

MINUTES OF THE HAMILTON COUNTY DRAINAGE BOARD

April 25, 2022

The meeting was called to order Monday, April 25, 2022 at 9:04 a.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, Mr. Luther Cline and Mr. Gary Duncan. The Board's attorney's, Mr. Michael Howard and Mr. Connor Sullivan, were also present.

Approval of Minutes of April 11, 2022:

The minutes of April 11, 2022 were presented to the Board for approval.

Dillinger made the motion to approve the minutes of April 11, 2022, seconded by Heirbrandt and approved unanimously.

Bid Opening - 2022 Vegetation Control:

Mr. Shane Floyd was present for this item.

Howard stated the first bid is from Puddle Jumpers Aquatics with all required forms present and a bid for the William Krause Drain at \$450.00, Thistlewaite Drain at \$2,704.00, Mathews & Underwood at \$3,125.00. They have filled out every line item. This appears to be all the bids on the Vegetation Control. Are there any persons that know of any other bids; none appearing I recommend they be referred to the Surveyor's Office for review and recommendation on May 9, 2022.

Dillinger made the motion to refer the bid to the Surveyor's Office for review and recommendation on May 9, 2022, seconded by Heirbrandt and approved unanimously.

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

The Surveyor stated the Banning contract is for the Clara Knotts Phase 2 for construction staking, survey grade checks and asbuilts. It will be \$11,000.00 for construction staking, \$11,000.00 for asbuilts and \$60,000.00 for the survey grade checks. They do have our contract form that we just got on the back.

Heirbrandt made the motion to approve the professional services agreement with Banning Engineering for the Clara Knotts Drain, Park Broadway Arm Phase 2 in the amount of \$11,000.00 for construction staking, \$11,000.00 for asbuilts and \$60,000.00 for the survey grade checks, seconded by Dillinger and approved unanimously.

Professional Services Agreement - Phase II On-Call:

Mr. Jon Stolz was present for this item.

The Surveyor stated on the Burke contract for the Phase II On-Call services that was before the Board in November or December last year. The Board has been waiting since that time for the revised engineer's contract for the County and that is now attached to it.

Altman asked this is the inclusion of our standard terms?

The Surveyor stated yes.

Heirbrandt made the motion to approve the Phase II On-Call Services by Christopher Burke Engineering in the amount of \$50,000.00, seconded by Dillinger and approved unanimously.

Professional Engineering and Survey Quotes:

Howard stated we received one quote for engineering and survey on the Wilson-Nagle Drain from Commonwealth Engineering, Inc. and we received one quote for engineering and survey on the West Arcadia Drain (aka Miller Arm) from Commonwealth Engineering, Inc.

Dillinger made the motion to refer the quotes to the Surveyor's Office for review and recommendation on May 9, 2022, seconded by Heirbrandt and approved unanimously.

Professional Engineering Quotes:

Howard stated we received one quote for engineering services on Taylor & Jessup Drain from Banning Engineering; we received one quote for engineering services on the Cornthwaite Drain from Banning Engineering; we received one quote for engineering services on the Raymond Briles Drain from Banning Engineering; we received two quotes for engineering services on the M. E. Scherer Drain from Banning Engineering and Commonwealth Engineering, Inc.; and we received one quote for engineering services on the May Wilson Drain from Banning Engineering.

Dillinger made the motion to refer the quotes to the Surveyor's Office for review and recommendation on May 9, 2022, seconded by Heirbrandt and approved unanimously.

Request for Quote - Elizabeth Lynch Drain:

The Surveyor asked the Board to request quotes for the Elizabeth Lynch Drain to be submitted on May 23, 2022. This is in Arcadia also.

Heirbrandt made the motion to receive quotes on May 23, 2022 on the Elizabeth Lynch Drain, seconded by Dillinger and approved unanimously.

Cool Creek Drain - Wilson Wetland:

The Surveyor stated we had a request from the State Highway on the taking on the Wilson Wetland property on Cool Creek that's on SR 32 for the new structure replacement that INDOT is proposing. Jennifer (Beck) sent me the paperwork and I wanted to let the Board know that I asked Clark Dietz what it would take to redesign that wetland because they'd be edging into it, what we had proposed, and it will be \$8,666.00 to redesign that wetland. When the Board reviews that and takes that into consideration I would request that you also consider what it will cost the Board to do that redesign.

Altman asked is that the actual construction of it or we're not under construction?

The Surveyor stated that's just the redesign for construction.

Altman stated one other alternate we might try is that "Fee in Lieu" since it's the State to see if they would come up with a lesser amount in a Fee in Lieu. They may not, but it's worth a try.

The Surveyor stated I don't remember what the construction on that one was. I don't know if that's a 2023 letting or a 2024 letting.

Howard asked would that also include their services for permitting? Would they be responsible for getting appropriate permits as part of the design?

The Surveyor stated we would be doing the permitting.

Altman asked what stage are we in? We're just under design or we've got it designed?

The Surveyor stated we had it designed and we're waiting for the County Highway needs for a like mitigation project for it to be constructed. It was designed several years ago.

Altman stated we might check fee in lieu of the whole thing too because Conner Prairie has scheduled a bunch of wetland creations which should qualify in this area and they're doing a fee in lieu. They'd be a more efficient use of property since it's tax exempt anyway. What was submitted was actually a petition for relocation and reconstruction from INDOT, correct?

The Surveyor stated that's several petitions separate from this.

Altman stated but it's all related.

The Surveyor stated no, those are US 31 petitions.

E. E. Bennett Drain - Vacation of Easement:

Sullivan stated at the Board's November 23, 2020 meeting you had findings in order to vacate a portion of the E. E. Bennett Legal Drain which is at the southwest corner of 146th Street and Olio Road and also had orders in for reconstructing a portion of it as well. This was a project with the City of Noblesville and some of the developers in that area. That was in 2020, fast forward to now, a developer and their attorney, Jeff Abrams, reached out to us and pointed out that the documents recognizing that were never recorded. This is just recording your actions from your November 23, 2020 meeting of vacating a portion of the drain and the reconstructing of the now in use portion of it.

Duncan stated it's also the easement for the relocation of the E. E. Bennett Drain.

Howard stated you had done everything the Drainage Code would require to vacate that section, but the title company, because they're putting millions of dollars into that property, wanted things to end up a little better. We got a new developer to provide the meets and bounds and the substitutions, correct?

Heirbrandt made the motion to approve the vacation of the easement presented on the E. E. Bennett Drain, seconded by Dillinger and approved unanimously.

Petitions:

The Surveyor stated we have several petitions from INDOT on various drains. These are drains they'll be affecting on their US 31 project. That would be the John Roe Drain, Little Cicero Creek, Mary Parks Drain, William Baker Drain and Raymond Briles Drain.

Altman asked is this just on 236th Street or 276th Street also?

The Surveyor stated it's all along the stretch.

Hearing Requests:

The Surveyor asked the Board to set the following items for hearing on June 27, 2022: William Lehr Drain, Stony Creek Arm Drainage Shed Correction (Merion Section 4) and Vermillion Drain increasing the collection times from four years to eight years.

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

Final Reports:

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

"To: Hamilton County Drainage Board

April 12, 2022

Re: Mary Nagle Drain, Auburn Estates Sec. 1 Relocation

Attached are as-built, certificate of completion & compliance, and other information for Auburn Estates Sec. 1 Relocation. 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 August 6, 2021. The report was approved by the Board at the hearing held September 27, 2021. (See Drainage Board Minutes Book 20, Pages 157-160)

The changes are as follows: the 12" RCP was shortened from 77 feet to 58 feet. The 24" RCP was shortened from 970 feet to 968 feet. The 30" RCP was shortened from 921 feet to 918 feet. The 36" RCP was shortened from 804 feet to 652 feet. There was 154 feet of 36" RCP was upsized to 42" RCP. The open ditch was shortened from 735 feet to 702 feet. The length of the drain due to the changes described above is now **3,876 feet**. It should be noted that this project vacated 2,433 feet of existing drain tile.

The non-enforcement was approved by the Board at its meeting on September 27, 2021 and recorded under instrument #2022011274.

The following sureties were guaranteed by The Hartford and released by the Board on its April 11, 2022, meeting.

Bond-LC No:72BSBIP4331
Amount: \$402,762.00
For: Storm Sewers & SSD
Issue Date: June 11, 2021

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.

Capital Asset Notifications:

The Surveyor presented the following Capital Asset Notifications to the Board for approval: Springmill Run Drain, University High School Arm and Mary Nagle Drain.

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

Citizens Energy - Service Advisory Board:

The Surveyor presented the minutes of the Service Advisory Board of March 15, 2022 to the Board for their information.

Altman stated they're still looking at our territory for more water.

The Surveyor stated yes, they are. You may have noticed that Jack Whittman did do a presentation to them on our project.

Heirbrandt stated I was online for that and it brought up a lot of discussion from around the State as well.

Variance Request - Milestone Restoration/Drainage Easement:

Cash presented his report to the Board for approval.

"Staff Report

April 21, 2021

To: Hamilton County Drainage Board

Re: White River, Variance for Milestone Restoration, DV-2021-00004, Parcel No. 10-10-12-00-00-010.000

Attached is a request by Milestone Contractors requesting approval of a variance from the following ordinance and standard in connection with the Milestone Restoration project:

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

Hamilton County Drainage Board
April 25, 2022

Summary:

As part of a flood plain restoration project required by Indiana Department of Natural Resources, the petitioner proposes site grading and excavation which results in new fill being placed in the flood plain. The project is located along the west bank of the White River, northeast of 160th and River Road in Noblesville Township. The proposed cut/fill will restore the floodway conveyance to the 1973 pre-fill capacity. To comply with Hamilton County requirements to offset the fill, the project will excavate compensatory floodplain storage along White River, which includes excavating a new overflow channel. The cut/fill ratio (proposed condition vs. 2004 topography) meets the standard 3:1 ratio required for consideration of the variance with a proposed ratio of 3.6:1.

This proposal received preliminary concurrence by the Drainage Board on March 22, 2020.

The plans have been designed by Christopher B. Burke Engineering, Ltd.

Due to the proposed construction in the floodway, a permit has been obtained from the Indiana Department of Natural Resources-Division of Water. (For additional information see attached DNR Certificate of Approval FW-30591-0).

Staff Recommendations:

1. If this variance is approved by the Drainage Board, the Surveyor has recommended that as a condition of approval the following items be met:
 - a. Protection of floodplain compensatory area with dedicated easement. Easement to be in favor of the Hamilton County Drainage Board and Hamilton County Commissioners.
 - b. Surety to be posted to cover the construction costs of the flood plain compensatory storage area. The amount of the surety should be 120% of the engineer's estimate.
 - c. An engineer's estimate or copy of the contract for the storage area to be submitted along with the surety.
2. The Surveyor also requests the following conditions be met for release of surety:
 - a. Site inspection approval by Surveyor's Office.
 - b. Submittal of as-built drawings showing the cut and fill sections and dirt balances. As-built drawings are to be stamped and sealed by a professional engineer.
 - c. As-built drawings to be reviewed by Burke for compliance.
 - d. Fulfillment of developer financial responsibility for review fees incurred.
3. The following is to be recorded against the parcel: The maintenance of the floodplain compensatory area, including but not limited to sediment removal, erosion control along the banks, mowing and aquatic vegetation control will be the responsibility of the owner of record. The Board will retain jurisdiction to enforce the storage volume for which the floodplain compensatory area was designed will be retained, thereby, allowing no fill or easement encroachments. In the event that the owner, in the sole discretion of the Board, fails to adequately maintain the flood compensatory area, after 30 days written notice to the owner of record, the Board may perform the required maintenance and assess the cost thereof to the owner of record as a special assessment.

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

Sincerely,

Steven T. Cash
Plan Reviewer

STC:stc"

Cash stated this previously came before the Board a number of months ago and was tabled due to a drainage easement that was required. The easement has been approved between all the multiple parties and they are ready for the Board's signature.

Heirbrandt made the motion to approve the variance request presented along with the drainage easement for this project, seconded by Dillinger and approved unanimously.

Variance Request - Sly Run Drain, Fill in the Floodplain:

Mr. Rick Ellis, Mr. Greg Binter and Mr. Stu Huckelberry were present for this item.

Cash presented his report to the Board for approval.

Staff Report

February 21, 2022

To: Hamilton County Drainage Board

Re: Sly Run Regulated Drain, Variance for The Timbers subdivision, DV-2021-00010, Parcel No. 11-06-27-00-00-008.003

Attached is a request by Lennar Homes of Indiana, Inc., requesting approval of a variance from the following ordinance and standard in connection with The Timbers, Sec. 1 project:

- Ordinance No. 3-25-02-A: regarding Utility Installation Cross Section (Detail C-6).

Summary:

As part of a new residential subdivision project, the petitioner proposes to extend sanitary sewers to The Timbers, Sec. 1 which results in crossing under Sly Run Regulated Drain. The developer requests to reduce the minimum cover over two sanitary sewer main crossings below the flowline of Sly Run Drain to less than the standard 10' separation. The developer has stated that due to the depth of the downstream connection manhole, the proposed sanitary sewer main cannot be installed lower than what is being proposed. The cover at the crossing between Str. 100 and Str. 101 is proposed to be 2.5'. The cover at the crossing between Str. SR102 and Str. 1 is proposed to be 3.5'.

Additional Information:

The separation requirements for pipeline and utility installation under open drains is depicted in Hamilton County Surveyor's Office Standard Plan Detail C-6. (See attached). The detail drawing was revised June 1, 2021 to show a 10' separation between the top of the pipe and the bottom of the drain's flowline. This revision was based on the County Surveyor's instructions for the changed separation requirement on April 22, 2021. The required separation prior to that date was 5'.

The first version of the construction plans for this project by Lennar was submitted to this office on May 26, 2021. Lennar took over The Timbers subdivision, which was originally proposed by Drees Homes in 2018, but did not move forward. Both projects were designed by Weihe Engineers.

Due to the proposed construction in the floodway, a permit is required to be obtained from the Indiana Department of Natural Resources-Division of Water.

Staff Recommendations:

4. If this variance is approved by the Drainage Board, the Surveyor has recommended that as a condition of approval the following items be met:
 - d. To extend the life-span of the crossing pipe, to prevent leakages due to long-term corrosion within the pipe and to reduce the impact on the Regulated Drain by having fewer future pipe replacements, the sanitary sewer pipe is recommended to be constructed out of stainless steel pipe where it crosses under the Regulated Drain.
 - e. The sanitary pipe is to be encased in concrete.
 - f. Site inspection approval by Surveyor's Office.
 - e. Submittal of as-built drawings showing the sanitary sewer crossing location and elevation. As-built drawings are to be stamped and sealed by a professional engineer.

FYI - In addition to this variance, this project has also been required to apply for other applicable permits which are being pursued by the developer.

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

Sincerely,

Steven T. Cash
Plan Reviewer

STC:stc"

Dillinger made the motion to approve the variance request presented subject to various conditions and subject to various permits that must be received, approved by Heirbrandt and approved unanimously.

Cash presented a non-enforcement request as part of the variance request presented for The Timbers Section 1 to the Board for approval.

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

Non-enforcements:

Clark presented a non-enforcement request for the Cool Creek Drain filed by D & W Farms for parcel #08-05-36-00-02-005.001 for a pedestrian path, drive aisle and parking spaces. The Surveyor's Office recommends approval.

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

Liston presented a non-enforcement request for the Fairfield Farms Drain filed by Nat and Amy Small for parcel #11-07-30-04-04-030.000 for a fence. The Surveyor's Office recommends approval.

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

Liston presented a non-enforcement request for the Pines/Roxbury Drain filed by Jennifer Backer for parcel #15-14-10-04-09-009.000 for a fence. The Surveyor's Office recommends approval.

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

Liston presented a non-enforcement request for the Vermillion Drain, Enclave at Vermillion Arm filed by Isaac Schmitz for parcel #13-16-08-00-24-008.000 for a fence. The Surveyor's Office recommends approval.

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

Liston presented a non-enforcement request for the Wheeler & Wheeler Drain, Arbor Grove Arm filed by Wesley Ryan and Krista Craig for parcel #10-11-08-00-15-033.000 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, Jackson's Grant Arm filed by Scott and Rebecca Obermeier for parcel #17-09-34-00-08-026.000 for three (3) evergreen trees. The Surveyor's Office recommends denial.

Heirbrandt made the motion to deny the non-enforcement request presented, seconded by Dillinger and denied.

Altman stated the non-enforcement for the Cool Creek Drain, D & W Farms, Inc. has not been signed by the property owner.

The Surveyor asked the Board to rescind their approval for the Cool Creek non-enforcement and make it a tabling motion in order to complete the form properly.

Dillinger made the motion to rescind his approval on the Cool Creek Drain non-enforcement filed by D & W Farms, Inc. and table the non-enforcement until the form can be signed and notarized by the property owner, seconded by Heirbrandt and approved unanimously.

Violation - Armstrong, Evans & Hall Drain:

Liston presented his report to the Board.

**"NOTICE OF VIOLATION
VIO-2022-00002**

Certified Mail: 7021 1970 0001 9530 3213

April 21, 2022

Praters Self Storage LLC
Josh Prater
7670 E 236th Street
Cicero, IN 46034

RE: Armstrong, Evans & Hall Drain - Un-Authorized Fill in Floodway/Floodplain & Easement
Prater's Self Storage LLC - 7670 E. 236th Street

It has been brought to the attention of this office that un-authorized fill has been placed in the Armstrong, Evans & Hall Drain Floodway/Floodplain and Easement and the crossing approved by the office was not constructed per plan at 7670 E. 236th Street in Jackson Township.

Hamilton County Drainage Board
April 25, 2022

This is in direct violation of IC 36-9-27-72(C) and or Hamilton County Ordinance No. 4-26-99-C which prohibits placing fill in a Floodway/Floodplain in un-incorporated areas of Hamilton County.

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

Please contact Mr. Steve Cash or 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

KCW/jll

CC: HWC Engineering - Matthew W. Maple
Town of Cicero Planning & Zoning - Frank Zawadzki"

Heirbrandt stated I've had several discussions with the Surveyor on this. There're some misconceptions to what appears from Cicero Town Board exactly what's going on. I advised that Mr. Prater come in and meet with the Surveyor's Office and myself to make sure that he fully understands what the violation is, what needs to be done and that it's clearly communicated. It seems to be drawing a lot of discussion. The town is calling me saying they need some help on this and I said I don't think you understand what's been done here. The Surveyor and I did speak with Dan Strong while he was out there earlier last week, but we felt like we probably needed to bring him in and make sure he clearly understands what's been done and what needs to happen.

Altman asked is he on the Board or is he the planner?

Heirbrandt stated no, I just think he's a citizen in the community that has went to them and voiced his opinion.

Howard stated when you say them, do you mean Cicero Town Board?

Heirbrandt stated yes, correct.

Altman asked is he related to the project?

Heirbrandt stated he owns property.

Liston stated when Steve Cash and I met on site last week we asked Frank Zawadzki, the new plan director in Cicero, to meet us there and he did.

Altman asked do they understand the concerns from a planning standpoint?

Liston stated yes, I think they do. The thing that I think is taking everybody back on this is when our office approved the set of plans; this all started with Mr. Kent Sturry. Mr. Sturry could not get the funding, so he sold the package to Prater. It was from the regulated drain south to 236th Street. When I stopped out on the site one day to see how the work was progressing from the drain, across the drain to the back, north property line everything had been nuked. There was a tree conservation easement back there, there was a small crossing approved, not 158 feet of pipe. Things have progressed beyond the approved plans.

Altman asked, do they have room on site to mitigate?

Liston stated I don't believe so, it would be tough.

The Surveyor stated they took what we approved on the crossing and increased it, there's 125 feet of pipe in there, which puts us in jeopardy with IDEM and the filling of the floodplain puts us in jeopardy with IDNR.

Altman asked is it us or them?

The Surveyor stated if they do what attorney's usually do and shotgun everything, we'll get pellets.

Heirbrandt stated I think, because this is confusing to some extent, that there's been a lot of communication going on with other elected officials in Cicero, it's in our best interest to have a meeting with him and be able to clearly go through what that violation is and what needs to be done to correct the situation.

Dillinger made the motion to table this issue until that meeting can occur.

Altman stated when you say table, do we leave in place the violation? I assume there's a stop work order. I don't see what else to do.

The Surveyor stated it's already done; they have to take it out.

Altman stated okay, so they're not working on it actively.

Heirbrandt stated there's nobody working on it right now, but you can see why I think it's important to have a meeting with him. That's what I'm trying to arrange with the Surveyor's Office.

Dillinger stated it probably needs to be done before our next Drainage Board meeting.

Heirbrandt stated I agree. Let's get it scheduled and let's have the discussion with them.

Heirbrandt seconded Dillinger's motion to table this item and approved unanimously.

Construction Updates:

George Symonds Drain, Two Stage Ditch Reconstruction - Liston stated I spoke with the inspector from Banning Engineering this morning for an update. Hoosier Pride has completed the work on the east side of Eagletown Road. That area has been graded and seeded and the contractor has started on the west side of Eagletown Road heading towards 246th Street. According to the inspector they're doing an excellent job. I also learned this morning that Banning has taken the inspector off the project and reassigned him to a project in Hendricks County and there will be a new inspector for this project.

Intracoastal at Geist Drain - Liston stated our contractor was scheduled to start the project this morning, but the rain has pushed him back until tomorrow. All the prep work has been done for this to start. Fishers has reissued the work in the right of way permit for the project and all the utilities are out of the way.

Mallery-Granger Drain Reconstruction - Liston stated Duncan and I pulled the contractor in last week and went over some issues with him. Five Start will be coming back out and doing some bank work along the drain to get it to the 2:1 slope per the plans.

Canal Place Drain, Strongbow Gate Arm - Liston stated the contractor for this project is the same contractor working on Intracoastal. As soon as Intracoastal is done, he will move towards this project. He has the pipe and structures for this project.

The Surveyor asked are the structures on site?

Liston stated no, they are not. They are to be picked up and delivered to the shop for Strongbow Gate.

Clara Knotts Drain, Park Broadway Arm Phase 1 - Cline stated the contractor is almost done.

Clara Knotts Drain, Park Broadway Arm Phase 2 - Cline stated this project has not started yet.

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 I'm still trying to find time to finish this report.

New Personnel:

The Surveyor stated we finally got a replacement for Steve Baitz. He started today. The applicant pool is very shallow. I barely get the soles of my shoes wet. Quantity and quality.

Heirbrandt stated you're probably going to have to look at salary. I know you were talking to Council about that.

The Surveyor stated I got that approved by the Council and was able to offer a range. I do have somebody coming in today to sign the final offer for Andy's (Conover) job. Hopefully he'll start on the 9th of May. Then all we have is the MS4 person.

Altman asked what all does the MS4 person do?

The Surveyor stated he would be reviewing the SWPPP's for the office, it takes a load off of the plan reviewers on that aspect of it. Also, he would be going out and doing the inspection on those SWPPP's as the construction is happening.

Altman asked is this something we could parcel out if we have to? It wouldn't be ideal.

The Surveyor stated he would also be in charge of doing the liaison between the contractors, like Burke on the MS4.

Altman stated so he coordinates?

The Surveyor stated yes and also this individual would be doing fence permits.

Pending Items (Attorney):

New Ordinance (Tree Root Removal Special Assessment) - Sullivan stated Howard and I have preliminarily talked about that and one of our initial concerns is we would be butting heads a lot with some of the cities with their tree ordinances along the streets. We're working through that.

Altman stated that's real simple, we just wouldn't accept that into the regulated drain unless they comply.

The Surveyor stated if they have street trees, we don't take those in.

Altman stated that's fine as long as we don't have to mess with it.

The Surveyor stated the trouble is we still have areas that we have accepted in the past with street trees and those are problem areas.

Howard stated that's one of the issues of having regulated easements in subdivisions and instead of just having minor collectors let the city worry about the streets and the minor collectors and we take care of the macro coming in and going out. I think we're moving in that direction and that's a huge step.

Altman stated they have a vision for their community, but I don't know if they understand the cost for that vision so just let them deal with it.

The Surveyor stated since we've started doing that, not taking in the subsurface drains along the streets that are going to have street trees, certain communities, the Street Departments are calling us up and asking us "would you consider taking these?" and I said no. You wanted it; you deal with it.

Altman asked can we still overlay an ordinance on the cost to maintain it with street trees on the ones we accepted? That's what I think we have to look at.

Howard stated one of the issues would be is if you want to place a special assessment, drainage assessment against; is it the lots that has the catch basin or where are the lots that's the causation.

Altman stated it may be something we discuss with the communities to say "look, this shouldn't be on the watershed, we're going to start assessing these people for the cost to remove" and then they have a choice whether they say "fine, go ahead and cut the trees down because it's a problem".

The Surveyor stated I have one street in a subdivision in a community that has asked me to send a letter to that community asking them to remove all the street trees.

Altman stated right, because it's causing a mess.

The Surveyor stated it's flooding basements.

Altman stated I think we need to look at that, personally.

The Surveyor stated I've always said street trees should always be behind the sidewalk. It wouldn't be as serious as planting them right on top of the drain.

Elwood Wilson Drain - Deferred Assessments:

The Surveyor stated the properties in pink on the map, are basically already developed.

Heirbrandt stated I talked to somebody that was at 18005 Promise Road, got an assessment for \$2,284.06 for 1.1 acre and was wondering what in the world is going on.

Altman asked that's with all the ARPA money?

Heirbrandt stated that's what he said he got his assessment for. He said he thought it was a little excessive.

Altman stated yes, do we assess the commercial and residential differently?

The Surveyor stated yes.

Altman stated I saw what Home Depot was being asked to pay.

The Surveyor stated I would recommend that these properties not be deferred.

Howard stated because they are urban, so they should be assessed as urban, which is the retail for lack of a better term, rate.

The Surveyor stated the other properties, including the roads, the roads should be assessed also, but the other open properties I think should be deferred.

Altman stated that makes sense because we have to assess them as used, I think.

Howard stated the Statute expressly prohibits assessing rural ground as urban.

Heirbrandt asked is that \$2,284.06 the entire amount? That's not it being deferred.

The Surveyor stated that's the entire amount. I would recommend to the Board that these (existing residences along west side of Promise Road) not be deferred.

Altman stated they're already built on, there's no argument except to do it.

Howard stated there's no building permit that would trigger the acceleration from Rural to Urban.

Altman stated the only one that is questionable is that facility because it's got so much impervious service.

The Surveyor stated it's coming down. Jim (Harger) may have a buyer for it now.

Howard asked could we spread these, not calling it Rural versus Urban.

Altman stated they can always pay with an interest rate, correct; installments. We just make sure they're aware of that.

The Surveyor stated that would include "this one property" over here too.

Altman stated I don't see any residential.

The Surveyor stated the old Fleck building will be coming down and will be developed.

Altman asked what does it do with our cash issue if we go ahead and assess those with respect with how tight we are on cash?

The Surveyor stated we will still be in a bind until they start paying. We're going to have to borrow from somewhere. Whether you borrow from maintenance or some other site you probably need to be thinking about that before the next meeting.

Altman stated I don't know where else we would borrow from that we could make it work economically. On maintenance we do have to pay interest rate. Let's do that before. Let's go ahead and plan for our next meeting to have a plan in place with borrowing from maintenance at most of the applicable federal rate if not lower or the existing interest rate we're getting.

The Surveyor asked what's the federal getting now?

Altman stated long term I don't know. Short term, which is three years, mid term is three to nine years and over nine years is long term rates and they progressively get more expensive on the applicable federal rate. I think maybe we just do like we've always done is at the average return we're getting in.

Howard stated the problem is if you do that you might raise it a little bit because if interest rates go up our earning rate is going to go up and we're still going to be locked in.

Altman stated we just do it on a floating rate, why can't we do it on a floating rate?

Heirbrandt asked what's the entire cost of this project?

The Surveyor stated \$3,304,170.89.

Heirbrandt asked and how much ARPA dollars has been approved?

The Surveyor stated \$200,000.00.

Altman stated I thought we were trying to pull that back.

The Surveyor stated it was \$1.5 million before and you pulled it back to \$200,000.00.

Howard asked the Surveyor, is there any value to shortening the reconstruction knowing that this ground is going to become Urban at a substantially slower rate?

The Surveyor stated it's shortened to this point right now. This will be done by a developer whenever they come in.

Altman asked then this guy up here, would he get assessed?

The Surveyor stated yes, deferred. Everyone in that drainage shed.

Dillinger stated it's been so long we need to get on it.

Altman stated I think we figured out how to do it without sucking down all of our ARPA money and I think in a fair manner. I just didn't want the ARPA money used on what we know is going to be development property. It's just not fair.

The Surveyor stated we had the kickoff for the engineering for the Craig-Holleran Arm of the Elwood Wilson Drain last week and they're going to be walking it with our staff in the next couple of weeks before the survey is done. We like to walk it with their surveyor to point out the nuances that we look at.

Howard stated I sound like a broken record; how much sanitary capacity is there because deferring this isn't going to mean anything unless there's adequate wastewater.

The Surveyor stated I could not tell you.

Howard stated I think we need to talk to Noblesville and find out what's there because going ahead and reconstructing this so it can soon be developed is ridiculous unless you can flush the toilets.

The Surveyor stated I think on this one, and correct me if I mistook this, was to benefit these people immediately. Was I right?

Dillinger stated yes.

Altman asked is that the one that's always wet?

Dillinger stated yes.

Altman stated so it would be cheaper to dig a bigger pond.

Dillinger stated that's where that gal is always is in here lives.

The Surveyor stated it should never have been built back in the 1960's.

Altman asked is there a lower cost alternative that could be reversed by giving an outlet for detention until we can pick up?

The Surveyor stated the only detention would be "here".

Altman stated but then you have to reconstruct to only "here". It's got to be low enough because it's going there.

The Surveyor stated we could change gears and look at just a big pond "there".

Howard asked is that a wetland?

The Surveyor stated that is where we're quasi detaining it now.

Howard stated it's a low spot.

Heirbrandt stated it might not be a bad idea to put detention there.

Altman stated if we can do something that can be reversed when Noblesville catches up with infrastructure then we're not socking people and we're not holding the cost for everybody.

Howard stated one of the people with the City said they think there's a spot for a manhole there for sanitary, but if there is, how big is it?

Altman asked who's going to talk to who to find out where we are with sewer?

Howard stated I think you're going to have to talk to engineering. The people I talk to it's not a priority for them.

Altman stated you would think if they could turn this around that would be a really good thing for the city, I don't know why it's a not a priority. That's close to your existing infrastructure.

Dillinger stated I disagree with just detention; I think we ought to do the whole thing.

Altman asked but how are we going to pay for it? Are you going to charge these people?

Dillinger stated it is what it is. We've been fighting it ever since I've been a Commissioner.

Altman stated I know, but can we get relief to the place we're trying to get relief without incurring huge costs, so I disagree with you on that.

Heirbrandt asked what's the entire cost?

The Surveyor stated I have no idea.

Altman stated it's probably \$4 million.

Howard asked is the topo so drastic..

Heirbrandt stated I think we need to have a meeting with the City of Noblesville because this benefits them tremendously.

Dillinger stated this is actually the key to Noblesville's expansion to the east. They have all the development to the north of 196th Street.

Altman stated let's figure out where they are and go from there.

The Surveyor stated back to my original question, we assess these, and we assess these people and the rest of it, which is farm ground is deferred.

Altman asked, why don't we have a work session with Noblesville. Let's start bringing Noblesville or bring the communities in we're dealing with and figure out what they've got, what they want to do.

Howard stated Noblesville's been relying on their commercial growth between Greenfield Avenue and 146th Street and that has all been platted. Patch development is taking that all down, so their next move is here for commercial.

Altman stated let's plan at the next meeting, we usually have been having short meetings, let's plan about 20 minutes for a work session and find out what they want to do and what they've got.

The Surveyor stated you're May 9th meeting is when this hearing is.

Altman stated we may have to continue it, or can we defer that meeting? I'd rather know what Noblesville is doing before I start bringing in a bunch of angry people. They don't need to be angry perhaps.

Dillinger stated very honestly before we meet with Noblesville the Surveyor or his people need to meet with Noblesville and bring them up to date on what we're trying to do so they don't come in blind.

The Surveyor stated we have been meeting with Noblesville because we've been coordinating the structure and the sanitary sewer work, and that sanitary sewer is supposed to follow us over to Promise Road. On this one I think we're in pretty good shape with Noblesville.

Altman stated we just need to find out before we spend a bunch of money and if there's another band aid we can do that's not outrageously expensive.

Dillinger asked what are you wanting to do, postpone the public hearing?

Altman stated I think it's been noticed so we'll have to continue it.

Howard stated I think we're okay on this one, it's what we do with Fishers Woods. We want to finance that much infrastructure.

Heirbrandt stated that's why we need to sit down with Noblesville.

The Surveyor stated I recommend we go forth with the plan on this.

Altman stated I think you've got a good plan; it's done. This one I'm not seeing the utility for at this time until we know whether it bears fruit in the near future.

Howard asked the Surveyor, do we have the calculations on this being assessed as rural? Is that what's advertised? Are we assessing the full bore and then...?

The Surveyor stated we're assessing the full bore and then at the meeting we're going to say these tracts are deferred and these tracts will meet the assessment.

Howard asked, and you've got those numbers calculated?

The Surveyor stated that's what I've been working on, but I wanted to talk to you today.

Heirbrandt asked does any of this affect this area in here?

The Surveyor stated this is a different drainage area.

Heirbrandt asked what is this drain?

The Surveyor stated that's the Hare Arm. This ground is for sale right now and we've got a plan already to redo this drain up along the railroad track over to here.

Marion Blanton Drain:

Heirbrandt stated there's been communication about the Marion Blanton Drain. I responded back to that, saying we need to talk about it in this meeting. There was an email sent by Gary (Duncan) on the Marion Blanton Drain on Saturday. I responded by back saying we need to talk about that today to address some funding.

The Surveyor stated that was one of the projects that I had on the list for ARPA. The design is complete and we're working on easements right now.

Altman asked where is Marion Blanton?

The Surveyor stated it crosses 236th Street west of Cicero.

Heirbrandt stated it's in the top ten of our ARPA priorities.

The Surveyor stated right now we just have to get the easements and we're ready.

Altman asked how much ARPA are we going to use on that? Has that been discussed?

The Surveyor stated no, I don't believe it has.

Altman stated we'll have to have estimates to know what the assessment would be so we can figure out if we're going to defer those assessments with ARPA, correct?

The Surveyor stated I know of one 40-acre piece that's been divided into four tracts now. It may be a while before that's developed.

Altman asked residential or commercial tracts?

The Surveyor stated it will be residential.

Howard stated a lot of it's residential because there's not enough capacity for wastewater.

Duncan stated its kind of halfway between US 31 and Cicero. It's hard to say when things will develop.

Heirbrandt stated it's probably sooner than later from the activity I've been seeing.

Altman stated in theory if they've got that much room, they could have retention on their property.

Howard stated they're probably going to develop under septic, aren't they?

The Surveyor stated Cicero can't get out there.

Howard stated Cicero might not be out there for ten years.

Altman asked is that within our service area?

Heirbrandt stated this area is standing in our wastewater treatment plant right now. It's supposed to be completed next year, but that's not saying they're taking that out there. It was specifically expanded to take this on because that's where they're moving.

Altman asked how many tracts are we talking about?

The Surveyor stated I don't know off the top of my head.

Altman stated but again, it's like this map we just looked at. Spending big dollars for a small enclave at least they haven't built the thing yet. Why are we doing it? Just being practical, it doesn't make a lot of sense to me.

Heirbrandt asked what's the next steps on that?

The Surveyor stated get the easements and then bring it to you and discuss.

Altman stated I'd like to know the economic benefit and what opens up.

Taylor & Jessup Drain:

Heirbrandt asked for an update on the Taylor & Jessup Drain that we talked about two weeks ago, where this stands, what's being done and where are we going with it.

The Surveyor stated you approved the engineering on it...

Altman stated again, location.

The Surveyor stated Taylor & Jessup is in Washington Township at 191st Street. We opened up the engineering quotes today and you'll have those before you at the next meeting. As far as the idea of opening up the tile at this point in time, Gary and I discussed it briefly, but we've had so many plates spinning we haven't had a chance to sit down on it.

Altman stated so it's that one strip that we might be able to store in the regulated drain area.

Duncan stated I started looking at it at the end of last week, I've delineated the watershed and tried to figure out how the flow goes in and the next step would be to look at the topography with the Surveyor to see what we can do. Our office has done a field survey of that tile and we do have the depth of the tile. It's progressing and we have to figure out; with the tile as deep as it is really what we can and can't do. We'll be fixed by that until we reconstruct the whole drain.

The Surveyor stated that and the ground water. I have a feeling that the ground water elevation is within 18 inches of the surface if not more. If that's the case, we really don't have a place to put it.

Altman asked are we going to bore it? Do we have anybody that can go out there and bore and find the water table? Our suggestion is, lets just keep moving and figure if that's good, bad or indifferent. People are getting flooded.

The Surveyor stated we have some breathers out there that we can look at. That gives us a good idea of what the water table is.

Altman stated we're going to go look at those breathers between this meeting and next meeting and you're going to find out whether this is a possible solution.

The Surveyor stated yes.

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

Christine Altman - President

Lynette Mosbaugh
Executive Secretary