

MINUTES OF THE HAMILTON COUNTY DRAINAGE BOARD

March 8, 2021

The meeting was called to order Monday, March 8, 2021 at 12:00 p.m.

The members of the Board present were Mr. Steven C. Dillinger-President, 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, Mr. Reuben Arvin, and Mr. Luther Cline. The Board's attorney, Mr. Michael Howard, was also present.

**Approval of Minutes of February 22, 2021:**

The minutes of February 22, 2021 were presented to the Board for approval.

Altman made the motion to approve the minutes of February 22, 2021, seconded by Heirbrandt and approved unanimously.

**Duck Creek Drain, Deer Walk Estates Arm - Huntzinger Violation:**

Mr. Ron Novitski and Pam Huntzinger were present for this item.

Conover stated this hearing is for a violation issued by the Hamilton County Surveyor's Office for Lot 2 in Deer Walk Subdivision. I have a power point presentation to familiarize everyone with the plan review process, the site and what's relative to the point where we are currently with the project. The approved site plan submitted to the Hamilton County Plan Commission and as part of their approval process they shared with our office. I highlighted on the map just the items that our office looks at. The first one is the 100-year floodplain as mapped by the Hamilton County GIS that was available on our website. I had worked with a previous perspective property owner on this. They were concerned because of the floodplain and they would have to put their driveway through the floodplain and do mitigation of the fill in the floodplain. That perspective buyer had contacted the Indiana Department of Natural Resources, Division of Water and received a floodplain analysis and regulatory assessment which determined the floodplain on this lot. It's 784 feet, which is also shown on the plan. On July 28, 2020 I met with Amy Ballman with the Hamilton County Health Department, Austin Williams who's the septic installer and Ron Novitski, the builder. We met on site to determine the set back for the proposed septic system off of the regulated drain. The Surveyor stated he would allow within fifteen feet from the top of bank on that. I told the builder he would have to get a non-enforcement submitted for the placement of that septic system and I sent him the non-enforcement form for that. While we were on site I shared the information that I had from the previous perspective buyer that lowered that flood elevation to 784 and explained to him that the 784 we'd have approximately 25- 28 feet between the floodplain and the north property line to put the driveway in without encroaching on the floodplain. On July 31<sup>st</sup> I sent the non-enforcement permit to the builder and on August 11, 2020 I received the site plan for Lot 2. The next item I looked at for this site was the grading plan. I also look at our regulated drain that runs on the east and south side of this property. The next item on the approved site plan they showed having silt fence installed. The location on the approved site plan showed the silt fence being outside the regulated drain, it showed it being outside the proposed grading and outside of the floodplain. On February 10<sup>th</sup> I received a call from somebody in that area that said there was mud on the road, and they thought they were filling in wetlands on the property. I told them there weren't any wetlands on the property, but there was floodplain. I went out to the site; the contractor was just leaving the site at this time. There was mud on the road, there was no erosion control, there was mud down in the floodplain. I asked the contractor for his contact information and he said I'd have to contact the builder and wouldn't give that to me. The conversation we had kind of escalated, it wasn't good. I left the site, came back and called the builder and told him the issue we thought we were looking at here, that there was no erosion control on site and there was fill in the floodplain. I originally told the contractor I would meet him on the 12<sup>th</sup>, he wanted me to go over what needed to be done. I called him and told him we're at the point where we're well past being able to stand on the site and point this and this that needs to be taken care of. We have a plethora of issues that need to be taken care of. Then we got into the snow situation. On the 17<sup>th</sup> of February we had put a Stop Work Order sign outside of the construction entrance and when I got there the Stop Work Order sign had been run over. There was no erosion control on site. There had been stone put down on the drive but didn't comply with what is normally used on a construction entrance. Every time I had spoken with the builder, I kept telling him it's important at this point right now to get erosion control on the site. I went back on the 3<sup>rd</sup> of March and the sign is run over again outside the construction entrance.

Altman stated I guess that was a statement.

Conover stated at the construction entrance they were driving outside of any protection that they're supposed to have on a construction site as far as covering the ground with large No. 2 stone. On the 3<sup>rd</sup> the west side of their ditch is all disturbed with no erosion control on that. There has been some erosion control silt fence placed on the west side of their property. On the south side of the property there is fill with no erosion control. They've reached up into the creek over the bank, the regulated drain, the water's backed up from what's been shoved in there. Again, no erosion control on the site. Here's the silt fence put along the west side of the property through the middle of the fill rather than at the toe of the slope which is the way it's supposed to be

installed. There's sediment coming down off the site into that natural surface water course towards where the floodplain is. It appears fill has been placed over an outlet of maybe a sump pump or something and it's cycling every minute or so cutting into the fill. The silt fence is being overtopped by the flow coming through there. From the approved site plan the area is part of the floodplain. I went back Friday and saw the same issues with water coming out of the sump pump overtopping the silt fence. There's a large amount of sediment built up from the site. There are photographs of the site, I gave the Board the copy of the violation, the Stop Work Order, fill in the floodplain, debris in the road and the erosion control.

Dillinger asked what action do we need to take here?

Howard asked is anyone here representing the property owner?

Novitski stated tell me what I need to do.

Altman asked Novitski, come to the microphone and state your name and address?

Novitski stated I'm here to listen to you guys, so you tell me what I need to do, and I'll get it done.

Howard stated we're used to dealing with contractors who understand erosion control, not filling in the floodplain, all kinds of things. If you don't know about that then you probably need to find somebody that does.

Novitski stated I'm not here to be yelled at, I'm here to do my job. I might have a problem; I'm taking care of it. I've tried to meet with Andy (Conover), he couldn't meet with me. I tried twice. It's better for me to be on site so we all know on the same day what we need to get done and get it done. If I knew I was in violation I wouldn't have done it. Why would I do it? Why do I want my job shut down and put harm to my homeowner? I wouldn't do it. I feel like I'm being picked on a little bit on this subdivision. I don't know why. Every time I move, I get a phone call from the neighbor's, the john is facing the wrong way. Everybody's built a house, everybody knows what happens when you build houses, it's not a perfect scenario and if I get a phone call, I'm on it that day, I'm taking care of it. Andy can attest to that. Anytime he's called me I have gotten back with him. Anytime I'm supposed to meet with him I have met with him. So, I'm not here to fight you guys, I'm here to get the job done so we can get moving. That's all I have to say. We did go out and get the site plan done so everything has been recalculated and my guys telling me I'm only 100-square feet out of what we gave you. It's not like I've created a monster here. I was there that day, we could have moved dirt, we could have done everything, and they said "no, we're going to shut you down and go through the review Board's" and all that stuff. I said that's fine, I'll do what you guys want to do. I'm here to listen to you guys. I want to get the job done; I want to get moving forward.

Dillinger asked what about the pictures of showing the signs being ran over and things like that?

Novitski stated, oh, come on!

Dillinger stated no, come on, what?!

Novitski stated I'm sure other people coming in. Nobody's doing that maliciously.

Altman stated it said, "stop work". So, if you have people coming in...

Novitski stated I was told that I needed to get a driveway in there. That's all we've been doing. We put stone in there. Those trucks are big going in and out. Nobody's running over your signs just to run it over. We're not kids.

Altman stated it said, "stop work". Were you directed by...?

Novitski stated I put a silt fence up so I shouldn't have done that either?! I'm done! I can't win! You guys go ahead and tell me what to do because you tell me to do a silt fence; okay, I get a stop work order. So, I should have done the silt fence. I did that. I'm trying to be in compliance with you guys and then you're going to yell at me because I tried to do something.

Howard stated nobody's trying to yell at you. We're trying to figure out how; that looks like a nice house. If you've been in the building business...

Novitski stated for over 40 years so it's not the first time at this rodeo.

Howard stated we have lots of contractors that do lots of work and they bring in a contractor to do erosion control and filling in the regulated drain, all of these; there's about six things that Andy's brought up.

Novitski stated and that's why I wanted to meet Andy out there, so I knew exactly where he wanted it. There was no discretion between it. I'm trying to do my job. I don't see why that's unrealistic.

Altman stated quite honestly, I'm offended by your attitude.

Novitski that's fine.

Altman stated you're not doing your client a hell of a lot of good. To be honest with you right now I see a site plan that's pretty clear. That site plan should have been staked before anybody did anything on this property. The erosion control fence should have been up there before you moved a shovel full of dirt with a piece of equipment. None of that happened. So, for you to come in and tell us "you tell me what to do" is ridiculous to be honest with you. I'd like to hear from the homeowner to figure out what's going to be done to correct the mess we have and move forward.

Huntzinger stated that's what I'm here today to figure out.

Heirbrandt stated I've been on this Board for a little over eight years now and I've never seen anything like this in over eight years and we have a lot of homebuilders that come before us. They all know what to do in regard to erosion control. I've never seen anything like this. I've never seen anything like this be completely disregarded in regard to erosion control, ever. I don't even know what to say looking at these pictures and how it's all been documented.

Howard stated to Huntzinger, traditionally a builder has a subcontractor that comes in, stakes the property, shows where the floodplain is, shows where the regulated drain is and puts up erosion control fences. It is not the job of the Surveyor's Office to go out there and manage that. It is the job of the builder or their subcontractor to get this site in the condition that was represented in the lines that you saw up there. Obviously, that hasn't happened. I don't know whose problem it is, but it's not this Board's problem or the Surveyor's Office to go out there and manage the erosion control and the site development work. Sophisticated, site development people know how to do this, and we've only got several hundred of them in this county operating almost everyday and obviously, none of them are working on your property. It's no simpler nor complex than that.

Huntzinger stated this is the first time I've ever built. We certainly are wanting to be in compliance. To get someone out there, I'm not opposed to that. I want to work with you as well. It wasn't intentional.

Howard asked do we have contractor's that we would recommend?

The Surveyor asked do you want them to pull the fill back out of where it's not supposed to be and then put the erosion control in properly?

Howard stated they need to fix what is broken and it looks like about everything on this site is broken.

The Surveyor stated there are several things that are incorrect.

Conover stated on the violation I laid out specifically what we were looking for on each violation for the erosion control. I put on there since the approved plan differs significantly from the earth work that's been done on the site, the new site plan that would fix the proposed grading would be required to be submitted to the Hamilton County Surveyor's Office for review and approval. A new stormwater pollution prevention plan, SWPPP, would need to be submitted to the office for review and approval. The new SWPPP will address the site specifically and will need to address the construction entrance to reduce the amount of mud being tracked off the site. It will address the protection of the floodplain on the property and protection of the Hamilton County Regulated Drain on the parcel. Another thing we requested, we get this from IDEM, we just actually went over this the other day is we want to request where this fill was coming from to make sure that site has an approved SWPPP and whether the dirt being hauled off site is part of the guidelines. As far as the fill in the floodplain, what we request is that the floodplain on site is restored back to the original condition to the elevation shown on the approved site plan. The restored area of the floodplain we will require a topographic survey to prove it was put back to the preconstruction conditions and stamped by a registered land surveyor or a professional engineer.

Altman asked what about the sump? We've got an immediate problem with the sump that's out of control.

Conover stated that sump needs to be hooked up and discharged on the downstream side of the silt fence; my suggestion on that would be to pick that up and put it where it's not picking up all that silt and fill and overtopping the silt fence.

Altman stated I don't know how we can put erosion control since everything's been disturbed already. Hopefully we can fix it. Is there area on the site where they could mitigate the fill? I'm afraid we're going to make it worse.

Conover stated they're very tight where the septic system is, we've got the regulated drain on the south side and fill has been brought in there. I'm more concerned with the erosion control. Normally that's placed at the toe of the slope so if we get rain or whatever that bare, loose soil isn't washed into the creek like you've seen in the photographs.

Dillinger asked the Surveyor, what's the fix here?

The Surveyor stated the fill needs to be taken out or put up around the house or something outside of the regulated drain, off it's bank, outside of the floodplain area, the proper erosion control needs to be placed. As Altman mentioned, the sump needs to at least have a temporary pipe going out to the proper outlet. Where Andy shows the fill already in it, that material needs to be taken out of the ditch and the flow restored. A proper construction entrance with proper sized stone needs to be placed and if the contractor's can't hit the driveway the stone needs to be widened at the road in order to make sure the mud and so forth doesn't get tracked on the road.

Dillinger asked how do you want to go about implementing this?

Howard stated I'd suggest about the only thing you can do is issue a total Stop Work Order until someone, obviously not whoever's been working here before, but someone who understands site development, meets with the Surveyor's Office and goes out there and do it. To take Joe's Backhoe Service out there and start trying to manage them, that's not our job.

The Surveyor stated the contractor would not be the contractor that was on site that Andy tried to speak to and was chased back to his truck.

Howard stated yes, I assume that's not this gentleman, it was whoever the site guy was?

The Surveyor stated the grading contractor. If that's what the Board would like to entertain, we'll try to find a grading contractor that knows how to do it right.

Howard stated I think you suggest those to the homeowner.

Altman stated the homeowner's got to contract this. Do we have the authority to put it back in place with a lien against the property?

Conover stated that may be in the erosion control ordinance.

Altman stated I think we ought to offer her an option. Either you get the site development plans and everything corrected for approval with a list of approved contractors that we would approve. You do the work, or we'll do the work for you at your cost.

Howard stated and that cost will involve a lien against the property which will be superior to his lien and the bank. The bank will be very unhappy with that. You need to try to find a contractor that knows what they're doing with site work.

Huntzinger stated I can get a contractor to work on the site work, that's fine. If it needs to be approved how do I...?

Conover stated just have them come up with a site plan, what they plan on doing, how they're going to mitigate the situation out there and then be approved to move forward. That's all we're looking for here, is get an approvable site plan that addresses what's going on out there right now.

Huntzinger stated sure, I can do that.

Altman stated somehow, we've got to get the site back to where it's functional and it's not interfering with everybody else down the line. I'd prefer, it'll be cheaper to you, I think if you do this, but after this experience we want to approve your contractors, we want to make sure you have your plans in place.

Howard stated the contractor has to be someone that is an experienced site development person. It can't be Joe's Backhoe Service.

The Surveyor stated under the Statute it has to be a trained individual.

Dillinger asked does someone want to make a motion to that effect?

Altman made the motion to allow the homeowner five (5) days to decide whether she would like the Drainage Board to correct the violation and restore back to where we need to be or you would like to go through the list that will be provided and is in the record of items to be corrected with your list of proposed contractors to get the work done. So that's your choice, either we do it or you do it, but if you take that on it's going to have to be the list that Andy has gone through on the record and immediate fix to that sump pump that's pumping siltation into our drain and a list of contractors that we can say "yes, these are good" or no we don't like that, seconded by Heirbrandt.

Dillinger asked Huntzinger, do you understand?

Altman stated we're not trying to be difficult or evil or anything else, but this really is egregious.

Huntzinger stated I'm trying to work with you.

Heirbrandt stated we understand, we're not used to seeing this.

Howard asked does your motion also include a Stop Work Order until we have the site plan and it's approved?

Altman stated yes it does.

Huntzinger asked why the Stop Work Order inside the house?

Altman asked how are they going to get to the house?

Howard stated they're violating the code driving trucks up on the site.

Altman stated it's disturbing everything.

The motion had been made and seconded to allow the homeowner five (5) days to decide whether she would like the Drainage Board to correct the violation and restore back to where we need to be or you would like to go through the list that will be provided and is in the record of items to be corrected with your list of proposed contractors to get the work done. So that's your choice, either we do it or you do it, but if you take that on it's going to have to be the list that Andy has gone through on the record and immediate fix to that sump pump that's pumping siltation into our drain and a list of contractors that we can say "yes, these are good" or no we don't like that as well as a Stop Work Order and approved unanimously.

Altman asked you didn't have a problem with the plans V3 drew, did you? I don't mind giving her some direction. She can go back to V3.

The Surveyor stated V3 knows what they're doing.

Altman stated if you choose to do it yourself and your choice you can go back to the original guy that drew up these plans that we thought were okay to do those revisions and the site plans for corrections.

Novitski stated that's already been done.

**Anchorage Drain - Erosion Control Study RFQ:**

The Surveyor stated we got back everything so it's apples and apples. Burke came in at \$11,900.00 and Clark Dietz came in at \$18,200.00. I'd recommend Burke to the Board.

Heirbrandt made the motion to approve Christopher Burke Engineering for the Erosion Control Study on the Anchorage Drain at \$11,900.00, seconded by Altman and approved unanimously.

Altman asked and that includes the extra stuff?

The Surveyor stated yes, I gave them a listing of what was needed, and they complied to that.

**Clara Knotts Drain - CDBG Funding:**

Ms. Aimee Jacobsen was present for this item.

Howard stated this is an agreement between the Drainage Board as the government entity and the County as the Grantee of the funds. I went over those over the weekend, I've talked to Aimee and the only thing I had some concern about was the project was supposed to be complete by June and the money was supposed to be spent in August. I said I think we've had a lot of problems out there with utilities and we need to make sure we have realistic dates in there.

The Surveyor stated Aimee and Gary (Duncan) talked about that and October 1, 2021 was what was changed.

Howard asked for completion?

The Surveyor stated yes.

Howard stated and then 45 days for payment?

Jacobsen stated October 31<sup>st</sup> for the payment. Gary thought that was fine.

Heirbrandt made the motion to approve the agreement for the Community Development Block Grant (CDBG) for the Clara Knotts Drain in the amount of \$628,574.36, seconded by Altman and approved unanimously.

**Mary Wilson Drain - Resolution Concerning Purchase of Real Estate:**

The Surveyor stated this is on the Habig property for the Mary Wilson Drain. This is on the Council's agenda for April.

**Professional Services Agreement - White River Alliance:**

The Surveyor stated this needs approval by the Board. This is the agreement for 2021 on the educational portion for the MS4 requirements in the amount of \$7,000.00 which is the same as last year.

Heirbrandt made the motion to approve the professional Services Agreement with the White River Alliance for the MS4 educational requirements in the amount of \$7,000.00, seconded by Altman and approved unanimously.

**Mary Nagle Drain - Frontier Bill:**

The Surveyor stated Frontier put one of their lines into the Mary Nagle Drain, we caught it, we sent out a work order, we turned around after it was repaired by our contractor, billed them for the cost and they paid it.

**Mary Wilson Drain - Petition:**

The Surveyor stated we received a petition from the City of Westfield for that work.

Heirbrandt made the motion to accept the petition, seconded by Altman and approved unanimously.

**Drain Classification List:**

The Surveyor presented the 2021 Drain Classification List to the Board for approval.

"March 4, 2021

To: Hamilton County Drainage Board

Re: Drain Classification

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

A. DRAINS IN NEED OF RECONSTRUCTION	ACRES	PETITIONED
1. Emily Vestal Drain	6,797.82 ac	
2. Jesse DeVaney Drain (Taylor Creek)	3,425.99 ac	January 4, 2000,
3. E. Clark & S.J. Compton Drain	4,369.70 ac	
4. Wheeler & Beals Drain (Cool Creek)	4,108.00 ac	
5. Clark & Inman Drain	440.00 ac	April 18, 2011
6. William Baker Drain	2,114 ac	February 13, 2013
7. Marion Blanton Drain	1,227.59 ac	October 1, 2013
8. Flora Mendenhall Drain		
9. Wilson-Nagle Drain		December 17, 2014
10. Taylor & Jessup		March 4, 2016
11. Clara Knotts Drain (103 <sup>rd</sup> , Park, Ruckle, Broadway, 102 <sup>nd</sup> , Central & New Jersey)		June 23, 2017
12. Vermillion Drain		December 12, 2017
13. Hortonville Drain		June 11, 2018
14. C.B. Jones Drain		June 12, 2019
15. Beaver & Brooks Drain		February 24, 2021
16. Mary Wilson		March 1, 2021

B. DRAINS IN NEED OF MAINTENANCE

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

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

C. DRAINS IN NEED OF VACATION

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

PETITIONS FOR NEW DRAINS

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

<u>Name</u>	<u>Date Petition Filed</u>	<u>Township</u>
1. South Arm, Mallery-Granger Drain 5/22/2000)	February 13, 1995	Noblesville (tabled
2. Hortonville Arm, Henry Plew Drain	June 5, 2002	Washington
3. Ream Creek (Orchard Park Subdivision)	January 5, 2011	Clay
4. Barnette Arm, Harriett Sheward Drain	March 8, 2011	White River
5. Raymond Briles	August 5, 2011	Jackson
6. Summer Lakes	October 15, 2013	Clay

**DRAIN MAPPING PROJECT:**

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

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

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

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

**REGULATED DRAIN EXTENTIONS:**

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

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

Delaware Township

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

Fall Creek Township

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

Wayne Township

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

Noblesville Township

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

Jackson Township

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

White River Township

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

Adams Township

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

Washington Township

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

Clay Township

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

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

**DRAINAGE SHEDS:**

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

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

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

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

Revis-Carson Drain #83	Prairie Creek Drain #279	Highland Springs Drain #165
J.R.McKinzie Drain #146	George Beam Drain #322	Lynnwood Hills Drain #152
Intercoastal at Geist Drain #334		Beaver & Brooks Drain #233
Benton Hinesley Drain #41	Bellewood Drain #348	George Symonds Drain #323
Ream Creek Drain #338	Carmel Creek #277	Henry Gunn #82

**IC 36-9-27-43**

**OMMISSION OF ANNUAL ASSESSMENT:**

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

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

**IC 36-9-27-45.5**

**EXCESS DRAINAGE MAINTENANCE FUND BALANCE; TRANSFER OF FUNDS:**

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

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

**ASSESSMENT INCREASES:**

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

1. Maintenance assessment for roads and streets set at \$10.00 per acre.
2. Maintenance assessment for agricultural tracts set at a minimum of \$2.00 per acre with a \$15.00 minimum per tract.
3. Maintenance assessment for non-platted residential tracts be set at a minimum of \$2.00 per acre with a \$15.00 minimum per tract.
4. Maintenance assessment for commercial, institutional and multi-family residential tracts be set at a minimum of \$10.00 per acre with a \$75.00 minimum per tract.
5. Maintenance assessment for platted lots in subdivisions whose drainage systems will not be part of the regulated drain (those systems maintained by a city or town) set at \$35.00 per lot/minimum. Common areas within non-regulated drain subdivisions shall be assessed at \$5.00 per acre with a \$35.00 minimum per tract.
6. Maintenance assessment for platted lots within subdivisions whose drainage system will be part of the regulated drain shall be set at a minimum of \$65.00 per lot/minimum. Common areas within the regulated drain subdivision shall be set at a minimum of \$10.00 per acre with a \$65.00 minimum per tract.

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

Marion Blanton Drain	Prairie Creek Drain	Highland Springs Drain
Benton Hinesley Drain	William Baker Drain	George Beam Drain
Ross-Mann Drain	Revis-Carson Drain	Ingerman-Lockwood Drain
Anchorage Drain	George Symonds Arm 3 Drain	Jacob Yansel Drain
Elwood Wilson Drain	Bellewood Drain	Ream Creek Drain
Carmel Creek Drain	Clark & Compton Drain	Johnson & Gardner Drain
Harry Herr Drain	Henry Gunn Drain	J.R. McKinzie Drain

**IC 36-9-27-42**

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

- a. The board may at any time increase or decrease the amount annually assessed for periodic maintenance of a regulated drain if the board finds that the county surveyor's estimate of the cost of maintaining the drain was insufficient or excessive.
- b. The board may decrease the amount annually assessed without notice to the affected owners if the percentage of benefit assigned to all tracts of land affected is not changed from that originally determined by the board.
- c. The board may increase the amount annually assessed once without notice to the affected owners if:
  1. the percentage of benefit assigned to all tracts of land affected is not changed from that originally determined by the board; and
  2. the increase does not exceed twenty-five percent (25%) of the amount initially established.

d. If the Board:

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

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

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

#### **CLEARING/FILTER STRIPS**

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

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

#### **DRAINS IN RIGHT OF WAY:**

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

#### **ADAMS TOWNSHIP**

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

#### **JACKSON TOWNSHIP**

8. W P Bennett Drain - approximately 200 feet east of US-31 on south side of 266th Street
9. W P Bennett Drain - approximately 2,700 feet east of US-31 on south side of 266th Street
10. W P Bennett Drain - approximately 2,200 feet south of 276th Street along north side of Salem Road.
11. W P Bennett Drain - approximately 730 feet west of Salem Road along south side of 276th street
12. Hunter Snowburger Drain - approximately 300 feet south of 296th Street along east side of DeVaney Road
13. Lewis Wright Drain - approximately 230 feet west of Edmondson Road along south side of 296th Street
14. H A McMullen #118 - along Millersburg Road at 281st Street
15. Big Cicero Creek #249 - along west side of Crooked Creek Road north of new bridge north of 266th Street

16. Mary Nagle #140 - approximately 100 feet south of 231st Street along west side of Toll Gate Road
17. Charles Caylor #204 - approximately 1,000 feet north of 256th Street along east side of Lacy Road
18. Jonas Rogers #84 - approximately 3,200 feet east of ST RD 213 along the south side of 296th Street
19. OF Beeson Drain - approximately 75 feet south of 291st Street along west side of Carpenter Road
20. OF Beeson Drain - approximately 1,700 feet south of 291<sup>st</sup> Street on west side of Carpenter Road

**WHITE RIVER TOWNSHIP**

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

**WASHINGTON TOWNSHIP**

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

**NOBLESVILLE TOWNSHIP**

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

**WAYNE TOWNSHIP**

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

**CLAY TOWNSHIP**

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

**DELAWARE TOWNSHIP**

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

**FALL CREEK TOWNSHIP**

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

**FLOOD STORAGE/WETLAND MITIGATION BASINS:**

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

- Cool Creek - North side of S.R. 32. Basin designed by Clark-Dietz
- Sand Creek - Southeast corner of Cumberland Road and 106<sup>th</sup> Street. Basin designed by Burke Engineering - Two (2) of the three (3) pods completed in 2019 for mitigation needed by Hamilton County Highway on the Cyntheanne Road project at Mud Creek.
- Symonds Ditch - East side of Eagletown Road basin designed by Banning Engineering

East side of Lamong Road - completed 2020 as mitigation for the Drainage Board on the Lockwood Drain.

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

**STREAM GAUGES:**

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

The existing stream gauges are as follows:

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

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

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

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

Funding for gauges 3 and 4 can be provided through drain maintenance funds for Cool Creek, gauge 11 can be funded out of the Mud Creek fund and gauge Number 6 can be funded out of the Duck Creek Fund. Funding for gauges 2 and 9 can be funded sometime in the future when Little Cicero Creek and Hinkle Creek are placed on maintenance. Funding for gauges 1, 5, 7 and 8 could be cost shared with other entities such as Duke Energy, Citizens Water and the Hamilton County Parks Department and/or cities or towns.

I recommend the Board approve this Drain Classification List for 2021 as submitted.

Sincerely,

Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/pll"

Heirbrandt made the motion to approve the 2021 Drain Classification List, seconded by Altman and approved unanimously.

**Beaver & Brooks Drain - Petition:**

The Surveyor stated we have a petition filed by the City of Fishers for the reconstruction of the Beaver & Brooks Drain for roundabout work on 106<sup>th</sup> Street & Hoosier Road that's being done by Fishers. This will be a summer of 2022 project. I spoke with GAI about the design of the reconstructed ditch. How do you want to go about that? They're going to give me a price. Do you want more than one price? How do you want to do this?

Heirbrandt stated they're already working out there. They can do it while they're there as long as it's reasonable.

Howard stated it's a small job. You'd have to get somebody to remobilize.

The Surveyor stated why don't we see what their cost comes in at and go from there. They're going to get that to me.

Heirbrandt made the motion to accept the petition from the City of Fishers for the reconstruction of the Beaver & Brooks Drain, seconded by Altman and approved unanimously.

**Certificate of Assessment for Maintenance:**

The Surveyor stated evidently, we only had one signature for Little Eagle Creek Drain, U.S. 31 Extension, Little Eagle Creek Drain, 266<sup>th</sup> Street Extension and Elijah Jay Drain, 261<sup>st</sup> Street Extension.

**F. M. Musselman Drain, W. S. Burnau Arm - Certificate of Assessment for Reconstruction:**

The Surveyor stated we have two Certificate of Assessments, one for the regular reconstruction and one for the deferred reconstruction assessment.

Heirbrandt made the motion to approve the Certificate of Assessment for Reconstruction in the amount of \$427,145.98 and the Certificate of Assessment for Deferred Reconstruction in the amount of \$54,009.46, seconded by Altman and approved unanimously.

**Morrow-Follett Drain - Findings & Order for Signature:**

The Surveyor stated this is another item we only had one signature on from the last meeting.

**R. J. Craig Drain - Cook/Driscoll Project:**

The Surveyor stated a long time ago we got a \$500.00 check for a future reconstruction to be determined on the R. J. Craig Drain so that the Nickle Plate South Drain could be reconstructed. We used to do that because we didn't know when anything was going to be done.

Howard stated so they paid a check at closing or something and put it in escrow.

The Surveyor stated yes. The R. J. Craig Drain downstream of this has been reconstructed numerous times now and is still being reconstructed numerous times by the City of Fishers. We're asking if this \$500.00 that was put into GDIF (General Drain Improvement Fund) for the Craig go ahead and be put into the R. J. Craig maintenance fund.

Altman made the motion to move the \$500.00 in GDIF for future reconstruction of the R. J. Craig Drain and placed it into the maintenance fund for the R. J. Craig Drain, seconded by Heirbrandt and approved unanimously.

**Hearing Requests:**

The Surveyor asked that the Board set the following items for hearing on April 26, 2021: Williams Creek Drain, West Rail at the Station Section 4; Morrow-Follett Drain, J.W. Morrow Arm, Henry Roberts Heirs Addition Partial Vacation; Little Eagle Creek Drain, Orris Brendel Arm 1, Kimblewick Section 4 Partial Vacation.

Heirbrandt made the motion to set the items presented for hearing on April 26, 2021, seconded by Altman and approved unanimously.

**Final Reports:**

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

**"To: Hamilton County Drainage Board**

**February 18, 2021**

**Re: Little Eagle Creek Drain: Bear Creek South Section 1A**

Attached are as-built, certificate of completion & compliance, and other information for Bear Creek South Section 1A. 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 June 26, 2020. The report was approved by the Board at the hearing held July 27<sup>th</sup>, 2020. (See Drainage Board Minutes Book 19, Pages 273-274)

The changes are as follows: the 15" RCP was reduced from 346 feet to 343 feet. The 18" RCP was lengthened from 393 feet to 394 feet. The 21" RCP was lengthened from 347 feet to 353 feet. The 24" RCP was shortened from 1473 feet to 1471feet. The 27" RCP was lengthened from 122 feet to 156 feet. The 6" SSD was lengthened from 629 feet to 633 feet. The length of the drain due to the changes described above is now **4,016 feet**.

The non-enforcement was approved by the Board at its meeting on July 27<sup>th</sup>, 2020 and recorded under instrument #2020094434.

The following sureties were guaranteed by RLI Insurance Company and released by the Board on its December 21, 2020 meeting.

Bond-LC No: CMS335543  
Amount: \$591,062.00  
For: Storm Sewers & SSD  
Issue Date: May 22, 2020

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

Sincerely,

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Kenton C. Ward, CFM  
Hamilton County Surveyor"

**"To: Hamilton County Drainage Board**

**February 18, 2021**

**Re: Little Eagle Creek Drain: Bear Creek South Section 1B**

Attached are as-built, certificate of completion & compliance, and other information for Bear Creek South Section 1B. 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 June 26, 2020. The report was approved by the Board at the hearing held July 27<sup>th</sup>, 2020. (See Drainage Board Minutes Book 19, Pages 274-275)

The changes are as follows: the 12" RCP was shortened from 936 feet to 862 feet. The 18" RCP was lengthened from 200 feet to 202 feet. The 21" RCP was shortened from 161 feet to 157 feet. The 6" SSD was lengthened from 2636 feet to 2674 feet. The length of the drain due to the changes described above is now **4,222 feet**.

The non-enforcement was approved by the Board at its meeting on July 27<sup>th</sup>, 2020 and recorded under instrument #2020094435.

The following sureties were guaranteed by RLI Insurance Company and released by the Board on its December 21, 2020 meeting.

Bond-LC No: CMS335543  
Amount: \$591,062.00  
For: Storm Sewers & SSD  
Issue Date: May 22, 2020

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

Sincerely,

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Kenton C. Ward, CFM  
Hamilton County Surveyor "

**"To: Hamilton County Drainage Board**

**February 3, 2021**

**Re: Bliss Johnson Drain: Conner Crossing of Noblesville-Cottage Grove Sec. 2**

Attached are as-built, certificate of completion & compliance, and other information for Conner Crossing of Noblesville - Cottage Grove Sec. 2. 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 April 16, 2018. The report was approved by the Board at the hearing held May 29, 2018. (See Drainage Board Minutes Book 18, Pages 143-146)

The changes are as follows: the 36" RCP was shortened from 219 feet to 214 feet. The 42" RCP was lengthened from 329 feet to 732 feet. The 48" RCP was shortened from 744 feet to 317 feet. The 458 feet of open drain was lengthened to 481 feet. The length of the drain due to the changes described above is now **1,744 feet**. It should be noted that the project removed 1171 feet of existing tile.

The ownership and maintenance for all the BMP's are outlined in the OEM manual and recorded in the Hamilton County Recorder's office under instrument #2017016318. The BMP'S are in the City of Noblesville's MS4 Jurisdiction.

The non-enforcement was approved by the Board at its meeting on May 29, 2018 and recorded under instrument #2018023660.

The following sureties were guaranteed by Liberty Mutual Insurance Company and released by the Board on its February 8, 2021 meeting.

Bond-LC No: 30009196  
Amount: \$233,234.64  
For: Storm Sewers & SSD  
Issue Date: May 3, 2017

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

Hamilton County Drainage Board  
March 8, 2021

Sincerely,

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Kenton C. Ward, CFM  
Hamilton County Surveyor"

**"To: Hamilton County Drainage Board**

**February 19, 2021**

**Re: Vermillion Drain: Woods at Vermillion Sec. 5**

Attached are as-built, certificate of completion & compliance, and other information for The Woods at Vermillion Sec. 5. 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 October 1, 2020. The report was approved by the Board at the hearing held November 23, 2020. (See Drainage Board Minutes Book 19, Pages 397-399)

The changes are as follows: the 12" RCP was shortened from 686 feet to 683 feet. The 18" RCP was lengthened from 602 feet to 604 feet. The 21" RCP was shortened from 378 feet to 377 feet. The 24" RCP was shortened from 1,073 feet to 1,065 feet. The 30" RCP was shortened from 448 feet to 444 feet. The 6" SSD was shortened from 4,461 feet to 4,430 feet. The open ditch was shortened from 250 feet to 228 feet. The length of the drain due to the changes described above is now **8,026 feet**. It should be noted that the development removed 21 feet of 21" RCP that was installed with Woods at Vermillion Section 3.

The non-enforcement was approved by the Board at its meeting on November 23, 2020 and recorded under instrument #2021001496.

The following sureties were guaranteed by Standard Financial Corp. and released by the Board on its January 11, 2021 meeting.

Bond-LC: 1356WVRM5  
Amount: \$380,816.70  
For: Storm Sewers  
Issue Date: June 10, 2019

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

Sincerely,

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Kenton C. Ward, CFM  
Hamilton County Surveyor"

**"To: Hamilton County Drainage Board**

**February 4, 2021**

**Re: Wheeler & Wheeler Drain: Howe Rd Arm - Greenfield Ave & Howe Rd Rndbt Rec.**

Attached are as-builts and other information for Greenfield Ave & Howe Rd Roundabout 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 July 6, 2017. The report was approved by the Board at the hearing held August 28, 2017. (See Drainage Board Minutes Book 17, Pages 446-448)

The changes are as follows: the project saw the instillation of 316 feet of 12" RCP. The majority of this was installed as the contractor replaced the existing 12" concrete tile from new structure 33 to the outlet of the drain into the existing Wheeler and Wheeler Drain (existing structure 2). The 18" RCP was lengthened from 234 feet to 238 feet. The 21" RCP was lengthened from 53 feet to 68 feet. The 30" RCP was not installed. It was downsized to 79 feet of 24" RCP. The 6" SSD was shortened from 96 feet to 93 feet. The length of the drain due to the changes described above is now **794 feet**. It should be noted, the project removed and or replaced the existing drain from Sta. 0 to Sta. 8+05.

The ownership and maintenance for all the BMP's are the responsibility of the City of Noblesville. All work was performed in existing right of way and or regulated drainage easement. This project was paid for by the City of Noblesville.

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

Hamilton County Drainage Board  
March 8, 2021

Sincerely,

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Kenton C. Ward, CFM  
Hamilton County Surveyor"

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

**Capital Asset Notifications:**

The Surveyor presented the following Capital Asset Notifications to the Board for approval: Woods at Vermillion Section 3; Wheeler & Wheeler Drain, Howe Road Arm.

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

**Big Cicero Creek Joint Drainage Board:**

The Surveyor presented the Big Cicero Creek Joint Drainage Board minutes of January 27, 2021. He asked if there were any questions.

There were no questions.

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

Liston presented his update to the Board for their information.

"March 4, 2021

TO: Hamilton County Drainage Board

**RE: R J Craig Drain, George White Arm - Heritage Meadows Violation Update  
VIO-2021-00004**

This is an update to the information shared with the Board on the Heritage Meadows HOA violation at their meeting on February 22, 2021.

I spoke with Mark Shane of Gemini Management on March 2, 2021. I learned from that conversation that the Heritage Meadows HOA applied for and received a matching grant through the City of Fishers. The amount of the grant was \$5,000 dollars.

The HOA purchased trees and other landscape material to be planted within the Heritage Meadows development. Several trees, twenty-six (26) in total, were planted along the east top of bank of the R. J. Craig Drain, George White Arm between Fishers Pointe Blvd. and Morgan Drive.

Gemini Management has been directed to remove the planted trees from the easement. Gemini Management has requested an additional 30 to 60 days to coordinate the removal and relocation of the trees from the regulated drain easement by their landscape contractor.

Respectfully,

Jerry L. Liston  
Hamilton County Surveyor's Office"

Altman asked we don't need access immediately so giving them an extension isn't going to be detrimental to us.

Altman made the motion to approve an extension of 90 days, seconded by Heirbrandt and approved unanimously.

**Non-enforcements:**

Clark presented a non-enforcement request for the Carmel Creek Drain, Shadybrook Arm filed by Cody and Melissa Bruce for parcel #16-14-07-02-09-028.000 for a fence. The Surveyor's Office recommends approval.

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

Clark presented a non-enforcement request for the Little Eagle Creek Drain, Maple Village Arm filed by Brendan Martens for parcel #08-09-03-00-08-020.000 for a fence. The Surveyor's Office recommends approval.

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

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Clark presented a non-enforcement request for the Long Branch Drain, J.W. Brendel Arm, Saddle Brook at Shelborne filed by Bo Peng and Yan Tao for parcel #17-09-32-00-05-009.000 for a fence. The Surveyor's Office recommends approval.

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

Clark presented a non-enforcement request for the Richard Moffitt Drain filed by Susan Brandenburg for parcel #17-13-01-03-12-028.000 for a fence. The Surveyor's Office recommends approval.

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

Clark presented a non-enforcement request for the Village of West Clay Drain filed by Matthew McClain and Robin Everman for parcel #17-09-29-00-36-008.000 for a pool and concrete deck. The Surveyor's Office recommends approval.

Altman 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, Jackson's Grant Arm filed by Angela DeVoe for parcel #17-09-34-00-12-015.000 for a fence. The Surveyor's Office recommends approval.

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

**Ellis Barker Drain Reconstruction - Change Order No. 6:**

Cline presented Change Order No. 6 to the Board for approval.

"February 24, 2021

To: Hamilton County Drainage Board

Re: Ellis Barker Drain Reconstruction  
Change Order #6

Change Order #6 is to delete Items BB-11 & BB-MI-6 - Surface Water Pipes from the contract as they were not required.

The following items are changes to the reconstruction of the Ellis Barker Drain Reconstruction:

DELETIONS

Item #	Description	Cost
BB-11	Surface Water Pipes - 4 @ \$1,800 each	\$-7,200.00
BB-MI-6	Surface Water Pipes - 4 @ \$2,000 each	\$-8,000.00
TOTAL DELETIONS		\$-15,200.00

Total Change Order #6 \$-15,200.00

Engineer's Estimate ----- \$1,349,266.24

Contract Bid -----	\$ 962,000.00
Change Order #1 -----	\$ 72,866.72
Change Order #2 -----	\$ 750.00
Change Order #3 -----	\$ 3,600.00
Change Order #4 -----	\$ 13,529.06
Change Order #5 -----	\$ 22,715.46
Change Order #6 -----	\$ -15,200.00

Total Reconstruction Cost \$1,060,261.24

Difference ----- \$ 289,005.00

Submitted By:

Luther Cline  
Inspector"

Heirbrandt made the motion to approve Change Order No. 6 presented, seconded by Altman and approved unanimously.

**Construction Updates:**

Ellis Barker Drain Reconstruction - Cline stated last week Frontier got the fiber optic lowered along Grassy Branch Road. We're trying to set up a meeting between the contractor and Frontier so they can verify and be sure that the existing fiber is dead.

Clara Knotts Drain, Park Broadway Arm - Cline stated this project is on hold right now because of AT&T lines, which go right down the centerline of where the pipe is to go.

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Overman-Harvey Drain, Adios Pass Reconstruction - Cline stated the work on the storm drains have been done. The contractor has marked the pavement for resurfacing. They need to mill and repave.

Intracoastal at Geist Drain - Liston stated this project is on hold because of a conflict with Duke Energy. We found out on February 26<sup>th</sup> from Duke Energy that the transformer that needs to temporarily taken out of service. This is what they call radial feed which means that it's only fed from one direction. A lot of the transformers are fed from two directions so if something goes out on one side it switches over and continues the power. In order to do the work here Duke Energy is going to have to do a required, scheduled outage. It effects 65 to 70 homes. The work has to be done on either a weekend or a weeknight after midnight. It has to be done in warm weather and if there are any customers in that area that's on life support, they have to find...that's not our; that's what Duke Energy is telling us. Behind that is a gas main by Vectren and there's possibly a conflict with that. The other two utilities in the area are waiting for Duke Energy's decision. Underneath that ground is like a bowl of spaghetti with all the wires. We're looking at options. Do you think it could be directional bored?

Duncan stated I thought about that a little bit more. If I remember right the angle that the three phase comes into that transformer cuts diagonally right across our structure.

Liston stated our contractor, who is Agricon, has been given the option of going to the back and starting and trying to complete the majority of this and wait on the utilities to relocate, but he doesn't want to do that because he has to marry the two different sized pipes together.

Mallery-Granger Drain Reconstruction - Liston stated the contractor started a little over a week ago on clearing. He's completed the clearing from 216<sup>th</sup> Street to 206<sup>th</sup> Street and he is progressing south of 206<sup>th</sup> Street across James Road.

Burnau Arm Reconstruction (Pending Final Report) - Liston stated at your next meeting you will have the Burnau Arm Reconstruction final report.

**Budget & Permit Update:**

The Surveyor presented the budget and permit update to the Board for their information. He asked if there were any questions.

There were no questions.

Altman 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