you were informed that we had a conflict with the water main at Home Depot with our proposed reconstruction work of an existing box culvert. We met with Home Depot along with Noblesville Fire a week ago Friday and we shared what needed to be done. There will have to be a lot of coordination there with that relocation. That work also has to be approved by the Corporate Office in Atlanta, Georgia. What we learned in that meeting was we thought we could do that work at night, but there is a team of associate stockers that work from 9:00 p.m. until morning stocking the store. We're working through that with Home Depot. We've hit sand on the Harger property. We're working through that to see what it will take to stabilize that new open ditch. The contractor has been able to jump around and keep moving with the project by putting structures in. We're slowing running out of places where we can move him around.

Altman asked what's the fix with the sand?

Duncan stated we have a price for rip rap, which is what we customarily do. It is tough to get right now. Normally we do rip rap, but because of the availability; just even two years ago I was estimating \$30.00 to \$50.00 per ton for rip rap, but it's closer to \$130.00 per ton.

Altman asked aren't they excavating on River Road?

The Surveyor stated a lot of times the rip rap and the stone is already sold. The contractor's are going out and buying it ahead of time, having it stockpiled. We had one project in Cicero on maintenance that I had to get with IMI and said that's for us, and they released it.

Altman stated it sounds like we ought to be talking to the stone quarries and putting some holds on it.

Howard stated they're working, I think, 24 hours a day on SR 38.

Duncan stated we're considering other options as well. There's some erosion control products that; it's customary for us to use rip rap, but we may need to go another way on this to stabilize the sand just because of the cost. Roughly, just for gross numbers, there's probably 3,000 feet of ditch that is in the sand and that could be over \$1,000,000.00 for rip rap. We're looking to find potentially another solution at a much reduced cost. One of the main things when we do rip rap we have to excavate beyond the limits of the face of the open ditch so we're hoping these other products we won't have to do that, they're just applied to the face of the open ditch. I spoke with Morphey, who's the contractor on the project, on Friday and they're talking with D2 who is a supplier of erosion control products and they're going to price up some of those erosion mats so we can compare. We have to control those costs.

Canal Place Drain, Strongbow Gate Arm - Liston stated that storm installation has been completed. We need to get our contractor, which is Agricon, to go back and do the finish grading, which will happen within a couple of weeks.

William Lehr Drain, Joseph & Brooks Arm (156<sup>th</sup> Street Reconstruction) - Liston stated this work has not begun yet.

2022 Reconstruction of the W. S. Burnau Arm of the F. M. Musselman Drain - Liston stated this work is progressing and we're probably over half way done in terms of the pipe installation.

The Surveyor stated I would add on the Joseph & Brooks Arm that the reason the contractor has not started yet, he's waiting for the structure to be delivered for 156<sup>th</sup> Street. It's still being manufactured.

Clara Knotts Drain, Park Broadway Arm Phase 2 - Liston stated we're still working with utilities that are in the way.

Flora Mendenhall Drain Reconstruction - Duncan stated we met last Tuesday with Ms. Baker-Leak about her pending development on the acreage that she controls, which the drain project itself is completely on that property. At that meeting we informed her that we're moving towards not doing the reconstruction project and allocating the ARPA funds to another project and that it would be the responsibility of the development to do any reconstruction. It seemed generally well received, but they had requested a separate meeting with the Surveyor's Office to go over some of the drainage requirements which we will have when they let us know their availability. I'm still trying to reach out to White Construction to discuss terminating the contract. They're so covered up we can't find the time to talk to each other. I'll keep trying to discuss the project with them.

Intracoastal at Geist Drain (Pending Asbuilts) - Liston stated I believe the asbuilts have been completed.

Duncan stated we have the resubmittal from Clark Dietz.

Clara Knotts Drain, Park Broadway Arm Phase 1 (Pending Asbuilts) - Cline stated Banning is working on those asbuilts.

Ream Creek Drain, Orchard Park Arm (Pending Asbuilts) - Cline stated Burke is in the process of getting those asbuilts.

Mallery-Granger Drain Reconstruction (Pending Final Report) - Liston stated the report is written and revisions made and back to the Surveyor.

George Symonds Drain, Two Stage Ditch Reconstruction (Pending Final Report) - Liston stated the report is written and revisions made and back to the Surveyor.

**Wright Private Drain Petition - Findings:**

Howard stated we did finally get finding of fact. If you remember we had an obstruction issue out on Shelborne Road. The petitioner's attorney sent findings of fact, they weren't very helpful and I'm about halfway to getting those done. I'll have them at your next meeting.

**Stop Work Order - Andrew Leeman:**

Mr. John Ward was present for this item.

Howard stated I sent you a memo on Thursday. Essentially, what's happening there is the representative of the property owner, he's not the property owner, continues to complain that they don't have to follow certain rules and regulations so we provided a memo on Thursday, we attached the commitments that Mr. Leeman, the landowner, made to provide a SWPPP (Stormwater Pollution Prevention Plan) and if he's going to be removing material from the floodway to have a permit from the State. The landowners representative, I don't know why he's here today, I thought it was pretty clear and unambiguous. Clara (Furst) received the first petition in October and turned it around within the required 28 days. There was another submission that went in on February 9, 2023 and her goal is to have that turned around within the 30-day period and return that to the consultant. That's where we are, but the zoning approval occurred in February of 2022, the requirements of the landowner for those two specific permits were clear and unambiguous and here we are a year later and we're on our second submission of something that's very complex and we've had various arguments whether the landowner can do their own SWPPP and our rules say "no, it has to be prepared by a Surveyor or an Engineer" or at least signed

off on by a Surveyor or Engineer and finally we got the first submission in October and I don't know what else we can do.

Heirbrandt stated so it's moving forward.

Howard stated it is moving forward, but the fact that it didn't move until October I believe was not any fault of the Surveyor's Office and the first time they got something in proper format was October. They turned that around and I attached it to the memo. There's about three pages and Clara did a good job of saying what was adequate, what was inadequate in each one and it was returned to the consultant. So, that's where we are.

**Springmill Crossing Drain - Damaged Tile by Spectrum:**

The Surveyor stated this item can come off of pending items. Spectrum finally paid that. Their contractor, who we're holding up permits on paid it so he could go on with work. The amount was \$15,000.00+.

Liston stated the County Highway actually helped us with that one. We asked them to hold a permit that came in for a new area out in Wayne Township.

**Jonas Rogers Drain, J. M. Gustin Arm Reconstruction - Award Bid:**

The Surveyor stated Indiana Earthworks LLC was the low bidder. They are new, but I did contact references. I had one bad comment and that was because he was late on getting them invoices, but the work was excellent in all cases. One guy didn't want us to use them because they wanted exclusive. I talked to Mr. Fisher, owner of the company, and I would recommend we award the project to Indiana Earthworks.

Altman made the motion to award the J. M. Gustin Arm Reconstruction of the Jonas Rogers Drain to Indiana Earthworks LLC in the amount of \$79,329.13, seconded Dillinger and approved unanimously.

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

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Mark Heirbrandt - President

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Lynette Mosbaugh  
Executive Secretary