

MINUTES OF THE HAMILTON COUNTY DRAINAGE BOARD

March 23, 2020

The meeting was called to order Monday March 23, 2020 at 9:02 A.M.

The members of the Board present were Mr. Mark Heirbrandt-President, Ms. Christine Altman-Member and Mr. Steven C. Dillinger-Member. Also present was the Hamilton County Surveyor, Kenton C. Ward and members of his staff: Mr. Sam Clark Mr. Jerry Liston, Mr. Gary Duncan, Mr. Reuben Arvin, Mr. Steve Baitz and Mr. Steve Cash

Approve Minutes of March 9, 2020:

The minutes of March 9, 2020 were presented to the Board for approval.

Altman made the motion to approve the minutes of March 9, 2020; seconded by Heirbrandt and approve unanimously.

Bid Opening 2020 Vegetation Control:

Howard stated the first bid is from K & H Spray Services in Muncie with all required forms included and bid for the Williams Krause Drain in the amount of \$300.00, Thistlewaite Drain in the amount of \$1,865.00, Matthews & Underwood Drain in the amount of \$1,645.00, J. M. Endicott Drain in the amount of \$1,400.00 and the William Pierce Drain in the amount of \$2,120.00. The contractor has filled in the anticipated costs based on linear feet and estimated gallons on all the drains. This appears to be all the bids for this project, do any persons know of any other bids; none appearing I recommend they be referred to the Surveyor's Office for review and recommendation at the Board's April 13, 2020 meeting.

Altman made the motion to refer the bids to the Surveyor's Office for review and recommendation on April 13, 2020, seconded by Dillinger and approved unanimously.

Bid Opening - Clara Knotts Drain, 96th & College Reconstruction:

Howard state the first bid is from Fluid Waste Services with all required forms present and a cashier's check in lieu of bid bond. Does the Surveyor require a bid bond on this project?

Surveyor stated no, they gave a check on this project.

Howard stated the bid from Fluid Waste Services is \$344,230.00. This appears to be all the bids on the Clara Knotts Reconstruction. Does any person know of any other bids; none appearing I recommend the bid be referred to the Surveyor's Office for review and recommendation.

Dillinger made the motion to refer the bid to the Surveyor's Office for review and recommdnation, seconded by Altman and approved unanimously.

Professional Services Agreement - Clark & Compton (Banning Engineering):

The Surveyor stated that the Clark & Compton Drain is being designed right now by Banning Engineering. We had a conference call last week on the bridges on 226th Street and also on Lamong Road that the Highway is getting ready to design. Both bridges are on this drain and the original cost we were going to stop at 226th Street, but with the new bridges that are going to be there my recommendation is going up to Lamong Road and get it ready for improvements further north into Sheridan at some point in the future. This is an addendum to the contract for Banning Engineering for doing that work in the amount of \$18,500.00 for the Survey & Design.

Altman made a motion to approve the addendum to Banning Engineering's contract in the amount of \$18,500.00, seconded by Dillinger and approved unanimously.

Thorpe Creek Drain, John Underwood Reconstruction (Roads) - Certification:

The Surveyor stated that this has to do with the Thorpe Creek Drain, John Underwood Arm that we discussed via email last week or the week before. The differences between the road assessments that we had from the first original contract to what the Board just approved for Lapel. This is to take care of that difference.

Altman made a motion to approve with an amendment to this because I believe the first payment..

The Surveyor stated is due this year.

Altman stated yes, but that would be May 11th instead of the 10th because of the way the calendar falls.

Howard stated by Executive Order it's going to be July 10th or 11th.

Altman stated yes, I understand that, but internally for that I would just say on the due dates; lets just do "due dates" because they are weird, but I kept saying the 10th also and it's really the 11th. Now it's moot, but as due with the normal installments of taxes commencing 2020.

The Surveyor stated they will take care of that in the system.

The motion had been made to approve the certification for the John Underwood Reconstruction a change on the date as "due dates", seconded by Dillinger and approved unanimously.

Hearing Request (04/27/20) - William Creek, Springmill Run, Estates at Towne Meadows Arm:

The Surveyor asked the Board to set a request for hearing on the Williams Creek Drain, Springmill Run Arm, Estates at Towne Meadow Arm for April 27, 2020.

Altman made the motion to approve the request for hearing; seconded by Dillinger and approved unanimously.

Final Reports - Benton Hinesley Drain - Lamong Road Structures Replacement:

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

"To: Hamilton County Drainage Board

March 12, 2020

Re: Benton Hinesley Drain - Lamong Road Replacement of Small Structure 31056

Attached are plans, and other information for the Lamong Road Improvement project. An inspection of the drainage facilities for this project has been made and the facilities were found to be complete and acceptable.

This report will serve as an initial and final report for this construction. This road project occurred approximately 715 feet north of the intersection of 246th Street and Lamong Road. The work is reflected on plans prepared by USI Consultants for the Hamilton County Highway Department. The plans are dated September 10, 2013 and have a project number of PB-11-0004.

The Benton Hinesley Drain was altered during this project. The new small bridge structure was installed approximately 60 feet south of the previously installed structure under Lamong Rd. With the installation of the new structure the roadside ditch was regraded. In this regrading, the project removed approximately 115 feet of an existing grass water way installed on the west side of Lamong Road in 1995 as part of the Marion Adams School Arm Reconstruction project. (See report dated for May 14, 1993; DRB. 3, PG. 134)

The new small bridge structure installed further south crossed an existing 24" RCP. The existing drain was installed in 2008 with the Sheridan Elementary Arm (See report dated for April 21, 2008; DRB 11, PGS.217-218). The 184 feet of existing 24" RCP between structures 75-76 was replaced with 184 feet of open ditch. The length of the drain due to the changes described above is now **0 feet**.

This project was paid for by the Hamilton County Highway Department and work was conducted within existing drain easements and road right of way. I recommend the Board approve the drain's construction as complete and acceptable.

Sincerely,

Kenton C. Ward,
Hamilton County Surveyor

Altman made the motion to approve final report; seconded by Dillinger and approved unanimously.

Capital Asset Notification - Benton Hinesley Drain:

The Surveyor presented the Capital Asset Notification for Benton Hinesley Drain to the Board for their approval.

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

Bidders List - JBB Services:

The Surveyor stated that a company named JBB Services would like to be added to the bidders list for maintenance and reconstruction.

Dillinger made the motion to approve the request for JBB Services to be added to the bidders list, seconded by Altman and approved unanimously.

Big Cicero Creek Joint Drainage Board - Minutes of February 26, 2020:

The Surveyor presented minutes of the Big Cicero Creek Joint Drainage Board of February 26, 2020 for the Board's information. Does Heirbrandt have anything he would like to elaborate on?

Heirbrandt stated it was pretty quiet.

Non-enforcements

Clark presented a non-enforcement request for the Williams Creek Drainage Area, West Rail Arm filed by Justin Schneider for parcel #08-09-10-00-17-033.000 for a fence. The Surveyor Offices recommends approval.

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

Clark presented a non-enforcement for the Williams Creek Drainage Area, Springmill Ponds Arm filed by Ryan and Patricia Hendershot for parcel #17-09-23-01-08-020.000 for a fence. The Surveyor's Office recommends approval.

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

Clark presented a non-enforcement request for the Thomas Butler Drain filed by Beck's Hybrids for parcel #03-02-17-00-00-008.001 for a new tile paralleling 1903 feet on the west side of the tile and 938 feet on the west side of the tile. The Surveyor recommends approval.

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

Anna Kendall - Meijer Partial Abandonment - Continued Hearing:

The Surveyor stated this has to do with the language. You have the proposed language. You wanted that on the plan sheets.

Altman stated that it's not the plan sheets. The engineer can put on whatever they want; or the plan sheets we're approving, but they have to go on the plat too. The plan sheets are fine because it will be the record of what happened, but the guy down the road needs to rely on what's recorded.

The Surveyor asked Clark is that on the plan sheets and plat also?

Clark stated to my knowledge the exhibit we have is the for the plan sheet and we also have a signed statement from the engineer.

Howard asked we're reducing an easement?

The Surveyor stated we're vacating part of the drain.

Howard stated vacating part of the drain. I would think that the landowner would want the plat amended so if it goes to a subsequent person they wouldn't have to worry about it.

The Surveyor stated the language you see there, would that be appropriate for the plat?

Altman stated I don't know. I've gone back and forth with these people about ten times and it's not an attorney that keeps emailing me, it's really starting to irritate me because I spent the time and replied to them and I don't know if this is the same language or not. Were you on that replay?

Clark stated yes, that would be Paul Fertough, I believe he's the engineer.

Altman asked is this the language? That's what I need to know.

Howard stated we're going to have a set of plans and a recorded plat that's not amended that are different. I would suggest if they're just vacating something and it's not timely I would say we hold that until we see the amendment to the plat.

Altman stated I think they're trying to move on with their project, which is fine, but I keep asking them to assure that anybody that has been disconnected because of their vacation will be assured in perpetuity a connection to their drain and I don't see that in here. That's been the major thing is if they vacate and pull somebody off it's now their responsibility to allow them to connect forever.

Howard stated but that person who loses their connection is going to come in want us to fix it because we're government.

Altman stated exactly.

Heirbrandt stated we could approve it contingent on that.

Altman stated yes, I don't care. I just want it to be done and I'm tired of dealing with it.

Heirbrandt stated that's why I think this is what we should do.

Howard stated the other thought would be that we're not holding anybody up by vacating it. If they don't even understand the problem, they're probably not going to get the plat amended in the next three weeks.

Respectfully,

Andrew Conover
Inspector

Dillinger made the motion to approve the final report; seconded by Heirbrandt and approved. Altman abstained.

Capital Asset Notifications:

Surveyor presented the following Capital Asset Notifications to the Board for approval: Ponds West Section 1 and Benton Hinesley Drain.

Altman made a motion to amend the agenda; seconded by Dillinger and approve unanimously.

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

Construction Updates:

Anchorage Drain Reconstruction - Liston stated since the last meeting there has been no work on the Anchorage Drain because of the weather conditions.

Heirbrandt asked how is the flooding over there right now?

Liston stated I was out there on Thursday and everything was muddy, but there was no water standing.

Heirbrandt asked do you know if some of the neighbors brought their; I know they hired that constructor that was out to tie in?

Liston stated I spoke with Agricon on Thursday and that was mentioned. He needs to get back with the property owners to make that happen, to make those connections.

Heirbrandt stated he did a really good job when we met out there on site in talking to all of them. There's a clear understanding of what needs to be done.

FM Musselman Drain, WS Burnau Arm Reconstruction - Liston stated we've had the preconstruction meeting in the office, we've given the Notice to Proceed and Hoosier Pride will be starting that work today.

Ellis Barker Drain Reconstruction Update - Duncan stated as of last week, I know the weather was stopping them a little bit, but they were trying to make progress and the contractor was actually up to the intersection of 196th Street and Grassy Branch Road. They've saw cut the road and are hoping to go under the road this week. That intersection will be closed, but weather permitting that's what their plan is. That project is essentially still has about 900 feet to go down Grassy Branch and all the pipe will be installed.

William Krause Drain Reconstruction Phase 3 - Duncan stated our contractor is still on hold. We're waiting for the gas main to be relocated at the upper end of the project which I believe is done. There's also a watermain that needs to be relocated in the same vicinity and then our contractor will be able to finish it up.

Pending Asbuilts:

Thistlewaite Drain, California Street Arm - Duncan stated we have a draft completed of those asbuilt drawings. I've reviewed the drainage infrastructure that was installed. I still need to review them for the curbs that were installed and that is on my to do list.

Pending Final Reports

William Krause Drain Phases 1 & 2 - Duncan stated that Andy (Conover) and I have not reviewed. I know he is working on the final report for the William Krause Drain Phase 1 & 2 as well as the Benton Hinesley Drain. We've completed the as-builts so I think that's still in process.

The Surveyor stated one of the hold-ups on the Krause Drain is Mr. Ogle's reluctance at this point in time to sign the agreement.

Howard stated I haven't heard anything about that. What's his reluctance?

Duncan stated as best as I can figure it's the condition of the areas within the project that; he'll request something, we'll do it, he's not satisfied with it so we're continuing to try to...

Howard stated that the agreement had two components, one it said his crop damage for loss of crops to date and then an acknowledgement that vacating the temporary's and giving us a hold harmless on that.

The Surveyor stated that is on Phase 2, but he's holding our feet to the fire because Phase 3 is not done yet and he wants that work to meet his expectations before he signs it.

Howard stated he's the one that's not getting his check. How far are we down the road on Phase 3?

The Surveyor stated that if the weather cooperates we're probably within three weeks.

Duncan stated once they get the watermain moved our contractor then has to set two structures and maybe 30 to 40 feet of pipe so it's almost done. Then restoration.

Howard stated then we have to restore the topsoil.

Duncan stated yes and some paving.

The Surveyor stated but that's the hold up on Phase 2, because that's the one that we need the agreement from Ogle.

Howard asked to close out the project?

The Surveyor stated yes.

Howard stated if they'll forward that agreement and you give me a call and we'll limit it to Phase 2 and Phase 1 for the hold harmless and at least get those closed out so you can close out your loan document.

Thorpe Creek, Martha Ford Arm Relocation and the John Underwood Arm Reconstruction - Liston stated both of those reports have been written and waiting for review in the office.

Drainage Board Attorney

Revis Fence Violation - Howard stated I have checked with Liston and the fence has not yet been removed and the deadline is Friday. We followed up in writing on Friday to their attorney pointing out that he had no remaining theory under which he could say that we abdicated our jurisdiction to the Homeowner's Association in light of the fact the Homeowner's Association made their approval conditioned (underlined) on our approval. We may have to spend the trouble and take the fence down. We explained to him that we were not prohibiting him from having a fence, we're just requiring him to locate the back out of our easement and any time after the 27th of March we reserve the right to go in there and take the fence down.

Items Pending

Highland Springs Drain - The Surveyor stated Baitz is waiting for a price on a 36-inch pipe on the slip lining for the Nancy Kimberlin Drain. Arvin is putting that information together for me and hopefully we'll have that at the next meeting.

Taylor Creek Drain - The Surveyor stated I'm still waiting on a letter from the Hartley's.

Heirbrandt asked have you had any discussion with them?

The Surveyor stated I ran into Kaye (Hartley) at the post office in Cicero two weeks ago and mentioned it to her and she knows about it.

Village Farms - Heirbrandt asked is there any updates on Village Farms situation?

The Surveyor stated no, Cash and Liston has put together all the information and given it to Hans (Peterson) with Clark Dietz. Clark Dietz is looking at that and I've suggested a meeting with Jeremy (Lollar) & Wes (Rood) over at Westfield and that has not happened yet.

Bellewood Drain, Glen Oaks Arm - Heirbrandt asked any update on Chris Konow?

Duncan stated he's requested a meeting with Joe Miller (Banning Engineering) and we're trying to find a time to meet with him. The present situation will affect how that meeting occurs. I had envisioned it taking place inside his house.

Altman stated it's just not the same six feet apart.

Senate Bill 229 - Heirbrandt stated Senate Bill 229 hasn't been signed yet.

Surveyor stated right.

Heirbrandt stated it might be worth making a call.

The Surveyor stated that Victoria Spartz called me last night at 5:00 but my phone was upstairs and I didn't look at the phone until 10:30 and I wasn't going to call her back then. I called her this morning and left a message. I'm going to call her right after this meeting.

Heirbrandt stated we sent a letter to the Governor's Office.

The Surveyor stated the environmentalists have..

Heirbrandt stated it's one of the only bills that hadn't been signed yet.

The Surveyor stated I don't know if you have somebody down in the Governor's Office.

Heirbrandt stated I'm going to call just to remind them that we sent that letter.

The Surveyor stated and that we need this in order to streamline the permitting.

Waltz, Warman, Booth & Dickover Drain - Heirbrandt asked about the vacating of this drain requested by Beck's Hybrids?

Howard stated I left a message with them last week about not vacating, but possibly having a license agreement and I have not heard back.

Heirbrandt stated I need to get some dates from the Surveyor to go over projects to line item them out and decide which ones need an engineering firm that we can get off of our plate and move on.

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

Mark Heirbrandt - President

Pamela Louks
Acting Executive Secretary