

MINUTES OF THE HAMILTON COUNTY DRAINAGE BOARD

March 27, 2023

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

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

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

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

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

**Bid Opening - 2023 Vegetation Control:**

Howard stated the first bid packet is from HWC Water and Land Resources formerly Puddle Jumpers Aquatics with all required forms present and a total bid of \$53,414.00. This appears to be all the bids on this project. Does anyone know of any other bids that should have been included; none appearing I recommend the Board refer the bid to the Surveyor's Office for review and recommendation on April 10, 2023.

Dillinger made the motion to refer the bid to the Surveyor's Office for review and recommendation on April 10, 2023, seconded by Altman and approved unanimously.

**Geistview Estates Drain:**

There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"February 9, 2023

TO: Hamilton County Drainage Board

RE: Geistview Estates Drain

At this time, I recommend the Board increase the period of collections for the Geistview Estates Drain Fund No. 324, from 4 years to 8 years as allowed under IC 36-9-27-43. Currently the drain collects \$600.00 annually and has a balance of \$2,788.00. The assessments for this fund was last revised in 2000.

With the costs of maintenance increasing work orders could eliminate the balance within this fund. If this happens the fund shortfall would be made up through the General Drain Improvement Fund (GDIF) as per IC 36-9-27-73. Depending on the amount of such shortfall it could take years to pay off the needed funds back to the GDIF. I view this as a proactive way to avoid this situation without increasing assessment rates

I recommend the Board set this proposal for hearing for March 27, 2023.

Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/pll"

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

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

**"FINDINGS AND ORDER**

**CONCERNING THE MAINTENANCE OF THE**

**Geistview Estates Drain**

On this **27<sup>th</sup> day of March, 2023**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Geistview Estates Drain**.

Evidence has been heard. Objections were presented and considered. The Board then adopted the original/amended Schedule of Assessments. The Board now finds that the annual maintenance assessment will be less than the benefits to the landowners and issues this order declaring that this Maintenance Fund be established.

HAMILTON COUNTY DRAINAGE BOARD

Mark Heirbrandt  
President

Christine Altman  
Member

Steven C. Dillinger  
Member

Attest: Lynette Mosbaugh  
Executive Secretary"

**Herr-Haughey Drain:**

There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"February 9, 2023

TO: Hamilton County Drainage Board

RE: Herr-Haughey Drain

At this time, I recommend the Board increase the period of collections for the Herr-Haughey Drain Fund No. 14, from 4 years to 8 years as allowed under IC 36-9-27-43. Currently the drain collects \$1,382.58 annually and has a balance of \$4,443.47. The assessments for this fund was last revised in 2007.

This drain has a chronic history of breakdowns, some of which have been costly. With the costs of maintenance increasing one such breakdown could eliminate the balance within this fund. If this happens the fund shortfall would be made up through the General Drain Improvement Fund (GDIF) as per IC 36-9-27-73. Depending on the amount of such shortfall it could take years to pay off the needed funds back to the GDIF. I view this as a proactive way to avoid this situation without increasing assessment rates. Also, at some point in the future this drain will be a candidate for reconstruction. Increasing the period of collections will possibly provide some funds to use towards a reconstruction as allowed under IC 36-9-27-45.5.

I recommend the Board set this proposal for hearing for March 27, 2023.

Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/pll"

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

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

**"FINDINGS AND ORDER**

**CONCERNING THE MAINTENANCE OF THE**

**Herr-Haughey Drain**

On this **27<sup>th</sup> day of March, 2023**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Herr-Haughey Drain**.

Evidence has been heard. Objections were presented and considered. The Board then adopted the original/amended Schedule of Assessments. The Board now finds that the annual maintenance assessment will be less than the benefits to the landowners and issues this order declaring that this Maintenance Fund be established.

HAMILTON COUNTY DRAINAGE BOARD

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Member

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Attest: Lynette Mosbaugh  
Executive Secretary"

**Williams Creek Drainage Area, O. F. Henley Arm - Ambleside Section 2:**

There were no objections on file. Mr. Tim Walter was present for this item.

The Surveyor presented his report to the Board for approval.

"January 12, 2023

To: Hamilton County Drainage Board

Re: Williams Creek Drainage Area, O.F. Henley Arm, Ambleside Section 2

Attached is a petition filed by Platinum Properties, along with a non-enforcement request, plans, calculations, quantity summary and assessment roll for Ambleside Section 2 of the Williams Creek Drainage Area, O.F. Henley Arm located in Clay Township. I have reviewed the submittals and petition and have found each to be in proper form.

Upon reviewing these plans, I believe that the drain is practicable, will improve the public health, benefit a public highway, and be of public utility and that the costs, damages and expenses of the proposed drain will probably be less than the benefits accruing to the owners of land likely to be benefited. The drain will consist of the following:

12" RCP	1,836 feet	21" RCP	150 feet
15" RCP	618 feet	24" RCP	215 feet
18" RCP	488 feet	48" RCP	621 feet
		Open Ditch	745 feet

The total length of the drain will be 4,673 feet.

The portion of the drain listed above as open drain is that portion through Lake #3 from the south right of way of 146<sup>th</sup> Street to Structure 167.

The installation of the new regulated drain as outlined above, will relocate the existing O.F. Henley Drain. The drain being modified is the 2,120 feet of open ditch installed with the 2015 146<sup>th</sup> Street Improvements Project. (See Drainage Board Minutes Book 15, pages 359-360, report dated October 16, 2015).

The Ambleside Development will remove the existing 2,120 feet open ditch beginning at the north side of the existing regional detention pond at approximate Station 14+20 to downstream where it outlets into the existing detention pond for Saddle Creek Section 10 at existing Station 35+40. The storm water will be re-routed through the storm drain system for Ambleside. The regional detention pond will be re-sized, reshaped and incorporated into the Ambleside Subdivision as Lake 3. This will require a land swap between the county and the developer. This is outlined in a resolution by the Hamilton County Board of Commissioners which was approved on January 23, 2023 as Resolution No. 1-23-2023-1. The project will result in 2,553 feet of additional footage to the drains overall length.

The drain maintenance shall include the inlets, outlets, sub-surface drains and reinforced concrete pipes that are listed as part of the new regulated drain. The maintenance of the detention pond such as, erosion control or mowing and the maintenance of the native banks BMP around the pond and the two hydrodynamic separator water quality BMP Structures will be the responsibility of the Ambleside HOA or the City of Carmel. The Board will also retain jurisdiction for ensuring the storage volume for which the pond was designed will be retained. Thereby, allowing no fill or easement encroachments.

I have reviewed the plans and believe the drain will benefit each lot equally. Therefore, I recommend each lot to be assessed equally. I also believe that no damages will result to landowners by the construction of this drain. I recommend a maintenance assessment of \$65.00 per lot, \$10.00 per acre for common areas, with \$65.00 minimum, and \$10.00 per acre for roadways. With this assessment the total annual assessment for this drain will be \$8,594.60.

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March 27, 2023

Under IC 36-7-4-709, the petitioner chose not to submit surety for the proposed drain prior to Drainage Board approval. A bond will be submitted prior to the commencement of construction. The cost of the relocation and drain infrastructure is to be paid by the developer.

I believe this proposed drain meets the requirements for Urban Drain Classification as set out in IC 36-9-27-67 to 69. Therefore, this drain shall be designated as an urban drain.

I recommend that upon approval of the above proposed reconstruction that the Board also approve the attached non-enforcement for Ambleside Section 2.

I recommend that the Board set a hearing for the proposed drain for March 27, 2023.

Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/pl1"

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

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

The Surveyor presented a non-enforcement request for Ambleside Section 2 to the Board for approval.

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

**"FINDINGS AND ORDER**

**CONCERNING THE MAINTENANCE OF THE**

**Williams Creek Drainage Area, O. F. Henley Arm  
Ambleside Section 2**

On this **27<sup>th</sup> day of March, 2023**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Williams Creek Drainage Area, O. F. Henley Arm, Ambleside Section 2**.

Evidence has been heard. Objections were presented and considered. The Board then adopted the original/amended Schedule of Assessments. The Board now finds that the annual maintenance assessment will be less than the benefits to the landowners and issues this order declaring that this Maintenance Fund be established.

HAMILTON COUNTY DRAINAGE BOARD

Mark Heirbrandt  
President

Christine Altman  
Member

Steven C. Dillinger  
Member

Attest: Lynette Mosbaugh  
Executive Secretary"

**Hidden Bay Drain:**

There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"February 9, 2023

TO: Hamilton County Drainage Board

RE: Hidden Bay Drain

At this time, I recommend the Board increase the period of collections for the Hidden Bay Drain Fund No. 314, from 4 years to 8 years as allowed under IC 36-9-27-43. Currently the drain collects \$1,000.00 annually and has a balance of \$5,788.22. The assessments for this fund was last revised in 1999.

With the costs of maintenance increasing work orders could eliminate the balance within this fund. If this happens the fund shortfall would be made up through the General Drain Improvement Fund (GDIF) as per IC 36-9-27-73. Depending on the amount of such shortfall it could take years to pay off the needed funds back to the GDIF. I view this as a proactive way to avoid this situation without increasing assessment rates

I recommend the Board set this proposal for hearing for March 27, 2023.

Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/pll"

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

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

**"FINDINGS AND ORDER**

**CONCERNING THE MAINTENANCE OF THE**

**Hidden Bay Drain**

On this **27<sup>th</sup> day of March, 2023**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Hidden Bay Drain**.

Evidence has been heard. Objections were presented and considered. The Board then adopted the original/amended Schedule of Assessments. The Board now finds that the annual maintenance assessment will be less than the benefits to the landowners and issues this order declaring that this Maintenance Fund be established.

HAMILTON COUNTY DRAINAGE BOARD

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\_\_\_\_\_  
President

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

Attest: Lynette Mosbaugh  
\_\_\_\_\_  
Executive Secretary"

**County McMahon Drain, Firm Foundation - Findings & Order for Vacation:**

The Surveyor presented the findings of fact and order that we didn't get signed at the last meeting when it was approved for reconstruction for signature today.

**Mary Wilson Drain - Habig Easement:**

The Surveyor stated this is the Statement of Basis for Just Compensation for the Habig Easement to be signed by the president of the Board on approval of the Board.

Dillinger made the motion to approve the Statement of Basis for Just Compensation on the Habig Easement, seconded by Altman and approved unanimously.

Altman stated and the next step will be a formal offer.

The Surveyor stated yes. I'm also on the Council agenda for this item.

**Mallery-Granger Drain - Petition:**

The Surveyor stated we have a drain petition for the Mallery-Granger Drain from Nancy Jane Comstock. This is for the Board's information. We'll be putting a hearing notice together and report for the next meeting.

**Little Cicero Creek Drain - Petition:**

The Surveyor stated this petition is from the County Parks Department on extending the Little Cicero Creek Drain across the Park property southwest of Arcadia. This will also be on the Board's next agenda with a report.

Altman asked does this require additional properties to get there?

The Surveyor stated no, it does not. Those additional properties have easements by the fact that they were platted easements.

Altman stated so it's just a regulation of those easements.

The Surveyor stated right.

Altman asked did they waive their rights to object when they signed off easements in the plat?

The Surveyor stated I don't believe so, but this was thought of when it was coming through and we've made sure that there was a regulated drain easement on the plat.

**J. H. Leap Drain - Phillips Tort Notice:**

The Surveyor stated the Board received a Tort Claim from Mr. and Mrs. Phillips who live in Forest Bay Estates. I think you've also seen my response to Mr. Phillips email. He is upset that the drain which runs from the curb inlets where they outlet on Cedar Lane down across his west property line and into the Leap Drain. He's upset because that's not maintained by the County.

Altman asked wouldn't he have to petition to regulate?

The Surveyor stated he would have to do that and this is an old Shorewood Subdivision which explains a lot. It was not made regulated at that time.

Altman asked did someone review the plat? It should be a platted easement.

The Surveyor stated there is a platted easement, but I think it's seven to ten feet.

Altman stated but it doesn't say it's regulated.

The Surveyor stated no.

Altman asked is there a Homeowners Association for Forest Bay?

The Surveyor stated I believe there is. The plat goes back to 1980.

Altman asked it's an old Shorewood Plat?

The Surveyor stated yes.

Altman stated we might want to review that and see if there's any obligations and if it throws it back on...does it say in the covenants who maintains the drainage?

The Surveyor stated I've not looked at that, but I know it's not the county. It's five feet on one side of the property line and ten foot...

Altman stated it's usually in those situations on the newer plats, maintained by the Homeowners Association so I think someone needs to pull the covenants and redirect his concerns to the appropriate people.

The Surveyor stated we'll do that.

Heirbrandt stated and you can reach out to him and let him know that.

Altman stated so then we give him a resolution as to how to address his problems on his lot.

Howard stated give him a second paragraph rather than it's not our problem.

Altman stated we know more about drainage than a normal homeowner.

**William Lehr Drain, J. S. McCarty Arm - Phase 1 Reconstruction:**

There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

February 1, 2023

To: Hamilton County Drainage Board

Re: William Lehr Drain, J. S. McCarty Arm Phase 1 Reconstruction

Attached are the construction drawings, drain map for the reconstruction of the John S. McCarty Arm Phase 1 of the William Lehr Drain.

Based on a history of poor drainage and chronic standing water, the John S. McCarty Arm watershed was studied, and solutions were developed to improve drainage in the watershed. This project is the first phase of the recommendations from the study.

Regulated drains in the area consist of the following main and arms of the William Lehr Drain:

- Booth Zeis Arm
- John S. McCarty Arm
- Booth & White Arm
- Joseph & Brooks Arm

These drains are located in Sections 1, 2, 3, 11, and 12 of Township 18 North, Range 5 East in Wayne Township of Hamilton County Indiana.

The reconstruction project will take place in Section 2 and Section 3 of Township 18 North, Range 5 East in Wayne Township and will reconstruct portions of the Booth Zeis 2004 Extension Arm, the John S. McCarty 2004 Extension Arm, the John S. McCarty 1994 Relocation Arm, the and the John S. McCarty Arm of the William Lehr Drain.

The main Booth Zeis Arm, the J.S. McCarty-George Steffey Arm, the J.S. McCarty-George Steffey 1982 Relocation Arm, the J.S. McCarty- Isaac Caylor Arm will not be affected by the reconstruction project. The portion of the John S. McCarty Arm upstream of Station 25+40 will not be affected by this project. 90-feet of the John S. McCarty 1994 Relocation Arm between Stations 62+30 and 63+20 will be removed. A bulkhead and breather will be installed at the proposed top-of-bank of the new open ditch. The John S. McCarty 1994 Relocation Arm between Station 63+20 and 64+75 and between Stations 75+27 and 78+39 will not be affected by this project. The John S. McCarty Arm between Station 64+75 and 75+37 will not be affected by this project. The Booth Zeis 2004 Extension Arm upstream of the point where the John S. McCarty 2004 Extension Arm discharges to the Booth Zeis 2004 Extension Arm will not be affected by this project.

The John S. McCarty Arm needs reconstruction at this time based on the condition of the drain due to its age, lack of adequate capacity, and significant standing water issues within the watershed and the Town of Clarksville.

The attached plans, dated May 27, 2022, were prepared by VS Engineering, Inc. and reviewed by the Hamilton County Surveyor's Office. The project will dredge a portion of the existing open ditch of the Booth Zeis 2004 Extension Arm, dredge the John S. McCarty 2004 Extension Arm, dredge a portion of the John S. McCarty 1994 Relocation Arm, construct a new open ditch along the south side of State Road 38 east of Boden Road, and convert a section of the John S. McCarty Arm from tile to open ditch. The project is consistent with the recommendations of the April 2015 Hydraulic Study completed by VS Engineering.

The project will improve the flow characteristics of the drain, provide an increased capacity outlet for all areas within the watershed that experience flooding, better drain the soil of the agricultural fields served by this drain, and allow the implementation of future projects consistent with the recommendation of the 2015 hydraulic study.

I have made a personal inspection of the Drain. Upon doing so, I believe that the drain is practicable, will improve the public health, benefit a public highway, and be of public utility; and that the costs, damages and expenses of the proposed drain will probably be less than the benefits accruing to the owners of land likely to be benefited.

**History**

The John S. McCarty Drain was established per a Viewer's Report dated October 5, 1900.

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The Booth Zeis Drain was established per a Viewer's Report dated April 9, 1898.

The JS McCarty Drain was placed on maintenance in 1968. [See Hamilton County Drainage Board Minutes Book 1, page33]

The Booth Zeis Drain was placed on a maintenance program in 1973. [See Hamilton County Drainage Board Minutes Book 1, page 97]

A project to relocate a portion of the John S. McCarty Drain was approved at hearing during the March 28, 1994 meeting of the Hamilton County Drainage Board. [See Hamilton County Drainage Board Minutes Book 3, pages 234-235; Addendum Book 1, Pages 220-221; Addendum Book 1, Page 246]

The Booth Zeis Drain was made an arm of the William Lehr Drain and extended a length of 751-feet at hearing during the June 28, 2004 meeting of the Hamilton County Drainage Board. [See Hamilton County Drainage Board Minutes Book 7, pages 480-481] Before it was combined with the William Lehr Drainage Shed, the Booth Zeis Drain Drainage Shed consisted of 2,748.45-acres and 977-lots [See Hamilton County Drainage Board Minutes Book 7, pages 480-481]

The John S. McCarty Drain was made an arm of the William Lehr Drain and extended a length of 181-feet at hearing during the February 28, 2005 meeting of the Drainage Board [See Hamilton County Drainage Board Minutes Book 8, pages 211-215] Before it was combined with the William Lehr Drainage Shed, the John S. McCarty Drain Drainage Shed consisted of 569.20-acres and 41-lots [See Hamilton County Drainage Board Minutes Book 8, pages 211-215].

A contract for a hydraulic study of the John S. McCarty Watershed was awarded to VS Engineering in the amount of \$28,100.00 at the May 12, 2014 meeting of the Hamilton County Drainage Board [See Hamilton County Drainage Board Minutes Book 15, page 413].

At the September 28, 2015 meeting of the Hamilton County Drainage Board, VS Engineering presented the hydraulic study and outlined various alternatives for improving drainage within the John S. McCarty drainage Shed. [See Hamilton County Drainage Board Minutes Book 16, pages 311-315].

At the April 11, 2016 meeting of the Hamilton County Drainage Board, the Surveyor recommended to the Board that Alternate 6B of the hydraulic study, consisting of open ditch and drain replacement/upsizing be implemented. The estimated cost for this Alternate was \$1,493,000. [See Hamilton County Drainage Board Minutes Book 16, Pages 507-509].

At the May 9, 2016 meeting of the Hamilton County Drainage Board, a contract with VS Engineering for surveying services in the amount of \$58,100.00 was approved. [See Hamilton County Drainage Board Minutes Book 16 page 551].

At the May 8, 2017 meeting of the Hamilton County Drainage Board, a contract for professional services with VS Engineering for the design of the first phase of the John S. McCarty Arm reconstruction, in the amount of \$62,843.00, was approved. [See Hamilton County Drainage Board Minutes Book 17, page 341].

At the January 22, 2018 meeting of the Hamilton County Drainage Board, filter strips were established at hearing for both sides of the portions of the William Lehr Drain, the JS McCarty Arm, and the Booth Zeis Arm that cross Parcel 12-11-03-00-00-006.00. [See Hamilton County Drainage Board Minutes Book 18, pages 25-29].

At the June 14, 2021 meeting of the Hamilton County Drainage Board, the Board approved seeking appraisals for the required easements from Irving Materials, Inc. [See Hamilton County Drainage Board Minutes Book 20, page 55].

At the November 22, 2021 meeting of the Hamilton County Drainage Board, the Board approved the appraisals for the easements needed from Irving Materials, Inc. [See Hamilton County Drainage Board Minutes Book 20, page 232].

At the November 28, 2022 meeting of the Hamilton County Drainage Board, the bid date for the reconstruction project was set for January 9, 2023. [See Hamilton County Drainage Board Minutes Book 21, page 94].

Five (5) bids were received for the reconstruction project at the January 9, 2023 meeting of the Drainage Board. The bids received were:

Company	Bid Submitted
Hoosier Pride Excavating, Inc.	\$855,464.36
Morphey Construction, Inc.	\$525,000.00
Indiana Earthworks, LLC	\$738,845.97
Conexco, Inc.	\$971,234.80
Indiana Excavating Services, LLC	\$486,896.13



The apparent low bid was \$486,896.13 from Indiana Excavating Services, LLC. There is a 120-day hold on the submitted bids to allow for a public hearing based on the received bids. [See Hamilton County Drainage Board Minutes Book 21, Page 119].

**Existing Conditions**

The existing JS McCarty Arm functions but is undersized by today's standards. The tile is 123-years old and has exceeded the expected service life of such a tile. Routine maintenance is required for the tile to function. The 51 work orders completed since 2000 total \$123,448.93.

The undersized tile does not effectively drain the root zone of the adjacent agricultural lands. An adequately drained root zone relieves stress on plants and provides aeration to the root system, which potentially increase production/yield of the acreage.

The town of Clarksville experiences significant areas of standing water and poor drainage.

The April 2015 watershed study by VS Engineering further outlines the poor drainage of the watershed. The study identifies numerous areas of standing water and flooding, collapsed/obstructed tile in two locations, and roadway overtopping.

**Drainage Complaint and Work Order History**

Based on a search of the County's database for drainage complaints, there have been sixty-three (63) Drainage Complaints logged into the County's database for such complaints since 2000. The complaints are listed below.

DC #	Date Created	Description	Location
2000-00010	3/29/00	Blow Holes	SR 38 and Middletown Ave.
2001-00084	6/7/01	Broken Tile/Hole	S of 166th St & E of Church
2002-00101	4/10/02	Standing Water	N of Clarksville on Durbin Rd
2002-00146	4/25/02	Broken Tile	W of Durbin Rd & N of SR 38
2002-00456	10/29/02	Blow Holes	Southside of Clarksville in Horse Lot
2003-00100	4/1/03	Broken Tile	166th St & Olio Rd
2003-00145	4/17/03	Broken Tile	13455 E SR 38; Behind Barn
2003-00174	5/2/03	Blow Holes	Mystic Rd & SR 38
2003-00264	5/27/03	Blow Hole	13998 Hill St, Noblesville
2003-00613	10/29/03	Broken Tile	N of Clarksville on Durbin Rd
2003-00677	12/4/03	Blow Holes	SR 38 and Mystic Rd
2004-00125	4/7/04	Culvert Collapsed on IMI Property	N of SR 38 & E of Middletown Ave
2004-00202	4/28/04	Blow Holes (2)	13655 SR 38, Noblesville
2004-00264	6/11/04	House Flooding	14107 Hill Street, Noblesville
2004-00365	7/28/04	Soil Erosion from Excessive Water	N of 166th St & W of Olio Rd
2005-00219	4/19/05	Broken Tile/Holes	W of Olio Rd & SR 238
2006-00085	3/16/06	Blow Holes	SR 38 & Durbin Rd
2006-00231	5/19/06	Blow Holes	SR 38 & Olio Rd

2006-00415	10/23/06	Drain Clogged	S of SR 38 & N of Durbin Rd (Vine St)
2007-00003	1/2/07	Blow Hole	166th St & Olio Rd
2007-00203	4/16/07	Blow Hole	N of 166th St & W of Olio Rd
2007-00230	4/23/07	Blow Hole	SR 38 & Middletown Ave
2008-00013	1/14/08	Broken Tile	E of Boden Rd & S of SR 38
2008-00152	4/21/08	Tile Exposed	W of Prairie Baptist & S of SR 38
2008-00331	7/8/08	Blow Hole	S of 166th St & E of Olio Rd
2009-00361	8/3/09	Pipe Damaged	SR 38 & Durbin Road R/W
2009-00448	11/17/09	Blow Holes	S of SR 38 & W of Olio Rd
2010-00340	11/17/10	Tile Blow Out	S of SR 38 & W of Olio Rd
2011-00394	10/13/11	Set Breather on Tiles	SR 38 & Durbin Rd
2011-00399	10/20/11	Broken Tile	S of SR 38 & SE of Mystic Road
2012-00162	4/17/12	Blow Holes (2)	S of SR 38 & W of Olio Rd
2012-00328	10/24/12	Sink Hole	N of SR 38 & E of Middletown Ave
2013-00094	3/20/13	Blow Holes	SR 38 & Olio Rd
2013-00156	4/19/13	Needs Dipped Out at Open Ditch	N of SR 38 & E of Middletown Ave
2014-00528	12/16/14	Blow Holes	E of Boden Rd & E of Durbin Rd
2015-00154	4/20/15	Broken Tile	S of SR 38 & E of Boden Rd
2015-00518	11/30/15	Broken Tile	N of SR 38 & W of Durbin Rd
2016-00090	3/30/16	Blow Holes	SR 38 Between Boden Rd & Olio Rd
2016-00394	10/12/16	Standing Water	S of 166th St & E of Olio Rd
2017-00009	1/13/17	Driveway Collapsed (Hole)	N of SR 38 & NE of Olio Rd
2017-00012	1/17/17	Yard Flooded	S of 166th St & E of Olio Rd
2017-00056	2/23/17	Hole Along Shoulder of SR 38	On SR 38, E of Olio Rd
2017-00111	3/31/17	Yard Flooded	S of 166th St & E of Olio Rd
2017-00175	4/27/17	Broken Tile	S of SR 38 & E of Boden Rd
2017-00212	5/4/17	Flooding	SW of SR 38 & Durbin Rd
2018-00033	2/22/18	Broken Tile	N of SR 38 & E of Durbin Rd
2018-00151	4/23/18	Blow Holes	W of Olio Rd & S of SR 38

2018-00346	9/10/18	Flooding	14141 SR 38
2018-00404	10/22/18	Drain Clogged	S of SR 38 & W of Vine St
2019-00099	3/22/19	Blow Holes	SR 38 & E of Boden Rd
2019-00286	5/21/19	Water Not Draining	Olio Rd, S of SR 38
2019-00412	6/26/19	Water Not Flowing at Breather	166th St & Olio Rd
2020-00147	4/10/20	Neighbor placing dirt on property	14141 East SR 38
2020-00256	5/19/20	Drain clogged	South of SR 38 and West of Vine
2020-00508	12/2/20	Flooding	16605 Durbin Rd
2021-00232	5/24/21	Basement flooding	SR38 and Durbin Road
2021-00388	10/25/21	Water in crawl space	South of SR38 and west of Durbin Road
2021-00390	10/25/21	Yard is flooded	North of 166 <sup>th</sup> and west of Olio Road
2022-00101	3/11/22	Clearing being completed	South of SR38 and east of Boden Road
2022-00124	3/22/22	Standing water/broken tile	South of SR 38 and east of Olio Road
2022-00271	5/16/22	Broken tile	South of SR38 and west of Olio Road
2022-00304	5/25/22	Hole	South of SR38 and west of Olio Road
2022-00488	10/26/22	Hole	South of SR38 and west of Olio Road

Based on a search of the County's database for work orders, there has been a total of fifty-one (51) work orders since 2000 with a total value of \$123,448.93. The Work Orders are listed below.

<b>Work Order #</b>	<b>Type of Repair</b>	<b>Cost</b>	<b>Date Complete</b>
2000-00064	Two (2) Holes and Tile Installation	\$916.50	6/12/00
2001-00069	Large Blow Hole Repaired	\$773.00	1/10/03
2001-00101	Blow Hole	\$281.70	1/10/03
2002-00063	Restored Flow of Tile Blockage	\$5,466.00	8/12/03
2002-00209	Blow Holes Repaired	\$456.00	8/13/03
2003-00056	Broken Tile Replacement	\$2,287.80	1/13/05
2003-00087	Broken Tile	\$1,922.00	1/14/05
2003-00257	Tile Install and Two (2) Loads of Fill Dirt	\$1,123.00	1/20/05
2004-00048	Broken Tile Replacement	\$1,187.00	12/9/05
2004-00110	Broken Tile Replacement	\$1,461.50	12/9/05
2005-00109	Broken Tile Replacement	\$858.00	12/1/05
2005-00183	Repair & Restore Tile Blockage	\$4,950.25	12/2/05

2006-00058	Blow Holes Repaired	\$2,475.25	10/27/06
2006-00132	Jet & Root Cut Tile	\$209.00	11/1/06
2007-00007	Tile and Box Structure Installation	\$9,226.81	1/18/07
2007-00008	Jet the Tile	\$312.50	1/18/07
2007-00118	Broken Tile Replacement	\$822.00	12/18/07
2007-00142	Two (2) Holes and Tile Installation	\$672.00	12/21/07
2007-00203	Jet the Tile for Proper Flow	\$567.25	1/18/08
2008-00034	Broken Tile Replacement	\$545.00	3/25/08
2008-00198	Broken Tile Replacement	\$935.50	8/26/08
2008-00275	Broken Tile Replacement	\$529.00	12/24/08
2009-00228	Tile Breather Reset	\$193.00	1/25/10
2009-00298	Several Blow Holes Repaired	\$620.00	1/13/10
2010-00056	Blow Hole Repaired	\$291.10	5/25/10
2010-00269	Two (2) Blow Holes Repaired	\$620.00	11/22/11
2012-00016	Set Breathers on Tile	\$599.00	4/23/12
2012-00017	Two (2) Blow Holes Repaired & Tile Installed	\$1,057.00	1/22/13
2012-00151	Blow Holes Repaired & Tile Installed	\$1,593.00	1/14/12
2012-00298	Tile Repair	\$646.80	11/19/14
2013-00079	Tile Repair	\$12,351.90	5/31/13
2013-00117	Dredge Open Ditch	\$2,441.50	9/23/13
2015-00031	Clearing, Tile Install/Replacement, Breather Install	\$9,483.65	4/27/15
2015-00159	Blow Hole Repaired	\$922.00	6/23/15
2016-00055	Several Blow Holes Repaired & Breather Install	\$966.50	4/11/17
2016-00123	Blow Hole Repair & Reset Str. Casting	\$606.48	5/10/16
2017-00023	Blow Hole Repair in Driveway	\$4,387.25	12/21/17
2017-00029	Tile Repaired at Blockage	\$5,163.25	12/21/17
2017-00030	Jet & Root Cut Tile	\$1,575.00	3/14/17
2017-00057	Repair Large Hole in Shoulder of SR 83	\$1,127.57	4/12/17
2017-00139	Blow Holes Repaired	\$2,229.50	6/13/19
2018-00043	Filter Strip Installation	\$768.00	6/12/18
2018-00062	Tile Repair & Installation of Box Structure	\$21,017.10	6/13/19
2018-00097	Jet Tile to Remove Blockage	\$450.00	5/15/18

2018-00124	Blow Hole Repair	\$1,766.61	6/12/18
2018-00270	Blow Hole Repair	\$7,075.45	10/23/18
2018-00313	Jet Line to Remove Blockage	\$481.25	12/5/18
2019-00079	Two (2) Blow Holes Repaired	\$2,012.86	6/11/19
2019-00229	Tile repair	\$2,520.25	7/15/19
2020-00415	Tile Repair	\$2,102.85	12/8/20
2021-00025	Surface grading	\$403.00	4/7/21

**Reconstruction Project**

The project is the first phase of an overall project to improve drainage in the watershed and the Town of Clarksville. The project will convert a portion of the existing John S. McCarty Arm from a tile to an open ditch to improve the capacity of the drain; widen an existing roadside ditch as new regulated drain; construct a short segment of new open ditch regulated drain; and dredge segments of the open ditch portions of the existing John S. McCarty Arm and Booth Zeis Arm between Boden Road and the William Lehr Ditch.

The open ditch will have a bottom width of 6-feet from Construction Drawing Station 10+00 to Station 41+75. The bottom width will be 4-feet from Construction Drawing Station 41+75 to 68+05. Bank side slopes will be 2:1 along entire the length of the open ditch. There will be a short transition between the bottom widths near Construction Drawing Station 41+75.

More specifically, the project includes the dredging of 718-feet of existing open ditch; the construction of approximately 1,041-feet of new open ditch along an existing roadside ditch; the construction of 3,698-feet of new open ditch to replace existing tile (a total of 4,739-feet of open ditch); the construction of four (4) farm crossings consisting of a total length of 244-feet of 60" CMP; clearing of fences and other improvements within the existing regulated drain easement; removal of 90-feet of existing regulated drain tile that is not along the alignment of the new open ditch; surface water pipes with animal guards as needed; tile drain extensions with animal guards as needed; one (1) breather; one (1) tile bulkhead; construction phase erosion and sediment control measures including two (2) construction entrances, rip-rap, filter strips, and ditch seeding.

The existing portion of the existing John S. McCarty Arm upstream of Station 25+40 will outlet to the new open ditch. The George Steffey Arm will outlet to the new open ditch.

Across parcels 12-11-02-00-00-028.000, 12-11-02-00-00-024.001, across a portion of parcel 12-11-02-00-00-023.001, and across a portion of parcel 12-11-02-00-00-021.000 the excess soil material generated from the project will not be spread within the regulated drain easement. The excess soil material from the project will be hauled and stockpiled at a location to be determined by Irving Materials, Inc.

For the remainder of the project, excess soil material generated from the project shall be spread within the limits of the existing easement so as not to negatively affect the existing surface drainage flow.

**Easements**

Except for the following parcels, the project will occur within existing regulated drain easement or right-of-way. Additional easement is required across the following parcels:

Parcel No.	Owner	Easement Acreage
12-11-02-00-00-028.000	Irving Materials, Inc.	1.628-acres
12-11-02-00-00-024.001	Irving Materials, Inc.	0.121-acres

At this time the county has been in negotiation with Irving Materials, Inc. since July 7, 2021 for the needed easement.

### **Permits**

As this project will convert a tile drain to an open ditch drain and the dredging work is being completed within existing regulated drain easement and the dredging work does not substantially change the characteristics of the drain to perform the function for which it was designed and constructed, no permits are required from Indiana Division of National Resources, Indiana Department of Environment Management, or U.S. Army Corps of Engineers.

### **Filter Strips**

20-foot filter strips are hereby established across the following parcels:

<b>Parcel No.:</b>	<b>Owner</b>	<b>Side of Open Ditch</b>
12-11-02-00-00-028.000	Irving Materials, Inc.	South
12-11-02-00-00-024.001	Irving Materials, Inc.	South
12-11-02-00-00-023.001	PMB Enterprises, Inc.	Both
12-11-02-00-00-022.000	PMB Enterprises, Inc.	Both
12-11-02-00-00-021.000	PMB Enterprises, Inc.	Both
12-11-02-00-00-017.000	Schuler, James T & Mary Louise h&w 1/2 int & Marcia Ann Sexton 1/2 int jtrs	Both
12-11-02-00-00-015.000	Boram, Lynn A & Ernestine	Both

### **Changes to the Drain**

The stationing referenced in this report is based on the historic stationing listed in the County's GIS database.

A portion of the Booth Zeis 2004 Extension Arm, the John S. McCarty 2004 Relocation Arm, and a portion of the John S. McCarty 1994 Relocation Arm between Boden Road and the William Lehr Ditch will be dredged with this project. The dredging work, a total length of 718-feet, will not change the length of these drains.

The existing culvert under Boden Road between Station 79+54 and 78+50 will not be reconstructed with this project.

The work between Stations 78+50 and 78+39 of the John S. McCarty 1994 Relocation Arm will not change the length of the drain.

Starting at Station 78+39, 1,336-feet of new open ditch regulated drain will be constructed, increasing the length of the drain by 1,336-feet.

Between Stations 62+30 and 55+50, the John S. McCarty 1994 Relocation Arm will be reconstructed as an open ditch. The existing tile will be removed as the new open ditch is constructed. The work will not change the length of the drain.

Between Stations 55+50 and 25+40, the John S. McCarty Arm will be reconstructed as an open ditch. The existing tile will be removed as the new open ditch is constructed. The work will not change the length of the drain.

The John S. McCarty 1994 Relocation Arm between Stations 62+30 and 63+20, a length of 90-feet, will be removed by this project with the construction of the new open ditch and will decrease the length of the John S. McCarty 1994 Relocation Arm by 90-feet. A bulkhead and breather will be installed on the existing tile at the resulting top-of-bank of the new open ditch.

The project includes the installation of rip-rap on the west bank of the William Lehr Ditch. This incidental work does not change the length of the drain.

The net increase in length of the William Lehr watershed is 1,246-feet.

**Construction Cost**

The lowest bidder was Indiana Excavating Services, LLC. Based on the bid received, the cost of construction for this project is \$486,896.13 and is outlined below.

<b>Line Item</b>	<b>Item Description</b>	<b>Quantity</b>	<b>Unit</b>	<b>Unit Cost</b>	<b>Total Cost</b>
BB-1	Clearing	LS	1	\$ 23,712.00	\$ 23,712.00
BB-2	Fence Removal	LF	320	\$ 7.41	\$ 2,371.20
BB-3	Regulated Drain Tile Removal	LF	90	\$ 74.70	\$ 6,723.00
BB-4	Maintenance of Traffic	LS	1	\$ 2,995.20	\$ 2,995.20
BB-5	Open Ditch Construction	LF	2331	\$ 21.96	\$ 51,118.76
BB-6	Open Ditch Construction - IMI Spoil Disposal Area	LF	2408	\$ 25.90	\$ 62,367.20
BB-7	Open Ditch Dredging	LF	718	\$ 35.73	\$ 25,654.14
BB-8	60" CMP with Granular Backfill	LF	244	\$226.55	\$ 55,278.20
BB-9	Surface Water Pipe with Animal Guard and CMP End Section	EA	14	\$ 2,535.30	\$ 35,494.20
BB-10	8" CMP Tile Drain Extension with Animal Guard	EA	3	\$ 1,164.15	\$ 3,492.45
BB-11	15" CMP Tile Drain Extension with Animal Guard	EA	1	\$ 1,688.13	\$ 1,688.13
BB-12	18" CMP Tile Drain Extension with Animal Guard [Regulated Drain Outlet]	EA	1	\$ 1,566.24	\$ 1,566.24
BB-13	24" CMP Tile Drain Extension with Animal Guard [Regulated Drain Outlet]	EA	1	\$ 2,627.05	\$ 2,627.05
BB-14	6" CMP Breather	EA	1	\$ 3,196.20	\$ 3,196.20
BB-15	Bulkhead Existing Tile	EA	1	\$ 1,884.72	\$ 1,884.72
BB-16	Revetment Rip Rap with Geotextile	TON	1080	\$ 55.61	\$ 60,058.80
BB-17	Revetment Rip-Rap in Reno Mattress with Geotextile	TON	227	\$129.52	\$ 29,401.04
BB-18	Construction Entrance	EA	2	\$ 2,211.25	\$ 4,422.50
BB-19	Farm Crossing [12", #2 Stone]	TON	305	\$208.40	\$ 63,562.00
BB-20	Fence Repair	LF	230	\$ 32.72	\$ 7,525.60
BB-21	Seeding Type 1; Ditch Seeding [with fertilizer?]	ACRE	4.8	\$ 4,025.00	\$ 19,320.00
BB-22	Seeding Type 2 Area; Filter Strip (with fertilizer and straw mulch)	ACRE	4.3	\$ 4,025.00	\$ 17,307.50
BB-23	Work Under Power Lines	LS	1	\$ 5,060.00	\$ 5,060.00
<b>Total</b>					<b>\$486,896.13</b>

**Total Project Costs**

The total cost of the project includes construction costs, contingency costs, easement acquisition costs, and professional service costs. The total cost of this project is \$8,58,211.18. The various costs are outlined below:

	<i>Item</i>	<i>Cost</i>
1	Construction Cost	\$486,896.13
2	15% Construction Contingency	\$73,034.42
3	Clearing for project under WO-2022-00091 and WO-2022-00145	\$22,191.25
4	Appraisal Services	\$3,140.00
5	Easement Acquisition [Based on SBJC for 1.749-acres dated 11/10/21]	\$34,700.00
6	Hydraulic Study Professional Services	\$28,061.00
7	Survey and Design Professional Services	\$110,189.00
8	Construction Professional Service including Staking, Grade Checks, and As-Built Drawings [Estimate]	\$100,000.00
	<b>Total Project Cost</b>	<b>\$858,211.80</b>

**Project Funding**

The maintenance fund balance for the William Lehr Watershed is currently \$1,070,183.24.

\$79,793.00 of the maintenance fund is already committed for other contracts leaving an available balance of \$990,390.24.

To date the costs for the above items 3,4,6 and 7 have been paid by the maintenance fund. These line items amount to \$163,581.25.

The William Lehr Watershed Maintenance Fund currently receives \$149,134.98 annually from maintenance assessments.

Per IC 36-9-27-45.5, the Board may utilize 75% of the current balance of this fund for the work which would be \$742,792.68. The remaining costs for the project is \$694,630.55.

I recommend that the cost of this project be paid from the William Lehr Maintenance Fund as allowed by IC 36-9-27-45.5. Funding the project in this manner would negate the need for a reconstruction assessment on the residents within the portion of the William Lehr Watershed that would benefit from this project.

I believe that no damages will result to the landowners by the reconstruction of this drain. Damages are set a zero (0).

I recommend the Board set a hearing for this reconstruction for March 27, 2023.

Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/pll"

Altman asked this is the first of how many phases?

Duncan stated a total of three phases, so there will be two phases after this.

Altman asked how are we going to fund the other two phases?

The Surveyor stated through assessments.

Altman asked so by the time we're done the assessment should be built up enough to do the second phase and then the third phase?



The Surveyor stated we won't have that built up into it because I'm hoping to turn around next year and do one of those two phases. I anticipated using assessments for reconstruction for those phases.

Altman asked what are you looking at for assessments?

The Surveyor stated any price I give you right now would be a silly guess.

Heirbrandt asked when is the timeframe for that second phase?

The Surveyor stated next year.

Altman asked so how much do you think the other two phases will be, just guesses?

The Surveyor stated I would imagine both of them would be a million dollars apiece.

Altman asked is that all costs, engineering, inspection?

The Surveyor stated just construction.

Altman asked would this watershed qualify for ARPA funding?

The Surveyor stated yes, it would.

Altman stated because we'll be under design it might be one we need to shove; move money around if we run into timeframe problems on the others.

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

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

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

IN THE MATTER OF THE  
RECONSTRUCTION OF THE  
**William Lehr Drain, J. S. McCarty Arm Phase 1 Reconstruction**

**FINDINGS AND ORDER FOR RECONSTRUCTION**

The matter of the proposed Reconstruction of the **William Lehr Drain, J. S. McCarty Arm Phase 1 Reconstruction** came before the Hamilton County Drainage Board for hearing **on March 27, 2023**, on the Reconstruction Report consisting of the report and the Schedule of Damages and Assessments. The Board also received and considered the written objection of an owner of certain lands affected by the proposed Reconstruction, said owner being:

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

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

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

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

Wherefore, it is ORDERED, that the proposed Reconstruction of the **William Lehr Drain, J. S. McCarty Arm Phase 1 Reconstruction** be and is hereby declared established.

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

HAMILTON COUNTY DRAINAGE BOARD

Mark Heirbrandt  
PRESIDENT

Christine Altman  
Member

Steven C. Dillinger  
Member

ATTEST: Lynette Mosbaugh  
Executive Secretary "

**William Lehr Drain, J. S. McCarty Phase 1 Reconstruction - Award Contract:**

The Surveyor presented the contract for the J. S. McCarty Phase 1 Reconstruction to the Board for approval in the amount of \$486,896.13 awarded to Indiana Excavating Services, LLC.

Altman made the motion to award the contract to Indiana Excavating Services, LLC in the amount of \$486,896.13 for the J. S. McCarty Phase 1 Reconstruction, seconded by Dillinger and approved unanimously.

**Professional Services Agreement - J. S. McCarty Drain Phase 1:**

The Surveyor presented a Professional Services Agreement for Banning Engineering for construction survey, asbuilts and grade checks and inspection in the amount of \$87,500.00 for the J. S. McCarty Drain Phase 1.

Altman made the motion to approve the Professional Services Agreement with Banning Engineering in the amount of \$87,500.00 for construction survey, asbuilts and grade checks and inspections, seconded by Dillinger and approved unanimously.

**Hearing Request:**

The Surveyor asked the Board to set the following item for hearing on May 22, 2023: Thomas Pierce Drain, Green Harris Arm.

Dillinger made the motion to set the item presented for hearing on May 22, 2023, seconded by Altman and approved unanimously.

**Big Cicero Creek Drain:**

The Surveyor presented the minutes of February 27, 2023, for the Big Cicero Creek Joint Drainage Board to the Board for their information.

**Final Report:**

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

**"To: Hamilton County Drainage Board**

**March 21, 2023**

**Re: RJ Craig Drain: Nickle Plate - South Street Reconstruction**

Attached are as-built and other information for the Nickle Plate - South Street Reconstruction. An inspection of the drainage facilities for this section has been made and the facilities were found to be complete and acceptable.

During construction, changes were made to the drain, which will alter the plans submitted with my report for this drain-dated July 8, 2019. The report was approved by the Board at the hearing held July 8, 2019. (See Drainage Board Minutes Book 18, Pages 502-504)

The changes are as follows: the 30" RCP was lengthened from 164 feet to 200 feet. The 15 feet of 36" RCP was downsized to 30" RCP. The 48" RCP was lengthened from 152 feet to 205 feet. The 54" RCP was shortened from 47 feet to 18 feet. The 84" RCP was lengthened from 7 feet to 17 feet. The 6' x 6' box culvert was lengthened from 578 feet to 584 feet. The 10' x 7' box culvert remained at 107 feet. It should be noted that the major change was the location of the 6' x 6' box culvert located under Moore Street. The box culvert was moved to the west side of the street. The 84" RCP that was proposed to run south out of existing structure 154 was installed in a northwesterly direction and a new structure 152 was set picking up storm pipe to the north. Out of structure 152 running southward is the 6' x 6' box culvert. The box culvert then ties into a concrete box structure with no access at the intersection of Moore and South Street. This is structure 118A. The box culvert at this point (118A) turns west along the north side of South Street. It runs for approximately 8 feet west into a manhole structure (117). This structure does not have a conflict with sanitary or a sump. This section of box culvert was videoed under W.O. 2023-00077. The length of the drain due to the changes described

Hamilton County Drainage Board  
March 27, 2023

above is now **1,131 feet**. It should also be noted that the project removed 1064 feet of existing drain.

The non-enforcement was approved by the Board at its meeting on July 8, 2019, and recorded under instrument #2019029799. The project was paid for by the City of Fishers and therefore, bonds were not required for this project.

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

Sincerely,

---

Kenton C. Ward, CFM  
Hamilton County Surveyor "

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

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

The Surveyor presented the minutes of February 21, 2023, for the Service Advisory Board to the Board for their information.

Altman asked anything exciting? I didn't note anything.

The Surveyor stated no.

**Anna Kendall Drain, J. M. Thompson Arm - Maintenance Agreement:**

Mr. Curtis Sattison and Mr. Justin Moffett were present for this item.

Howard stated this is a new one for us that we've had a development that is essentially running a ten-foot tall, fourteen-foot-wide culvert through a project in Westfield. This is basically the southwest corner of the main intersection and goes over to the west as far as where the former bank building, former Wolfies building is located. The developer has proposed making that a box culvert to convey that drain through his property. In exchange for that we are agreeing to reduce the easement from the fourteen-foot width of the culvert plus ten feet on each side. Under the agreement the developer will be responsible for paying all maintenance costs. The Surveyor would be responsible for hiring that done. There's a lot of detail in here about how we collect the assessments if someone doesn't pay. Originally it was Union Square for the whole project and then they divided it up and Union Square Multifamily has the largest share of the land and will probably have the largest mortgage on it and that's important because we collect the maintenance assessments, and we expressly refer to the Statute for collection process there and that lien would be superior to everything except real property taxes. It's kind of like a development agreement that you're in good shape. We've gone through several drafts; the Surveyor has reviewed it several times. Justin Moffett is here on behalf of Old Towne, the developer, if he has anything else to add his staff and my office and the Surveyor worked together to bring this together. I think we're going to see as development gets denser throughout the county, you're going to see more and more situations just like this where the developer is willing to spend a lot of money to put in this structure, to maintain it, etc. in exchange for reducing the easement and allowing him to have more developable ground.

Moffett stated I don't have much to add other than this has been a coordinated effort over several years between the County Surveyor's Office, INDOT and the City of Westfield. INDOT has designed all of their S.R. 32 improvements and their connection points specifically to connect with our proposed encapsulation project. There's been a lot of coordination, and this is a piece of the puzzle to make it all work together. We appreciate the continued partnership.

Altman stated I'm kind of a stickler on things that go well beyond our lifetimes and your transfer of the property. We have a Whereas clause that says this is intended to be binding upon your successors and assigns. If you would please, but I don't have a recitation specifically in the agreement that says that. I just want to have you on the record state that it is your intention, and you shall bind your successors and assigns with this document.

Moffett stated that is our intention.

Altman asked Howard, could you put that boiler plate as a called-out number on the next agreement?

Howard stated yes.

Altman made the motion to approve the maintenance agreement on the J. M. Thompson Arm of the Anna Kendall Drain between the Hamilton County Drainage Board and Union Square Multifamily Phase 1 LLC, seconded by Dillinger and approved unanimously.

Howard stated I'd be remiss if I didn't mention Sam Clark and his work on this. This was a new learning process for all of us.

Altman stated it's a good model. It makes sense if we're going to need density to expand this county that's the best way to do it.

**Variance Request - Krause & Klepfer Drain:**

Cash presented his report to the Board for approval.

**"Staff Report**

March 23, 2023

To: Hamilton County Drainage Board

Re: Krause & Klepfer Regulated Drain, Variance for Hamilton Southeastern Schools Bus Lot Expansion, DV-2023-00004, Parcel No. 15-11-30-00-00-015.009 and 15-11-30-00-00-015.000.

Attached is a request by Hamilton Southeastern Schools requesting approval of a variance from the following ordinance and standard in connection with the HSE Schools Bus Lot Expansion project:

- Ordinance No. 09-26-16A: regarding fill in the flood plain.

Summary:

As part of a new bus lot expansion project, the petitioner proposes to grade portions of the site at 13485 Cumberland Road, Fishers which results in new fill being placed in the floodplain. To comply with Hamilton County requirements to offset the fill, the project will excavate compensatory floodplain storage along the Krause & Klepfer Drain. The construction will require placing 1,828 cubic yards of fill within the floodplain and removing 5,533 cubic yards from the floodplain. The cut/fill ratio meets the standard 3:1 ratio required for consideration of the variance with a proposed ratio of 3.03:1.

This proposal received preliminary concurrence by the Drainage Board on February 27, 2023. (See Hamilton County Drainage Board Minutes Book 21, Page 193).

The engineering review has been conducted by Kerry Daily of Christopher B. Burke Engineering, Ltd. See attached approval memorandum dated March 6, 2023.

Staff Recommendations:

1. If this variance is approved by the Drainage Board, the Surveyor has recommended that as a condition of approval the following items be met:
  - a. Protection of floodplain compensatory area with dedicated easement. Easement to be in favor of the Hamilton County Drainage Board and Hamilton County Commissioners.
  - b. Surety requirement for the school - Surveyor recommends the Board consider waiving the requirement for surety to be posted to cover the construction costs of the flood plain compensatory storage area.
  - c. An engineer's estimate or copy of the contract for the storage area to be submitted.
  - d. Site inspection approval by Surveyor's Office.
    - a. Submittal of as-built drawings showing the cut and fill sections and dirt balances. As-built drawings are to be stamped and sealed by a professional engineer.
    - b. As-built drawings to be reviewed by Burke for compliance.
    - c. Fulfillment of developer financial responsibility for review fees incurred.
2. The following is to be placed on the secondary plat or recorded against the parcel: The maintenance of the floodplain compensatory area, including but not limited to sediment removal, erosion control along the banks, mowing and aquatic vegetation control will be the responsibility of the school or owner of record. The Board will retain jurisdiction to enforce the storage volume for which the floodplain compensatory area was designed will be retained, thereby, allowing no fill or easement encroachments. In the event that the owner, in the sole discretion of the Board, fails to adequately maintain the flood compensatory area, after 30 days written notice to the School, or owner of record, the Board may perform the required maintenance and assess the cost thereof to the School or owner of record as a special assessment.

Based on this information, this report is respectfully submitted for your consideration.

Sincerely,

Steven T. Cash  
Plan Reviewer

STC:stc"

Altman asked everything is in compliance with our guidelines?

Hamilton County Drainage Board  
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Cash stated yes.

Altman made the motion to approve the Variance Request presented, seconded by Dillinger and approved unanimously.

**Non-enforcements:**

Mr. Bob Holden and Mr. Michael Ellis were present for this item.

Altman stated on the C. B. Jones Arm where we're putting sanitary, etc., are these for system lift stations or are they individual lift stations or what's going on?

The Surveyor stated the first one which is from the Hamilton Building Corp. is for the installation of their line within the easement.

Altman asked is this the new sewer system?

The Surveyor stated yes.

Altman stated okay, so the question is are we putting backup capacity in the lift stations as a matter of design? We're requiring it or we should be requiring it. We need to make sure we have backup in those lift stations if there's any possibility of spillage into our system on failure. If it's our system, it needs to be built correctly.

Holden stated there is backup capacity in that lift station.

Altman asked so you have power or battery backup?

Holden stated there is emergency power at the lift station that is permanent emergency power and there is additional capacity in the lift station.

Altman stated perfect.

Cash presented a non-enforcement request for the Mud Creek/Sand Creek Drainage Area, E. E. Bennett Arm filed by HTC Partners, LLC for parcel #13-11-23-00-00-011.039 for a new building, pavement, curb and utilities. The Surveyor's Office recommends approval.

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

Liston presented a non-enforcement request for the William Baker Drain, CB Jones Arm filed by Hamilton County Building Corp. for parcels #01-05-01-05-01-002.000, 01-05-01-05-01-008.000, 01-05-01-00-00-009.000, 01-05-01-00-00-012.007, 01-05-01-00-00-010.000, 01-05-01-00-00-012.000 for water and sewer lines. The Surveyor's Office recommends approval.

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

Liston presented a non-enforcement request for the William Baker Drain, CB Jones Arm filed by Kelei D. Waltz for parcel #01-05-01-00-00-012.000 for a sanitary lift station, fence and driveway. The Surveyor's Office recommends approval.

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

Clark presented a non-enforcement request for the Park Northwestern Drain filed by BSM Group (Spectrum) for parcel #17-13-07-00-14-002.000 and 17-13-07-00-14-001.001 for a communication line. 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 Hussey Drain filed by BSM Group (Spectrum) for parcel #17-13-03-00-03-006.000 and 17-13-03-00-03-007.000 for a communication line. 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 Towne Lake Drain filed by BSM Group (Spectrum) for parcel #17-13-08-00-01-034.000 for a communication line. 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 Shelborne Green Drain filed by BSM Group (Spectrum) for parcel #17-13-08-01-08-003.000 for a communication line. 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 Village of West Clay Drain filed by BSM Group (Spectrum) for parcel #17-09-28-00-39-003.000 for a communication line. 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 Long Branch Drain filed by BSM Group (Spectrum) for parcel #17-09-31-00-03-037.000 for a communication line. 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 Clay Springs Drain filed by BSM Group (Spectrum) for parcel #17-09-34-00-07-013.000 for a communication line. The Surveyor's Office recommends approval.

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

Liston presented a non-enforcement request for the F. M. Musselman Drain filed by Duke Energy for parcel #12-07-27-00-00-006.502 for a steel T-Line structure. The Surveyor's Office recommends approval.

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

Liston presented a non-enforcement request for the Vermillion Drain, Woods at Vermillion Arm filed by Joshua Jenkins for parcel #13-16-08-00-23-004.000 for a pool and deck. The Surveyor's Office recommends approval.

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

Furst presented a non-enforcement request for the Springs of Cambridge/Bee Camp Creek Drain filed by Kohler Trust for parcel #13-15-11-00-03-047.000 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.

Furst presented a non-enforcement request for the Cool Creek Drain, Bridlewood Arm filed by Nicholas and Kristina Bonnet for parcel #08-10-18-04-06-005.000 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.

Furst presented a non-enforcement request for the Williams Creek Drain, Crosswind Commons Arm filed by Elsa and Juan Rios for parcel #08-09-10-00-02-018.000 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.

Furst presented a non-enforcement request for the Park Northwestern Drain filed by CBDH Partners for parcel #17-13-07-00-01-008.004 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.

Furst presented a non-enforcement request for the Williams Creek Drain, Merrimac Arm filed by Ryan and Liesel Delamater for parcel #08-09-15-00-02-035.000 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.

Furst presented a non-enforcement request for the Masthead Drain filed by Daniel and Markie Wright for parcel #13-15-09-02-04-036.000 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.

Furst presented a non-enforcement request for the Little Eagle Creek Drain, Maple Village Arm filed by Patrick and Lauren Smith for parcel #08-09-03-00-03-047.000 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.

Furst presented a non-enforcement request for the Little Eagle Creek Drain, Maple Knoll Arm filed by Kyle and Avery Cyr for parcel #08-09-03-00-15-037.000 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.

Furst presented a non-enforcement request for the Vermillion Drain, Heritage at Vermillion Arm filed by Craig Foerg for parcel #13-16-05-00-02-013.000 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.

Furst presented a non-enforcement request for the Vermillion Drain, Woods at Vermillion Arm filed by Andrew and Katie Thompson for parcel #13-16-08-00-28-016.000 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.

Furst presented a non-enforcement request for the Vermillion Drain, Woods at Vermillion Arm filed by John and Kelsey Conner for parcel #13-16-08-00-28-015.000 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.

Furst presented a non-enforcement request for the Little Eagle Creek Drain, Grannan Grove Arm filed by 17-09-19-00-11-010.000 for parcel #17-09-19-00-11-010.000 for four trees and shrubs. The Surveyor's Office recommends approval.

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

**Violations:**

Furst presented the Surveyor's reports to the Board for their information.

"March 20<sup>th</sup>, 2023

Certified Mail: 7021 0350 0000 0881 4481

Puntenney, Emily & Brock  
16491 Wheatley Ct.  
Fortville, IN 46040

Parcel ID#: 13-16-08-00-08-010.000

RE: Vermillion Drain, Heritage at Vermillion- Section 1 Arm

Our office has been made aware of a fence encroachment on Lot 369 in Heritage at Vermillion Section 1. The black aluminum fence encroaches into the regulated drain easements on the lot. The fence was installed without the permission of the Hamilton County Drainage Board and is in violation of IC 36-9-27-33.

Upon receipt of this letter the property owner has ten (10) days in which to correct the violation according to the standards set forth by this office and the Hamilton County Drainage Board.

Please contact Mrs. Clara L. Furst at the Hamilton County Surveyor's Office upon receiving this violation letter to discuss what measures are needed to correct the situation. The number is 317-776-8495.

Sincerely,

Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/CLF

CC: Heritage at Vermillion HOA- Tricia Edwards"

"March 20<sup>th</sup>, 2023

Certified Mail: 7021 0350 0000 0881 4474

Johnston, Derrick & Jill Louise  
16361 Kenora Lane N  
Fortville, IN 46040

Parcel ID#: 13-16-08-00-11-002.000

RE: Vermillion Drain, Woods at Vermillion Section 2A Arm

Our office has been made aware of a fence encroachment on Lot 254 in Woods at Vermillion Section 2A. The black aluminum fence encroaches into the regulated drain easements on the lot. The fence was installed without the permission of the Hamilton County Drainage Board and is violation of IC 36-9-27-33.

Upon receipt of this letter the property owner has ten (10) days in which to correct the violation according to the standards set forth by this office and the Hamilton County Drainage Board.

Please contact Mrs. Clara L. Furst at the Hamilton County Surveyor's Office upon receiving this violation letter to discuss what measures are needed to correct the situation. The number is 317-776-8495.

Sincerely,

Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/CLF

CC: Woods at Vermillion HOA- Tricia Edwards"

"March 20<sup>th</sup>, 2023

Certified Mail: 7021 0350 0000 4467

Abdi, Mohamed  
16347 Kenora Lane N  
Fortville, IN 46040

Parcel ID#: 13-16-08-00-07-031.000

RE: Vermillion Drain, Woods at Vermillion Section 2A Arm

Our office has been made aware of a fence encroachment on Lot 248 in Woods at Vermillion Section 2A. The black aluminum fence encroaches into the regulated drain easements on the lot. The fence was installed without the permission of the Hamilton County Drainage Board and is in violation of IC 36-9-27-33.

Upon receipt of this letter the property owner has ten (10) days in which to correct the violation according to the standards set forth by this office and the Hamilton County Drainage Board.

Please contact Mrs. Clara L. Furst at the Hamilton County Surveyor's Office upon receiving this violation letter to discuss what measures are needed to correct the situation. The number is 317-776-8495.

Sincerely,

Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/CLF

CC: Woods at Vermillion HOA- Tricia Edwards"



"March 20<sup>th</sup>, 2023

Certified Mail: 7021 0350 0000 0881 4498

Dobson, Erica  
16528 Wilsons Farm Dr.  
Fortville, IN 46040

Parcel ID#: 13-16-08-00-19-006.000

RE: Vermillion Drain, Enclave at Vermillion-Section 2 Arm

Our office has been made aware of a fence encroachment on Lot 420 at Enclave at Vermillion Section 2. The black aluminum fence encroaches into the regulated drain easements on the lot. The fence was installed without the permission of the Hamilton County Drainage Board and is in violation of IC 36-9-27-33.

Upon receipt of this letter the property owner has ten (10) days in which to correct the violation according to the standards set forth by this office and the Hamilton County Drainage Board.

Please contact Mrs. Clara L. Furst at the Hamilton County Surveyor's Office upon receiving this violation letter to discuss what measures are needed to correct the situation. The number is 317-776-8495.

Sincerely,

Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/CLF

CC: Enclave at Vermillion HOA- Tricia Edwards"

**Spills:**

J. W. Wagner Drain - Furst stated there was a natural gas line cut at the Duke Energy Plant on River Road. We were advised by IDEM and Noblesville Fire Department that the control valves to that gas line were positioned to closed and they allowed the fire to burn itself out through the night. We did receive communication from the Environmental Group from Duke Energy stating that the fire extinguished itself in the early morning hours of February 24, 2023.

Altman asked what was the spill? Was it just the materials to put the fire out?

Furst stated they did not use any materials to put the fire out, it was from the natural gas escaping from the pipe as it burned. It's still considered an illicit discharge.

The Surveyor stated we responded because in order to put natural gas fire out you use foam and we wanted to make sure if that was going to be used that they ditch was boomed properly and contained.

Little Cicero Creek Drain - Furst stated the next spill was on March 1, 2023 at 1:00 pm. on Little Cicero Creek into an open drain. There was an objectionable substance into Little Cicero Creek from the 276<sup>th</sup> Street Bridge. The substance was concrete and concrete slurry from the INDOT bridge project demo work on the small bridge. IDEM and the point of contact from INDOT reached out to our office for an interagency coordinated meeting to prevent further bridge deck cutting and demolition work. The solution was the prime contractor ended up installing crane decking underneath the bridge that prevented the direct depositing of concrete slurry and concrete chunks into Little Cicero Creek. The work concluded the following Friday after the inspection was done. No further action was taken by our office.

Altman asked was there a bunch of concrete that went in there, like chunks that needed to be pulled?

Furst stated it was observed by the erosion control specialist for the Greenfield District for INDOT that there were. However, we had rain and at the conclusion of the rain the large chunks were no longer there. Due to the high-water mark on the creek IDEM did not indicate any further action was needed.

Altman asked it's filling in the floodway, isn't it? If you've got concrete going in, you're losing capacity. Was it significant or not?

Furst stated undetermined. It's not visibly seen now.

Altman asked was there a permit to work in the regulated drain?

Furst stated they did not have a permit to be doing work within the creek line. They did have the permits to do the bridge deck demolition. The practices that were used was cutting the bridge and laying it down into the creek which is why INDOT's erosion control inspector called IDEM for assistance to mitigate the issue.

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Altman asked was that regulated by us at all or just an unregulated creek?

Furst stated it's regulated.

Altman asked should they have come to us and gotten permission to work in the regulated drain?

The Surveyor stated they should have.

Altman stated they should be penalized if they don't do that because we had this problem and no inspector to make sure they weren't dumping junk in the drain.

J. W. Wagner (Continued) - The Surveyor stated circling back to the first one on the gas pipeline. I think you probably heard or read about the hot button for EPA and others right now on PFAS (Poly-Fluoroalkyl Substances), the chemical compound in the foam. With that being in the foam I wanted to get ahead of it if there was a problem instead of on the backside of it.

Altman stated that's good, I couldn't figure out what the spill part was.

**Surety Release:**

Liston stated that at this afternoon's Commissioners meeting the Board would be releasing the following surety: Performance Bond No. 82C235017 in the amount of \$925,533.00 for Mallery-Granger Drain, Reconstruction; Payment Bond No. 82C235017 in the amount of \$925,533.00 for the Mallery-Granger Drain, Reconstruction.

**George Symonds Drain, Two Stage Ditch Reconstruction - Final Report:**

Liston presented his report to the Board for approval.

"February 21, 2023

TO: Hamilton County Drainage Board

**RE: George Symonds Drain 2-Stage Ditch Reconstruction Final Report**

This is the final report of the George Symonds Drain 2-Stage Ditch Reconstruction, located in Sections 27-28. Township 20 North, Range 3 East in Adams Township, Hamilton County, Indiana.

The September 13, 2021 meeting of the Hamilton County Drainage Board the County Surveyor asked the Board to set date to receive bids for George Symonds Drain 2-Stage reconstruction for September 27, 2021. (Hamilton County Drainage Board Minutes Book 20, Page 145)

The September 27, 2021 meeting of the Hamilton County Drainage Board the Board received four (4) bids for the George Symonds Drain 2-Stage reconstruction. Bids were received from Hoosier Pride Excavating, Morphey Construction, F&K Construction and Monroe, LLC. The 4 bids were referred to the Hamilton County Surveyor for review and recommendation at a later drainage board meeting. (Hamilton County Drainage Board Minutes Book 20, Page 157)

The October 11, 2021 meeting of the Hamilton County Drainage Board Staff Engineer Gary Duncan requested the Board to set a date of November 22, 2021 for the hearing of the George Symonds Drain 2-Stage reconstruction. (Hamilton County Drainage Board Minutes Book 20, Page 178)

The November 22, 2021 meeting of the Hamilton County Drainage Board the Board conducted the hearing for the George Symonds Drain 2-Stage Ditch reconstruction. There were no objections on file for the proposed reconstruction. The reconstruction will utilize American Rescue Plan Act (ARPA) monies in the amount of \$979,987.00 to help defray costs of the reconstruction. The Board approved the reconstruction and awarded the bid to Hoosier Pride Excavating for base and alternate bid of \$838,752.45. (Hamilton County Drainage Board Minutes Book 20, Pages 206-216, and Pages 240-241)

The December 13, 2021 meeting of the Hamilton County Drainage Board the Surveyor requested a Professional Services contract for inspection services with Banning Engineering in the amount of \$17,000.00. This request was due to recent retirement of staff from the Hamilton County Surveyor's office. (Hamilton County Drainage Board Minutes Book 20, Page 255)

The December 13, 2021 meeting of the Hamilton County Drainage Board the Surveyor presented the contract for the George Symonds Drain 2-Stage Ditch reconstruction for the Board's signature in the amount of \$838,752.45. (Hamilton County Drainage Board Minutes Book 20, Page 255)

During the reconstruction there were some minor changes made to the original design of Banning Engineering and noted on the as-built drawings. Those changes were a new ford drain crossing at approximately Station 20x25 on the Majesty Inc. parcel (01-01-28-00-007.000) and an additional 175 feet of 8' wide bench. Several rip rap splash pads were added to facilitate positive drainage from new tile outlets across the new 2-stage shelf. Several new tile outlets were added as indicated in the referenced change orders in the final report.

The total length of 2-stage ditch for this project is approximately 6361 feet.

During the reconstruction project there were Three (3) change orders.

Change Order # 1 dated April 4, 2022 was approved by the Hamilton County Drainage Board at the April 11, 2022 meeting (Hamilton County Drainage Board Minutes Book 20, Pages 361-362) for New Ford Drain Crossing and One (1) Additional Construction Entrance.

Change Order # 2 dated May 13, 2022 was approved by the Hamilton County Drainage Board at the May 23, 2022 meeting (Hamilton County Drainage Board Minutes Book 20, Pages 430-431) for adding BB-5 175.44 feet of Eight (8') wide bench and deletion from contract of BB-3 565 feet of 16' wide bench and BB-6 Mari over excavation/topsoil placement.

Change Order # 3 dated December 8, 2022 was approved by the Hamilton County Drainage Board at the December 12, 2022 meeting (Hamilton County Drainage Board Minutes Book 21, Page 116) for adding BB-7 16 Splash Pads, BB-11 3 Surface Water Pipes, BB-14 2 - 8" Tile Drain Extensions, 9 - 6" Tile Drain Extensions, 1 -12" Tile Drain Extension to the Contract and Removing/Deducting from the Contract BB-2 Chemical Treatment, BB - 12 15" Tile Drain Extensions (5), BB-13 10" Tile Drain Extensions (1), AB-1 Off-site Soil Disposal (0.037).

Change Order # 1 (Approved 4/11/2022)		
BB-New	Temporary Drain Crossing	\$ 34,700.00
BB-15	Additional Construction Entrance	\$ 4,500.00
Total Cost of Change Order # 1		\$ 39,200.00

Change Order # 2 (Approved 5/23/2022)		
BB-5	175.44 feet of 8' Wide Bench	\$ 7,017.60
Total Cost of Change Order # 2		\$ 7,017.60

BB-3	Deduct 565' of 16' Wide Bench	\$ (-25,425.00)
BB-6	Deduct Mari over Excavation/Topsoil Placement	\$ (- 7,599.25)
Total Deductions from Change Order # 2		\$ (-33,024.25)

Change Order # 3 (Approved 12/12/22)		
BB-7	16 Splash Pads	\$ 6,400.00
BB-11	3 - Surface Water Pipes	\$ 9,000.00
BB-14	2 - 8" Tile Drain Extension	\$ 2,400.00
New Item	9 - 6" Tile Drain Extension	\$ 8,100.00
New Item	1 - 12" Tile Drain Extension	\$ 1,550.00
Total Additions for Change Order # 3		\$ 27,450.00

BB-2	Chemical Treatment	\$ (- 500.00)
BB-12	Deduct 5 - 15" Tile Drain Extensions	\$ (- 8,000.00)
BB-13	Deduct 1 - 10" Tile Drain Extension	\$ (- 1,500.00)

AB-1	Deduct Off-site Soil Disposal (0.037)	\$ (-12,982.55)
Total Deductions for Change Order # 3		\$ (-22,982.55)

Total Additional Cost of Change Orders # 1, # 2 and # 3	\$ 73,667.60
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Total Deductions from Change Orders # 2 and # 3	\$ 56,006.80
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During the reconstruction project there were Four (4) Pay Applications. The following is a breakdown of all invoices associated with the George Symonds Drain 2-Stage Ditch Reconstruction.

Pay Application # 1 Total	\$ 354,300.00
Retainage	\$ 53,145.00
Amount Paid to Hoosier Pride Excavating (04/26/22)	\$ 301,155.00

Pay Application # 2 Total	\$ 357,834.60
Retainage	\$ 53,675.19
Amount Paid to Hoosier Pride Excavating (06/01/22)	\$ 309,159.41

Pay Application # 3 Total	\$ 144,278.65
Retainage	\$ 21,641.80
Amount Paid to Hoosier Pride Excavating (02/14/23)	\$ 122,636.85

Pay Application # 4 Total - Retainage (02/14/23)	\$ 128,461.99
Total Paid to Hoosier Pride Excavating	\$ 856,413.25

Engineer's Estimate Based on Bid	\$ 838,752.45
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Contractor's Bid	\$ 838,752.45
Total Additions of Change Orders # 1, # 2 and # 3	\$ 73,667.60
Total Additions	\$ 912,420.05
Deletion from Contract (Change Order # 1 and # 2)	\$-(56,006.80)
Total Paid to Hoosier Pride Excavating	\$ 856,413.25
Study, Engineering, Staking, Inspection and As-built Drawings (Banning)	\$ 159,912.68
Total Reconstruction Costs	\$1,014,325.93

American Rescue Plan Act (ARPA) funds were used to pay \$882,463.56 (87%) and maintenance funds were used to pay \$131,862.37 (13%) of the projects total cost. No reconstruction collections are necessary.

On December 6, 2022, this office received from Hoosier Pride Excavating Form E-1 stating that all expenses incurred for labor and material have been paid in full.

As-built drawings were completed by Banning Engineering and were received in the office on February 16, 2023. The as-built drawings have been reviewed by Hamilton County Surveyor's Office Staff Engineer Gary Duncan and found to be complete and acceptable.

As of the date of this report, I hereby attest to and agree that the reconstruction was completed according to specified plans, change orders and inspections. All inspections have been completed by Banning Engineering's Dennis Nail and with oversight of Staff Engineer Gary Duncan and office personnel of the Hamilton County Surveyor's Office.

I recommend the Board approve the George Symonds Drain 2-Stage Ditch reconstruction as complete and acceptable.

Jerry L. Liston  
Hamilton County Surveyor's Office"

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

**Jonas Rogers Drain, J. M. Gustin Arm - Approval of Subcontractor:**

Liston stated the contractor on this project is using a subcontractor, BAM Outdoors from Westfield. Per the contract the subcontractor needs to be approved by the Board.

Altman asked is that your recommendation?

Liston stated yes.

Altman made the motion to approve BAM Outdoors as a subcontractor for the J. M. Gustin Arm of the Jonas Rogers Drain project, seconded by Dillinger and approved unanimously.

**Elwood Wilson Drain, E. M. Hare Arm - Change Order No. 2:**

Liston presented his report to the Board for approval.

"March 14, 2023

TO: HAMILTON COUNTY DRAINAGE BOARD

RE: Elwood Wilson E M Hare Reconstruction - Change Order # 2

The following item is an additional to the Elwood Wilson E M Hare Reconstruction contract being done by Morphey Construction.

37 Test Holes - To Determine Limits and Depth of Sand Across the E M Hare Reconstruction between Pressley Drive and Promise Road. Test holes were dug over a period of 2 days.	\$9,926.17
Change Order # 1 - Guardian Material Increase for Concrete and Stone	\$28,116.31
Total Change Order Cost to Date	\$38,042.48
Morphey's Contract	\$2,478,000.00
Total 15% Contingency	\$371,700.00
Total	\$2,849,700.00
Revised Construction Total to Date	\$2,516,042.48

Submitted By

Jerry L. Liston  
Hamilton County Surveyor's Office"

Dillinger made the motion to approve Change Order No. 2 presented, seconded by Altman.

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Altman stated at Road School, I need to go through my cards I got, there are some interesting applications for some of these drainage issues we keep running into. The esthetics were a lot nicer. Did anyone go to Road School from the Surveyor's Office?

Furst stated I did.

Altman asked did you go through the booths and look at the applications?

Furst stated no, I have not, but I did go through the presentation. Prior, when I worked for INDOT, some of those applications were utilized for more of a more esthetic appeal.

Altman stated I think we need to look at some of these applications because the last things that have been suggested, the bags of concrete and that kind of stuff, it's just hideous. Some of these looked like, unless they're extremely more expensive, were much easier to the eye. There may be some other solutions for the sand veins and that kind of thing. We just need to keep up with what people are coming up with.

Furst stated recalling back to Drainage School are you thinking of the stair stepping method where they use the iron/metal reinforced matting that goes down?

Altman stated no, I didn't go to the Road School presentation. I went around to the different vendors that of course are trying to sell their stuff, but I would recommend if you go to Road School you do that to see other products that are on the market.

Furst stated one of the vendors was one of the presenters and that was one of the products that I've seen used in the field prior.

The motion had been made and seconded to approve Change Order No. 2 presented and approved unanimously.

**Construction Updates:**

Elwood Wilson Drain, E. M. Hare Arm Reconstruction - Duncan stated I placed on top of your packets this morning a memo from the Surveyor regarding the field conditions on the E. M. Hare Arm, Elwood Wilson Drain between Presley Drive and Promise Road on the east side of Noblesville. As Liston stated, we've experienced sand. We took soil borings for this project, and they did not indicate the sand. Soil borings, unless we take them every foot of the drain, we could miss things. Still, it did not indicate this level of sand, but however, it is there. To complete the project without continued sloughing of the bank with the sand. The sand of course is at the bottom of the ditch. Anything we do above it, if it rains, the sand is going to wash away, undermine it and the banks are going to slough off. Our contractor will constantly be fighting to address the banks of the ditch. As Liston said, we directed the contractor to excavate potholes so we could understand the extent of the sand and it is essentially the majority of the way between Presley Drive and Promise Road, approximately 3,100 feet. The potholes indicate that the sand is about two feet above the designed flowline. If we were to excavate down to what we've designed the flowline to be the bottom two feet of the excavation will be in sand. Normally when we experience sand, it's kind of occasional and spotty and we over excavate it, put rip rap in and move one, but that would not work for this due to the extent. We've worked with the contractor, Morphey Construction and the engineer, Clark Dietz, to look at options. We put prices to them, and I've listed them out. Rip rap stabilization, if we were to rip rap the entire length of the project, it's estimated to add \$1.5 million to the project with the potential of \$125,000.00 additional to get rid of the sand, to haul it off site if we couldn't bury it essentially within the project limits. We also looked at a turf free enforcement mat, which is a material that's placed on the surface of the constructed open ditch. We wouldn't have that additional excavation of the sand itself, however, it's labor intensive. We didn't even have an estimate for the labor it would take, but the material alone was over \$1,000,000.00. It would be that much more to actually install it. Cohesive soil is soil that is clay, essentially and holds its shape, which is sand is not. Sand is considered cohesionless. We have had success with that in the past where we over excavate the sand and then take material that's above the sand that typically is cohesive, and we pack it back in. This would be the same process; we would just use the material we already excavated versus rip rap. However, this will still cost money because of the additional excavation of the sand and then the work to put the soil back in and compact it. Also, there would be significant dewatering required for that. Our intent was to construct the ditch in the wet meaning any soil conditions and water conditions they're able to excavate without actually having to see the bottom of the ditch, but to pack in the soil they need to be able to see the bottom of the ditch. There would be extensive dewatering that would have to run around the clock at significant expense. Alternate four was to install tile in lieu of the open ditch, which was actually ruled out. When we did the master plan for the reconstruction of this ditch in 2016, piping the ditch was an alternate that was presented and included in the study, and it was ruled out due to the additional cost. In 2016 dollars it would have increased the project by \$849,000.00. The open ditch, which is what we're constructing was recommended. We did a more updated estimate and we've also talked with Beck's Hybrids who now owns a portion of the land that Mr. Harger formerly owned. Mr. Harger still owns land within the watershed, but some portion of that has been sold to Beck's Hybrids and we've worked with them with potentially tiling the portion of the open ditch just across Harger Farms, which is not the entire length of the drain that needs reconstructed and that was estimated to be \$920,000.00 just for that tile. Most of these options we're talking about adding a million dollars to the project, which we don't think is practical and feasible. What we've looked at is potentially Alternate Five, would be to raise the flowline of the ditch to get out of the sand. The

problem with this in terms of short terms, it will work, long term the ditch does need to be at the elevation we've designed to, to serve the entire watershed and provide the capacity that's needed, but that capacity will only be needed as the watershed develops. As it remains agricultural in the short term, we can raise the ditch and provide all the benefits that we're looking for from the project. One of the main goals of the project if the Board recalls, was to resolve the flooding issue, the road overtopping at Promise Road just north of 181<sup>st</sup> Street. By raising the ditch, we would still be able to provide that relief. Our intent would be to leave the ditch in a manner that any future excavation, likely from a developer, would just be from toe of slope. They wouldn't have to reconstruct the whole ditch, they'd just have to excavate out some additional material at the bottom of the ditch, but they would have to deal with the sand.

Dillinger asked did anyone talk to Beck's Hybrids?

Duncan stated we have; I have several emails with them.

Dillinger asked with these numbers?

Duncan stated yes, we've told them the additional cost.

Dillinger asked, they weren't interested in that?

Duncan stated I know the discussion went "it would be about \$1,000,000.00, would Beck's pay for that?" and Beck's said we would hope that you guys would pay for that, which is understandable. As a rule, our experience and the Surveyor's experience has been, if we have an open ditch, if we were to tile just across the Harger Farms parcels we'd have an open ditch going into a tile and that generally is not good. No matter what measures we put on the end of the ditch, debris finds its way into the tile and then creates a blockage somewhere deep inside the tile that we would then have to excavate to find. We generally just don't like to have an open ditch into a tile.

Altman stated it looks like we're just going to do the project that relieves the existing conditions and then future development will have to take care of itself. There's no reason they can't do an alternate ditch and that might be the most cost effective.

Heirbrandt stated I personally would like to give them the common courtesy to have a meeting with Beck's to make sure they fully understand what this is and what the options are. If they want to participate, they can. At least give them the opportunity to be able to do that.

Altman stated I don't mind doing that, but I think we ought to have a preliminary determination by the Board unless there is outside participation. We're going to have to just take care of existing conditions and not overbuild it.

Dillinger stated even if there is outside participation what about the objection Gary (Duncan) just posed about blocking the pipe going in?

Altman stated I don't know that the field tile is the answer. It has to be an alternative that's not going to drive maintenance costs.

The Surveyor stated it would take about a 60-inch diameter pipe, not the 48-inch pipe that Beck's keeps throwing out there. They're used to farm drainage, this isn't farm drainage, this is urban drainage.

Altman stated clear over on Promise Road, in the eastern part of the county, correct?

The Surveyor stated right, but we're building this on future development. If you think back to what Howard presented you today, with the Westfield project as you build these pipes in the future for development, you're going to have to do those agreements so the rate payers in the drainage shed don't have to do the work and the expense for what they wanted.

Howard asked to what extent would substantially expanding detention standards upstream would that be of assistance? In other words, the quantity that would come through this area would be substantially reduced if you put higher detention and that takes away land for the developers but for them participating at several levels.

The Surveyor stated the problem with that is that the flowline of that ditch was designed to serve the area all the way to the easternmost boundary of that drainage shed. We've got to serve that. With that in mind it has to be down.

Dillinger stated what happens, regardless of how we do this, on south; downstream? We've had problems obviously, ever since I've been a commissioner with it.

The Surveyor asked, remember there at Terry Lee and all that wetland area?

Dillinger stated yes.

The Surveyor stated that will absorb a lot of that, but once the development goes in that starts relieving that problem. With Terry Lee, what they put in, that will absorb that additional in the interim.

Duncan stated if we were to select any one of the alternates that adds a million dollars to the project, I'd consider that almost at risk in that if a developer, as the land developers, does choose to relocate the drain then in that short term is that million dollars really well spent?

Altman stated right.

Dillinger asked what is the Surveyor's recommendation on this?

The Surveyor stated to bring the ditch up two feet.

Dillinger asked which is Alternative what?

The Surveyor stated Alternate Five.

Heirbrandt stated I would like to have a meeting with Beck's just to make sure that they know all the options.

Dillinger stated I agree.

Heirbrandt stated if they do want to participate, they have the option to be able to.

Duncan stated the real benefit of raising the flowline is not so much of; there won't be significant cost savings to the project by my estimation. The excavation cost for the entire ditch was bid at \$132,000.00. Even if we eliminated the entire open ditch there would be \$132,000.00 savings to the project. In that vein, lessening the additional excavation at the very bottom of the ditch will not translate to a huge savings to the project, but what it will do is not require us to spend over a million dollars to stabilize the sand if that makes sense.

Altman stated I think we need pictures, number one, so we know where this thing is going. Just talking in random is not helpful on the face of the earth. The whole watershed, what you're trying to cure, that type of thing. That's my observation because I don't know exactly what the implications are upstream, downstream, wherever. Who's meeting with Beck's?

Heirbrandt stated I'll send out an email and try to schedule a meeting.

Duncan asked do you know, has Beck's read the 2016 Study? I would encourage them to read that beforehand where the tiling was ruled out.

Altman asked does the study show any other alternate courses? We always look at ditches like we got to fix the ditch, but there's got to be alternate means of conveyance of water that may be less expensive if you build it as part of the developmental scheme.

Duncan stated we did. We looked at several options and the open ditch was by far the cheapest.

Altman stated you're talking the same alignment. Is there any other alignment for a smaller system that might make sense if you've got unity of ownership. It's kind of like a reconstruction of the drain that developers do all the time. I don't know because I don't know where we are on the face of the earth.

The Surveyor stated when Boomerang was proposing the development of the property to the east of Harger I know Corby Thompson at first wanted to move the ditch to the north and around his development. Chris Worth, who works with Corby, said that's like ten feet higher and we estimated the top of bank to top of bank at sixty feet.

Duncan stated it was at least sixty feet. I think the resulting easement would be close to 250 feet.

Altman stated that's fine. That's the question, it's going to work or its not going to work or there will be alternatives where it won't.

Howard stated or they'll be growing corn and beans for a long time.

The Surveyor stated the aerial shows Home Depot and the Harger complex, which is Beck's now. The green line is the outer limits of the shed that we have to serve. In order to get that, that's the flowline elevation that was designed to.

Heirbrandt asked Duncan, if you could in preparation to at least invite Beck's to a meeting, would you copy me on that and send it to Jason Moorhouse and copy Sonny Beck on it as well. Can you provide that 2016 Study and ask them to please review it?

Duncan stated yes, there's a link on the website. I will certainly meet with them, but we're just going to go over the 2016 report.

Heirbrandt stated there's a large section of drain that goes through that property so I want to at least give them the common courtesy; rightfully they should.

Duncan stated I understand, but like I said, they're solution has already been considered. Maybe that's a better way to say it.

Heirbrandt stated I understand.

Altman stated sometimes we review things. Would you send us a picture of the area electronically so we can blow it up and reduce it?

Mills stated yes.

The Surveyor asked the Board, was it agreeable to the Board to bring the ditch up two feet?

Altman stated if we don't have alternatives. No decision has been made, but I think we're given guidance. I don't know how we're going to redo this project to accommodate unless we have alternatives. I guess I'm asking, you get a little creative if there's water from the east, is there another course that makes sense that might be feasible if properties are developed? As to Duncan's point, if we're going to put a million dollars in there and somebody's just going to do something on their property that's going to eliminate that need.

The Surveyor stated by raising it up we still address the Promise Road issue.

Altman stated that was the purpose of using the ARPA funds in the first place, wasn't it?

The Surveyor stated that was partially the purpose.

Canal Place Drain, Strongbow Gate Arm - Liston stated we're waiting for our contractor, Agricon, to do finish grading on this project when the weather permits.

William Lehr Drain, Joseph & Brooks Arm (156<sup>th</sup> Street Reconstruction) - Liston stated we're still waiting on the box culverts. Last week we reminded Morphe Construction that there is a large tree on that project that needs to be on the ground before Saturday, April 1<sup>st</sup>.

2022 Reconstruction of the W. S. Burnau Arm of the F. M. Musselman Drain - Liston stated this project is progressing along quickly.

Jonas Rogers Drain, J. M. Gustin Arm Reconstruction - Liston stated work started on this project last week and the clearing has been completed per the plan.

Clara Knotts Drain, Park Broadway Arm Phase 2 - Cline stated we're still dealing with utilities in the way. I haven't seen a lot of work going on out there.

The Surveyor stated I have discussed this with Jeremy Kashman.

Altman stated thank you, he understands the problem now?

The Surveyor stated I believe so. He was going to talk to John Duffy to move that forward and I need to get back with Jeremy to see where that is.

Heirbrandt stated if you could follow up with him via email and copy us on that.

Altman stated yes, because we get blamed and its their own people.

Duncan stated I received a call from Steve Cook who is one of the project managers for the water utility. I was consumed writing bid specs last week, so I didn't have a chance to call him, but my intent is to call him today. He was the one we were dealing with over a year ago.

Flora Mendenhall Drain Reconstruction - Duncan stated I came really close to talking with White Construction last week, but we still can't find the time to talk so I'm going to try again today to talk to him.

Clara Knotts Drain, Park Broadway Arm Phase 1 (Pending Asbuilts) - Cline stated we have received the asbuilts for this project.

Ream Creek Drain, Orchard Park Arm (Pending Asbuilts) - Cline stated the engineer is still in the process of working on the asbuilts and we haven't received them yet.

**Drainage Board Attorney - Pending Items:**

IC 36-9-28.7 Stormwater Nuisance Ordinance - Howard stated at your last meeting I indicated to you that this would be going to the Surveyor. I think the Surveyor and I spent quite a bit of time on the Westfield project and that will be coming up and my goal is to have another one ready for you two weeks from today.

Altman asked do we have the ordinance in place for fines, etc.?

The Surveyor stated I believe we do.

Howard asked Sullivan, did you and Duncan put in some fines?

Sullivan stated for utility relocations and some others, I believe.

Altman asked failure to pull permits?



Sullivan stated I'll have to check and see if that was included in that or not.

Altman stated I'm sorry, but you've got to leave a little blood on the ground, or these people will never come in for permits and the thing they did on the bridge is a prime example. They did bad acts; nobody knew about it and now it's buried.

Heirbrandt asked, have you ever thought about putting something in the newspaper about it, writing an article?

The Surveyor stated I haven't. The need for permits?

Heirbrandt stated get with Tammy (Sander) and have her help you put something together.

The Surveyor stated I put one together about five years ago for Steve (Dillinger).

Heirbrandt stated it might be worth doing something.

Altman stated I think if we fine this contractor that will get; we'll do a news release. I think this is a prime example of when we ought to impose penalties. Please look at the ordinance and determine for next meeting whether we have the grounds to fine this contractor for going into a regulated drain doing whatever he wanted without inspectors and then saying "oh, sorry", no.

Duncan stated I know the illicit discharge ordinance does provide fines.

Howard stated most of the problems we run into are naïve contractors and/or single parcels because frankly when people start doing things, they get entitlement insurance policy, and the title insurance disclaims regulated drainage easements because they don't understand that and they don't understand railroad right of way so they just accept them.

The Surveyor stated in Vermillion it was the HOA (Homeowners Association) we had the problem with, and they just kept giving people permission to put the fences up despite us telling them you've got to get a permit.

Altman stated this is more egregious to me than a fence. If the contractors are doing this type of construction, they should know better and if they don't this will help them learn.

Duncan stated I believe INDOT has a specification that should have been part of the contract at the 276<sup>th</sup> Street Bridge work that prohibits the work that they did. I think it was a violation of their own specifications.

**Easements:**

The Surveyor stated I've got easements to request on the following regulated drains: Cornthwaite Drain, William Lehr Drain, M. E. Scherer Drain, Raymond Briles Drain, Taylor and Jessup Drain, Beaver and Brooks Drain and Elwood Wilson Drain, Craig Hollern Arm.

Altman stated I'm confused as to your request.

The Surveyor stated we're getting plans in now.

Altman asked and we have easement descriptions?

The Surveyor stated and we have easement descriptions we're working on and once those are finished, I need to forward them to Tim (Knapp).

Altman stated Tim's getting overloaded. This is not rocket science. I think we get a list of appraisers from Tim, because that would be the next step, assuming they're holed down to the tightest easement we can use so it's cheaper and have your staff start calling to try to get appraisals. Once you get your appraisals get some guidance on the amounts, whether we need one or two, start ordering appraisals because we can't put anymore on Tim.

The Surveyor stated I know he's got a lot going on.

Altman stated he's up to his ears and this really isn't hard stuff, just use his time to tell you how to do it or work with Howard and just get them ordered. The next step you get your appraisal amount, and we send out an offer. Not hard.

The Surveyor asked but can we go ahead and move forward with those?

Altman made the motion to go to the appraisal stage on the requested easements, seconded by Dillinger and approved unanimously.

**Stop Work Order - Andrew Leeman:**

Mr. Jon Ward was present for this item.

Howard stated Duncan was able to talk to the landowner's consultant last week and sending emails back and forth so I think Duncan can report on that as far as the level of communication.

Altman stated I don't care. What we need to talk about is the land we're using for dispatch.

Heirbrandt stated hold on one second. Jon, do you have any updates really quick on your part?

Ward stated they spoke, and you guys came to an agreement on stuff I'm assuming. I turned in the new drainage report as of this morning. I emailed Clara (Furst), Mike (Howard) and Conner (Sullivan). The question was, where did the photography report...

Altman stated this isn't for this meeting.

Heirbrandt stated I'm asking him. I want to get an update.

Altman stated and now he's getting; I'm done with this.

Heirbrandt stated I want an update.

Altman stated I'm done with this; these are staff questions.

Ward asked where did the photography come from? My engineer originally used a different one.

Duncan stated the imagery is available on the website.

Ward stated they had used one prior to that; I didn't know when that became available or whatever.

Mills stated the aerial photography goes all the way back to 1936, 2022 to 1936.

Ward stated they did turn that in and I'm assuming it will be reviewed and we'll go from there.

Duncan stated I would like to thank Mr. Ward in the discussions with the consultant Clara and I developed several recommendations for Mr. Ward to consider and he was agreeable to those.

Ward stated they were reasonable, I thought, and I thought they were good recommendations to move forward for safety and for lack of exposure to open drains.

**Elwood Wilson Drain - New EMA Building Site:**

Altman stated let's get clarification on the site for the new EMA that we're under acquisition for. I just want everything held off until we get design for the building before, we burn any more money. We've always known that site is for that purpose and if we can accommodate drainage, fine. To put what I saw designed was ridiculous.

Howard stated we have that on for Commissioners Exec later this afternoon because there will probably be land acquisition involved or least consideration of additional land acquisition with somebody's hat on. Everybody was in on that.

Altman stated that's fine, but I want to be on the record we're stopping all design work on that drain until we figure this out.

Heirbrandt stated I agree.

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

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Mark Heirbrandt - President

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Lynette Mosbaugh  
Executive Secretary