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

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

Approve Minutes of January 14, 2019:
The Minutes of January 14, 2019 were presented to the Board for approval. Dillinger made the motion to approve the minutes of January 14, 2019, seconded by Altman and approved. Heirbrandt abstained.

Approve Minutes of February 25, 2019:
The minutes of February 25, 2019 were presented to the Board for approval. Heirbrandt made the motion to approve the minutes of February 25, 2019, seconded by Altman and approved. Dillinger abstained.

IDNR Warning Letter - White River:
The Surveyor stated we received another warning letter from DNR on a property south of Noblesville on the White River along River Road.

Altman asked what kind of fill are they putting in; I can’t tell.

The Surveyor stated it looks like they’re using it for a staging area for their New Jersey Barriers.

Altman asked is that what it is? It’s not fill it’s just the barriers?

The Surveyor stated yes. DNR is calling it fill.

Mitigation Sites:
The Surveyor stated in order to comply with the agreed order with IDEM we have to come up with a mitigation site for .65 or .68 acres of tree plantings.

Altman asked so it’s tree wetlands; forested wetlands?

The Surveyor stated yes. I’ve got two sites I want to talk to Banning Engineering about as far as a place to put it. One would be the Fox property over in Sheridan. I think we have some areas there that we could use for the mitigation site and the other would be the Moore property which is over around Sheridan also on Lamong Road. That’s where we tore the house down. I’d like the Board’s permission to look at those two and come up with a plan.

Altman stated we would have to put the plants in and take care of it for five years.

The Surveyor stated yes.

Altman asked do we have any mitigation sites that are in the basin that would be less hassle? Are there any forested wetlands that have banking already in place?

The Surveyor stated we don’t have anything under the Board’s jurisdiction.

Altman stated we could always buy it. I’m just suggesting we ought to look at purchasing something established.

Howard stated we kind of had a deadline that they’ve been pretty lenient on and I think the alternative was to find a place to go ahead and do that. I know it’s a plant and/or restore the wetlands where they were allegedly damaged. I think the real problem there is if we do that we are compromising the integrity of the drain.

Heirbrandt stated I think you ought to have somebody look into it and give us an opinion.

Altman stated I understand what you’re doing and we don’t have to buy the land that way, but it is a huge commitment for five years and since we riled them up to begin with they’ll be checking that site.

The Surveyor stated I can check to see if there are any existing banks.

Altman stated yes, that meet the qualifications. Otherwise I think both of those sites would be fine I just don’t know if we want to pick up that liability for such a small area.
Howard stated I don’t know whether Hague Road and S.R. 38, the City of Noblesville mitigated a lot. Noblesville did trees there. Also, on the east side of Allisonville Road in the lower area north of the railroad those are both bank, but I don’t know if there is any access there or not. You can check with Jim Hellman, they were mitigated as part of road projects. The mitigated ground on Allisonville Josh Healer is involved in ownership of that.

Altman stated Conner Prairie is looking at creating some wetlands, but I don’t think any of them are forested.

The Surveyor stated there’s nothing in that particular watershed that drains into White River within a mile and a half to two miles.

Howard stated right so probably the White River Watershed.

The Surveyor stated which opens up a big area.

Howard stated especially in the northern provinces.

The Surveyor asked I wonder if Al (Patterson) has another area?

Heirbrandt stated that might not be a bad idea to ask Al.

Howard stated the Airport Authority did some mitigation at Cox Hall, but that’s become a pain because they all died or are ill.

Altman stated that’s really the problem when we create our own. I’d rather shed that on somebody else.

Howard stated the Surveyor might want to follow up with IDEM and tell them we’ve proposed two, but it’s been suggested we look at others and we’ll get back to them in...

The Surveyor stated I talked to them last week.

Howard stated let’s cover ourselves.

Final Reports:

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

“To: Hamilton County Drainage Board

Re: Elliot Creek Drain: Village of West Clay Section 15002 Reconstruction

March 6, 2019

Attached are as-built, certificate of completion & compliance, and other information for Village of West Clay Section 15002 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 November 28, 2007. The report was approved by the Board at the hearing held January 28, 2008. (See Drainage Board Minutes Book 11, Pages 34-36)

The changes are as follows: the 60” RCP was shortened from 455 feet to 422 feet. The open ditch was lengthened from 980 feet to 1049 feet. The length of the drain due to the changes described above is now 1,471 feet. The existing 1336 feet of Elliott Creek open ditch was removed. Therefore, the project added an additional 135 feet of drain to the watershed.

The secondary plat was recorded in two sections. The non-enforcement for Village of West Clay Section 15002 A was approved by the Board at its meeting on February 11, 2008 and recorded under instrument #2008037265. The non-enforcement for Village of West Clay Section 15002B was approved by the Board at its meeting on February 11, 2008 and recorded under instrument #2017013936.

The following sureties were guaranteed by Bond Safeguard Insurance Company and released by the Board on its February 25, 2019 meeting.

Bond-LC No: 5026867
Amount: $205,790.40
For: Storm Sewers
Issue Date: June 25, 2007

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

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor”

Hamilton County Drainage Board
March 11, 2019
"To: Hamilton County Drainage Board

March 6, 2019

Re: Long Branch: Sanctuary at 116th St. Sec. 1 – Waterfront at West Clay Reconstruction

Attached are as-built, certificate of completion & compliance, and other information for Waterfront at West Clay 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 November 29, 2017. The report was approved by the Board at the hearing held January 22, 2018. (See Drainage Board Minutes Book 18, Pages 8-10)

The changes are as follows: the 30" RCP was shortened from 172 feet to 167 feet. The length of the drain due to the changes described above is now **167 feet**. It should be noted that 128 feet of existing 30" RCP was removed. Therefore, the drain was lengthened by a total of 39 feet.

The non-enforcement was approved by the Board at its meeting on January 22, 2018 and recorded under instrument #2018009255. The petitioner for this project did not submit sureties.

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

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor"

"To: Hamilton County Drainage Board

March 6, 2019

Re: Village of West Clay Drain – Section 15002

Attached are as-built, certificate of completion & compliance, and other information for Village of West Clay Section 15002. An inspection of the drainage facilities for this section has been made and the facilities were found to be complete and acceptable.

During construction, changes were made to the drain, which will alter the plans submitted with my report for this drain-dated November 29, 2007. The report was approved by the Board at the hearing held January 28, 2008. (See Drainage Board Minutes Book 11, Pages 31-33)

The changes are as follows: the 12" RCP was shortened from 955 feet to 949 feet. The 15" RCP was lengthened from 100 feet to 101 feet. The 18" RCP was shortened from 1,035 feet to 966 feet. The length of the drain due to the changes described above is now **2,075 feet**.

The secondary plat was recorded in two sections. The non-enforcement for Village of West Clay Section 15002A was approved by the Board at its meeting on February 11, 2008 and recorded under instrument #2008037265. The non-enforcement for Village of West Clay Section 15002B was approved by the Board at its meeting on February 11, 2008 and recorded under instrument #2017013936.

The following sureties were guaranteed by Bond Safeguard Insurance Company and released by the Board on its February 25, 2019 meeting.

<table>
<thead>
<tr>
<th>Bond-LC No:</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Amount:</td>
<td>$205,790.40</td>
</tr>
<tr>
<td>For:</td>
<td>Storm Sewers</td>
</tr>
<tr>
<td>Issue Date:</td>
<td>June 25, 2007</td>
</tr>
</tbody>
</table>

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

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor"

Dillinger made the motion to approve the final reports presented, seconded by Heirbrandt and approved unanimously.
**Capital Asset Notification:**
The Surveyor presented the following Capital Asset Notifications to the Board for approval: Village of West Clay Drain, Section 15001 Arm; Village of West Clay Drain, Section 10009 Arm; Long Branch Drain, Sanctuary at 116th Street Section 1 Arm; Elliott Creek Drain.

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

**Big Cicero Creek Joint Drainage Board - Minutes of January 23, 2019:**
The Surveyor presented the minutes from the 23rd of January of this year.

Altman asked how’s that pending litigation?

Heirbranntd stated still waiting to hear. It should be soon.

**William Krause Reconstruction Phase 3 - Bid Award:**
Duncan presented his report to the Board for approval.

"February 22, 2019

Hamilton County Drainage Board
RE: William Krause Reconstruction Phase 3 / USDA Loan

Dear Board Members:

At the meeting of the Drainage Board on January 14, 2019 two bids were received for the William Krause Reconstruction project Phase 3. The bids included a base bid and three alternate bids.

The bids received were as follows:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Bid Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Millennium Contractors, LLC</td>
<td>$785,865.00</td>
</tr>
<tr>
<td>Morphey Construction</td>
<td>$781,000.00</td>
</tr>
</tbody>
</table>

These bid amounts reflect the total of the Base Bids and all three alternates. The Engineer's Estimate for construction was $865,902.40.

The apparent low bidder is Morphey Construction. The Hamilton County Surveyors Office reviewed the Morphey Construction bid submittal and found it to be incomplete. At the February 11, 2019 meeting of the Drainage Board, the Board voted to reject this Bid as non-responsive.

The next lowest bid was Millennium Contractors, LLC. The Millennium Contractors, LLC bid submittal was reviewed by the Hamilton County Surveyor's Office and found to be complete.

Millennium Contractors, LLC has performed work for the County before and is in good standing with the County.

Per the Stormwater Capacity Purchase Agreement between the Town of Sheridan and the Hamilton County Drainage Board dated June 11, 2018, the funds available from the USDA Loan for contracts associated with improving the William Krause Regulated drain equal $2,205,265.00.

To date, the value of the Drainage Board contractual and other obligations associated with improving the William Krause Regulated Drain equals $1,575,047.18. The balance of funds to be used for contracts associated with improving the William Krause Regulated Drain equal $632,704.32.

Based on the Millennium Contractors, LLC bid, the value of work items to be assessed to the INDOT equal $210,895.00. The value of the work under this contract to be funded through the USDA Loan would be $574,970.00. The remaining funds from the USDA Loan exceed this amount by $57,734.32.

This project represents the final phase associated with improving the William Krause Drain utilizing the USDA Loan funds.

In order to ensure adequate funds are available to complete the Phase 1 project and to hold some funds for unknown conditions that might be experienced while constructing Phase 3, the Surveyor recommends that the award of this contract exclude Alternate No.2. The Millennium Contractors, LLC bid for Alternate No. 2 is $49,980. This will reduce the value of the work under this contract to funded through the USDA Loan to $524,990.00 and increase the remaining funds from the USDA Loan to $107,714.32.
As the Phase 1 project is closed out and work on Phase 3 progresses, the Surveyor will assess the remaining funds from the USDA Loan. At that time, if adequate funds are available for the work contained in Alternate No.2, the Surveyor will seek approval from the Board for construction of Alternate No. 2.

The Surveyor recommends that the Board award a Contract to Millennium Contractors, LLC that includes the Base Bid, Alternate Bid No.1 and Alternate Bid No.3 in the amount of $735,885.00.

Sincerely,

Gary R. Duncan, Jr., PE
Staff Engineer

Heirbrandt made the motion to approve the bid award for the William Krause Drain Reconstruction Phase 3 to Millennium Contractors, seconded by Dillinger and approved unanimously.

The Surveyor stated this would also allow the State Highway to tell us what they need because this is the section of pipe that we’ve been in discussion with them.

Heirbrandt stated we have a meeting with them coming up, we could bring this up too.

**Private Drain Petition – Arla Anderson**

Conover presented his report to the Board for approval.

"To: Hamilton County Drainage Board  
March 8, 2019

Re: Arla Anderson Private Drain Petition

On March 7, 2018 a hearing on Obstruction of Private Drainage Petition was received by the Hamilton County Surveyor’s Office. The petition was filed by Arla Anderson, 14180 Promise Road Noblesville, IN 46060. The petition was in proper form and all required information was submitted.

The petition identified an obstruction located on downstream property identified as parcel #13-11-21-00-00-022000, located at 14088 Promise Road, Fishers, IN. Deeded owner: Roshan Singh, 11391 Niagara Dr., Fishers, IN 46037.

On August 9, 2017 Mrs. Anderson had hired Fluid Waste Services and Ward construction to work on a private tile on her property. The private tile was not flowing. It was found that there was a blockage downstream from Mrs. Anderson’s property on Mr. Singh’s property. The total cost paid by Mrs. Anderson for this work was $1,447.36.

On May 29, 2018 a hearing was held for this petition. The Board approved a motion to utilize one of the county drainage board contractors to investigate the private tile on the Singh property to find the blockage.

On July 14, 2018 Ward Construction worked at the Singh property and located the blockage in the tile. The blockage was caused by tree roots in the tile. A total of 56 feet of 8-inch SDR-35 PVC pipe was installed to replace the tile that was blocked with tree roots. A small manhole/inlet structure was found on the private tile. The structure was buried. After speaking with Mr. Singh on the phone it was decided that the top of the manhole should be raised up to the surface. This work would be paid for by Mr. Singh. The total cost of the work from Ward Construction for the day was $2,173.05. $34.00 of this cost was to raise the manhole to surface level on the Singh property.

On July 23, 2018 the Board addressed the allocation of the costs for this project. It was determined that the all the bills for this project should be combined and Mrs. Anderson should be allowed credit for the amount she has already paid.

Citing Indiana Code 36-9-27.4-19 Additional duties of board; drains

Sec. 19. (a) If:

1) a petition filed under this chapter concerns a drain; and
2) the drainage board;

(A) finds for the petitioner under section 14(a) of this chapter; but
(B) does not find under section 15 of this chapter that the obstruction of the drain was created intentionally by any of the respondents;

the drainage board shall enter an order under subsection (b).

(b) Upon a determination made under subsection (a), the drainage board shall enter an order:

1) authorizing the petitioner to remove the obstruction;
2) directing the respondents to remove the obstruction;
3) directing the county surveyor to remove the obstruction;
4) directing that the obstruction be removed through the joint efforts of at least two (2) of the persons referred to in this subsection.

(c) If an order is issued under subsection (b), the costs of removing the obstruction must be borne by the owners of all the tracts of land that are benefited by the drain. The order of the board must do the following:

Hamilton County Drainage Board
March 11, 2019
(1) Identify all tracts of land that are benefited by the drain.
(2) Identify the owners of the tracts of land referred to in subdivision (1):
   (A) who are known to the drainage board; or
   (B) whose identity can be determined through the records of the county
   auditor.
(3) Apportion the costs of removing the obstruction among the tracts of land that
   are benefited by the drain, assigning to each tract a certain percentage of the total
   costs.
(4) Order the owners of each tract of land referred to in subdivision (1) to pay
   an amount equal to the product of the total costs of removing the obstruction multiplied
   by the percentage assigned to the tract under subdivision (3).
(d) The percentage of the total costs assigned to a tract under subsection (c)(3)
   must correspond to the ratio of the total length of the drain to the length of the
   particular segment of the drain that benefits the tract.

Following the above direction of the Indiana Code the cost allocation will be as follows:

Total Length of drain 505 feet. 258 feet on Anderson property (51%), 247 feet on Singh property (49%).

<table>
<thead>
<tr>
<th>Description</th>
<th>Length</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Work Order 2018-00189 by Ward Construction on 7-14-2018</td>
<td>258</td>
<td>$2,173.05</td>
</tr>
<tr>
<td>Total cost to be shared for Work Order 2018-00189</td>
<td></td>
<td>$2,139.05</td>
</tr>
<tr>
<td>Work done on 9-6-2017 (Paid by Mrs. Anderson)</td>
<td>247</td>
<td>$1,447.36</td>
</tr>
<tr>
<td>Total cost of work to be shared</td>
<td></td>
<td>$5,586.41</td>
</tr>
</tbody>
</table>

The cost breakdown to each property owner is as follows:

<table>
<thead>
<tr>
<th>Property</th>
<th>Percentage</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anderson</td>
<td>51%</td>
<td>$1,829.07</td>
</tr>
<tr>
<td>Singh</td>
<td>49%</td>
<td>$1,757.34</td>
</tr>
</tbody>
</table>

Balance to be paid by

Anderson paid for work done on 9-6-2017  $1,447.36
Balance to be paid by Anderson $381.71

Singh paid for work done on 9-6-2017  $1,757.34
Cost of raising manhole $34.00
Balance to be paid by Singh $1,791.34

Submitted by:
Andrew D. Conover
Inspector

Howard asked did they both agree to these costs?
Conover stated I don’t think they have to.

The Surveyor stated I wanted to set this for hearing for the next meeting, send them notice.

Howard stated that’s what I was going for. I remember the conversation and it was “who’s problem it is” it sounds like we figured out the problem, we figured out who it is, but we do need a hearing with notice to each of them. It doesn’t have to be published as a public hearing, just notice to the two landowners.

The Surveyor stated it turned out it wasn’t what we thought we’d find as far as crushed tile and so forth.

Altman asked it was just blocked; obstructed?

The Surveyor stated yes.

Howard stated the original theory was that the downstream landowner through construction activities destroyed the pipe and that wasn’t the case.

Heirbrandt made the motion to set this item for hearing for March 25, 2019, seconded by Dillinger and approved unanimously.

**Spills:**
U. G. Mitchner Drain - Arvin stated that the Surveyor’s Office responded to a spill on February 8, 2019 from Hamilton County Emergency Management. Approximately five to ten gallons of gas was spilled at the GetGo Gas Station at 146th Street and Gray Road due to improper fueling by a customer. It appeared the fuel flowed to the gas station stormwater catch basin. Our office, Emergency Management, City of Carmel were present. The City of Carmel Utilities indicated that the gas station had an onsite drainage system that contains a treatment unit that acts as an oil separator and also a filter that removes hydrocarbon products. The system also has a final clay lined spill pond before discharging to the U. G. Mitchner Regulated Drain. EMS was the contractor on site and
cleaned the material from the pavement surface. The spill was completely contained and the City of Carmel Utilities is doing the follow up with the gas station regarding inspections on their next service date.

Dillinger asked does the person that caused that spill have any financial responsibility?

Arvin stated I don’t believe so. The customer drove off.

The Surveyor stated evidently the customer put the pump on lock while it was in their car and went inside. When they came back it had overflowed. They put it back and took off.

Heirbrandt stated you’d think they’d have cameras where they could get their license plate.

Howard stated I think the primary liability is the property owner and if they want to seek indemnity against the customer that’s between them.

The Surveyor stated since the filling station went in at 146th and River Road, the Rickers, the items that they have to put into the plan now and onsite for spill prevention is quite extensive and this shows it’s worth it because it was all contained right there within what it was supposed to be contained in.

Altman asked so the separator I know works with oil, but it works for gasoline also?

Arvin stated I believe so. IDEM calls it an AquaSwirl.

Violation Update – Castetter & Randall Drain (Havens Property):

Liston stated at your January 14th meeting we updated the Board on the Havens violation and asked for the Board’s input. The Board gave Mr. Havens 60 days to remove those trees. I received an email a little over a week ago saying that those trees had been removed. I went down and they had been removed.

Surety Acceptance:

Liston stated that at this afternoon’s Commissioners meeting the Board would be accepting the following surety: Subdivision Performance Bond No. 5053193 in the amount of $66,681.00 for Waterfront at West Clay Section 5A, drainage.

Thorpe Creek Drain, Martha Ford Arm Reconstruction - Change Order No. 1:

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

March 7, 2019

TO: Hamilton County Drainage Board

RE: Thorpe Creek Drain, Martha Ford Arm Reconstruction

Change Order # 1

The following is an addition to the Thorpe Creek Drain, Martha Ford Arm Reconstruction contract being done by Hoosier Pride Excavating.

1. Extend Two 24”x35” CMPA Culvert Pipes to Drain ------------------------ $ 7,150.00
2. Install 48” Catch Basin w/ Beehive and 80 LF of 24” CMP--------------- $ 8,700.00
3. Clear Trees and Remove FL Obstruction just west of begin point-------- $ 3,100.00

Total Cost of Change Order # 1------------------------------------------ $18,950.00

Engineer’s Estimate -------------------------------------------------------- $208,615.75

Contractor’s Bid ---------------------------------------------------------- $150,438.00

Total Cost of Change Order # 1 ------------------------------------------ $18,950.00

Total Reconstruction Cost ----------------------------------------------- $169,388.00

The Project is being paid out of the Thorpe Creek Drain Fund.

Submitted By

Jerry L. Liston
Inspector

Heirbrandt made the motion to approve the final report presented, seconded by Dillinger and approved unanimously.
Construction Updates:
Thorpe Creek Drain, Martha Ford Arm Relocation – Liston stated this pond was part of the original Windemere Subdivision Section 1 located south of 106th Street and on the east of Windemere Boulevard. The Surveyor’s Office was called into look at the elevations of this pond. The mean elevation originally was 855.30 and you will find that in the last “Whereas” clause on the first page of your document. The Surveyor’s Office recommended that the discharge be put at 853 feet or basically a reduction of about 2.3 feet. There were conversations back and forth with the City of Carmel who was financing some of the landscaping around the pond. Essentially when this pond lowered there was exposed bank for seven of these lot owners along the east edge of the pond. A compromise was reached with the City of Carmel, City Councilman involved, etc., but now the outlet is 854.62 or right at 1.62 feet above the recommended level. This discharge structure was constructed so that if there was a request at a later date to lower the discharge point that extra 1.6 feet that could be done fairly inexpensively. Under this notice the Property Owner’s Association with the recommendation of at least 66% of the lot owners could make that request and it would be done. Again, that would lower the pond, it would expose more bank, but we made our recommendation for a lot of reasons outside of our recommendation we did the interim of raising the discharge point and consequently the mean pool level. The document before you is a little bit different than the one that was emailed earlier today. We’re waiting for the title company to provide us the document cross reference numbers because those three property owners that owned the lots long enough it wasn’t available. If you would approve this today we will type them in and then record the documents, mail a copy to the Property Owners Association and the property owners will have this kick up in their title search in the event they subsequently transfer their property to other owners or subsequently change their mortgage company.
Heirbrandt asked for the Surveyor’s thoughts.
Heirbrandt asked for the Surveyor’s thoughts.
The Surveyor stated I think it looks good.
Dillinger made the motion to approve the “Notice Concerning Design and Construction of Detention Pond” document presented for Windemere, seconded by Heirbrandt and approved unanimously.
Altman stated make sure we send that certified mail to the Homeowners Association.

Windemere Pond Reconstruction – Documented & Recorded Negotiations:
Howard stated this pond was part of the original Windemere Subdivision Section 1 located south of 106th Street and on the east of Windemere Boulevard. The Surveyor’s Office was called into look at the elevations of this pond. The mean elevation originally was 855.30 and you will find that in the last “Whereas” clause on the first page of your document. The Surveyor’s Office recommended that the discharge be put at 853 feet or basically a reduction of about 2.3 feet. There were conversations back and forth with the City of Carmel who was financing some of the landscaping around the pond. Essentially when this pond lowered there was exposed bank for seven of these lot owners along the east edge of the pond. A compromise was reached with the City of Carmel, City Councilman involved, etc., but now the outlet is 854.62 or right at 1.62 feet above the recommended level. This discharge structure was constructed so that if there was a request at a later date to lower the discharge point that extra 1.6 feet that could be done fairly inexpensively. Under this notice the Property Owner’s Association with the recommendation of at least 66% of the lot owners could make that request and it would be done. Again, that would lower the pond, it would expose more bank, but we made our recommendation for a lot of reasons outside of our recommendation we did the interim of raising the discharge point and consequently the mean pool level. The document before you is a little bit different than the one that was emailed earlier today. We’re waiting for the title company to provide us the document cross reference numbers because those three property owners that owned the lots long enough it wasn’t available. If you would approve this today we will type them in and then record the documents, mail a copy to the Property Owners Association and the property owners will have this kick up in their title search in the event they subsequently transfer their property to other owners or subsequently change their mortgage company.
Heirbrandt asked for the Surveyor’s thoughts.
The Surveyor stated I think it looks good.
Dillinger made the motion to approve the “Notice Concerning Design and Construction of Detention Pond” document presented for Windemere, seconded by Heirbrandt and approved unanimously.

Altman stated make sure we send that certified mail to the Homeowners Association.

Budget & Permit Update:
The Surveyor presented the budget & permit update to the Board for their information. He asked if there were any questions.

There were no questions.

Merrimac Drain – Retention Ponds:
Howard stated I read the three reports and this was 1995, 1997 and 1998 discussions. One of the reports could be more clear. Section 1 and Section 4 are very clear that we’re only responsible for the inlets and outlets. Section 3 says “responsible for maintenance of the pond” The question becomes what is the Drainage Board’s interest in maintaining the pond and it’s not aesthetics. We are in the business of collecting excess storm water in a detention fashion and then discharging it at a regulated rate into the outcoming stream.

Hamilton County Drainage Board
March 11, 2019
Heirbrandt asked is there still enough capacity?

Howard stated that would be my opinion that as long we’re not to the point where we were impeding either the flows in or the flows out of the pond that the pond is not in need of maintenance as the Drainage Board is authorized to maintain.

The Surveyor stated Steve Baitz has gone out on Friday and the water is flowing free and into the outlet and also into the pond from the upstream area unobstructed. He saw no area that was in need of maintenance for flow or capacity.

Howard stated the Surveyor and I talked about are there situations that we looked into this dredging as part of the maintenance and those have been situations where maybe it was not impeding the flow today, but it was imminent that there was going to be a maintenance problem if there was not some dredging and in that situation I think we participated in those costs because the obstruction of the outflow was going to be imminent. I’m not up to speed on what the facts are as to how close the sedimentation is to that line.

Heirbrandt asked how much did you participate?

Howard asked in the other situation?

Altman stated yes.

The Surveyor stated in those cases we actually paid for it because I believe it was Centennial where we did this, I remember the pictures and there was grass coming up out of the water already so it was ready to break the surface right in front of the outlets. It was either pay me now or pay me later.

Altman stated plus it would create a wetland.

Howard stated right and then you really have expenses. Do we know what that elevation is today?

The Surveyor asked on those areas?

Howard stated the erosion into the long lake; the sedimentation in the long lake. Do we know where that is from the mean pool?

The Surveyor stated no. We don’t make a practice of measuring the depths unless it’s observable and it’s ready to break the surface or has broken the surface that’s the only time we go in there and do anything.

Heirbrandt asked are they having issues out there right now? The only reason I say that is because what was addressed to me says “Merrimac Water Issues”.

The Surveyor stated Baitz didn’t see any. The gentleman that Baitz has been talking to...Steve would you come up and explain what your conversation was with the gentleman?

Baitz stated I have a meeting with Bob Zunick on Wednesday of this week. He contacted me about wanting to meet and show me what the issues were out there. I also had an email from a gentleman last year that was looking for information on who could dredge the ponds. They were not specifically stated in the email, they were not looking for any participation by the Hamilton County Drainage Board, they were just looking for contractors. I put him in touch with Mr. Chris Potts with Saddle Creek because they have done that. He thanked me for that and that’s the last I’ve heard of it until this gentleman, Mr. Zunick, contacted me and all it says on my drainage investigation is “pond needs dredged”.

The Surveyor stated that’s the extent of our knowledge to what they’re actually looking for.

Heirbrandt stated I just wanted to make sure somebody looked at it and it was being addressed.

Baitz stated I did find the email, it was Mike Lieske who the email was from and it just says “looking for some help finding a contractor to do the dredging of the ponds in our neighborhood. Wondering if you have any references that we could utilize. Not looking for help from the county, just looking for information”. That email came in October 22 of 2018.

Howard stated I think subsequently the language that’s in two of these three letters have been incorporated for years. As our detention standards are aging I think this will be more and more of an issue and it would seem if we’re going to go into the dredging business for aesthetics it’s going to get fairly expensive. If the Property Owners Association don’t do it ahead of time we may be getting into that, but I think it’s something we want to think about not just in one subdivision, but in the macro.

Altman stated we may want to think about where there are retention ponds where we have the old language of increasing the maintenance costs on specific parcels that benefit so we build up the fund so we can do that if people complain.
The Surveyor stated either those lots around the pond or do a reconstruction for the whole subdivision.

Howard stated and you may want to think about or look to the Surveyor’s Office for some type of uniform triggering standard where you would start looking for money and maintenance funds to trigger those projects. They're not going to be cheap. Another thing you run into is the same thing we did on Windemere where my yard’s torn up and all the problems associated with that.

Altman stated we probably ought to think about that reconstruction concept because most of these are going to be held in a common area and that would be the assessment, right? So, indirectly we back charge the Homeowners Association and they haven’t been collecting all this time so they have a special assessment themselves.

The Surveyor stated most of these HOA’s have no clue on how to maintain other than to call some pond company to handle it and this is beyond those people.

Howard stated a lot of the times the sedimentation is because they’re working the way they’re supposed to be. A lot of our BMP’s for reducing suspended solids in a storm water stream is to slow down velocity and wait for that to fall out.

William Lehr Drain - J. S. McCarty Arm:

Heirbrandt stated you mentioned at the last meeting we had to get something this month. Will that be at our next meeting?

The Surveyor stated it would be at our next meeting, yes.

Anchorage Drain:

Heirbrandt asked are there any updates on Anchorage?

Duncan stated the Surveyor has been out of the office, but he still wanted to take a look at the plans before we take bids.

Heirbrandt stated I got asked about it last week. Do you anticipate that we’ll get something at our next meeting? When will we be able to reach back out to them?

The Surveyor stated we should be able to reach back out to them probably sometime in April. I would not want to do that project until summer because of the ponds and the yards. We’re going to have that all up and down that strip.

Heirbrandt stated if we can get back with them and at least let them know when that’s going to be it would be great.

William McKinstrey Drain - Lake Stonebridge:

Heirbrandt asked is the water level still high?

Baitz stated it’s probably four inches below the top of the rim when I was by there on Thursday.

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

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Christine Altman – President

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Lynette Mosbaugh
Executive Secretary