

MINUTES OF THE HAMILTON COUNTY DRAINAGE BOARD

April 11, 2022

The meeting was called to order Monday, April 11, 2022 at 12:01 p.m.

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

Approval of Minutes of March 28, 2022:

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

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

Clara Knotts Drain, Park Broadway Arm Phase 2 - Easements:

The Surveyor stated we have eleven (11) easements for Phase 2 of the Knotts that need to be moved forward. These are for the Barbee Lane section of the project. These are for Tim (Knapp).

Howard asked and these will be referred to Tim (Knapp) for acquisition?

Heirbrandt made the motion to approve the easement acquisitions presented, seconded by Dillinger and approved unanimously.

Clara Knotts Drain, Park Broadway Arm Phase 2 - Professional Services Agreement:

The Surveyor stated we have a professional Services Agreement from Banning Engineering for the construction staking, grade checks and asbuilts for Phase 2 of the Clara Knotts, Park Broadway Drain.

Dillinger made the motion to approve the Professional Services Agreement with Banning Engineering in the amount of \$11,000.00 for construction staking, \$60,000.00 estimated cost for grade checks and \$11,000.00 for asbuilts, seconded by Heirbrandt.

Altman stated it doesn't appear to be on the County Form and the addendum has items that we normally don't accept.

The Surveyor stated I have not received the revised county form.

Howard stated so the motion would be subject to receiving a signature on the county form.

Heirbrandt stated yes.

Altman stated it has plan ownership and that kind of stuff that we don't allow. Is there a revision to the motion?

Heirbrandt revised his motion to include receiving a signature on the county form, seconded by Dillinger and approved unanimously.

The Surveyor asked where are we with the revision?

Sullivan stated I thought I sent it to you previously. I'll double check and forward it to you.

The Surveyor stated I don't recall ever getting it.

Request for Quote - Mary Wilson Drain Reconstruction:

The Surveyor stated this is a request for a quote on the Mary Wilson Drain that has already gone out. This one along with several others went out for engineering services due back on Monday April 25, 2022.

Altman stated one thing we might want to add is the contract. Make it part of the request that the forms will be submitted on our approved contract. Then we don't have to go back and forth. We might send an addendum out for anybody that picked it up.

Mallery-Granger Drain - Certificate of Assessment for Reconstruction:

The Surveyor stated this is on the reconstruction that was done, a certificate of assessment. If the Board would sign this today it will go out in tomorrow's mail.

Heirbrandt made the motion to approve the Certificate of Assessment for Reconstruction presented, seconded by Dillinger and approved unanimously.

Howard stated those won't be collected this year though, right?

The Surveyor stated yes.

Thorpe Creek Drain - Petition:

The Surveyor stated we have a petition from a landowner on the Thorpe Creek Drain to be included on the maintenance and create an arm of the Thorpe Creek Drain so they can be maintained in the future.

Altman asked what all is regulated? Is this a continuation of regulated drain? I don't want to pick up a problem area unless it makes sense with respect to the regulated shed.

The Surveyor stated the drain is regulated up to Southeastern Parkway right now, this would pick it up and take it to his property.

Howard asked just one parcel?

Altman asked all that's really regulated is across the street?

The Surveyor stated right. We're trying to pick up those sections as they get developed.

Altman stated I understand, but did you look at this area? Is it going to be; I can see that it's wooded and a lot of maintenance cost.

The Surveyor stated right now they're not assessed for maintenance, but I have a report I'm writing right now that would put them on assessment for maintenance.

Altman asked for how much?

The Surveyor stated I don't know.

Altman stated we'll take the petition, but I think this could be problematic unless it's part of our regulated scheme, that's my concern.

The Surveyor stated its part of my regulated scheme.

Howard asked, so it wouldn't be disproportionate?

The Surveyor stated no.

Howard stated if there's not a deficit issue and a construction issue that would have to be cured.

The Surveyor stated right.

Mallery-Granger Drain, South Arm - Dismiss Petition:

The Surveyor stated I received a response from the City of Noblesville. Allison Krupski sent me a response saying after talking it over they would wish to withdraw that request.

Heirbrandt made the motion to accept the withdraw of the petition, seconded by Dillinger.

Dillinger asked why are they withdrawing?

The Surveyor stated I don't know.

Altman stated I think it was one that's been on file for years, that's why we questioned it.

The Surveyor stated it's been on file since 1995. They've gone back and forth on it for a long time.

The motion had been made and seconded to accept the withdraw of the petition and approved unanimously.

House Enrolled Act No. 1260:

The Surveyor stated if you go down through the 100+ pages of that Act there is one section in the very back, Section 77, that allows the Surveyor's Office to send out copies of the utility notices by certified mail along with registered mail.

Howard asked, this is the utilities that are being assessed or violations or what?

The Surveyor stated this is utility notices for them to relocate.

Altman stated it's a "shall", it's not a "may".

The Surveyor stated yes, its "shall", but it's either or.

Altman stated registered or certified.

The Surveyor stated right.

Hearing Requests:

The Surveyor asked the Board to set the following items for hearing on May 23, 2022: Williams Creek Drain, Ambleside Section 1 Arm; Williams Creek Drain, Jackson's Grant Section 8 Arm; Emery Clark & S.J. Compton Drainage Area Maintenance Assessment Increase; Clara Knotts Drain, Park Broadway Avenue Arm Phase 2 (Mound Excavating & Restoration).

Dillinger made the motion to approve the request for hearings presented, seconded by Heirbrandt and approved unanimously.

The Surveyor stated the Elwood Wilson Drain, E. M. Hare Arm (Revised) and the Flora Mendenhall Drain are both set for May 9, 2022. You did that at the last meeting and those notices went out Friday.

Final Reports:

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

"To: Hamilton County Drainage Board

March 21, 2022

Re: Williams Creek D.A. - Spring Mill Run Drain: The Estates at Towne Meadow

Attached are as-built, certificate of completion & compliance, and other information for Estates at Towne Meadow. 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 March 20, 2020. The report was approved by the Board at the hearing held April 27, 2020. (See Drainage Board Minutes Book 19, Pages 190-192)

The changes are as follows: The 12" RCP was lengthened from 1,016 feet to 1,075 feet. The 15" RCP was lengthened from 1,912 to 1,940 feet. The 18" RCP was lengthened from 843 feet to 850 feet. The 21" RCP was lengthened from 843 feet to 850 feet. The 21" RCP was lengthened from 410 feet to 516 feet. The 24" RCP was lengthened from 484 feet to 537 feet. The 30" RCP was lengthened from 735 feet to 746 feet. The 36" RCP was lengthened from 178 feet to 207 feet. The 6" SSD was lengthened from 4,425 to 4,254 feet. There was 68 of open ditch added. This replaced the existing run of pipe between existing structures B1 to 27. The length of the drain due to the changes described above is now **10,193 feet**.

The non-enforcement was approved by the Board at its meeting on April 27, 2020 and recorded under instrument #2022015016. In accordance with IC 36-7-4-709, the petitioner did not submit a surety for the proposed project.

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

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor"

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

Notice to Bidders - 2022 Vegetation Control:

The Surveyor stated the notice to bidders is ready to go out today with a date of April 25, 2022.

Dillinger made the motion to approve receiving bids on the 2022 Vegetation Control for April 25, 2022, seconded by Heirbrandt and approved unanimously.

Non-enforcements:

Liston presented a non-enforcement request for the Stony Creek Drain filed by the City of Noblesville for parcel #11-07-00-00-017.001 for Stony Creek Trail. The Surveyor's Office recommends approval.

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

Clark presented a non-enforcement request for the Long Branch Drain, Woods at Shelborne Arm filed by Yonas Adal for parcel #17-09-32-00-08-017.000 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.

Clark presented a non-enforcement request for the Williams Creek Drain, Saddle Creek Arm filed by Donna Morrison for parcel #17-09-21-00-16-041.000 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.

Hamilton County Drainage Board
April 11, 2022

Clark presented a non-enforcement request for the Williams Creek Drain, Wilshire Arm filed by Jagger and Sumer Love for parcel #08-09-10-00-19-042.000 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.

Surety Acceptance:

Liston stated that at this afternoon's Commissioners meeting the Board would be accepting the following sureties: Site Improvements Performance Bond No. CIC 1905694 in the amount of \$585,963.00 for Hyde Park Phase 1, Sand Creek Regulated Drain; Site Improvements Performance Bond No. CIC 1905695 in the amount of \$303,680.00 for Hyde Park Phase 2, Sand Creek Regulated Drain; Subdivision Bond No. 1094654 in the amount of \$25,196.00 for Aberdeen Bend Section 1, Hinshaw & Keys Regulated Drain erosion control; Subdivision Bond No. 1093303 in the amount of \$303,680.00 for Aberdeen Bend Section 1, Hinshaw & Keys Regulated Drain Improvements.

Surety Release:

Liston stated that at this afternoon's Commissioners meeting the Board would be releasing the following sureties: Subdivision Bond No. 72BSBIP4331 in the amount of \$402,762.00 for Auburn Estates Subdivision, Mary Nagle Drain Improvements; Subdivision Bond No. 72BSBIP4331 in the amount of \$402,762.00 for Auburn Estates Subdivision, Mary Nagle Drain Improvements **(Rider changing Regulated Drain Improvements to Mary Nagle Drain Improvements)**.

Construction Updates:

George Symonds Drain, Two Stage Ditch Reconstruction - Liston stated work is progressing. Banning is our inspector on this project.

George Symonds Drain, Two Stage Ditch Reconstruction:

Liston presented Change Order No. 1 to the Board for approval.

"April 4, 2022

TO: Hamilton County Drainage Board

RE: George Symonds, 2-Stage Ditch Reconstruction
Change Order #1

The following items are additional to the George Symonds, 2-Stage Ditch Reconstruction contract being done by Hoosier Pride.

BB-New	Temporary Crossing	\$ 34,700.00
BB-15	Additional Construction Entrance	\$ 4,500.00
Total Cost of Change Order #1		\$ 39,200.00
Engineer's Estimate based on bid		\$838,752.45
Total Reconstruction Cost with change order		\$877,952.45
ARPA funds available for reconstruction		\$906,487.00
Available ARPA funds for (future change orders)		\$ 28,534.55

Submitted By

Jerry L. Liston
Hamilton County Surveyor's Office"

Altman asked where are we with respect to the budget?

Liston stated the engineer's estimate was based on the bid of \$838,752.45. The total reconstruction cost with this change order would be \$877,952.45 and the ARPA funds available for the reconstruction was \$906,487.00 and that leaves available ARPA funds of \$28,534.55.

Heirbrandt made the motion to approve the Change Order presented, seconded by Dillinger.

Altman asked, this change order was for which project?

Liston stated it is on the George Symonds Drain, Two Stage Ditch. It's a temporary crossing. There was an existing bridge structure there and the contractor didn't feel that he could safely cross it with the moving of the dirt on this project. Also, for an additional construction entrance, the Highway required another entrance off of one of the county roads so it wouldn't tear up the edge of the road.

Hamilton County Drainage Board
April 11, 2022

Altman asked shouldn't those all have been covered by the bid?

Liston stated in the bid there were two listed and the Highway required an additional third entrance off of 246th Street for access.

Altman stated that takes care of that issue, but the bridge issue should have been site inspected and covered by the bid I would think.

The Surveyor stated it was anticipated that the movement would be down both sides in that area. That bridge was shot anyway. Was that the one that was railroad rails?

Liston stated yes.

The Surveyor stated it would have been fine for farm equipment, but not for...

Altman stated but the contractor should have known that when he bid the project. Who's the contractor on this project?

The Surveyor stated Hoosier Pride.

Heirbrandt stated I don't like it, especially with ARPA dollars. If we're going to be using ARPA dollars on any drainage that number better be "the" number and don't come back asking for anything else.

Altman stated I'm going to vote against it. Those are site conditions that should have been inspected at the time of the bid, except for the one entrance where Highway required another one and we probably should have talked about that one.

Howard asked was there a detailed spec that was changed in the plans?

The Surveyor stated I don't believe so. There were two planned and after construction started Highway asked for...

Howard stated I'm talking about this railroad tie deal.

The Surveyor stated there was nothing in the plan about it.

Altman stated there should not be a change order.

The Surveyor stated we can eliminate that from the change order.

Altman stated what are the numbers? We didn't get any paperwork which is upsetting. The temporary crossing is inappropriate.

The motion had been made and seconded to approve Change Order No. 1 and approved. Altman opposed.

Construction Updates - Continued:

Intracoastal at Geist Drain - Liston stated the contractor has all the materials and the trees have been cleared. I placed a call to Comcast to see if they were able to move the infrastructure out of our way. The other infrastructure that was there is from Lumen. They said there are no customers and they will come out and dismantle that line whenever our contractor comes on site, but we're still waiting on Comcast for an answer.

Altman asked should we send it certified mail?

Liston stated it's frustrating on our end. We have contact people, our information in the office and all we can do is call and leave a message. Nobody likes to talk on the phone.

Mallery-Granger Drain Reconstruction - Liston stated I've notified the contractor that he needs to come back and do some things on the list and I'm still waiting on a response.

Canal Place Drain, Strongbow Gate Arm - Liston stated the same contractor that will be doing the Intracoastal will be doing Strongbow Gate. The contractor has the pipe but is still waiting on the structures.

The Surveyor asked Liston, do we have a timeline on the structures?

Liston stated I called him last Monday and he was going to check on the structures.

Clara Knotts Drain, Park Broadway Arm Phase 1 - Cline stated last week the contractor was finishing up the structures on Jersey Street. Once that's done they will have all the structures in. They will be starting to level and grade the site and swales.

Clara Knotts Drain, Park Broadway Arm Phase 2 - Cline stated he has no information on this project at this time.

Ream Creek Drain Reconstruction, Orchard Park Arm - Cline stated we're still waiting on materials for this project.

Pending Final Report (Ellis Barker Drain Reconstruction) - Cline stated we're still working on the final report for this project.

Taylor & Jessup Drain:

Mr. Brian Kinney and Mr. Brent Oswald were present for this item.

Heirbrandt stated I know there's been a little frustration and we had Scott Sedwick come to speak with us about the Taylor & Jessup Drain and some of the issues that are going on there. I know that it's complicated because I think the Clark & Compton Drain really should be dredged first to make this happen. I know there's a Highway RFQ that's out on this and the Surveyor responded back. I wanted you to explain some of the things you're seeing there and some of your frustrations I know you are having.

Kinney stated I bought the property in 2009 and built my home in 2010. I never had any issues up until 2014. A mutual drain was plugged, and we fixed that. At the time in the backyard I thought it was where my perimeter tie in connected to the mutual drain because it was coming out of the ground, so I dug it up there and realized that wasn't it. I put a riser in at that time and a large amount of water came out of that four-inch pipe. This video is from October of 2021 and at that time our perimeter tiles from both our homes and Scott's (Sedwick) home are tied to that mutual drain. Along with our perimeter tiles for our septic, our sump pumps from our basements are also tied in. That's what that pressure is, that's what pushes that water up when the ground fills with water. In October of 2021 that video is from that time and generally it will do that, but then the next day it's back down flowing. We kept an eye on it and it never went down and it's not gone down today. After that point we thought we've got to do something else because we can't get any water out of this four-inch line. We dug a pit, put a 24-inch pipe in the ground so we could pump water out of there because if not our houses aren't livable. With all the rain we've had it takes forever for the water table to drop enough that our septic systems will function properly. I know Scott (Sedwick) was in here on the fourteenth to discuss water coming across his property and we've done everything we possibly could do to appease him, but the shed; the mutual drain starts up by Brent's (Oswald) pole barn and then goes to the Taylor & Jessup Drain. We've got a pit in to disperse the water. Basically, we've got no other choice but to get rid of that water otherwise we can't live in our homes. I think the problem lies with the arm of the Taylor & Jessup. We've done quite a bit of work probing, we got permission from our neighbor to probe and locate the mutual drain which ties into the legal drain at a riser. In looking at that there's been a lot of repair work that's been done where our line ties in with a legal drain. It goes from perforated to clay. There's one section where there's no pipe at all. I'm just questioning if this is where our problem is, I know there are bigger issues and we appreciate the reconstruction, the whole system, but in the meantime so we can move on with our lives, if we could get some temporary repair or something; I know they've done some work trying to do it, but I don't know that they've done anything in one particular area. It's obvious just by walking out there that it's just disintegrated.

Heirbrandt stated I could tell in your voice when I talked to you on the phone that there was some serious concern that you had and the frustration too of pumping water out.

Kinney stated in the last heavy rain where it rained all night long, I had to have Power's come out and pump my septic system out. It doesn't matter whether it's gravity or dosing, it's got nowhere to go. The septic system will just sit in water unless we pump that water out of there; go live in a hotel for two weeks until the water table drops enough to where my septic system is functioning. We're just asking in the meantime, we realize it's 2024 when they're going to start construction with the main drain, but we have to have something done so we can move on with our lives and Scott can be happy with us not dispersing water. We're not intentionally doing it, we're pumping it on our property, but everything sheds that way. We're just begging for something to be done so we can go on living our lives and not risk. I've got between \$2,000.00 and \$3,000.00 spent in pumps, excavating equipment, pipe, gasoline, electricity; it's no way to live. We're just asking what can be done and when can it be done? This has been going on for six months.

Heirbrandt asked the Surveyor, do you have any suggestions? I know you know this and have been very cooperative trying to respond back to everyone on this and so forth. You've been pretty frank, but is there anything else that can be done temporarily to help these gentlemen?

The Surveyor asked Cline, you were out there when they had that tile open, weren't you?

Cline stated no, they did it while I was off.

The Surveyor asked, you've been out on site though.

Cline stated yes, I've been on the site. The last time we sent anybody out there; we had Claude (Spurgeon) go out and try to start from next to 211th Street and work his way up trying to find out what was blocking the tile. It was blocked out across Carey's field and my understanding from seeing the paperwork after he finished wherever they tried to jet to get the mud out of the tile, the tile was in such bad shape that it was basically blowing out the tile. They went 120 feet and had to replace tile just from trying to jet to get it clear, but it was mostly 90% blocked when they quit and decided they couldn't keep going otherwise they would replace it all the way across the field.

The Surveyor asked Kinney, you said that there was a tile missing?

Kinney stated that arm of the legal drain starts, I don't know if it starts or where it shows on the map.

The Surveyor stated it supposed to start 30 feet south of that property line.

Kinney stated where our tie in for the mutual drain comes in there's a riser out in that field and we investigated north probably 30 to 40 feet north of that tie in point on the legal drain because it's a four inch legal drain and I think the mutual drain changes into a six inch at some point and at that clean out it's a six inch going south. There are suck holes in that whole area. Probing it, I was hitting flow line of the pipe, there was no top of pipe. When I went a little further, I thought it felt like a tree root, but it was corrugated pipe for about ten feet. You did some work in 2012. There were documents showing where they've been out there and potholed that, that's where they got their pipe sizes and stuff. I don't know if they made a repair then, but I think where we're at there's dirt coming in obviously in that drain. There was a breather in the fence line.

Cline stated at the time I was there the breather in the fence line the water level was six to eight inches below ground level. Closer to that lower area, when I was there the whole pasture was probably six inches under water, and I could see there were places tile was missing. The breather at that fence line and then another breather south and kind of east of there the water level was just below the top of ground there too. The next breather downstream was the one out in Carey's field. I haven't ever been to that breather, but my understanding is that it was standing in water too.

Altman asked what's the width of the regulated drain, 150 feet?

The Surveyor stated yes.

Altman asked has anyone calculated the volume of water that's coming from these properties?

The Surveyor stated no.

Altman asked, is it possible to do a temporary detention area? It looks like you've got a developing wetland where it doesn't work that needs to be addressed before it becomes a full wetland and we get in trouble. Is it possible within the area of the regulated drain to form a detention area so they have a place to pump that will eventually dissipate until we get the whole thing correct? That's the only immediate solution I see to this.

Kinney stated unfortunately, the neighbor, where all that wetland area is developing, last year put a pond in just to the west of there.

Altman stated we can work within our regulated drain easement.

The Surveyor stated there may be a possibility of doing that.

Altman stated that's the immediate fix that I see until we have an area to discharge.

Heirbrandt asked why don't we see if we can get something set up, a meeting, get somebody out there and let's try to figure out what we can do to help from a temporary standpoint.

Kinney stated we're not the only homes on this. There are some others.

Heirbrandt stated I understand.

Altman stated we need to calculate whether we could fit in something within that regulated drain easement that's not going to be too burdensome on this property but is a band aid until we get it fixed.

The Surveyor asked, the mutual drain in blue, is that new work?

Kinney stated it's 130 years old.

Oswald stated it's just a clay tile that's been there. I've been there 16 years. That's a clay tile that's been there back from the agricultural days.

Altman asked but it's still functioning?

Oswald stated absolutely. We've not had an issue for sixteen years and I've never had an issue with the septic perimeter tile, with the sump pump, with the drainage, with the water, with nothing. That clay tile in our area is fine.

Altman stated the legal drain isn't going to be a wasted effort if it's not functioning. We'd want to reserve the dirt on site if we want to replace it.

Heirbrandt asked the Surveyor, is this something we can get Banning to take a look at?

The Surveyor stated I don't see needing to use him. We can just go out and do it and see what happens. We don't have anything to lose because the tile is shot anyway.

Howard stated if you get the legal drain opened up the mutual drain...

Altman stated can discharge and it can hold.

The Surveyor stated if the mutual drain is functioning like the gentleman said, at least it would be pushing water instead of mud.

Oswald stated to give you an idea, when we had our mutual drain exposed, we have video from the tile going to the south that is supposed to drain the water was flowing as if somebody was pumping water back on us to the north. That's how much water was coming back up into our yard and if we don't pump that we have a big issue. It's obviously clogged, collapsed or whatever or all the above, but there's enough pressure that the water is pushing back on us from the south.

Kinney stated our whole goal is because we knew this was coming up in 2024 is getting with Scott and running a whole new line and just vacating that old tile. Of course, we can't do anything until that's done.

Heirbrandt stated if you could get with the Surveyor and he can help coordinate to get something started out there.

Kinney stated until we get an elevation...

The Surveyor stated it's a shot in the dark right now. My plan is to extend it 30 feet up to Scott's south line as a regulated drain and put a structure there and that would give you a new tile to tie it into.

Howard stated everything from 30 feet north of the right of way line in the blue is mutual drain that we have no jurisdiction over whatsoever. Do we have property owners that would aqueous to that work? We can get into the obstruction of a mutual drain, but it doesn't seem like it's an obstruction as much as it is...

Altman stated we're trying to do it as a positive discharge point by opening up the area on the purple line (regulated drain).

Kinney stated my only concern there is I don't know if you can get the water table low enough to do anything.

Altman stated if we increase the capacity within 150 feet radius it might work. I don't know, I'm not an engineer, I'm just looking at it thinking we need a pond, maybe a long skinny pond, but we need a place.

The Surveyor asked does the pond show on the photo?

Kinney stated I don't believe its in this photo. The pond has taken down some of the shed. I don't know how much of the shed it's taking in actually.

Altman stated there's a couple of possible solutions here. I think we understand the problem and we'll work on it.

Kinney stated I read the minutes of the meeting; we're not bad people we want to live in our homes.

Oswald stated there's a lot of inaccurate information as well that was in there as far as timing and when the issue started.

Kinney stated it sounded like we have bad septics and we're pumping and it's like no.

Oswald stated we don't want to stand out at Christmas time with a gas pump putting gas in a gas pump in 15-degree weather pumping water.

Altman stated we'll send people out to walk and see if we can figure it out.

Cool Creek Drain:

Heirbrandt stated Jennifer Beck with INDOT had sent information to you. Have you reached out to her yet in regard to that?

The Surveyor stated I just saw it this morning.

Heirbrandt stated everybody was copied on that email and I want to make sure someone's reaching out to her.

The Surveyor stated I've got Brian (Rayl) looking at the easement document now to see exactly which tract it falls on because there are two descriptions and only one fee.

Altman asked as a Drainage Board, do we own it or is it just a regulated drain?

The Surveyor stated Wilson, who owns the commercial property to the east, had that piece also, but it's all floodplain. He gave it to the Drainage Board, and we picked it up because I wanted to put a wetland in there to have more area for storage. When Clark Dietz designed it, we also bought the piece to the north from the HOA so our plan would work better. We have all three of those little pieces and that's the future wetland that's already been designed.

Howard asked do we want it to be a legal wetland or do we just want to store water in there.

The Surveyor stated we want to store water in there.

Howard stated so we may want a pond, no cattails.

The Surveyor stated right.

Oak Tree Drain:

Heirbrandt stated Blair Vandivier at 11647 Oak Tree Way I spoke with Steve Cash and I understand that the contractor was going back out there to look at that because it's still not draining properly. I was curious if the contractor ever got back with you about that.

Cline stated I doubt if he's going to get there today because it's raining. It's draining, it's just not draining his front yard, which is where his problem is. The pond in back behind his home has gone down two feet, but his yard is still standing in water because he has no positive drainage in his front yard. Its not going to go down until he gets a pipe over there.

Heirbrandt asked when will a pipe get over there.

Cline stated it's going to have to be through maintenance or reconstruction to put something over there.

Altman asked is it our responsibility?

The Surveyor stated it's a regulated drain, it was a system that was put in years ago; it's one of those that you wish you had back and that is one of them. We reconstructed through maintenance the lower end two years ago and this summer the plan is to go in and do the section where we stopped before on around the cul-de-sac across the street to the pond. We can't change the pond elevation or outlet because it fluctuates the pond, but we're going to put an SDR 35 in there so the tree roots won't get into it anymore.

Heirbrandt asked, can somebody at least communicate that back?

Cline stated I talked to Mr. Vandivier three or four times and he seems to understand.

Heirbrandt stated he seems very reasonable, but the only reason I keep bringing it up is because in the email correspondence that I've had it says we're waiting for the contractor to go back out to look at it to verify and I haven't heard anything back whether the contractor found anything or what the resolution was. It just kind of got left and nobody corresponded about what the contractor found.

Cline stated we were out there Friday and started locating all the structures for when they arrive. His plan was to be there this afternoon, but I doubt he will be today due to the rain. He'll probably be there tomorrow.

Heirbrandt stated I'm just going to tell him he should have some type of an answer by Friday. Is that sufficient?

The Surveyor stated that will work. Do we have the locates done on that?

Cline stated we did locates the week before last and flags are starting to pop up everywhere.

Heirbrandt stated I'll communicate that with him.

Sand Creek Drain:

Heirbrandt stated I forward an email this morning at 9:41 a.m. about 12365 Chateau Court in Fishers, John Wechsler, he came home and there's obviously a blockage at Sand Creek. If somebody could look at that and see what's going on.

Liston stated that was laid on my desk this morning as a drainage investigation request.

Budget & Permit Update:

Altman stated we have the budget & permit update and there's a question on the deferred, lets address that. On the plan to reconstruct the Elwood Wilson Drain, E. M. Hare Arm that we'd had a problem with the balance in GDIF.

The Surveyor stated yes, and I've sent you some figures of what is outstanding.

Altman stated none of that really solved the problem that I could see.

The Surveyor stated it just deepens the hole.

Altman asked is there any way we could utilize drain maintenance balance to accomplish the goal?

The Surveyor stated that is a short-term fix, but it's not sustainable in the long run especially when you are deferring assessments. The way the Statute is set up that money is supposed to be circulating in five-year time periods so there's money there to do future assessments.

Altman stated future work.

The Surveyor stated yes.

Altman stated but there will be more money coming in every year that we could replenish and replace and keep the cycle going, correct?

The Surveyor stated yes and Janet (Hansen) has not had time to go and figure that out.

Altman stated but I think that's the only answer because GDIF is not sufficient even on things coming in unless we did additional monies out of County Council.

The Surveyor stated and that has about a snowball's chance in July.

Altman stated but it may be something we go in at budget time; my point is that there's a logical reason why we need that balance there in the long run it will aid development and increase the tax base to get this stuff done. I think that is our approach with Council this time and if we can accomplish what we need by borrowing against drainage maintenance I would like to do that.

The Surveyor stated please do not let that be your long-term plan.

Altman stated no, it's not.

Howard asked the Surveyor, as I was trying to wrap up this Urban Drain issue, would there be value, and maybe there's not that much there, but where we're deferring these, it's in an area where you expect development to come in the relatively near future and then the deferred assessments will come in. It's a function of time, how long it takes. Would there be value in holding off, maybe, reconstructing some of the upper part of the watershed, let the developer, when he gets there...

The Surveyor stated you don't want to reconstruct the upper part; you want to start on the lower end.

Howard stated I know you want to start on the lower part, but if the lower part opens up the watershed for future development, rather than assess these people and get the money later, maybe you kind of stop the drain somewhere you don't incur those costs upstream. There're no economies of scale of it.

Altman stated one other possibility is we approach Council is to say to Council, we need seed money in GDIF and our deal with you is we're going to use for this project, it will be deferred, when that comes back you get the money back into General Fund. I think that would be the better solution.

Howard stated let General Fund be the lender vis-a-vis maintenance.

Altman stated correct. That way it's a direct relationship, the concerns Council have expressed before is there's a big deep hole that everything disappears into. If we set it up properly, they know it's an advance, they get their money back.

The Surveyor stated I'm not sure what the deep hole they're talking about.

Altman stated I'm just sharing with you what they have said.

Howard stated perception is reality.

Altman stated I'm just trying to address and correct the problem. That's my suggestion. We're approaching budget time, lets put in with that concept and ask for a couple of; if we've got available cash balance that would be a really good investment in my opinion to open up development area so we can develop it and get our money back.

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

Christine Altman - President

Lynette Mosbaugh
Executive Secretary