

MINUTES OF THE HAMILTON COUNTY DRAINAGE BOARD

April 10, 2023

The meeting was called to order Monday, April 10, 2023 at 12:02 p.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. Sam Clark, Mr. Reuben Arvin, Mr. Steve Cash, Mr. Luther Cline, Mr. Gavin Maxwell and Ms. Clara Furst. The Board's attorney's, Mr. Michael Howard and Mr. Connor Sullivan, were also present.

Approval of Minutes of March 27, 2023:

The minutes of March 27, 2023 were presented to the Board for approval.

Dillinger made the motion to approve the minutes of March 27, 2023, seconded by Altman and approved unanimously.

Emily Vestal Drain - Geotechnical Engineering Exploration Proposal:

The Surveyor stated we have a proposal from Patriot Engineering for \$4,500.00 to do Geotech on the Emily Vestal Drain so we can do our maintenance project.

Altman made the motion to approve the proposal from Patriot Engineering for Geotech on the Emily Vestal Drain in the amount of \$4,500.00, seconded by Dillinger and approved unanimously.

Petition - The Cove at Thorpe Creek:

The Surveyor stated we have a petition from a developer for the regulation of the section of Thorpe Creek through their proposed development. This is for the Board's information. We'll be back with a report at the next meeting.

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

The Surveyor stated at the last meeting this was discussed. This is in Forest Bay Estates, an old Shorewood Subdivision. This is where the road drainage outlets onto two properties, in between them, and then goes down a surface waterway to the J. H. Leap Ditch. I believe I sent you a copy of the covenants.

Altman stated the copy you sent I didn't find that in.

The Surveyor stated I also sent this to Mr. Phillips. I don't believe I've had a response back from him yet.

Altman asked did you clearly deny his allegations?

The Surveyor stated I did. I do have a work order out to cut the tree that's fallen over the Leap Ditch that was on his property; it was probably a 48-inch diameter tree.

Altman asked but it is regulated on him?

The Surveyor stated yes, on the Leap Drain. This comes from the street down to the Leap that's unregulated.

Hearing Requests:

The Surveyor asked the Board to set the following items for hearing on May 22, 2023: Krause & Klepfer Drain; William Lehr Drain; Albert Shaw Drain; Schneider & Pierce Drain; Little Cicero Creek Drain, Hamilton County Parks Extension; and Mallery-Granger Drain, Comstock Estates Extension.

Dillinger made the motion to set the items for hearing on May 22, 2023, seconded by Altman.

Altman stated I would ask on the extensions where we have large balances that you have available, if we have objections, what needs to be done on the extensions because they have large balances of collections. I can see people having concerns.

The Surveyor stated that may be the old form. I've revised it from your previous comment and that may not have reached that letter.

The motion had been made and seconded to set the requested hearings for May 22, 2023 and approved unanimously.

Capital Asset Notifications:

The Surveyor asked the Board to approve the following Capital Asset Notifications: R. J. Craig Drain, 1991 Reconstruction; R. J. Craig Drain, 1997 116th Street Reconstruction; R. J. Craig Drain, Fishers Corner Reconstruction; Intracoastal at Geist Drain, Section 1; Intracoastal at Geist Drain, Section 2B; and Intracoastal at Geist Drain, Section 5.

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

Ordinance No. 04-24-23-A - Storm Water Nuisance:

Howard stated going back through the minutes and going through the Statute, this ordinance needs to be referred to the County Commissioners for approval today or at your next meeting after that. Essentially these nuisances are kind of the opposite of a blockage. It's the downstream property owner complaining that the upstream property owner has channeled, accelerated someway water onto their property. It's an interesting Statute because the Surveyor's Office has no real enforcement rights, but they do have the right or the duty upon payment of a fee, which covers his costs to go out to the site, review the situation and make a written report with a copy to both the downstream complainant and the upstream alleged violator. There are no duties after that other than if the Surveyor's Office would receive a subpoena, they would testify to what would be in the report. Sounds to me like a constituent bill down at the General Assembly. They had to do something and that's what they did in this case. Since we discussed this, we've had no complaints that fall into this category.

Altman stated the only concern I had is reading Item H that defines the storm water nuisance, on "i.". Are we saying it has to be an intentional act that has caused this?

Howard stated yes.

Altman stated I didn't see that put in there. I think somehow, we need to define an intentional act or as a result..

Howard stated, "an act that resulted in".

Altman stated an adjoining landowner's act that resulted in.

Howard stated I'll work on that between now and the Commissioner's meeting.

Altman made a motion with that revision to recommend the Commissioner's adopt Ordinance No. 04-24-23-A, seconded by Dillinger and approved unanimously.

Award Contract - 2023 Vegetation Control:

Maxwell presented his report to the Board for approval.

"TO: Hamilton County Drainage Board

Date: April 5, 2023

RE: 2023 Vegetation Control Contract

The Hamilton County Drainage Board received one bid for the 2023 Vegetation Control contract at the March 27, 2023 Drainage Board Meeting from HWC Water and Land Resources, formerly Puddle Jumpers Aquatics. The Surveyor's Office has reviewed the bid and found it be complete and acceptable. The contract lists 30 drains with a total of 118,221 lineal feet to be sprayed. HWC Water and Land Resources, formerly Puddle Jumpers Aquatics cost to spray all 30 drains is \$53,414.

The Surveyors Office recommends HWC Water and Land Resources, formerly Puddle Jumpers Aquatics be awarded the 2023 Vegetation Control Contract. Attached is the bid sheet indicating the cost per drain and estimated gallons to be applied.

Sincerely,

Gavin Maxwell"

Dillinger made the motion to award the 2023 Vegetation Control Contract to HWC Water and Land Resources (formerly Puddle Jumpers Aquatics), seconded by Altman and approved unanimously.

Non-enforcements:

Furst presented a non-enforcement addendum for the Little Eagle Creek Drain, Overbrook Farms Arm filed by John and Andrea Leggat for parcel #17-09-19-00-09-013.000 for a fence that will encroach 11 feet into the 15-foot D & UE. The Surveyor's Office recommends approval.

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

Furst presented a non-enforcement request for the Little Eagle Creek Drain, Preserve at Bear Creek Arm filed by Venkata Niranjan Kumar Bobba and Sucharitha Bobba for parcel #17-09-19-00-10-040.000 for a fence. The Surveyor's Office recommends approval.

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

Furst presented a non-enforcement request for the Little Eagle Creek Drain, Troy Estates Arm filed by Adam and Dominique Peck for parcel #17-09-19-00-15-010.000 for a fence. The Surveyor's Office recommends approval.

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

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Furst presented a non-enforcement request for the Thistlethwaite Drain filed by Daniel Wallace and Nichole Gossman for parcel #01-05-06-00-01-011.000 for a fence. The Surveyor's Office recommends approval.

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

Furst presented a non-enforcement request for the Williams Creek Drain, Centennial Arm filed by Steven and Peggy Thomas for parcel #08-09-15-00-06-017.000 for a fence. The Surveyor's Office recommends approval.

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

Furst presented a non-enforcement request for the Williams Creek Drain, Jackson's Grant Arm filed by Aaron and Michelle Miller for parcel #17-09-34-00-13-012.000 for a fence. The Surveyor's Office recommends approval.

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

Furst presented a non-enforcement request for the Williams Creek Drain, West Rail at the Station Arm filed by Ryan and Sandra Wild for parcel #08-09-10-00-17-049.000 for a fence. The Surveyor's Office recommends approval.

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

Furst presented a non-enforcement request for the Wheeler & Wheeler Drain, Arbor Grove Arm filed by Lisa Earnest for parcel #10-11-08-00-08-018.000 for a fence. The Surveyor's Office recommends approval.

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

Furst presented a non-enforcement addendum for the Vermillion Drain, Woods at Vermillion Arm filed by David and Sue Elson for parcel #13-16-08-00-07-012.000 for a fence to encroach 8 feet into the 15-foot drainage easement. The Surveyor's Office recommends approval.

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

Furst presented a non-enforcement addendum for the Vermillion Drain, Woods at Vermillion Arm filed by Kevin and Jessica Kruckeberg for parcel #13-16-08-00-07-013.000 for a fence to encroach ten feet into the rear D & UE and 7.5 feet into the west 15-foot drainage easement. The Surveyor's Office recommends approval.

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

Furst presented a non-enforcement request for the Vermillion Drain, Woods at Vermillion Arm filed by Sharon Foster for parcel #13-16-08-00-28-007.000 for a fence. 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 W. C. Van Arsdell Drain filed by Duke Energy for parcel #17-13-01-02-05-014.000 for a steel T-line Structure. The Surveyor's Office recommends approval.

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

Violations:

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

"March 29, 2023

VIO-2023-00011
Certified Mail: 7021 0350 0000 0881 0520

Glenn, Tyler
14902 Amkey Ct.
Carmel, IN 46032

Parcel ID#: 08-09-14-04-03-043.000

RE: Cool Creek, Overman & Harvey Arm, Village Farms Sec. 5

On January 30th, 2023, our office issued a Final Inspection letter regarding the recently installed fence on Lot 324 in Village Farms Section 5.

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The approved *Non-Enforcement of Drainage Easement for Fences* permit requires the following, "The fence will fully encroach along the East perimeter (15ft) and be required to install 10' gates centered in the easement along the North and South perimeter lines."

On March 23rd, 2023, our office conducted an additional inspection on the recently installed fence. Per the inspection, the office found the fence not installed per the requirements of the permit.

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 upon completion of the gate installation at the Hamilton County Surveyor's Office. The number is 317-776-8495 or email at Clara.Furst@hamiltoncounty.in.gov .

Sincerely,

Kenton C. Ward
Hamilton County Surveyor

KCW/clf

Cc: City of Carmel
Village Farms HOA"

**"NOTICE OF VIOLATION
VIO-2023-00012**

Certified Mail: 7021 0350 0000 0884 6154

March 24, 2023

Taylor Delong
220 Edith Avenue
Noblesville, IN 46060

**RE: A. F. Ingerman Drain - Un-authorized Fill in Floodway/Floodplain and Gravel Parking in Regulated Drain Statutory Easement
DeLong Property - 220 Edith Avenue**

It has been brought to the attention of this office that un-authorized fill and gravel parking has been placed in the A. F. Ingerman Floodway/Floodplain and Statutory Easement at 220 Edith Avenue in Noblesville Township.

This action is in direct violation of Hamilton County Ordinance No. 4-26-99-C which prohibits placing fill in a Floodway/Floodplain in un-incorporated areas of Hamilton County and IC 36-9-27-33 of Indiana Drainage Code.

Upon receipt of this letter, you have Ten (10) days in which to correct the violation according to the standards set forth by this Office.

If the fill is not removed within the Ten (10) day period, the ordinance provides for the County Surveyor to remove the fill and to add an amount sufficient to pay for the removal of the fill to the next annual assessment made against the land of the owner.

Please contact Mr. Steve Cash or Ms. Clara Furst of the Hamilton County Surveyor's Office at 317-776-8495 upon receiving this notice of violation to discuss what measures need to be made to correct the situation.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor

CC: IDNR - Suzanne R. Delay
City of Noblesville - Denise Aschleman
Terra Site Group - Kevin Steely "

"March 31st, 2023

Martinez, Manual & Alejandro
16276 Spring Bank Ct.
Fortville, IN 46040
Parcel ID#: 13-16-05-00-04-012.000

RE: Vermillion Drain, Bluffs at Flat Fork Sec. 1 Arm, Final Contact Attempt

A copy of the Notice of Violation was re-issued on December 7th, 2022, regarding the vegetation encroachment on Lot 84 in Bluffs at Flat Fork Section 1. After receiving no communication from the property owner, a copy of the Violation and a notification door hanger was taped to the property's door on February 14th, 2023.

As of today, our office has not corresponded with the owner since Saturday, September 17th, 2022, and no permit has been filed with the office. The trees/bushes remain encroached into the regulated drain easements on the lot.

This letter serves as the final attempt to contact the property owner. Our office will be scheduling a contractor to remove the vegetation within the drainage easement in the coming weeks at the expense of the property owner.

Please contact Mrs. Clara L. Furst at the Hamilton County Surveyor's Office upon receiving this letter to halt the scheduling of the contractor and pursue resolving the situation. The number is 317-776-8495.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/CLF"

"March 31st, 2023

Vladimirova, Maria & Ryan Cole Geltz TE
16051 Wheatley Ct.
Fortville, IN 46040
Parcel ID#: 13-16-08-00-08-011.000

RE: Vermillion Drain, Heritage at Vermillion Arm-Final Attempt to Contact

A copy of the Notice of Violation was re-issued on December 7th, 2022, regarding the fence encroachment on Lot 370 in Heritage at Vermillion Sec. 1. An extension of time was requested by the property owner to work through the options to resolve the situation. The extension of time for sixty days expired on February 17th, 2023.

As of today, our office has not corresponded with the owner since December 2022 and no permit has been filed with the office. The fence remains encroached into the regulated drain easements on the lot.

This letter serves as the final attempt to contact the property owner. Our office will be scheduling a contractor to remove the fence within the drainage easement in the coming weeks at the expense of the property owner.

Please contact Mrs. Clara L. Furst at the Hamilton County Surveyor's Office upon receiving this letter to halt the scheduling of the contractor and pursue resolving the situation. The number is 317-776-8495.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/CLF"

Violation Updates:

Furst presented her updates to the Board for their information.

"April 4th, 2023

Force, Amanda & Bradley
608 Zephyr Way
Westfield, IN 46074
Parcel ID#: 13-16-08-00-07-032.000

RE: Non-Enforcement of Drainage Easement for fences, Crosswind Commons, Sec. 2 Arm

On Monday, April 3rd, 2023, our office conducted a final inspection of the installed fence.

The approved *Non-Enforcement of Drainage Easement for Fences* permit requires the following, "The fence will fully encroach into the 20' D & U.E. along the rear (West) perimeter line. The fence will be required to install 10' minimum gate along the E perimeter line." Per the final inspection, the office found the fence installed per the requirements of the permit.

Please maintain a copy of this letter in your records.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/CLF

Cc: Drainage Board"

"March 31st, 2023

Foerg, Craig
16440 Sandusky Ct.
Fortville, IN 46040
Parcel ID#: 13-16-05-00-02-013.000

RE: Non-Enforcement of Drainage Easement for Fences Violation, Vermillion Drain, Heritage at Vermillion Sec. 1 Arm

On Thursday, March 9th, 2023, our office conducted a final inspection of the installed fence on lot 387 in Heritage at Vermillion Section 1.

A Notice of Violation was re-issued by this office on December 7th, 2022, regarding the fence installed within the regulated drain easements on the lot. The approved *Non-Enforcement of Drainage Easement for Fences* permit requires the following, "The fence will fully encroach into the drainage easement along the rear (N) line and the E perimeter line." Per the final inspection, the office found the fence installed per the requirements of the permit.

The Notice of Violation VIO-2022-00022 has been resolved and the approved permit is on file.

The original Notice of VIO-2017-00006 has been resolved and the approved permit is on file.

Please maintain a copy of this letter in your records.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/CLF

Cc: Drainage Board"

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"March 31st, 2023

Williams, Corey
1127 Locomotive Dr.
Westfield, IN 46074
Parcel ID#: 08-09-10-00-21-002.000

RE: Non-Enforcement of Drainage Easement for Fences, Williams Creek, West Rail at the Station Sec. 3 Arm

On Thursday, March 30th, 2023, our office conducted a final inspection of the recently corrected fence.

The approved *Non-Enforcement of Drainage Easement for Fences* permit requires the following, "Fence will fully encroach in the rear (SW) and encroach 7.5ft out of 15ft D.U. & S.E. along the North side line." Per the final re-inspection, the office found the fence installed permit the requirements of the permit."

Please maintain a copy of this letter in your records.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/CLF"

"April 4th, 2023

Johnston, Derrick & Jill Louise
16361 Kenora Lane N
Fortville, IN 46040
Parcel ID#: 13-16-08-00-11-002.000

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

On Monday, April 3rd, 2023, our office conducted an on-site inspection of the installed fence on lot 248 at Woods at Vermillion Section 2A Arm.

A Notice of Violation was issued by this office on March 20th, 2023, regarding the fence installed within the regulated drain easements on the lot. Upon further inspection it has been determined that the Notice of Violation was sent in error. A *Non-Enforcement of Drainage Easement for Fences* permit has been filed and approved with the Surveyor's Office. The permit requires the following for the fence, "Proposed fence will full encroach into rear 15' R.D. & U.E. and 10 feet into side yard 20' S.R.D. & U.E. Property will be required to install removal panels on either side of lot where fence crosses easement." Per the re-inspection of the fence, the office found the fence installed per the requirements of the permit.

We apologize for the inconvenience that this may have caused. Please know the Notice of Violation VIO-2023-00008 has been resolved.

Please maintain a copy of this letter in your records.

Best regards,

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/CLF

Cc: Drainage Board"

"April 4th, 2023

Dobson, Erica
16528 Wilsons Farm Dr.
Fortville, IN 46040
Parcel ID#: 13-16-08-00-19-006.000

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

On Monday, April 3rd, 2023, our office conducted an on-site inspection of the installed fence on lot 420 at Enclave at Vermillion Section 2.

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A Notice of Violation was issued by this office on March 20th, 2023, regarding the fence partially installed within the regulated drain easement on the lot. Upon further inspection it has been determined the existing fence barely encroaches at the NW corner of the parcel. At this time the Surveyor's Office is **not** requiring the filing of a *Non-Enforcement Drainage Easement for Fences* permit.

The Notice of Violation VIO-2023-00010 has been resolved. Please maintain a copy of this letter in your records.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/CLF

Cc: Drainage Board"

Altman asked are you prepared to go ahead on some of these ones that people ignored us to move forward. Do you need an act of the Board at this point or are we waiting until the next meeting to see what their actions are?

The Surveyor stated I think we've given them some time, but I think their time will probably be up in May.

Furst stated June 3, 2023, for the Vladimirova fence.

Altman asked one was a vegetation thing, that's where I thought the extension had expired.

Furst stated the vegetation, which is Martinez, they reached out and informed us of an extenuating circumstance dealing with a car/train wreck. With that consideration in mind, we granted them an additional 90 days to take care of their vegetation.

Surety Acceptance:

Liston stated that at this afternoon's Commissioners meeting the Board would be accepting the following surety: Letter of Credit No. 2000681180 in the amount of \$41,384.40 for the Hults Pool, Floodplain Compensatory Storage.

Surety Release:

Liston stated that at this afternoon's Commissioners meeting the Board would be releasing the following sureties: Performance Bond No. Q90 7370286 in the amount of \$98,022.00 for Citizens Water Casey Road Feeder Main, George Coverdale Drain Reconstruction; Subdivision Improvements Performance Bond No. 3705255 in the amount of \$284,856.00 for Chatham Villages Section 1, W. C. Inman Drain, storm drainage; Performance Bond No. 0240584 in the amount of \$93,084.60 for Iron Pointe Section 1, Hawthorne Hills Drain, storm sewers; Performance Bond No. PRF9382682 in the amount of \$1,006,502.94 for the George Symonds Drain, Two Stage Ditch Reconstruction; Irrevocable Letter of Credit No. 1454JG8 in the amount of \$325,009.20 for Jackson's Grant Section 8, storm sewers.

Construction Updates:

Elwood Wilson Drain, E. M. Hare Arm Reconstruction - Liston stated work is progressing on this project. I saw an email last week between Gary (Duncan) and our engineer where they were going to revise the grade of the open ditch from Presley Drive over to Promise Road.

Canal Place Drain, Strongbow Gate Arm - Liston stated I spoke with our contractor, Agricon, and they're just waiting for the weather to cooperate, and it looks like we'll have a good chance this week of getting in and doing finish grading on that for final grading.

William Lehr Drain, Joseph & Brooks Arm (156th Street Reconstruction) - Liston stated we're still waiting on the box culverts. We did have the contractor go out and knock down a large tree on this project on the south side of 156th Street.

2022 Reconstruction of the W. S. Burnau Arm of the F. M. Musselman Drain - Liston stated this work is progressing. We're on the Latty property and close to having the pipe done on this project.

Jonas Rogers Drain, J. M. Gustin Arm Reconstruction - Liston stated I received an email this morning from our contractor. They will be starting the pipe work on that today. They have done the silt fence and pot holing and it appears there are no conflicts with utilities.

William Lehr Drain, J. S. McCarty Arm Phase 1 - Liston stated we need to have a preconstruction meeting for this project to start. Gary and I are working on a date for that.

Clara Knotts Drain, Park Broadway Arm Phase 2 - Cline stated I spoke with Morphey Construction last week and they have been contacted by AT&T. They will meet this week on site and hopefully get started on getting things out of the way.

Flora Mendenhall Drain Reconstruction - The Surveyor stated Gary (Duncan) and White Construction have been playing phone tag. I saw an email where they're trying to pin down a date to meet.

Ream Creek Drain, Orchard Park Arm (Pending Asbuilts) - Cline stated we're still waiting on the asbuilts. They had requested some verification on exactly what our office required, and Gary (Duncan) sent them that information last week.

Clara Knotts Drain, Park Broadway Arm Phase 1 (Pending Final Report) - Cline stated I haven't started work on that yet, but will as soon as possible.

Budget & Permit Update:

The Surveyor presented a budget and permit update to the Board for their information. He asked if there were any questions.

Altman asked how long is it going to take them to replace the culvert on Westfield Boulevard in Carmel between 106th and 116th Street? They got a crossing permit.

The Surveyor stated I don't know.

Professional Services Agreement - Stormwater On-Call:

The Surveyor stated the Burke On-Call project for this year we started working on it and figured out we don't have a contract yet. We'd like to have that approved for a total of \$31,000.00. We do have an audit we're getting help on and also the annual report. We're also doing updates on SWPPP's.

Altman asked are these the same rates?

The Surveyor stated I couldn't find, today, the one from last year so I don't know.

Altman made the motion to approve the Professional Services Agreement with Burke Engineering for the Stormwater On-Call at the same rate as last year, seconded by Dillinger and approved unanimously.

Private Drain Petition - Wright vs Dhani:

The Surveyor stated the petition was approved. We've been waiting for the shoe to drop from the attorney on the Dhani's side.

Altman asked how long has that pended?

Howard stated in the order it has a date that he must remove by and I think it's next week.

Altman asked how long has the order been pending?

Howard stated it was a January or February meeting.

Altman stated so the appellate time has gone.

Howard stated the administration and judication time has passed.

Altman asked so they didn't file an appeal on that order?

Howard stated they're in litigation already on whether or not the landscaping business was in violation of city zoning.

Altman stated but that wasn't ours. Ours is an independent order that was appealable.

Howard stated I think under the administrative and judication act it's 30 days or 60.

Altman stated I thought it was 30 days.

Howard stated I haven't looked at that in a long time, but I'll look at that order. It's going to be probably next month we'll be able to send a contractor out there.

Altman stated I just want to make sure that's passed before we send the contractor out.

Howard stated yes, I will check that before. I'll review the order before that.

Stop Work Order - Andrew Leeman:

Mr. Jon Ward was present for this item.

Howard stated I haven't heard from Mr. Ward. At the last meeting you reported that there was conversation, and I don't know who in the office.

Furst stated we had an additional submission, the third addition of the SWPPP. Gary and I sat down on Thursday afternoon reviewing the submission. For the most part many of the comments have been resolved. However, unbeknownst to ourselves as to why the virtual meeting that Gary held with Michelle (Dillon) and their engineering several weeks ago they had verbal conversation confirming and discussing different comments that were a little bit more complex. It was to our understanding with the office that everyone was on the same page to implement those changes and to this addition of the SWPPP, but when Gary and I reviewed the SWPPP those changes had not been implemented. We have noted those deficiencies and plan on reaching back out to Michelle. We also are planning on finalizing the next letter to be sent out to those involved.

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

Mark Heirbrandt - President

Lynette Mosbaugh
Executive Secretary