

MINUTES OF THE HAMILTON COUNTY DRAINAGE BOARD

April 24, 2023

The meeting was called to order Monday, April 24, 2023 at 9:00 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. Sam Clark, Mr. Reuben Arvin, Mr. Steve Cash, Mr. Luther Cline, Mr. Gavin Maxwell, Ms. Clara Furst, Ms. Suzanne Mills, Mr. Gary Duncan and Mr. Brian Rayl. The Board's attorney's, Mr. Michael Howard and Mr. Connor Sullivan, were also present.

Approval of Minutes of April 10, 2023:

The minutes of April 10, 2023 were presented to the Board for approval.

Dillinger made the motion to approve the minutes of April 10, 2023, seconded by Altman and approved unanimously.

Bid Opening - Adam Ault Drain Reconstruction:

Mr. Jon Sweet, Mr. Scott Fisher, Mr. John Thomas and Mr. Conner Milbourne were present for this item.

Howard stated the first bid is from Indiana Earthworks, LLC with all required forms present and a bid for \$327,985.00; the next bid is from United Construction Services with all required forms present and a bid of \$359,105.00; the next bid is from Morphe Construction with all required forms present and a bid of \$389,000.00. This appears to be all the bids on this project. Do any persons present know of any other bids; none appearing I recommend the bids be referred to the Surveyor's Office for review and recommendation on May 8, 2023.

Dillinger made the motion to refer the bids to the Surveyor's Office for review and recommendation on May 8, 2023, seconded by Altman and approved unanimously.

Bid Opening - Marion Blanton Drain Reconstruction:

Mr. Conner Milbourne, Mr. Amir Faghih and Mr. Jerry Watson were present for this item.

Howard stated the first bid is from Morphe Construction with all required forms present and a bid for \$1,841,000.00. This appears to be all the bids for this project. Do any persons present know of any other bids; none appearing I recommend the bid be referred to the Surveyor's Office for review and recommendation on May 8, 2023.

Dillinger made the motion to refer the bid to the Surveyor's Office for review and recommendation on May 8, 2023, seconded by Altman and approved unanimously.

Guy Gilkey Drain (Revised Report):

There were no objections on file. Mr. Stephen Cavanaugh was present for this item.

The Surveyor presented his report to the Board for approval.

"March 13, 2023

TO: Hamilton County Drainage Board

RE: Guy Gilkey Drain, Revised Report

Attached are drain maps, and schedule of assessments for the Guy Gilkey Drain. This drain is located in Section 8, Township 19 North, Range 5 East in White River Township. This drain is currently listed as Number 1 on the 2022 Drain Classification List for maintenance.

The Guy Gilkey Drain was petitioned to the Hamilton County Circuit Court on October 5, 1953, Cause No. 9614 and referred to the County Surveyor and Viewers on November 10, 1953. The report of the Surveyor and Viewers was filed with the court on May 8, 1954. After several continuances the hearing on the Surveyor and Viewers Reports was held on June 14, 1956. The drain was ordered to be constructed on October 24, 1956, and contract for construction approved on May 2, 1957. The original drain consists of approximately 2,475 feet of 16-inch clay tile. Beginning 300 feet south of 221st Street and running in a northerly direction replacing an existing tile drain which was then in place before terminating in the unnamed tributary to White River.

After construction no record of maintenance of the drain has been located. It was added to the 1932 drain map in pencil. It was not certified to the Auditor on June 30, 1957, which was the basis of the Classification List since 1965. This may be due to the drain possibly being under construction at the time the list was compiled. During the mapping project in 2005 the drain was researched, mapped and placed on the Classification List for the first time. On October 15, 2018, Mr. Steve Cavanaugh filed a request to place the drain on maintenance.

In May 2005 an inspection was made by the Surveyor's Office. At that time, it was found that the tile was flowing and in generally good condition; a portion of the tile south of 221st Street has been excavated out where the peat and topsoil mining operation was located; and the tile had been removed east of the Cavanaugh property north of 221st Street.

In February 2022 another inspection was made on the tile at which time the tile had several break downs with water boiling to the surface and flowing overland to the next location where it could flow back into the tile and at some point, the tile upstream of the lake located south of 221st Street created by the past peat and topsoil operation is broken down and not functioning. This was causing the water elevation of the lake to come relatively close to residential structures built around the lake.

In December 2022 the drain was reinspected for the purpose of compiling this report. At that time the water level in the lake had rescinded to below the invert of the Gilkey Drain. There were five (5) locations where holes have appeared over the tile. The old field stone head wall which was part of the original tile was found within the area east of the Cavanaugh property mentioned above where the tile had been removed. At this time, it was discovered that an additional section of tile had been removed north of 221st Street.

With the original length of the 1957 tile drain approximately 151 feet has been removed south of 221st Street as part of the peat and topsoil mining operation and the current lake is now in its place. This would be on the current parcel number 07-07-08-00-00-008.000 owned by Robert and Dawn Anglea. I believe since the 1957 tile followed an existing tile drain the length of the finished drain was off by 304 feet. The current length of drain is 2,020 feet. With the excavation by property owners of tile the current length of tile drain is 1,325 and the open ditch as measures from GIS is approximately 695 feet. The open portion of the drain is on current parcels 07-07-08-00-00-007.004 owned by Michael F. Fleming and Susan Dawson, and 07-07-08-00-00-007.000 owned by Brandon D. and Keli R. Etchison.

Maintenance work needed on the drain includes repairing areas of tile where its possibly broken down as evidenced on the holes on the surface of the ground over the tile; installation of breathers on the north side of 221st Street at the property line between Cavanaugh and Etchison, and the property line between Cavanaugh and Lehman; clearing along the drain on Fleming; reshaping and seeding of the open portion of the drain where excavated on Fleming and Etchison.

The estimated cost of this work is a follows:

Clearing	1 Ac @ \$5,000/Ac	\$ 5,000.00
Dredging	695 feet @ \$10.00/ft	\$ 6,950.00
Seeding	3 acres @ \$3,000/ac	\$ 9,000.00
Breathers	3 each @ \$1,000/each	\$ 3,000.00
Tile Repair	Lump Sum @ \$3,500	\$ 3,500.00
18" CMP Outlet	1 each @ \$2,500.00	\$ 2,500.00
		<u>\$29,950.00</u>
15% Contingency		<u>\$ 4,492.50</u>
		\$34,442.50

After the February 27, 2023, hearing the drainage shed was reviewed. After the review an additional 44.39 acres were added to the previous shed to the east.

I have reviewed the drainage shed for the Guy Gilkey Drain and considered various factors for benefits and damage as set out in IC 36-9-27-112. Upon considering each parcel individually, I believe that each parcel within the drainage shed will have equal benefits as provided by the reconstruction of the drain, therefore, I recommend each tract be assessed on the same basis equally. I also believe that no damages will result to landowners by the reconstruction of this drain. The benefit of having this drain maintained by the Hamilton County Drainage Board outweighs the damages associated with the drainage easement. Therefore, damages will be set a \$0.00.

I recommend a special assessment of \$106.54 per acre with a minimum of \$500.00 payable over a five (5) year period with the first payment due in May 2024.

I recommend the Guy Gilkey Drain be placed on maintenance at the time as set out in IC 36-9-27-38. The nature of the work which may be required is as follows:

- A. Removal and/or prevention of brush within the drainage easement by hand, mechanical or spray methods.
- B. Re-excavating of open ditch to original grade line.
- C. Installation and/or repair of surface water structure as might be required.
- D. Bank erosion protection and/or seeding as might be required.
- E. Repair of private tile outlet ends as might be required.
- F. Repair of regulated tile outlet at drain end.
- G. Replacement of broken tile outlet ends as might be required.
- H. Cleaning and/or repair of existing catch basins as might be required.
- I. Installation of catch basins or inlets as may be required.
- J. Removal of debris and/or blockage from the existing tile drains including jetting or video work.

- K. Installation and/or repair of breather pipes.
- L. Removal of debris and/or blockage from the existing open drain.
- M. Maintain grass filter strips.
- N. Any other repairs necessary to restore the drain to its original intended condition.

The frequency with which maintenance work should be performed annually is as required by the condition of the drain.

I recommend the rates be revised to the following rates:

1. Maintenance assessment for agricultural tracts be set at \$6.00 per acres with a \$45.00 minimum.
2. Maintenance assessment for non-platted residential tracts be set at \$6.00 per acres with a \$45.00 minimum.
3. Maintenance assessments for platted lots in subdivisions whose drainage systems will not be part of the regulated drain shall be set at \$65.00 per lot/minimum. Common areas within the non-regulated drain subdivision shall be assessed at \$10.00 per acres with a \$65.00 minimum.
4. Maintenance assessment for platted lots within subdivisions whose drainage system will be part of the regulated drain shall be set at \$95.00 per lot/minimum. Common areas within the regulated drain subdivisions shall be set at \$25.00 per acres with a \$95.00 minimum.
5. Maintenance assessment for commercial, institutional and multi-family residential tracts to be set a \$35.00 per acres with a \$125.00 minimum.
6. Maintenance assessment for roads and streets be set at \$25.00 per acre.

With 229.48 acres benefits in the drainage shed the drain will collect \$2,673.94 annually. These collections will begin in 2024.

I further recommend that the period of collections be set at 8 times as allowed by IC 36-9-27-43.

I request the Board to set a hearing for this matter on April 24, 2023.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll"

Heirbrandt opened the public hearing; seeing no one who cared to address the Board 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

Guy Gilkey Drain

On this **24th day of April, 2023**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Guy Gilkey 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"

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

IN THE MATTER OF THE
RECONSTRUCTION OF THE
Guy Gilkey Drain (Revised Report)

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the **Guy Gilkey Drain** came before the Hamilton County Drainage Board for hearing **on April 24, 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 **Guy Gilkey Drain** 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"

R. J. Craig Drain

There was one objection on file. Ms. Pamela Wise, Ms. Carrie Sitterly, Ms. Katy Beaver, Mr. Matt Gwin and Mr. Jennifer Leary were present for this item.

The Surveyor presented his report to the Board for approval.

"March 8, 2023

TO: Hamilton County Drainage Board

RE: R.J. Craig Drain

At this time, I recommend the Board increase the period of collections for the R.J. Craig Drain Fund No. 38, from 4 years to 8 years as allowed under IC 36-9-27-43. Currently the drain collects \$81,105.32 annually and has a balance of \$359,355.23. The assessments for this fund were last revised in 2015.

This drain is an urban drain which means maintenance work is costly. With the costs of maintenance increasing several 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. Also, in the future this drain will be a candidate for reconstruction. A reconstruction on this drain will be costly due to the urban setting. Increasing the period of collections will provide funds to use towards this reconstruction as allowed under IC 36-9-27-45.5.

I recommend the Board set this proposal for hearing for April 24, 2023.

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll"

Howard stated for the record this does not increase anyone's annual assessment.

The Surveyor stated correct, it's only the period of collections and not the rate.

Altman stated in reviewing the objection I think there was some confusion. Maybe we need to work on the notice a little better in terms of trying to explain what the procedure is.

Howard stated that last line, "it will not increase your annual assessment" will smooth the waters.

Heirbrandt asked the Surveyor, were you able to respond back to the objection?

The Surveyor stated I did, and that response letter should be in your packet.

Heirbrandt opened the public hearing; seeing no one who cared to address the Board Heirbrandt closed the public hearing.

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

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

"FINDINGS AND ORDER

CONCERNING THE MAINTENANCE OF THE

R. J. Craig Drain

On this **24th day of April, 2023**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **R. J. Craig 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"

Loma Industrial Park 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: Loma Industrial Park Drain

At this time, I recommend the Board increase the period of collections for the Loma Industrial Park Drain Fund No. 67, from 4 years to 8 years as allowed under IC 36-9-27-43. Currently the drain collects \$5,877.60 annually and has a balance of \$29,294.20. The assessments for this fund were last revised in 2012.

This is an urban drain which means maintenance work is costly. With the costs of maintenance increasing and the tight areas to access one such break down 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, in the future this drain will be a candidate for reconstruction. A reconstruction on this drain will be costly due to the urban setting. Increasing the period of collections will provide funds to use toward this reconstruction as allowed under IC 36-9-27-45.5.

I recommend the Board set this proposal for hearing for April 24, 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

Loma Industrial Park Drain

On this **24th day of April, 2023**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Loma Industrial Park 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"

Flat Rock Creek Farms Drain - Increase Collection Period:

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: Flat Rock Creek Farms Drain, Increase Collection Period

At this time, I recommend the Board increase the period of collections for the Flat Rock Creek Farm Drain Fund No. 358, from 4 years to 8 years as allowed under IC 36-9-27-43. Currently the drain collects \$361.00 annually and has a balance of \$1,805.00. The assessments for this fund were last revised in 2012.

This is an urban drain which means maintenance work is costly. With the costs of maintenance increasing one such work order 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 April 24, 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.

Altman stated those two areas were really odd. They were one parcel.

The Surveyor stated this was an area that was developed years ago as a subdivision. The drainage in it was constructed, but the subdivision didn't go forth, it turned into a horse farm. They are now in the process of completing that development.

"FINDINGS AND ORDER

CONCERNING THE MAINTENANCE OF THE

**Flat Rock Creek Farms Drain,
Increase Collection Period**

On this **24th day of April, 2023**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Flat Rock Creek Farms Drain, Increase Collection Period**.

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
April 24, 2023

HAMILTON COUNTY DRAINAGE BOARD

Mark Heirbrandt
President

Christine Altman
Member

Steven C. Dillinger
Member

Attest: Lynette Mosbaugh
Executive Secretary"

Henry Gunn Drain - Maintenance Assessment Increase:

There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"February 28, 2023

To: Hamilton County Drainage Board

Re: Henry Gunn Drain Maintenance Assessment Increase

At this time, I recommend that the rates for the maintenance assessment for the Henry Gunn Drain Fund #82, be revised. The drain has an annual assessment of \$1,590.10 and has a current balance of \$904.01. The current assessment was set in 2006. This drain is in poor condition and in need of reconstruction.

The current rates are as following:

1. Maintenance assessment for agricultural tracts set at \$2.00 per acre with a \$15.00 minimum.
2. Maintenance assessment for non-platted residential tracts set at \$2.00 per acre with a \$15.00 minimum.
3. Maintenance assessments for platted lots in subdivisions whose drainage systems will not be part of the regulated drain set at \$35.00 per lot/minimum. Common areas within the non-regulated drain subdivision assessed at \$5.00 per acre with a \$35.00 minimum.
4. Maintenance assessments for platted lots within subdivisions whose drainage system will be part of the regulated drain set at \$65.00 per lot/minimum. Common areas within the regulated drain subdivision set at \$10.00 per acre with a \$65.00 minimum.
5. Maintenance assessments for commercial, institutional and multi-family residential tracts set at \$10.00 per acre with a \$75.00 minimum.
6. Maintenance assessment for roads and streets be set at \$10.00 per acre.

I recommend the rates be revised to the following:

1. Maintenance assessment for agricultural tracts be set at \$4.00 per acre with a \$25.00 minimum.
2. Maintenance assessment for non-platted residential tracts be set at \$4.00 per acre with a \$25.00 minimum.
3. Maintenance assessments for platted lots in subdivisions whose drainage systems will not be part of the regulated drain shall be set at \$65.00 per lot/minimum. Common areas within the non-regulated drain subdivisions shall be assessed at \$15.00 per acre with a \$65.00 minimum.
4. Maintenance assessment for platted lots within subdivisions whose drainage system will be part of the regulated drain shall be set at \$85.00 per lot/minimum. Common areas within the regulated drain subdivisions shall be set at \$25.00 per acre with a \$85.00 minimum.
5. Maintenance assessment for commercial, institutional and multi-family residential tracts to be set at \$35.00 per acre with a \$105.00 minimum.

6. Maintenance assessment for roads and streets be set at \$25.00 per acre.

With 702.74 acres in the drainage shed at the above rates the drain will collect \$3,172.72 annually. These collections at the revised rates will begin in May 2024.

Due to the condition of the tile and the pending reconstruction I would recommend the collection period be increased from 4 times the annual assessment to 8 times the annual assessment as allowed under 36-9-27-43.

I recommend the Board set a hearing for this matter on April 24, 2023.

Sincerely,

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

**Henry Gunn Drain
Maintenance Assessment Increase**

On this **24th day of April, 2023**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Henry Gunn Drain, Maintenance Assessment Increase**.

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"

Raquet & Ehman Drain:

There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"March 8, 2023

TO: Hamilton County Drainage Board

RE: Raquet & Ehman Drain

At this time, I recommend the Board increase the period of collections for the Raquet & Ehman Drain Fund No. 29, from 4 years to 8 years as allowed under IC 36-9-27-43. Currently the drain collects \$1,004.52 annually and has a balance of \$4,823.59. The assessments for this fund were last revised in 2006.

Hamilton County Drainage Board
April 24, 2023

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 April 24, 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.

Heirbrandt stated to the Surveyor, I always like that you put in the report when the last current assessment was done. For the record too, if you could state that because I don't think that some people maybe in the audience know that there hasn't been an increase like on this last one since 2006. I think that's important because costs have been going up significantly.

"FINDINGS AND ORDER

CONCERNING THE MAINTENANCE OF THE

Raquet & Ehman Drain

On this **24th day of April, 2023**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Raquet & Ehman 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"

Andrew Tucker Drain:

There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"March 8, 2023

TO: Hamilton County Drainage Board

RE: Andrew Tucker Drain

At this time, I recommend the Board increase the period of collections for the Andrew Tucker Drain Fund No. 86, from 4 years to 8 years as allowed under IC 36-9-27-43. Currently the drain collects \$553.30 from Hamilton County and \$137.00 from Tipton County annually and is currently in the red \$2,575.60. The assessments for this fund were last revised in 2007.

This drain has a history of breakdowns. 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 April 24, 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 and would also note that we're currently in the red on this drain, seconded by Dillinger and approved unanimously.

The Surveyor stated if I remember right this will be paid off with this year's collection.

"FINDINGS AND ORDER

CONCERNING THE MAINTENANCE OF THE

Andrew Tucker Drain

On this **24th day of April, 2023**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Andrew Tucker 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"

Cool Creek, Anna Kendall Drain, J. M. Thompson Arm - Union Square at Grand Junction:
There were no objections on file. Ms. Linda Naas, Mr. Curtis Sattison and Mr. Justin Moffitt were present for this item.

The Surveyor presented his report to the Board for approval.

"March 13, 2023

To: Hamilton County Drainage Board

RE: Cool Creek, Anna Kendall Drain, JM Thompson Arm; Union Square at Grand Junction

Attached is a petition and plans for the proposed reconstruction of the Anna Kendall Regulated Drain located in Westfield, IN. The reconstruction is being proposed by Old Town Development LLC. The reconstruction is per plans by American Structurepoint, having Job No. 2018.01276 and dated 7/15/2022.

Within the project limits, the JM Thompson Arm of the Anna Kendall Drain is an open drain located within the Cool Creek Watershed and is currently maintained by Hamilton County. The drain was constructed per its original 1899 description.

The portion of the JM Thompson arm of the Anna Kendall Drain to be reconstructed will run from Sta. 85+41 to Sta. 88+60 per the drains 1899 description. The new drain will be constructed in the form of reinforced box structure.

The reconstructed drain begins at Sta. 85+40 per the drains 1899 description and runs southeast for 63 feet in the form of an open ditch before outletting into the proposed 16x4 concrete box culvert per the plans. The drain then turns slightly westward and runs southeast for 280 feet with a 16x4 concrete box culvert per the plans and outletting at the existing headwall at Sta. 88+60 per the drain's 1899 description.

The reconstructed drain shall consist of the following:

Open Ditch	63 feet
16x4 Concrete Box Culvert	280 feet

The total length of the reconstructed drain will be 343 feet. The proposal will increase the length of regulated drain by 23 feet.

In accordance with IC 36-7-4-709, the petitioner did not submit surety for the proposed drain prior to drainage board approval. A bond will be submitted prior to the commencement of construction.

Union Square Plaza LLC shall enter into a maintenance agreement for the future maintenance and possible reconstruction of this new structure. Approval of the reconstruction addressed above and also the non-enforcement of the easement outlined below.

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 designed as an urban drain.

I recommend that upon approval of the above proposed drain that the Board also approve the attached non-enforcement request. The nonenforcement is for the altering of the regulated drain easement widths as shown in the above referenced plans and secondary plat designed American Structurepoint.

I recommend the Board set a hearing for this proposed drain for April 24, 2023.

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll"

The Surveyor stated I would recommend approval of this particular item at this time making that approval contingent upon the mapping revision being approved hopefully within the next month or two.

Altman stated we're going right through an increasingly urban area and I'm hoping with the detention or retention requirements it's going to improve it, but is that drain functioning properly? We're starting to put a lot of infrastructure at risk with that running right through the middle of downtown.

The Surveyor stated we have been keeping that in mind as we've been looking at these projects. The improvements that were done upstream on the Anna Kendall Drain, which the Thompson drains into has helped that situation and that's why the mapping is being revised. It's reduced the floodplain in the downtown area.

Altman stated as people come in, I think that staff should make them cognizant of the fact that it is a regulated drain with no guarantee depending on what rainfall happens.

Hamilton County Drainage Board
April 24, 2023

Heirbrandt opened the public hearing.

Moffitt stated I want to make sure we're clearing up any ambiguity about this approval. It is our understanding after years of conversation that subject to Board approval we would be starting work on this encapsulation project tomorrow. I want to make sure there wasn't belief that we were waiting on some future FEMA approval. The maps have been approved, but there's a waiting period process for changing maps that we have zero control over. I want to respectfully request that we have clarity around that subject.

Heirbrandt stated I think everybody is shaking their head, yes, in agreement.

Altman stated I don't think so, not from what the Surveyor just said. That's contrary of his recommendation, that's why Moffitt picked up on it.

Heirbrandt stated I'm seeing Sam (Clark) shake his head.

Altman stated the approval process on the FEMA maps, is it just an objection period for 30 days or something like that?

The Surveyor stated I think it's 90 days.

Moffitt stated it could be up to two years. We have zero control over this federal process, but we've done the map approval process and it's been conditionally approved for up to a two-year waiting period. That's when I had a moment of panic several months ago and reached out to the Surveyor's Office and said, "if you're in fact waiting on that the project just stops". I want to be clear...

Altman stated perhaps the middle ground to protect us is we approve subject to the revision and that you will hold us harmless in the event that it changes.

Moffitt stated yes ma'am.

Altman stated and go ahead and clear you for construction.

Moffitt stated yes ma'am.

Altman asked is that what you would like?

Moffitt stated please. I would also like to add that there was a variance application submitted that we understood would be part of the agenda this morning for a sanitary lateral crossing and it happens in conjunction with this project and I'm not hearing that on the agenda.

Altman stated so you're asking for a non-enforcement?

Clark stated yes, there's a crossing variance included with the formal hearing for the reconstruction, just for a sanitary line.

Altman asked so that needs to be included?

Howard stated in the motion to approve the variance.

Moffitt stated I did want to respond to the drainage shed comment that this has been a multi-year coordinated effort between the Surveyor's Office, Westfield and the State. INDOT will be encapsulating the legal drain similarly across S.R. 32 and it's also encapsulated south of our site. We're filling in the gaps, if you will.

Altman stated I just hope you have someplace to put your water.

Moffitt stated this massive piece of concrete.

Howard stated 10'x14' is big and that's what's downstream too.

Moffitt stated yes.

Heirbrandt asked if anyone else cared to address the Board; seeing no one Heirbrandt closed the public hearing.

Dillinger made the motion to approve the non-enforcement and the project.

Altman stated I thought we talked about some conditions.

Howard stated with the condition that the elevation of the floodplain and all of that has been approved by the appropriate authorities. However, federal law moves slowly, and it is subject to a remonstrance for up to two years and I don't know when that clock started ticking. Essentially it would be subject to that approval and if that approval changes the project that the developer would make those changes at his cost and indemnify us from any liability.

Clark stated I wanted to add some reassurance that the revised floodplain map shows no floodplain on the site at all whereas previously there was.

Altman stated and there's also a variance that's imbedded in this that also needs to be approved.

Dillinger withdrew his motion.

Altman made the motion to approve the petition with the conditions that in the event there is a successful remonstrance to the revision to flood maps that the petitioner make necessary improvements to that drain or revisions and hold us harmless and also that the imbedded non-enforcement/variance is included and approved accordingly, seconded by Dillinger and approved unanimously.

"FINDINGS AND ORDER

CONCERNING THE MAINTENANCE OF THE

**Cool Creek, Anna Kendall Drain, J. M. Thompson Arm
Union Square at Grand Junction**

On this **24th day of April, 2023**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Cool Creek, Anna Kendall Drain, J. M. Thompson Arm, Union Square at Grand Junction**.

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"

"STATE OF INDIANA)
) ss:
COUNTY OF HAMILTON)

BEFORE THE HAMILTON COUNTY
DRAINAGE BOARD
NOBLESVILLE, INDIANA

IN THE MATTER OF THE
RECONSTRUCTION OF THE
Cool Creek, Anna Kendall Drain, J. M. Thompson Arm, Union Square at Grand Junction

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the **Cool Creek, Anna Kendall Drain, J. M. Thompson Arm, Union Square at Grand Junction** came before the Hamilton County Drainage Board for hearing **on April 24, 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 **Cool Creek, Anna Kendall Drain, J. M. Thompson Arm, Union Square at Grant Junction** 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 "

Citizens Energy Group - Service Advisory Board:

The Surveyor presented the minutes of the Service Advisory Board of March 21, 2023 to the Board for their information. He asked if there were any questions.

There were no questions.

2022 MS4 On-Call Agreement (Burke):

The Surveyor stated at the last meeting when you signed this year's agreement, I didn't have the information available. The 2022 agreement was for \$50,000.00 and the 2023 agreement is for \$31,000.00.

Altman stated there's one for \$50,000.00.

The Surveyor stated that was 2022.

Monsanto Class Action Suit for MS4's:

The Surveyor stated this came on our radar screen last week. I had not heard about this. This is a class action suit out of California of the United States District Courts Central District, California, the Western Division. Every MS4 within the country is getting a settlement. We are one of those. We actually received our check after I put this on the agenda. This is for the MS4 and it was for \$27,000.00 and something when we got the check.

Altman asked what was the basis of the suit?

The Surveyor stated PCB's within waterways in California. I have not been able to actually read the suit yet. My thought was to put the money into the GDIF since we have nothing on MS4 as far as a fund.

Altman asked that's the fund that Council appropriates too?

The Surveyor stated the Council appropriates GDIF.

Altman stated and that's where we usually have shortages.

Altman made the motion to approve the deposit of the settlement funds into GDIF (General Drain Improvement Fund), seconded by Dillinger and approved unanimously.

Notice to Bidders - Beaver & Brooks Drain:

The Surveyor asked the Board to set a date to receive bids for the Beaver and Brooks Drain, this is in the Fishers area, for May 22, 2023.

Altman made the motion to set the date to receive bids for the Beaver and Brooks Drain for May 22, 2023, seconded by Dillinger and approved unanimously.

Hearing Requests:

The Surveyor asked the Board to set the following items for hearing on June 26, 2023: Cool Creek Drain, John Wheeler Arm, iBeach; Isaac Jones Drainage Area, Hinshaw & Keys Arm, Harvest Trail Section 1; Isaac Jones Drain, Harvest Trail Section 1 Arm.

Dillinger made the motion to set the items presented for hearing on June 26, 2023, seconded by Altman and approved unanimously.

Final Reports:

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

"To: Hamilton County Drainage Board

April 18, 2023

Re: Isaac Jones - WC Inman Drain, Arm 1 - Chatham Villages Sec. 1 Reconstruction

Attached are as-builts and other information for Chatham Villages Sec. 1 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 June 11, 2021. The report was approved by the Board at the hearing held June 14, 2021. (See Drainage Board Minutes Book 20, Pages 62-63)

The changes are as follows: the open drain was shortened from 1437 feet to 1336 feet. The length of the drain due to the changes described above is now **1336 feet**. The project removed 1374 feet of existing drain.

The non-enforcement was approved by the Board at its meeting on June 14, 2021 and recorded under instrument #2022015015. The following sureties were guaranteed by Great American Insurance Co and released by the Board on its April 10, 2023, meeting.

Bond-LC No: 3705255
Amount: \$284,856.00
For: Storm Sewers
Issue Date: Nov. 20, 2020

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

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor"

"To: Hamilton County Drainage Board

April 18, 2023

Re: Little Eagle Creek - George Coverdale Drain: Citizens Energy Water Tower

Attached are as-built, certificate of completion & compliance, and other information for Citizens Water Tower. 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 June 6, 2021. The report was approved by the Board at the hearing held June 14, 2021. (See Drainage Board Minutes Book 20, Pages 58-59)

The changes are as follows: the 18" RCP was shortened from 325 feet to 317 feet. The length of the drain due to the changes described above is now **317 feet**. The project removed 249 feet of existing drain.

A nonenforcement was not requested for this project. The following surety was guaranteed by Erie Insurance and released by the Board on its April 10, 2023, meeting.

Bond-LC No: Q907370286
Amount: \$98,022.00
For: Storm Sewers
Issue Date: June 23, 2021

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

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor"

"To: Hamilton County Drainage Board

April 18, 2023

Re: Williams Creek D.A. - Jackson's Grant Sec. 8 Arm

Attached are as-built, certificate of completion & compliance, and other information for Jackson's Grant Sec. 8 Arm. An inspection of the drainage facilities for this section has been made and the facilities were found to be complete and acceptable.

Hamilton County Drainage Board
April 24, 2023

During construction, changes were made to the drain, which will alter the plans submitted with my report for this drain-dated January 24, 2022. The report was approved by the Board at the hearing held May 23, 2022. (See Drainage Board Minutes Book 20, Pages 416-417)

The changes are as follows: the 12" RCP was lengthened from 296 feet to 315 feet. The 15" RCP was lengthened from 346 feet to 353 feet. The 18" RCP was lengthened from 416 feet to 419 feet. The 21" RCP was shortened from 255 feet to 254 feet. The 24" RCP was shortened from 96 feet to 94 feet. The 6" SSD was lengthened from 547 feet to 548 feet. The length of the drain due to the changes described above is now **1,983 feet**.

The non-enforcement was approved by the Board at its meeting on May 23, 2022, recorded under instrument #2023013071.

The following sureties were guaranteed by Standard Financial Corporation and released by the Board on its April 10, 2023, meeting.

Bond-LC No: PB11328100044
Amount: \$215,120.04
For: Storm Sewers & SSD
Issue Date: June 24, 2014

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

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor"

"April 21, 2023

To: Hamilton County Drainage Board

Re: Fill in the flood plain variance, Meadows at Gristmill Crossing, Washington Township Arm to Little Eagle Creek Regulated Drain Final Inspection Report

FINAL REPORT

This is the inspector's final report on the Fill in the Floodplain Variance of the Washington Township Arm of the Little Eagle Creek Regulated Drain, located in Section 33, Township 19 North, Range 3 East, in Washington Township in Hamilton County, Indiana.

At the July 8, 2019 meeting of the Hamilton County Drainage Board, the Board was presented with a preliminary request by Duane Sharrer and Jesse Pohlman for preliminary for fill in a floodplain variance at the Meadow at Gristmill Crossing. Gristmill Crossing is a residential subdivision located west of Ditch Road and North of SR32 on the north side of the Washington Township Arm to Little Creek. The preliminary variance was based on the 3:1 ratio of 15,345 cubic yards of fill out of 46,375 cubic yards of compensatory storage with review by Christopher Burke Engineering, after receiving asbuilts of the compensatory area. The mitigation area is totally within a common area, which will include a 25-foot area from the top of the bank to the lot line. This is shown as Block 2 on Sheets 5 & 6 of the Secondary Plat for Gristmill Crossing as recorded in the office of the Hamilton County Recorder in Plat Cabinet 5, Slide 978, Instrument Number 2019022514. The plans submitted show that all lots do meet that 25-foot requirement. After discussing a statement being added to the plat indicating that Lots 124-127 had fill to raise them out of the pre-developed floodplain, the variance was approved. (Hamilton County Drainage Board Minute Book 18, Page 508.)

At the November 12, 2019 meeting of the Hamilton County Drainage Board, the Board was presented with a request by Jesse Pohlman and Travis Gither for approval for fill in a floodplain variance at the Gristmill Villas Section 1. Gristmill Villas is a residential subdivision located west of Ditch Road and north of SR32 on the north side of the Washington Township Arm to Little Eagle Creek being developed by GT Property Development, LLC. This subdivision is part of the overall plat of Gristmill Crossing as described above. The compensatory floodplain storage area is located in a common area of Gristmill Crossing, a commercial development located on the south side of the Washington Township Arm to Little Eagle Creek west of Ditch Road and directly south of Section 1 of Gristmill Villas. After discussing the language to be used on the plat Board approved the fill in the floodplain variance with the commitment by the developer to disclose information on fill being placed on the lots on the secondary plat and also Gotech to the City of Westfield after the fill is placed. (Hamilton County Drainage Board Minute Book, 19, Pages 59-61.)

Hamilton County Drainage Board
April 24, 2023

At the January 27, 2020 meeting the Hamilton County Drainage Board discussed the language to be placed on the plat for Gristmill Crossing regarding the lots within the plat having fill. The Surveyor presented the Board with the new language from Weihe Engineers for review. (Hamilton County Drainage Board Minute Book, 19, Pages 119-120.)

On October 19, 2022 the Surveyor's Office received the Floodplain Development Approval Letter from Christopher B. Burke indicating that the developer met the mitigation requirements of the fill in a floodplain variance. Originally the project proposed to provide 47,545 cubic yards of floodplain excavation compared to 15,344 cubic yards of fill within the floodplain for a ratio of approximately 3.1:1. Asbuilts provided by Weihe Engineers to Burke show significant over excavation in the floodplain occurred and less that was originally planned was placed within the floodplain. 68,570 cubic yards of excavation compared to just 2,583 cubic yards of fill. The result is an approximately 26.5:1 ratio for storage vs. fill.

As part of the fill in the floodplain approval, the developer was to add a statement to the Deed of Dedication for Gristmill Villas, Section 1, stating that lots 124-127 had fill material added to the rear of the lots. This has been done on page 6 of 6 of the Secondary Plat and recorded in the Recorder's Office with Instrument Number 2020014549.

As of the date of this report, I hereby attest to and agree that the fill in the floodplain variance was completed according to the plans provided by Weihe Engineers. All inspections have been completed.

I recommend the Board approve the fill in the floodplain variance as complete and acceptable.

Respectfully

Luther M. Cline
Inspector
Hamilton County Surveyor's Office"

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

Non-enforcements:

Clark presented a non-enforcement request for the Hunters Creek Drain filed by BSM Groups (Spectrum) for parcel #17-09-24-03-03-001.000, 17-09-24-03-05-019.000, 17-09-24-03-05-018.000, 17-09-24-03-05-017.000 and 17-09-24-03-05-016.000 for an underground coax cable. 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 Long Branch Drain filed by BSM Groups (Spectrum) for parcel #17-13-06-03-11-008.000 for an underground coax cable. 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 Williams Creek Drain, Springmill Crossing Arm filed by BSM Groups (Spectrum) for parcel #17-09-23-03-01-049.000, 17-09-23-03-01-043.000 and 17-09-23-03-01-050.000 for an underground coax cable. 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 Springmill Crossing Drain filed by Charter Spectrum for parcel #17-09-23-03-04-023.000, 17-09-23-03-04-025.000 and 17-09-23-03-04-026.000 for an underground coax cable. 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 Cool Creek Drain, Oak Manor Arm filed by Tyler and Rebekah Thompson for parcel #08-10-07-00-04-028.000 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 Hunters Creek South Drain filed by Rod and Mary Sue Tank for parcel #17-09-24-03-05-007.000 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.

Furst presented a non-enforcement request for the Williams Creek Drain, Centennial Arm filed by Michael and Mary Elliott for parcel #08-09-15-00-10-001.000 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, Springmill Streams Arm filed by Scott and Lori Baxter for parcel #17-09-34-00-01-008.000 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.

Violations:

Mr. Stephen Webster and Ms. Susan Webster were present for this item.

Liston and Furst presented their reports to the Board for their information.

"NOTICE OF VIOLATION
VIO-2023-00013

April 14, 2023

Maiden, Gregory W & Jennifer
429 E 246th Street
Sheridan, IN 46069

RE: Ross Mann Drain - Private Drain Installation Violation
01-01-26-00-00-016.000

This letter is to inform you the recent private drainage work across your parcel by Newcom Farm Drainage is in violation of IC 36-9-27-33. The private drainage tile was installed within the statutory drainage easement of the Ross Mann Drain without permission from the Hamilton County Drainage Board.

Per Indiana statute I must issue the notice of violation to the property owner of record and not to the contractor/installer, Newcom Farm Drainage.

The Hamilton County Surveyor's Office is working with the contractor/installer, Newcom Farm Drainage, to resolve the violation.

Please contact Mr. Jerry Liston at 317-776-8495 upon receiving this notice of violation to discuss what measures are needed to correct the matter.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor"

"NOTICE OF VIOLATION
VIO-2023-00015

April 14, 2023

Small, Kathy J
407 E 1st Street
Sheridan, IN 46069

RE: Ross Mann Drain - Private Drain Installation Violation
01-01-26-00-00-014.000

This letter is to inform you the recent private drainage work across your parcel by Newcom Farm Drainage is in violation of IC 36-9-27-33. The private drainage tile was installed within the statutory drainage easement of the Ross Mann Drain without permission from the Hamilton County Drainage Board.

Per Indiana statute I must issue the notice of violation to the property owner of record and not to the contractor/installer, Newcom Farm Drainage.

Hamilton County Drainage Board
April 24, 2023

The Hamilton County Surveyor's Office is working with the contractor/installer, Newcom Farm Drainage, to resolve the violation.

Please contact Mr. Jerry Liston at 317-776-8495 upon receiving this notice of violation to discuss what measures are needed to correct the matter.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor"

"NOTICE OF VIOLATION
VIO-2023-00014

April 14, 2023

Carlisle, Bradley
2137 N. Park Avenue
Indianapolis, IN 46202

RE: Ross Mann Drain - Private Drain Installation Violation
01-01-26-00-00-016.001

This letter is to inform you the recent private drainage work across your parcel by Newcom Farm Drainage is in violation of IC 36-9-27-33. The private drainage tile was installed within the statutory drainage easement of the Ross Mann Drain without permission from the Hamilton County Drainage Board.

Per Indiana statute I must issue the notice of violation to the property owner of record and not to the contractor/installer, Newcom Farm Drainage.

The Hamilton County Surveyor's Office is working with the contractor/installer, Newcom Farm Drainage, to resolve the violation.

Please contact Mr. Jerry Liston at 317-776-8495 upon receiving this notice of violation to discuss what measures are needed to correct the matter.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor"

Altman asked how many properties; were there three or four?

Liston stated three.

Altman stated so they just installed their own drainage?

Liston stated they didn't. There was a tenant farmer on the south side of 246th Street that was putting in some private drainage and they needed an outlet so they went north to the Ross & Mann Drain, but they put that private drainage facility within the Ross & Mann Drain easement about 40 feet off of the drain. The tenant farmer was Steve Webster and supposedly he obtained permission from the property owners to go north across them to the Ross & Mann Drain.

"NOTICE OF VIOLATION
VIO-2023-00017
Certified Mail: 7021 0350 0000 0884 6147

April 20, 2023

Happel Pasquarelli, Family Rev Trust
15734 Capital Spending Road
Westfield, IN 46074

RE: Jay Ditch - Un-authorized Fill in Floodway/Floodplain
Happel Property - 23560 Springmill Road

It has been brought to the attention of this office that fill has been placed in the Jay Ditch regulated drain Floodway/Floodplain and easement at 23560 Spring Mill Road in Adams Township.

Hamilton County Drainage Board
April 24, 2023

This 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.

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 owner of the land.

Please contact Mr. Jerry Liston 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's Office

CC: Town of Sheridan Planning - Dennis Nail
IDNR - Suzanne R. Delay "

Liston stated we're working with the property owner to resolve this. He's been told he has to move the fill.

Altman asked where is the north/south?

Liston stated the location is Springmill Road and 236th Street.

Altman stated that's right where our project is.

Howard asked is there a deadline on this because there's going to be a lot of things happening in that area?

Liston stated the letter says 10 days, but the property owner has asked for 45 days.

Howard stated that will be alright.

"April 19th, 2023

Certified Mail 7021 0350 0000 0884 6062
VIO-2023-00016

Pruett, Keenan & Jillian R Sams
607 Princeton Lane
Westfield, IN 46074

Parcel ID#: 08-09-15-00-02-036.000

RE: Merrimac Drain, Merrimac Section 2 Arm

Our office has been made aware of a fence encroachment on Lot 241 in Merrimac Section 2. The wooden 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: Merrimac HOA-
Wes Rood- City of Westfield"

Hamilton County Drainage Board
April 24, 2023

Violation Updates:

Cline presented his report to the Board for their information.

"April 21, 2023

To: Hamilton County Drainage Board

Re: Violation 2021-00011

November 16, 2021 Metronet was sent Violation Notice 2021-00011 after Agricon, a contractor for the Drainage Board/Surveyor's Office found that one of Metronet's fiber optic cables had been bored through the side of a regulated drain and repaired it. Agricon repaired the damages under WO-2021-00282.

The Violation Notice included an invoice in the amount of \$2,388.30 for the cost of the repair.

Metronet Systems Holdings LLC reimbursed the drain fund on 06/17/22 with check 55778 for \$2,388.30. A copy of the receipt is attached.

Please rescind Violation 2021-00011.

Respectfully

Luther M. Cline
Inspector
Hamilton County Surveyor's Office"

Stop Work Order:

Furst presented her report to the Board for their information.

"April 20, 2023

Siddique, Iqbal & Chelsea
16289 Kenora Lane S
Fortville, IN 46040

Parcel ID#: 13-16-08-00-07-014.000

Stop Work Order SWO-2023-00001
Certified Mail: 7021 0350 0000 0884 6079

RE: Violations of Hamilton County Ordinances No. 05-09-05-A, 05-09-05-B, and 11-14-22-C

This letter is to notify you that the Hamilton County Surveyor's Office (HCSO) has issued a Stop Work Order to cease all work on the parcel located at 16289 Kenora Lane S, Fortville, IN 46040, Parcel #13-16-08-00-07-014.000 being shown on Hamilton County tax record as owned by Iqbal & Chelsea Siddique. The Stop Work Order applies to all contractors, subcontractors, and others performing work on this parcel.

The Stop Work Order was issued due to the following violations:

1. There are no Erosion Control measures installed on site. This is in direct violation of Hamilton County Ordinance No. 05-09-05-A and Hamilton County Ordinance No. 5-09-05-B.
2. The approved *Non-Enforcement of Drainage Easement of Individual Tracts* permit and plan on file with Hamilton County Surveyor's Office has not been followed on site. This is in direct violation of Hamilton County Ordinance No. 11-14-22-C.

Upon receipt of this letter, the property owner and/or contractor(s) have 48 hours to correct the violation according to the standards set forth by this Office.

The Stop Work Order shall remain in full force and in effect until (1) proper erosion control measures are installed; and (2) the onsite conditions of the pool installation and concrete apron are within the requirements of the issued permit.

Should you have any questions or comments, please feel free to contact Clara Furst-Engineering Technician/MS4/Permits for the Hamilton County Surveyor's Office 317-776-8495.

Kenton C. Ward, CFM
Hamilton County Surveyor

Hamilton County Drainage Board
April 24, 2023

Cc: Hamilton County Drainage Board
City of Fishers-Jason Armour
City of Fishers-John Young
Steve Cash-HCSO
Gary Duncan-HCSO
Jerry Liston-HCSO
Jordan VanWye-Premier Pools & Spa"

Construction Updates:

Elwood Wilson Drain, E. M. Hare Arm Reconstruction - Liston stated the work is progressing. Last week they were working on the culvert at Home Depot. The watermain relocation has been done. I owe the Board a change order on Gary's redesign of bringing the ditch up out of the sand layer.

Canal Place Drain, Strongbow Gate Arm - Liston stated the work is done. The final grading and seeding have been done. Our contractor is having problems locating a section of fence to replace. With the help of the HOA he has found that source in the State of Washington.

William Lehr Drain, Joseph & Brooks Arm (156th Street Reconstruction) - Liston stated we're starting to see shop drawings.

Duncan stated the drawings have been reviewed and we have a few comments which we'll issue to Morpheu today.

2022 Reconstruction of the W. S. Burnau Arm of the F. M. Musselman Drain - Liston stated this work is progressing. The storm pipe is in, the contractor hopes the weather will cooperate so they can do final grading and seeding.

Jonas Rogers Drain, J. M. Gustin Arm Reconstruction - Liston stated the contractor has gone as far as he can. The structures are to be picked up tomorrow and hopefully on Wednesday the road will be closed, and the structures will be set.

William Lehr Drain, J. S. McCarty Arm Phase 1 - Liston stated we have set the preconstruction meeting for May 5, 2023

Clara Knotts Drain, Park Broadway Arm Phase 2 - Cline stated we're still working on utilities. The contractor was to meet last week with AT&T, but I haven't heard from them on whether or not they were able to meet.

Flora Mendenhall Drain Reconstruction - Duncan stated I have talked with White Construction and they are agreeable to cancelling the contract for this reconstruction. They asked that I send them an email to that affect, which I have done. The next step would be to work Mike (Howard) and Connor (Sullivan) on whatever procedural things we need to bring to the Board to formally cancel that contract.

Howard asked are we going to be calling the bond?

Duncan stated no, we can just give the bond back to them.

Mallery-Granger Drain:

Altman stated I received a message from Emily Adams about the Mallery-Granger Drain concerned about regulation of the Mallery-Granger. Is that pending for a public hearing?

The Surveyor stated in May.

Altman stated the appropriate time for her to come on the agenda would be to object to the petition if it is a public hearing.

The Surveyor stated yes.

Altman stated I'll give you her contact information if you would share that and just be advised that we should expect an objection on that parcel.

Construction Updates - Continued:

Ream Creek Drain, Orchard Park Arm (Pending Asbuilts) - Cline stated we're still waiting on the asbuilts for this project.

Clara Knotts Drain, Park Broadway Arm Phase 1 (Pending Final Report) - Cline stated I'm still working on this final report in between other things. Hopefully I can get that to you in the next few meetings.

Drainage Board Attorney:

IC 36-9-28.7 Stormwater Nuisance Ordinance - Howard stated this was forward with recommendation to the Commissioners at your last meeting. You suspended the rules, passed it on the first reading so that is completed.

Fee Revision Ordinance - Howard stated the Surveyor and I started meeting and he pointed out that his stack was way above that, so we'll try to get that before you at your next meeting.

Cool Creek Drain, John Wheeler Arm - IBeach:

Ms. Katie Conner and Mr. Ashton Fritz were present for this item.

Howard stated there was a question last week concerning a reconstruction of a drain, Westfield project. The petitioner contacted you and we talked to the contractor and the question became she has an event in July and what do we do about that. We have not had a public hearing on that reconstruction. I don't think there's many property owners and it's my understanding that the drain downstream of the petitioner is deficient at best, but it's going to need to be reconstructed totally. This is way beyond normal practice and procedure, but you asked that we see if something could be done. I think the petitioner needs to know there has not been a public hearing and it would be subject to that public hearing. Secondly you would have to give express approval for work within the drainage easement that is off of her site and plans have to be submitted. I don't know where we are on those.

The Surveyor stated we have them.

Howard stated plans are submitted and subject to those plans being submitted there would need to be a performance bond for 120% of the estimated construction cost with both the property owner and the contractor being obligors on that bond. Again, this is way ahead of what usually happens, but with that it would be my opinion the risk would be negligible, it's my understanding, we already have an easement there and she's going to be working in it, but subject to plans, bonds with both people I believe that's something the Board could consider as a far and beyond normal procedure.

Altman asked will the retention/detention be improved by this project?

The Surveyor stated I can't tell you.

Clark stated there is planned underground detention with the project.

Altman stated so it will be improved.

Clark stated it will be improved.

Altman stated so I don't see much risk in proceeding because the downstream is going to be better protected with this in place.

Heirbrandt asked Conner and Fritz to come up and make sure we have this on concurrence that you agree to everything because we're doing something a little out of order. We want to make sure you keep on the same timeline and that you open when you expressed you were going to be open to the public.

Conner stated I agree to the terms to get all the things in place before we start construction.

Fritz stated this project includes both a non-enforcement and a relocation. For the development we're relocating a portion of the drain through our property, but then reconstructing the drain and improving it off the property where it currently has failed in many locations. We are proposing to include all that work in the performance bond.

Howard stated I also failed to mention there's an application fee due. Has that been tendered? It would be subject to the application fee being in place. If it's already in place fine, if it's not you'll have to get that done.

Altman asked Clark, has all the paper work been filed?

Clark stated yes, all the applications have been submitted.

Altman stated based upon that I'd make the motion to approve as described by Attorney Howard, seconded by Dillinger and approved unanimously.

Heirbrandt stated you can go ahead and proceed.

Altman stated once the bonds are in place.

Marion Blanton Drain:

Mr. Amir Faghieh and Mr. Jerry Watson were present for this item.

Heirbrandt stated Faghieh contacted me last Friday, he had just gotten a letter regarding a project that's going on up north that we talked about a little bit this morning.

Faghieh stated the first I heard of this project was April 14, 2023 via a letter talking about not planting crops for the tenant farmers. I did meet with Jerry (Liston) on Friday, Jerry was very helpful in answering my questions, but I still have significant concerns on the way this will affect my property, the property value and how we basically use the property. I would like to speak with someone on that and work towards a solution for my neighbors and for myself.

Heirbrandt stated you had sent an email to the Surveyor and copied me on it last week. I had said it was important that you come to the Board to make that request so the

Surveyor's Office could sit down with you and go over what's being done so he has an idea.

Altman asked did we have a public hearing on this before?

The Surveyor stated no.

Altman asked what is the project, so we know what we're talking about?

Faghih stated the Marion Blanton Drain Reconstruction. It's turning a current tile into an open ditch.

Liston stated the one we opened the bid on this morning.

The Surveyor stated once we get the bids now, we then have the hearing. I'll be following up at the next meeting asking for a hearing for June on this particular item. This has been in the works for many years. We have talked about this I don't know how long. We've done certain bits and pieces of it. This is the whole rest of it. This will improve the drainage for all that farm area and also open up a couple of properties for future development.

Altman asked so we have easement already in place?

The Surveyor stated all except for one easement that we had to purchase, which is now purchased. Everything is in place. This will be within the existing easement that goes back to the 1800's.

Altman asked can the Surveyor's Office work with this gentleman to figure out if there's revisions or modifications or anything within the contract documents we can accomplish?

The Surveyor stated we will sit down and talk to him.

Altman asked before the meeting?

The Surveyor stated yes.

Heirbrandt stated I'd like to be involved in that discussion if I could.

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

Mark Heirbrandt - President

Lynette Mosbaugh
Executive Secretary