

MINUTES OF THE HAMILTON COUNTY DRAINAGE BOARD

March 14, 2022

The meeting was called to order Monday, March 14, 2022 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 Cash, Mr. Reuben Arvin, Mr. Sam Clark, Mr. Gary Duncan, Mr. Jerry Liston, Mr. Luther Cline and Ms. Suzanne Mills. The Board's attorney's, Mr. Michael Howard and Mr. Connor Sullivan, were also present.

**Approval of Minutes of February 28, 2022:**

The minutes of February 28, 2022 were presented to the Board for approval.

Dillinger made the motion to approve the minutes of February 28, 2022, seconded by Heirbrandt and approved unanimously.

**Taylor & Jessup Drain - Sedwick Drainage:**

Mr. Scott Sedwick was present for this item.

Sedwick stated I live at Freemont Moore Road around 216<sup>th</sup> Street associated with the Taylor & Jessup Drain. This drain does not actually come onto my property. It comes up to my south property line, but the Surveyor is fully aware of the bad shape that drain is in and has been for many years.

The Surveyor stated it stops about 30 feet south of your property line.

Sedwick stated yes. It's such in poor shape. I'm fortunate enough to be on; I'm kind of the innocent one in the middle here. I'm fortunate enough my property drains to my neighbors to the south of me, which is where the Jessup Drain ends. Unfortunately, my neighbors to the north of me there's not enough water capacity to get their water to the south property. Their septic systems aren't working properly, and they've taken it upon themselves to pump water, which has caused a river through my property running to the south neighbor. I currently have a private four-inch clay tile drain that runs across my property. They are forcing enough water, trying to force water through that where they are blowing that clay tile up and cavitating the ground underneath causing me huge issues. I've fixed a number of spots in my tile because of this. This has been going on for over six months. I know they have reached out or have tried to get this Taylor & Jessup Drain fixed. I know there was a petition turned in ten to twelve years ago to get this thing fixed and nothing has been done. I'm seeking help. They're destroying my property because of this.

Dillinger asked Sedwick, have you sought legal help?

Sedwick stated I've reached out to the County Sheriff's Department and they tell me there's nothing they can do.

Dillinger stated no, I'm talking about filing suit.

Sedwick stated no. I really have not gotten involved with this until a month ago. I was leaving it up to my neighbors to take care of it, they were reaching out, they were trying. Like I said it wasn't directly affecting me until they started pumping the water.

Altman asked Sedwick, where does the water discharge that they're pumping? Does it go onto your property?

Sedwick stated it was until two weeks ago and now they've pulled the hose just to the other side of the fence; they pulled it just across the property.

Altman asked, where it discharges, is that a regulated drain? I don't have any maps.

Sedwick stated no, it's not.

Altman stated it sounds like it's a concentrated flow that he could; your remedy is to tell your neighbors they can't pump water onto your property in a concentrated; it's not common enemy rule with just water that sheets off. This is a concentrated flow and they're not allowed to do that.

Sedwick stated so how can I stop that. Telling them they can't do that doesn't work.

Altman stated that's where Commissioner Dillinger said you contact an attorney.

Dillinger stated I think your remedy is through the courts. I don't know that there's anything we can do about it.

Howard stated the Sheriff's Department can't do anything about it. It's not a criminal case, it's a civil case. They do not have a legal right to congregate water and send it in a concentrated flow across your property. It sounds to me like there may also be an issue that their drain needs to be reconstructed.

The Surveyor stated it does. It's on the Classification List and was petitioned in 2016 and we cannot reconstruct that drain until the Clark & Compton Drain is reconstructed, which is downstream. It's the open ditch which would be the outlet for the Taylor & Jessup Drain. The Clark & Compton Drain is under design right now, Banning's doing that design, we're partnering with the Highway Department in the replacement of two structures. They're putting in the new bridge this year. The new bridge has to be put in and then we'll have the two structures that we're going to be doing as part of the reconstruction of the ditch under the Drainage Board contract at Lamong and 221<sup>st</sup> Street. Things are moving, we just need to get the open ditch done and then we can do the other.

Altman asked the Surveyor, could you do a timeline for this gentleman?

The Surveyor stated I wouldn't see it being done until 2024 for the Taylor & Jessup Drain.

Altman stated you're probably going to have to do a judicial remedy to make him stop.

Liston stated when Steve (Baitz) was still here he issued a work order to Fluid Waste and John Ward Construction. They started at 221<sup>st</sup> Street and tried using the lowest pressure in the tile and they were still collapsing the tile.

The Surveyor stated it's one of those tiles when you fix this one, another area breaks. We're looking at next year for the Clark & Compton and then 2024 for the Taylor & Jessup. We're working towards that goal.

Dillinger stated we would like to help you.

Sedwick asked why has it taken from 2016 to get this point?

Howard stated there's "x" amount of dollars and there's ten "x" dollars of projects.

The Surveyor stated if it wasn't for the ARPA funds you're looking probably another five or six years out.

Altman stated we're already investing the federal dollars in part of this fix to get it going and like he said that accelerated to almost lightening speed for a drainage project.

Sedwick stated I can't go through the judicial cycle.

Dillinger stated I don't blame you for being frustrated and I know you don't want to sue your neighbor.

Sedwick stated right, I can't go through all of that, I just can't. We've got to come up to a resolution and if we can expedite anything to help because we all know it's been that way for years. They keep building out there, they've added three new homes in the last three years that all have connected to that drain that doesn't go anywhere.

Heirbrandt stated I can't believe they let you build.

Sedwick stated yes, why are they even building out there. The neighbor I have an issue with to the north, he built there about eight years ago and that's when it all started. His septic system with these doser systems that are required.

Altman stated they have to do the perimeter drain and the perimeter drain has to go somewhere.

Sedwick stated that tile can't handle those systems and now we currently added two new homes in the last two or three years to the south of me that I'm sure have probably the same system.

Heirbrandt stated the only good thing that's really come out of this is we know that there is a plan in place and unfortunately it takes a while to happen, but I can tell you from being on the Drainage Board, that's pretty quick. At least maybe now you know what's going to happen and how it's going to happen. Stay in touch with us and we'll try to keep you updated. Sorry for your frustration.

Sedwick stated I'll just continue to fix what I can, I guess. We're looking at possibly selling our location and I can't because of the water.

The Surveyor stated I sent you a petition.

Sedwick stated I sent that back to you.

**Presentation - Cool Creek Streambank Stabilization Study:**

Brian Powers and Jon Stolz were present for this item.

Powers stated this project is located in Clay Township east of Keystone Avenue, just south of 146<sup>th</sup> Street. On the west side of the creek is an open park area with a trail and a low area. On the east side are houses and the elevation is much higher. There is erosion impacting about 350 feet of the east bank on the south side of 146<sup>th</sup> Street. We're looking at bare soils being exposed and in places near vertical drop along the bank. Without improvements we would expect the bank to continue to erode. Some of the residents in the area have taken it upon themselves to try to fix the problem unsuccessfully so far by putting some stone down, the bank keeps eroding away. We looked at five different solutions for the problem. The first was putting in a gabion retaining wall with mattresses. Options two, three and four we looked at cutting the bank back at a 2:1 slope and then armoring it. Option two included tied, concrete block mats and three would be a mesh filter unit which is a marine bag full of rock you set along the bank to armor it. Number four was putting in a turf reinforcement mat along the slope and with five we looked at laying the bank back at a 3:1 slope and then seeding the bank and placing rip rap below the base flood elevation to protect it where you'd be experiencing the high velocities of flows and armoring the toe of the slope. Our recommendation is to go with the regraded flatter slope with the grass at the top and stone up to the base flood elevation. We do look at stabilizing 350 feet of the east bank, laying it back at a 3:1 slope, using Class 1 Rip Rap below the base flood elevation for the armoring based on the sheer stresses we'd experienced there and the velocities. Grass above that point. The opinion of probable cost to do this improvement is \$353,000.00. We recommended this same improvement at Cool Creek Park just upstream of this a couple of years ago and it turned out really well at Cool Creek Park and I think it could work at this location too.

Altman stated the do-nothing approach is we'll just have siltation and bank erosion?

Powers stated correct, you'd continue to have the bank eroding if we do nothing.

The Surveyor stated we're going to be starting to lose trees too. They're going to lose their foundation and they're going to start falling in and then we'll have to clear those out of the ditch.

Altman asked were you planning on taking it out of the balance in Cool Creek or are we going to have an assessment?

The Surveyor stated this will be out of the Cool Creek Fund, we have a little over \$1,000,000.00 if I remember right.

Heirbrandt asked the Surveyor, are you recommending approval?

The Surveyor stated yes.

Heirbrandt made the motion to approve the Cool Creek Streambank Stabilization Project, seconded by Dillinger.

Altman asked where else along Cool Creek do we have this problem?

The Surveyor stated this one came up because the landowner wanted something done. Knowing the velocities coming through that bridge I wanted Clark Dietz to look at it to give us some recommendations based on those velocities.

Altman asked is this, of the run of Cool Creek, the worst location?

The Surveyor stated this would take care of the immediate need at the end of the bridge coming under 146<sup>th</sup> Street.

Altman stated at one time we had quite a bit more in the Cool Creek Fund, so I wanted to make sure if we're going to deplete a third of it if not more.

The Surveyor stated no.

Altman asked how much does it build back up each year?

The Surveyor stated it brings in \$443,000.00

Altman stated we're talking less than a year revenue.

The Surveyor stated yes.

The motion had been made and seconded to approve the Cool Creek Streambank Stabilization Project and approved unanimously.

**Presentation - Elwood Wilson Drain, Sam Craig & John Holleran Arms Hydraulic Study:**

Mr. Brian Powers and Mr. Jon Stolz were present for this item.

Powers stated this project is located on the east side of Noblesville where SR 37 and SR 32 come together. The western boundary of the watershed is SR 37, 186<sup>th</sup> Street runs right through the center of the watershed and you're looking at about 1.3 square mile of watershed that contributes to this drain. The objective of our study was to look at the storm water runoff and create a model of the watershed. We looked at regional detention solutions for the site, we developed solutions for existing and future flooding problems. We looked at what would happen after future development might occur in this area. We looked into wetlands and we also investigated the possibility of diverting a portion of the flow from the watershed north up to the Musselman Drain. The deficiencies we identified with this drain was the existing tile is undersized for the watershed. The existing tile at its largest point is only an 18-inch diameter tile. For a watershed this size it's very much undersized.

Dillinger asked Powers, what should it be?

Powers stated we're going to recommend an open channel that's going to be four feet wide at the bottom.

Altman stated but it is regulated with the full easement area.

The Surveyor stated yes.

Howard asked is Oakwood Community, also known as Fishers Oakwoods?

The Surveyor stated yes.

Powers stated they're located right in the center of the watershed and I'm sure you've heard before they have experienced historical flooding issues in their neighborhood. There's also been issues with storm water overtopping roads, which has led to road closures on 186<sup>th</sup> Street and Promise Road. On 186<sup>th</sup> Street you can see the water as it comes from the north once it pools up it overtops 186<sup>th</sup> Street on its way south towards the drain. On the right side of Promise Road at Fishers Oakwoods Community the water ponds up inside the neighborhood and then starts to overtop Promise Road as it's making its way west towards the drain. The standing water sits there for long periods of time. West of the neighborhood is a location where three arms of the drain come together.

Altman asked is this our Communications Tower in the photo?

The Surveyor stated it's on the jail property.

Altman asked is this the one on the jail or a new tower? The jail tower looks like it's to the right.

Powers stated I think the tower we're looking at in this photo is on 186<sup>th</sup> Street.

The Surveyor stated that would be the new Communications Tower.

Powers stated at this point where the three arms come together you get a lake affect because the tile going downstream of here doesn't have capacity to move water. We've got two phases that we're recommending of improvements to help this area. Phase 1 is to reconstruct a new ditch on the north side of 186<sup>th</sup> Street. This would redirect a portion of the flow that currently goes to the Craig-Holleran Drain up to the Musselman Drain to the north. This would include 3,000 feet of new ditch that's not currently part of the drain. It would outlet to a manhole that is part of the Monarch Springs Arm. When Monarch Springs was designed it was designed with the idea of taking this flow, so it does have the capacity to take the flow that we're proposing to reroute to it. We won't be overloading that arm as a result of this. The opinion of probable construction cost for the Phase 1 improvements is \$1.1 million with survey and design costs of \$116,000.00.

Altman asked and those two numbers were independent numbers?

Powers stated correct. The area we're looking at for this Phase 1 improvement is at the corner of 186<sup>th</sup> Street and Promise Road. We would start the ditch at both south corners of this plot and kind of come together in a "Y" and bring it up to the Monarch Springs Arm at the north and center. The plot is undeveloped, it's just farm field right now. It's something that could be developed in the future and whoever develops it can route it the way that they need it.

Howard asked the Surveyor, do we have right of way?

The Surveyor stated we'd have to buy easement on this property. When the Meadows was developed, we put a 66-inch tile in that's 25 feet deep with the purpose of going all the way down to 186<sup>th</sup> Street. That was to take that entire 80 acres and get it out of that drainage shed to help reduce some of that flooding.

Howard asked do we know who the property owner is?

The Surveyor stated we do, but I don't have that with me.

Howard stated it would seem that they are never going to be able to develop that property but for; they should be willing..

The Surveyor stated what I'm hoping for is to get an easement from them.

Howard stated they're never going to be able to realize anything other than a flooded bean field if this doesn't happen.

The Surveyor stated doing this gets the water off of 186<sup>th</sup> Street in two locations, at Promise Road intersection and at their southwest corner.

Heirbrandt asked the Surveyor, has this been proposed for ARPA?

The Surveyor stated no.

Heirbrandt asked how much money is in the maintenance fund?

The Surveyor stated it's in the negative.

Altman asked how much is the watershed in terms of assessment capacity?

The Surveyor stated not big enough.

Howard asked is this currently in the other shed?

The Surveyor stated it's currently in the Elwood Wilson Shed, but this would divert it into the Musselman Shed.

Altman stated let's talk about Phase 2. Is Phase 2 open ditch also?

Powers stated yes, the majority of it is. There would be a small section of storm sewer that I'll get into.

The Surveyor stated the annual assessment for the Elwood Wilson is \$47,000.00 and right now it's in the hole \$382,000.00.

Altman asked but this wasn't in your laundry list of \$41,000,000.00 for ARPA?

The Surveyor stated no, it wasn't.

Heirbrandt asked how else are we going to get it done?

The Surveyor stated I'm not sure. I was trying to get the Hare Arm done and get it out of the way and worry about this one at a later time.

Altman stated I'm looking at Phase 2 and there's a location for future detention that could be very realistic. Is it possible to do Phase 2 before Phase 1?

The Surveyor stated we could.

Altman asked what impact would Phase 2 have without Phase 1?

Powers stated I think Phase 2 would do a lot of benefit to one, open up the drain for potential future development and to help the folks in the Fishers Oakwoods Development to get that water that's sitting in that neighborhood and give it somewhere to go.

Altman stated Phase 2 isn't inexpensive. How much is Phase 2?

Powers stated Phase 2 would be \$1.9 million for construction. In addition, there would be survey and design costs of \$165,000.00.

Altman asked is this the same drainage shed that's under water?

The Surveyor stated yes. I've been talking to 911 about that property where the proposed pond would be.

Altman asked what net acreage would be left? There's a 20-acre parcel where you're looking at your proposed detention. How big is your proposed future detention area? Did you calculate acreage?

Powers stated the total storage area was going to be 15-acre feet.

Altman stated speak in terms of acres.

Powers stated I think we're looking at about an acre. I don't have the number right in front of me at the moment, but the size of the pond would..

The Surveyor stated I think it was more like 5 acres.

Altman stated even if it's five acres out of twenty it would make the balance of the parcel usable. Right now, I don't think that parcel really is usable.

The Surveyor stated there's an area where the pond would go that now when it gets high enough it actually breaks over and goes south into the Hare Arm. This would eliminate that breakover.

Altman stated so that helps the Hare Arm.

The Surveyor stated yes.

Howard asked the Surveyor, is there any development in the future? Is this the Harger property that Corby Thompson had under option?

The Surveyor stated no, this would be the Mallery property, what used to be the Dick property, but I'm not sure who owns the corner now and Kreagcroft Property.

Altman asked is the blue line currently regulated on Phase 2? Is that regulated drain or is that new easement?

Powers stated the blue line here is currently regulated drain.

Altman stated so we could do potentially Phase 2 without new easement.

The Surveyor stated we'd still have to buy the property for the pond.

Altman stated for the detention, but in terms of getting the water there.

The Surveyor stated yes. You might have to buy some easement along Promise Road to get that arm up to that intersection. That would at least capture the water that's coming into Fishers Oakwoods from the north and give it a place for that to go instead of into the neighborhood.

Altman stated then we have a future recommendation.

Powers stated after the Phase 1 and Phase 2 the arm extends further to the east and in the future, we'd recommend doing another 3,500 feet of storm sewer all the way to Mallery Road. The opinion of probable construction cost would be about \$1.3 million not including easement acquisition. This would be on the southern boundary of Fishers Oakwoods and then heading east to Mallery Road.

Altman stated in your rough numbers did you calculate your acquisition cost for the detention area of Phase 2?

Powers stated yes, the construction cost does include the acquisition.

Altman stated it would be helpful to know what you imbedded in that number for our planning.

The Surveyor stated it doesn't included acquisition.

Altman asked it does not?

Howard stated it does not include acquisition, you did not answer her question correctly.

Powers stated it included the construction of the detention pond.

Altman stated but not the acquisition. All these phases we're looking at right of way on top of construction design.

The Surveyor stated right.

Altman stated that's not how we do Highway Estimates. In the future when we do these, I think we need to build in either a line item of estimated acquisition cost or bury it in the development. It doesn't do us any good to know how much it cost to build it if you can't get there.

The Surveyor stated in the future, that's all in current easement. The blue is the current drain and the pink is the current easement.

Altman stated I assume all of this is ripe for development if we get drainage under control.

The Surveyor stated if we can get the outlet, we let the development come behind it and finish it.

Altman stated no, finish it, I'm talking about paying for it.

The Surveyor stated that too.

Altman stated we can do the Urban Drain.

Howard stated when you say ripe for development, I'm not sure about sanitary capacity. There's no sense in us investing in speculative drainage expense if that speculation isn't going to happen. The most expensive infrastructure isn't there.

Altman stated that we're not that far away from development in Noblesville. Is it a plant capacity issue?

Howard stated no, the plant is fine.

Dillinger stated we've been dealing with this for 34 years I've been on here and it hasn't gotten any better that I know of. I think we need to do what we need to do and finish it. This is ridiculous, 34 years.

Altman stated we have to figure out how to pay for it.

Dillinger stated we're always going to have to figure that out.

Altman stated that's why it hasn't moved in 34 years.

Dillinger stated yes, I know.

Altman stated and the people, you can't throw that kind of assessment on. You don't have a lot of choices.

Dillinger stated no, but maybe we should have used some of those ARPA funds for it.

Altman stated I suggest we triage the ARPA and maybe throw some out and move some around.

Heirbrandt stated maybe you should come to the ARPA meeting. This is a safety issue when its running across the roads.

Altman asked do we have any other questions for the presenter?

The Surveyor stated we do have task orders for the design of both of the phases and I would ask that the Board consider signing at least Phase 2 at this point.

Altman stated let's hold on that until we know what we're doing ARPA wise. There's no reason to act today because we don't have any money for it.

**Professional Services Agreements - Elwood Wilson Drain, Craig-Holleran Arm Phase 1 & 2:**

Heirbrandt made a motion to table this item, seconded by Dillinger and approved unanimously.

**Williams Creek Drain, Lakeside Park Arm - Willow Tree Roots:**

The Surveyor presented a video to the Board for their information of a root system from two Willow Trees

Altman asked do the roots come in through the seams?

The Surveyor stated no, you can see that the roots actually moved across the ditch and formed an island in front of the pipe outlet and started growing inside. The two Willow Trees are now gone.

Altman stated so we eliminated the problem.

**Big Cicero Creek Joint Drainage Board:**

The Surveyor presented the minutes of the Big Cicero Creek Joint Drainage Board from January 26, 2022 to the Board for their information.

**Clara Knotts Drain, Park Broadway Arm Phase 1 - Change Order No. 1:**

Cline presented his report to the Board for approval.

"March 4, 2022

To: Hamilton County Drainage Board

Re: Clara Knotts Drain Reconstruction, Base Bid  
Change Order #1

Change Order #1 was required due to additional sanitary laterals relocations.

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

1 additional sanitary lateral connection at \$1,500 each -----	\$ 1,500.00
Engineer's Estimate for Base Bid -----	\$599,432.17
Contract Bid -----	\$358,290.00
Change Order #1-----	\$ 1,500.00
Total Base Bid Reconstruction Cost	<u>\$359,790.00</u>
Difference -----	\$239,642.17

Submitted By:

Luther Cline  
Inspector "

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

**Construction Updates:**

George Symonds Drain, Two Stage Ditch Reconstruction - Liston stated work is progressing. The contractor started on the east side of Eagletown Road and is moving along. Banning Engineering is doing our inspections for us and they have reported no problems so far.

Intracoastal at Geist Drain - Liston stated this week we should see ComCast out of the way. I want to thank Gary (Duncan) for making that happen.

The Surveyor stated Gary had a harsh conversation with them.

Altman asked did the ordinance change help?

Duncan stated no, this predates the ordinance. I haven't had to discuss that yet.

Altman asked, have we published that ordinance?

Sullivan stated yes.

Altman asked are we past the date?

Sullivan stated yes.

Liston stated the contractor has all the materials for the job. Friday he was removing the trees that were designated on the plans.

Mallery-Granger Drain Reconstruction - Liston stated I'm playing phone tag with the contractor. I need to get him back out to finish what's on the punch list.

Canal Place Drain, Strongbow Gate Arm - Liston stated I informed the Surveyor and Duncan this morning when I was talking with Agricon last week they've ordered the structures for this project and is in the third month of trying to get those structures for the project.

Altman asked did you try any of the vendors we talked about?

Liston stated I shared those numbers with our contractor.

Altman asked, why don't you independently, when you have time, call also. We don't want excuses if there's no excuse.

Liston stated I know Chad Wilson with Agricon works with County Materials and I assume he has an account too with Rinker, but I will check.

Heirbrandt asked the Surveyor, on that project that Clark Dietz was doing, you said something about the Hare Arm. When is that getting done?

The Surveyor stated the hearing is in two weeks. Hopefully, it will start in two weeks.

Clara Knotts Drain, Park Broadway Arm Phase 1 - Cline stated the section of it that's Park and Broadway and 103<sup>rd</sup> Street is almost complete. We've got one crossing at 103<sup>rd</sup> Street that has a gas line in the way. As soon as that's finished and they get the structure put in on the south side of 103<sup>rd</sup> Street all pipe will be in on that section of it, which is the base bid I believe. On 102<sup>nd</sup> Street they're putting pipe in on the south side and probably halfway done. They have a water line that needs to be moved to do a structure on the north side of 102<sup>nd</sup> Street and the third section of Phase 1 the pipe has been delivered, but that part of it hasn't been started yet.

Ream Creek Drain Reconstruction, Orchard Park Arm - Cline stated the contractor hasn't moved in yet.

The Surveyor stated the contractor is still having trouble getting the steel pipe.

Pending Final Report (Ellis Barker Drain Reconstruction) - Cline stated we're working on the final report for this project and will hopefully have it before the Board at the next meeting.

**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.

**Vincent Case Drain - Bear Property:**

Heirbrandt stated I sent an email out on the 8<sup>th</sup> of March for Lisa and Brian Bear in Cicero off of 234<sup>th</sup> Street. There are several photos on there. They say that this was designed, I don't know whether it was the Highway that actually did this, it probably was, but I'd really like to get a meeting..

Liston stated Soil and Water did the design.

Heirbrandt stated I'd like to be able to set up a meeting with whether it's Highway, the Surveyor's Office, the Bears' something; if you saw those pictures, they were absolutely horrible. They had to have somebody come out and pull all of the cornstalks and everything out of it; truckloads of it. It was unbelievable. There's a problem there and I think we need to investigate it a little bit more.

Altman asked is it regulated, any of it?

The Surveyor stated we have a regulated drain, the Vincent Case, that runs underneath that. The Highway, when they put in the structure, put in an inlet on the west side of the driveway and what happens is all that cornstalk debris and bean debris plugs it. We will take care of that, but we will not take care of the pipes under the driveway because that's not part of the regulated drain. What should have been done, instead of three pipes, was a low head structure which is continuous to allow all that debris to go on through. If I remember right, the height was going to be too high that was needed, and the driveway would have been messed up a little bit because of the hump.

Heirbrandt stated I could see that. What was absolutely mind boggling to me was that they took two truckloads and a whole trailer of stuff out of there.

Liston stated to give you a little background, this use to be the Worthman property. Before the Bears purchased that property, the County Highway wanted to move that box culvert in their front yard over to west side of their driveway so everything going through the driveway wouldn't be compromised and Mr. Worthman said "no".

Heirbrandt stated I'd like to get a meeting set up if we could start that process and give them direction of what they might be responsible for.

Altman stated it was already offered and declined; they kind of inherited the prior owner's decision.

Liston stated it would be nice to move that culvert, but I don't know if that will ever happen.

The Surveyor stated I don't ever see it happening.

Heirbrandt stated at least let's explain it to them.

**Little Cicero Creek (Unregulated) - Lynch Property:**

Heirbrandt stated I don't know how credible this gentleman really is, but I've talked to him a couple of times already, Mr. Lynch, Tom Lynch. He says his whole property is flooded. He said some of it is because Beck's is putting all the water on him. I don't know the whole story because I haven't been out there, and I don't have any history. I don't know what's true and what's not true. I'm following up because this gentleman did call, he's called twice, and I'd like to be able to get back with him and give him some type of an explanation.

Liston stated Andy (Conover) dealt with him many times.

The Surveyor stated and so did Baitz. It's always been the same song; Beck's have ruined the world up there.

Altman stated it's wooded and it's probably because it's not tillable.

The Surveyor stated and if you notice Little Cicero Creek goes right through the property. For the life of me I can't see how it happens, but we've dealt with him many times before.

Heirbrandt asked what do you tell him? What would you advise me to tell him?

Liston stated Andy (Conover) tried to explain it, but Tom (Lynch) would never listen to him.

The Surveyor stated I don't know what to tell him.  
Altman asked is it regulated through there?

The Surveyor stated no.

Altman stated then we don't have jurisdiction.

Howard stated if its wooded through there it's probably floodplain or at least lowland.

Altman asked did you do a flood overlay on this?

The Surveyor stated I didn't, but I can.

Altman stated that would probably be helpful because it's got to show that overlay.

The Surveyor stated he keeps talking about a tile.

Heirbrandt stated I'd just like somebody with the Surveyor's Office to follow up with him so I can get that off my plate.

The Surveyor stated I've put together a drainage complaint on that and we'll get to it when we get to it.

Liston stated I'll go in and check the parcel and see if Andy (Conover) made any notes.

Heirbrandt stated if somebody could at least follow up so I can tell him that someone from the Surveyor's Office will follow up.

**E.E. Bennett Drain:**

Altman asked is there anything the Drainage Board needs to do to get Jeff Abrams moving?

Sullivan stated not at this time. Duncan and I did meet and there's some things internally that we can do before bringing it to you. We should have something for you at your March 28<sup>th</sup> meeting.

Altman asked and you communicated to the attorneys?

Sullivan stated yes.

**Clara Knotts Drain - Easements:**

The Surveyor stated I do have the issue on the easements for Clara Knotts. This is on the ARPA funds, that portion of it. Tim (Knapp) has put together the information for the appraisals for those and we'd like to get those approved and move forward.

Altman asked why do we have review fees on some of them?

The Surveyor stated because it's Federal Funds.

Altman asked is it a dollar amount that you anticipate we'll have to have the review appraisals? They're not on all of them.

The Surveyor stated I think it was the \$10,000.00?

Knapp stated if they do anything but a waiver evaluation it has to be reviewed.

Heirbrandt made the motion to approve the Easement Acquisitions for the Clara Knotts Drain, seconded by Dillinger and approved unanimously.

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