The members of the Board present were Ms. Christine Altman-President, Mr. Mark Heirbrandt-Vice President, Mr. Steven C. Dillinger-Member and Mr. Steven A. Holt- Alternate Member. Also present was the Hamilton County Surveyor, Kenton C. Ward and members of his staff: Mr. Steve Baitz, Mr. Gary Duncan, Mr. Andy Conover, Mr. Jerry Liston and Mr. Steve Cash.

Approve Minutes of December 17, 2018:
The Minutes of December 17, 2018 were presented to the Board for approval.

Holt made the motion to approve the minutes of December 17, 2018, seconded by Dillinger and approved unanimously.

Approve Minutes of March 25, 2019:
The minutes of March 25, 2019 were presented to the Board for approval.

Heirbrandt made the motion to approve the minutes of March 25, 2019, seconded by Dillinger and approved unanimously.

Professional Services Agreement - Benton Hinesley Drain, Grass Waterway:
The Surveyor presented an agreement to the Board for the construction staking at a cost of $5,500.00 and also the record drawings at a cost of $5,500.00 on the Benton Hinesley Drain, Grass Waterway for approval. We’re losing our surveyor for a while; I believe it’s four weeks and we’re going to need help.

Heirbrandt made the motion to approve the Professional Services Agreement for the Grass Waterway on the Benton Hinesley Drain in the amount of $6,000.00 for construction staking and $5,500.00 for record drawings, seconded by Dillinger and approved unanimously.

Duck Creek LARE Grant Project - Engineering Contract:
The Surveyor presented the engineering contract for the Duck Creek LARE Grant Project in the amount of $38,800.00 by Butler, Fairman & Seufert.

Altman asked is this just engineering and not the actual creation?

The Surveyor stated it’s just the engineering for this phase and then once the plans are done we’ll bring the contract back for the construction.

Altman asked how many acres is this?

The Surveyor stated it’s to repair the ditch bank. This is the one we got the LARE grant for.

Heirbrandt made the motion to approve the contract with Butler, Fairman & Seufert for the engineering on the Duck Creek LARE Grant Project in the amount of $38,800.00, seconded by Dillinger.

Altman asked is there a wetlands included in that or not? I thought I saw something about wetlands or maybe they’re just showing off their professional stuff.

Heirbrandt stated they did list their professional staff and listed what they did in the document.

The motion had been made and seconded to approve the contract with Butler, Fairman & Seufert for engineering on the Duck Creek LARE Grant Project in the amount of $38,800.00 and approved unanimously.

Professional Services Agreement - Mitigation Project:
The Surveyor stated this is for the mitigation project that we’re doing. I sent out a request for quotes to four companies, Williams Creek now known as V3, Butler, Fairman & Seufert, Davey Resource Group and Banning Engineering. Davey and Banning went together and they had the cost of $17,725.00, Butler, Fairman & Seufert came in at $14,900.00 and Williams Creek or V3 came in at $8,990.00. Again, this is just for the engineering to get a plan to IDEM.

Heirbrandt asked what the Surveyor’s recommendation was?

The Surveyor stated my recommendation is V3.

Heirbrandt made the motion to accept V3 for engineering on the IDEM Mitigation project at a cost of $8,990.00, seconded by Dillinger and approved unanimously.

Hearing Request:

Heirbrandt made the motion to approve the hearing request for May 28, 2019, seconded by Dillinger and approved unanimously.
Set Bid Date – Benton Hinesley Drain, Grass Waterway:
The Surveyor asked that the Board set a date to receive bids on the Benton Hinesley Drain, Grass Waterway for May 13, 2019.

Heirbrandt made the motion to set the bid date requested for May 13, 2019, seconded by Dillinger and approved unanimously.

Amend Agenda:
Heirbrandt made the motion to amend the agenda, seconded by Dillinger and approved unanimously.

Set Bid Date – Anchorage Drain:
The Surveyor asked that the Board set a date to receive bids on the Anchorage Drain for May 13, 2019.

Heirbrandt made the motion to set the bid date requested for May 13, 2019, seconded by Dillinger and approved unanimously.

The Surveyor stated we’re dealing with a lot of “what ifs” right now. I wanted to go ahead and get the bids in, get an actual hard cost and then in the next two weeks we’ll have a hearing which I’ll bring to the Board at the next meeting so we’re not guessing.

Heirbrandt asked Duncan if he would send out an email to that whole group and let them know what’s going on and what the timeline is?

Duncan stated yes.

Big Cicero Creek Joint Drainage Board:
The Surveyor presented the minutes from the Big Cicero Creek Joint Drainage Board of February 27, 2019 to the Board for their information.

Altman asked you did have the hearing and you’re at findings of fact in your litigation?

Heirbrandt stated they have not ruled on that yet. It’s still not done. We were asked to hold a night meeting because they didn’t feel that enough people could come so we accommodated that. The next meeting we’re going to have is at night to accommodate some of the people that are saying they don’t have a voice in anything so we immediately accommodated them.

Altman asked what time is your normal meeting?

Heirbrandt stated at 9:30 in the morning.

Award Contract – 2019 Vegetation Control:
Baitz presented his report to the Board for approval.

“TO: Hamilton County Drainage Board

Date: March 28, 2019

The Hamilton County Drainage Board received one bid for the 2019 Vegetation Control contract at the March 25, 2019 Drainage Board Meeting from K & H Spray Services LLC. The Surveyors Office has reviewed the bid and found it be complete and acceptable. The contract lists 36 drains with a total of 179,716 lineal feet to be sprayed. K&H Spray Service LLC. cost to spray all 36 drains $22,635.00.

The Surveyors Office recommends K & H Spray Services LLC. be awarded the 2019 Vegetation Control Contract. Attached is the bid sheet indicating the cost per drain and estimated gallons to be applied.

Sincerely,
Stephen Baitz”

Dillinger made the motion to award K & H Spray Service, LLC the 2019 Vegetation Control Contract, seconded by Heirbrandt and approved unanimously.

Variance Request – Towns of Avalon North (Mud Creek):
Mr. Rick Ellis was present for this item.

Cash stated this project is being proposed by Pulte Homes. This went to the Drainage Board previously for preliminary concurrence on March 25, 2019. They are proposing to place 523 cubic yards of fill within the floodplain and removing 1,578 cubic yards.

Ellis stated if the Board has any questions he’d be glad to answer them.

Heirbrandt made the motion to approve the variance request for the Towns of Avalon North, seconded by Dillinger.
Altman asked are you going to meet all the commitments requested by the Surveyor’s Office?

Ellis stated yes.

The motion had been made and seconded to approve the variance request for the Towns of Avalon North and approved unanimously.

Variance Request – Little Eagle Creek, John Edwards Arm – Springmill Grand Station:

Mr. Max Mouser and Mr. John Perine were present for this item.

Liston stated this project is being proposed by Springmill Grand Station, LLC. They are proposing to place 8,180 cubic yards of fill within the floodplain and removing 31,378 cubic yards from the floodplain. This project received preliminary concurrence on August 13, 2018.

Heirbrandt asked Mouser if he agreed to the Surveyor’s recommendations?

Mouser stated we do.

Altman asked are you going to have a homeowner’s association for this subdivision?

Mouser stated it’s a commercial project.

Altman stated so the owner will be the same consistently throughout should there be an issue.

Mouser stated correct.

Heirbrandt made the motion to approve the variance request for Springmill Grand Station, seconded by Dillinger.

The Surveyor stated on this particular item since they’re a commercial entity we’re going to add a second page with those conditions on the variance when it’s recorded.

The motion had been made and seconded to approve the variance request for Springmill Grand Station and approved unanimously.

Non-enforcements:

Liston presented a non-enforcement request for the Little Eagle Creek Drain, Maple Village Arm filed by Jonathan and Kristin Whitney for parcel #08-09-03-00-02-00-02-013.000 for a fence. The Surveyor’s Office recommends approval.

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

Liston presented a non-enforcement request for the John Owen Drain filed by Harbour Town, LLC for parcel #11-06-15-00-00-019.001 for existing buildings and accessory structures to remain in place. The Surveyor’s Office recommends approval.

Altman asked is it truly a grandfather situation or was it just an encroachment they did after.

Liston stated in 2010 the John Owen Drain was extended and the easement was placed on that parcel at 75 feet with...

Altman asked with the buildings in place?

Liston stated yes. These apartments have been there for about 40 years.

Howard stated we’re granting an encroachment...

Liston stated for those two buildings.

Howard stated for that building because they’re grandfathered.

Liston stated yes.

Altman asked is it exclusive to those particular buildings so if they were to develop that property would that go away?

Liston stated they would have to come in and go through the process again.

Howard stated we’re not reducing the entire apartment parcel, we’re only reducing it where they’re encroaching already and we knew it, it just didn’t get recorded.

Heirbrandt made the motion to approve the non-enforcement request presented, seconded by Dillinger and approved unanimously.
Liston presented a non-enforcement for the Springs of Cambridge Drain filed by Marwan Mustakiem for parcel #13-15-11-00-17-030.000 for a concrete driveway keeping elevation of new driveway at existing grade as not to effect emergency overflow. The Surveyor’s Office recommends approval.

Dillinger made the motion to approve the non-enforcement request presented, seconded by Heirbrandt.

Altman asked if someone would go out and check the grade?

Liston stated yes, we can do that.

The motion had been made and seconded to approve the non-enforcement request presented and approved unanimously.

Liston presented a non-enforcement request for the Williams Creek Drain, Jackson’s Grant Arm filed by Glenn and Jean Hackman for parcel #17-09-34-00-08-031.000 for a patio. The Surveyor’s Office recommends approval.

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

Liston presented a non-enforcement request for the Morrow-Follett Drain file by Brendan and Emily Frank for parcel #16-09-25-12-01-044.000 a new home and deck. The Surveyor’s Office recommends approval.

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

Liston presented a non-enforcement request for signature for the Long Branch Drain, Lakeside Park Arm filed by Adam and Shelby Chobany for parcel #17-09-20-00-02-021.000 for a fence. This item was approved at the Board’s last meeting and is ready for the Board’s signature.

**Surety Acceptance:**

Liston stated that at this afternoon’s Commissioners meeting the Board would be accepting the following sureties: Letter of Credit No. SS07400 in the amount of $7,400.00 for Geist Community Center, Inc., Erosion Control (Amendment Number 001 reduces the existing Letter of Credit SS07400 for the project from $43,000.00 to $7,400.00).

Altman asked if there should be an action from this Board since it’s a reduction?

Howard stated since it’s a reduction you ought to make a recommendation to the subsequent Board.

Heirbrandt made the motion to approve the reduction in surety for the Geist Community Center, Inc., erosion control, seconded by Billinger and approved unanimously.

**Construction Updates:**

Thorpe Creek Drain, Martha Ford Arm Relocation – Liston stated the contractor was able to work a couple of days during the last two weeks. They put in a storm structure and extended the pipe out to the regulated drain, but it’s been so wet they haven’t been able to do the final grading.

Thorpe Creek Drain, John Underwood Arm Reconstruction – Liston stated the contractor did start this project last Tuesday and they’ve gotten approximately 200 to 300 feet of the dredging done from the low end working their way upstream.

Cool Creek Park Bank Stabilization Project – Duncan stated most of the earthwork is completed and we are presently approving the submittals for the plant material that will be installed. Some of the species aren’t available and also some of the species that were selected were damaged during the winter so we’re trying to find some other products at nurseries that weren’t damaged.

Altman asked is that all native plant material?

Duncan stated it is all native plant material, yes.

Thistlewaite Drain, California Street Arm Extension – Conover stated the contractor hopes to start on this project today.

William Krause Reconstruction Phase 3 – Conover stated the contractor is hoping to start on this project today.

**Pending Asbuilts:**

William Krause Reconstruction Phase 1 – Conover stated we’re waiting for the weather to get better so the contractor can get the parking lot finished up.

William Krause Reconstruction Phase 2 – Conover stated the contractor is waiting for things to dry up so they can finish up their warranty work around the pond. There’s been some washouts during the winter.
Pending Final Report:
Windemere Pond Reconstruction - The Surveyor stated I’m waiting for Howard.

Howard stated it’s recorded. We have not gotten the certified back yet.

The Surveyor stated the other one would be the agreement on the path in Anchorage.

Ellis Barker Drain:
The Surveyor stated this came up this morning and before we bring it in for hearing we need to have a discussion on it. We have the plans ready for the reconstruction. It’s going to be between three developers. The developers are paying for the project. All three of them agree to doing so, but what we want to know in order to put it in the report on the payback to General Drain because we’re going to pay for it and then get reimbursed from them; do you want that immediately upon construction after the final report for the drain reconstruction is finished or do you want them to pay it back once the secondary plat is recorded?

Heirbrandt asked Howard what he recommends?

Howard asked how much are we talking about?

Duncan stated over a million dollars.

Altman stated upon the final report. It’s going to be a development cost to them. We might as well get in the queue before anybody else. Are we going to have full performance bonds or payment bonds in place?

The Surveyor stated we could.

Altman stated we need to.

Howard stated we should because it’s a million dollars. Would we do this reconstruction with our maintenance or reconstruction without them?

The Surveyor stated no, this is because all three hit at the same time.

Howard stated so essentially we’re going to need performance, payment bonds and they’re doing the reconstruction?

The Surveyor stated we’re going to contract it and see that’s all done.

Howard stated we have to have some bonds in place.

Altman stated I think we ought to offer them the ability to do a restrictive cash in bank that we have control over.

Howard stated if they don’t want to do bonds they can put it in escrow and we’ll pay out of it or anyway, but we don’t want to be the risk partner on the deal because we would not do the deal right now but for them. We need to make sure that they can put the money in an escrow account or they can give us a bond.

The Surveyor asked when we have that language put into the report could you look at it?

Howard stated yes, definitely.

The Surveyor stated we need to have that request to the next meeting for the May hearing.

Altman stated they probably have the land liened up by now and we’re not going to risk that.

The Surveyor stated and they’re starting to take the land down.

Howard stated they can pay up front or they can post security until we get their money, but we want nothing in that timeline where we turn into the risk partner because there’s not enough general benefit to justify us using rate payer’s money.

The Surveyor stated I wanted to get the opinion before we wrote the report.

William McKinstry - Lake Stonbridge:
Heirbrandt asked are there any updates or communication?

The Surveyor stated I got the email from Ray (Maddalone) last week and I have not had a chance to even respond to it yet.

Taylor Creek:
Heirbrandt stated I sent an email to you about Taylor Ditch, Joe Robbins. We talked about some issues he’s got at 4441 E. 256 Street and CalCarson Road.
The Surveyor stated that is one that we’ve got VS doing the engineering. They determined last year that it needs to go to Little Cicero Creek and that would be adding additional length of drain to the existing regulated drain that’s not currently regulated. I brought the engineering addendum for the extra work and the Board wanted a petition from one of those landowners. I’ve been dealing with Kay Hartley and we’ve been going back and forth on dates and every time I’m good she’s got a funeral and whenever she’s okay I’ve got something going.

Heirbrandt asked if someone could follow up with Joe Robbins on that? The email I sent has his phone number on it. Just give him an update.

The Surveyor stated sure.

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

Christine Altman – President

Lynette Mosbaugh
Executive Secretary