

MINUTES OF THE HAMILTON COUNTY DRAINAGE BOARD

April 26, 2021

The meeting was called to order Monday, April 26, 2021 at 9:02 a.m.

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

**Approval of Minutes of April 12, 2021:**

The minutes of April 12, 2021 were presented to the Board for approval.

Altman made the motion to approve the minutes of April 12, 2021, seconded by Heirbrandt and approved unanimously.

**Williams Creek Drain - West Rail at the Station Section 4 Arm:**

There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"January 21, 2021

To: Hamilton County Drainage Board

Re: Williams Creek, West Rail at the Station Section 4 Arm

Attached is a petition filed by Homes by Drees Homes, Inc., along with a non-enforcement request, plans, calculations, quantity summary and assessment roll for West Rail Section 4, Williams Creek Drain to be located in Washington Township. I have reviewed the submittals and petition and have found each to be in proper form.

Upon reviewing these plans, I believe that the drain is practicable, will improve the public health, benefit a public highway, and be of public utility and that the costs, damages and expenses of the proposed drain will probably be less than the benefits accruing to the owners of land likely to be benefited. The drain will consist of the following:

12" RCP	910 ft.	24" RCP	31 ft.
15" RCP	1,010 ft.	30" RCP	198 ft.
18" RCP	377 ft.	6" SSD	2,518 ft.
21" RCP	673 ft.		

The total length of the drain will be 5,717 feet.

The subsurface drains (SSD) to be part of the regulated drain are those main lines located in rear yards and common areas. The SSD's in the street will not be part of the regulated drain due to street trees and the Hamilton County Drainage Board discussion on July 9, 2018, (see Hamilton County Drainage Board Minute Book 18, pages 204 to 206). The street SSD will be the maintenance responsibility of the City of Westfield. Only the main SSD lines which are located within the platted easement are to be maintained as regulated drain. Laterals for individual lots will not be considered part the of the regulated drain. The portion of the SSD which will be regulated are as follows:

Yard SSDs

Rear yard lots 41 to 57 from 158 feet west of Str. 330 to Str. 313

Side/Rear yard lots 57 to 62 from Str. 313 to existing Str. 310.

Rear yard lot lots 69 to 74 from 52 feet northwest of Str. 303 to 53 feet northeast of existing Str. 301

The drain maintenance shall include the inlets, outlets, sub-surface drains and reinforced concrete pipes that are listed as part of the new regulated drain. The maintenance of the detention pond such as, erosion control or mowing and the maintenance of water quality BMP structures will be the responsibility of the West Rail at the Station HOA or the city of Westfield. The Board will also retain jurisdiction for ensuring the storage volume for which the pond was designed will be retained. Thereby, allowing no fill or easement encroachments.

I have reviewed the plans and believe the drain will benefit each lot equally. Therefore, I recommend each lot to be assessed equally. I also believe that no damages will result to landowners by the constructor of this drain. I recommend a maintenance assessment of \$65.00 per lot, \$10.00 per acre for common areas, with \$65.00 minimum, and \$10.00 per acre for roadways. With this assessment the total annual assessment for this drain will be \$2,466.20.

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.

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 requests for West Rail Section 4. The request will be for the reduction of the regulated drain easements to those easement widths as shown on the secondary plat for West Rail Section 4.

I recommend the Board set a hearing for this proposed drain for April 26, 2021.

Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/pll"

Dillinger opened the public hearing; seeing no one present Dillinger closed the public hearing.

Altman made the motion to approve the Surveyor's report along with a non-enforcement for West Rail at the Station Section 4, seconded by Heirbrandt and approved unanimously.

**"FINDINGS AND ORDER**

**CONCERNING THE MAINTENANCE OF THE**

**Williams Creek Drain  
West Rail at the Station Section 4 Arm**

On this **26<sup>th</sup> day of April, 2021**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Williams Creek Drain, West Rail at the Station Section 4 Arm**.

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

Steven C. Dillinger  
President

Christine Altman  
Member

Mark Heirbrandt  
Member

Attest: Lynette Mosbaugh  
Executive Secretary"

**Little Eagle Creek, Orris Brendel Drain Arm 1 - Kimblewick Section 4 Partial Vacation:**  
There were neither landowner present nor objections on file.

The Surveyor presented his report to the Board for approval.

"February 26, 2021

To: Hamilton County Drainage Board

RE: Little Eagle Creek, Orris Brendel Drain Arm 1-Kimblewick Section 4 Partial Vacation

Attached is a request to vacate a portion of the Orris Brendel Drain, Arm 1 in Westfield Indiana by Del Webb and Associates within the limits of their proposed subdivision, Kimblewick Section 4. The existing parcel in which the vacation will occur is 08-09-17-00-00-006.000 and is currently owned by BCE Associates IV LLC. This parcel will be subdivided as Kimblewick Section 4.

The Orris Brendel Drain is a farm tile located within the Little Eagle Creek Watershed and is currently maintained by Hamilton County. The drain was constructed as per its original description dated April 28, 1953.

The portion of the Orris Brendel Drain Arm 1 to be vacated is that section beginning at station 0+0 to station 6+42 per the drains original 1953 description. Station 6+42 is located at the west line of the proposed Kimblewick Subdivision. The request will remove 642 linear feet of 8-inch tile.

With the approval of Kimblewick Section 4, the existing parcel will be converted from farmland to a residential subdivision with new drainage infrastructure thus the portion of the Orris Brendel drain within the subdivision limits will no longer be needed. Maintenance of the new stormwater infrastructure will be the responsibility the City of Westfield. Upon approval of the project, contractors will remove the existing 642 feet of the Orris Brendel drain within the subdivision and cap the regulated drain at the Western limits of the project which is also the property line of existing parcel 08-09-17-00-00-006.000. No outlet connection will be made to the Orris Brendel Drain with the construction of Kimblewick Section 4.

Upon review of the request, I believe the above portion of the drain meets the requirements for vacation as set out in IC-36-9-27-34(d). In my opinion, the vacation will not adversely affect other property owners within the drainage shed. I recommend the Board set a hearing date for April 26, 2021.

Sincerely,

Kenton C. Ward  
Hamilton County Surveyor

KCW/STC"

Dillinger opened the public hearing; seeing no one present Dillinger closed the public hearing.

Heirbrandt made the motion to approve the Surveyor's report, seconded by Altman.

Altman stated we have two tiles that they're going to disconnect existing. Is this the one? No outlet connection will be made to the Orris Brendel Drain.

The Surveyor stated the subdivision is going to take it's place. The 600 feet of tile is going to be basically taken out and replaced by Westfield storm.

Altman stated right, but where they discontinue, is that hooked into their subdivision? It didn't look like that from the report. It looked like they were just taking up tile and not reconnecting based on the second to the last paragraph "no outlet connection will be made".

Baitz stated that is the upstream section it wouldn't affect anybody but the development itself.

The motion had been made and seconded to approve the Surveyor's report and approved unanimously.

"FINDINGS AND ORDER

CONCERNING THE PARTIAL VACATION OF THE

**Little Eagle Creek Drain,  
Orris Brendel Drain Arm 1, Kimblewick Section 4 Partial Vacation**

**Station 0+0 to Station 6+42**

On this **26<sup>th</sup> day of April, 2021**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Little Eagle Creek Drain, Orris Brendel Drain Arm 1, Kimblewick Section 4 Partial Vacation (Station 0+0 to Station 6+42)**.

Evidence has been heard. Objections were presented and considered. The Board then adopted an order of action. The Board now finds that the costs of continued maintenance to the portion of the above drain exceed the benefits to the real estate benefited by the portion of the drain to be abandoned and issues this order vacating the above section of the **Little Eagle Creek Drain, Orris Brendel Drain Arm 1, Kimblewick Section 4 Partial Vacation (Station 0+0 to Station 6+42)**.

Hamilton County Drainage Board  
April 26, 2021

HAMILTON COUNTY DRAINAGE BOARD

Steven C. Dillinger  
President

Christine Altman  
Member

Mark Heirbrandt  
Member

Attest: Lynette Mosbaugh "

**Morrow-Follett Drain, JW Morrow Arm - Henry Roberts Heirs Addition Partial Vacation:**

There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"February 3, 2021

To: Hamilton County Drainage Board

Re: Morrow Follett Drain; JW Morrow Arm, Henry Roberts Heirs Addition Partial Vacation

Attached is a request to vacate a portion of the Morrow Follett Drain, JW Morrow Arm by Old Town Companies. The proposal is to vacate a portion of the existing JW Morrow Arm in Carmel, Indiana between 1<sup>st</sup> and 2<sup>nd</sup> Ave. NW. This is being requested as part of the proposed Replat of Lots 12, 13, and 14 of the Henry Roberts Heirs Addition.

The Morrow-Follett Drain is a combination of the J.W Morrow Drain, which was constructed in 1906 and the R.J Follett Drain, which was a 1928 reconstruction of portions of the Morrow Drain. The drain is currently maintained by the City of Carmel per a joint resolution approved by the board on March 5, 1990 (Drainage Board Minutes Book 2, Page 421). Station 0+00 to Station 21+92 was reconstructed per the records from the 1928 R.J Follett Drain reconstruction, as this portion of the tile is located along the same route as the original J.W Morrow Drain. Station 21+92 to 24+37 was vacated per my report dated on May 12, 2009 and approved by the board on July 27, 2009 (Drainage Board Minutes Book 12, Page 163). To the north, the portion of the J.W Morrow Arm from Station 27+27 to Sta. 30+26 per the original 1906 description, was vacated per my report date March 1, 2016 and approved by the board on April 25, 2016 (Drainage Board Minutes Book 16, Page 527)

The portion of the JW Morrow drain to be vacated will begin at the south property line of parcel 16-09-25-12-01-018.000 at the manhole and existing station 24+37 and end at the curb inlet and existing station 27+27 per the original 1906 description.

The request will remove 85 linear feet of 20-inch tile and 205 linear feet of 22-inch tile.

The Carmel engineering department has confirmed that the stormwater for the 5 parcels in question drain to various street inlets and that there is no evidence of water flowing into the portion of the drain to be vacated. A televising was conducted to verify this. Two connections were shown on the televising. One connection was a 6-inch vitrified clay pipe 14.5 feet north of station 24+37 and the other connection is a 4 inch steel cast pipe 52.9 feet north of station 24+37. Both connections are from the west and are located on parcel 16-09-25-12-01-018.000. Upon approval of the project, the north and south limits of the vacation and any existing connections to the drain will be capped with flowable fill.

The parcels affected by this proposal are the following:

<u>Owner</u>	<u>Parcel #</u>
Old Town Companies LLC	16-09-25-12-01-013.000
Old Town Companies LLC	16-09-25-12-01-015.000
Old Town Companies LLC	16-09-25-12-01-016.000
John Jeremi & Gomathi Jermankowicz	16-09-25-12-01-017.000
110 1 <sup>st</sup> Avenue LLC	16-09-25-12-01-018.000

Upon review of the request, I believe the above portion of the drain meets the requirements for vacation as set out in IC-36-9-27-34(d). In my opinion, the vacation will not adversely affect other property owners within the drainage shed. I recommend the Board set a hearing date for April 26, 2021.

Sincerely,

Kenton C. Ward  
Hamilton County Surveyor

KCW/STC"

Dillinger opened the public hearing; seeing no one present Dillinger closed the public hearing.

Heirbrandt made the motion to approve the Surveyor's report, seconded by Altman.

Altman stated I have the same question on this one. This one is more explicit. It says, "we don't think any water is running through here so we're going to plug it up".

The Surveyor stated we televised that tile and looked at it and it didn't appear to have any water running through it. Carmel confirmed that they don't believe there is any water running through it. We invited everyone around it, and no one has come forth.

Altman stated my only suggestion on this is when we disconnect and plug things up under the assumption nothing is running through it, we have a hold harmless and a covenant to reconnect if it's based on somebody's request.

Howard stated a waiver of remonstrance type of thing.

Altman stated I don't mind amending my motion to include those so we can move on if they're ready to construct.

The Surveyor stated I don't know if they are or not.

Clark stated they're not present.

Howard asked is this on subdivisions?

The Surveyor stated this is downtown Carmel, the old town.

Altman stated I'm just surprised they asked for permission because they're putting in all that stuff. They're putting in that big pond, which will be lovely, and we finally got the litigation settled, but it's effecting a regulated drain.

Dillinger asked are you modifying your motion or are you leaving it as is?

Howard asked is the easement through property they're building over?

The Surveyor stated yes. The portion to be vacated is that in yellow and there was one arm that was found coming from the west.

Altman stated yes, I'll amend my motion to include a hold harmless and a covenant to reconnect if it's based on somebody's request, seconded by Heirbrandt.

Howard stated this is the city so it's not the landowner.

Altman stated no. The city is the one petitioning; the landowners aren't, are they?

The Surveyor stated yes, they are.

Altman asked all those landowners?

The Surveyor stated the developer and I believe they have four or three of those properties.

Clark stated I believe it is three properties they're going to be redeveloping. The northern most; four parcels actually and then the southernmost property will not be built on.

Altman stated I feel even more compelled to make sure.

Howard stated I'm trying to see how we memorialize it of record. That's the problem.

Heirbrandt stated I think you're going to have to convey it directly to the city that this is how it was approved.

The Surveyor asked could we table it for today and go back to the city and let them know?

Heirbrandt made the motion to table this item, seconded by Altman.

Howard stated if it's going to be the city doing the hold harmless it's one thing, if we're vacating easements that affects all the property owners and it's not a drainage issue it's a property rights issue. I'm not sure where we're going and what we're going to have of record when whoever builds this, flips it and the water's in the basement. It is not that easy unless Carmel wants to hold us harmless for anything and if there's a problem there's a problem. Let's talk about this now because there's a lot of paperwork to be done based on what you want to do. Do you want the homeowners to sign it?

Altman stated it sounds like a developer has acquired the entire block or half block.

The Surveyor stated three of the lots.

Howard stated and we're vacating more than the easement that's on the developer owned lots.

The Surveyor stated yes, we're vacating from street to street. Sam, which does the developer own? Get up and show us.

Clark stated these three lots, but not the one at the southeast corner.

Howard asked did the lots to the north go clear across to the alley?

Clark stated yes. It was deduced that the drainage for these lots are picked up by inlets along the road that are currently maintained by Carmel.

The Surveyor stated and the tile that was found coming from the west was where?

Clark demonstrated which lot the tile was coming from.

Howard asked who's the developer?

The Surveyor stated Old Town.

Altman stated I want to make sure someone comes in and fixes it if everybody's guess is wrong and it doesn't fall back on us.

Howard asked, get me the last deed of record that Old Town's lots have and probably we need the last deed of record from everybody, but we may not do; which way does the water flow, north or south?

The Surveyor stated north.

Altman stated just have the developer get all this stuff.

Howard stated I think this is the first rule of complex problem solving. Whose problem is it and I think we need a consent. Is the consent signed by the southern property owner?

The Surveyor stated the petition is from the developer, not the petition, but the request.

Howard stated and he owns the northern three lots, but he doesn't own the ones to the south.

The Surveyor stated correct.

Howard asked are we sure the water is naturally going to the street now?

The Surveyor stated we are not sure.

Howard stated I'm trying to keep from creating a plaintiff here, especially a successful plaintiff, which is the guy in the fourth lot.

Altman stated fourth and fifth lots.

The Surveyor stated and across the alley.

Altman stated I think additional research needs to be done and it should be on the back of the developer I would think.

Howard stated yes.

The motion had been made and seconded to table this item and approved unanimously.

**Ream Creek - Vaughn Easement:**

The Surveyor stated we have the signed easement on the Vaughn property for the Board's approval.

Altman made the motion to accept the Vaughn Easement on Ream Creek, seconded by Heirbrandt and approved unanimously.

**Ream Creek - Laughlin/Stanley Easement:**

The Surveyor stated we received another easement on Ream Creek also. This one on Laughlin and Stanley properties.

Altman made the motion to accept the Laughlin/Stanley Easement on Ream Creek, seconded by Heirbrandt and approved unanimously.

The Surveyor stated I believe we have one more easement for Ream Creek now and it's supposed to be in the mail.

**Clara Knotts Drain - AT&T:**

The Surveyor stated that Duncan has been busy trying to get AT&T to move their line and not been successful. You have a report showing his correspondence back and forth going back to 2016 for them to move the line and then last year it is our understanding they put in a third line even with the knowledge we're coming. I'm asking the Board to do the same thing we did to Frontier.

Dillinger stated we need to talk about the Frontier thing, right?

Howard stated no, we'll talk about it. I checked with the Surveyor on Friday and it took care of itself.

Altman stated the good news in that area there's a ton of providers. It's not going to be the same situation because you're talking about the Home Place area.

The Surveyor stated yes.

Altman stated we have good internet in that area, I assume it's a fiber line so we won't be in the same situation as the Frontier where these poor people were getting held hostage by Comcast that wanted them to spend \$10,000.00 to pull a line. I don't feel bad saying "no permits", but they'll probably do it without a permit and then we'll have to fine them. If they don't get a permit from us, we need to start enforcing the permit process once we know they're in our regulated drain.

Heirbrandt stated I'm tired of dealing with these utilities. Time is money and they just do it whenever they want to do it. I'm personally tired of it. I'd like to start going after these people.

Howard asked were all of these in our prerecorded easement; all of the utilities in the Clara Knotts that we're talking about?

The Surveyor stated no, they're in right of way.

Altman asked does our regulated drain cut across it in any area?

The Surveyor stated it cuts across it in a few of the areas, but not in this particular area.

Howard asked what was the date of the annexation, 2018 or 2019?

Altman stated before that, it was around 2008. It's been years since the annexation.

Howard asked did they get permits from either Highway or the City?

The Surveyor asked are you sure about the date?

Altman stated that's right, we were in litigation for quite a while.

Howard stated but they may have settled the litigation retroactively because then they would have had deadlines for infrastructure. I think it was only three or four years. We need to find that out and then we need to find out if they got permits from anybody. The only way you can get their attention is to threaten to go ahead and construct your project and send a copy to the resident agent and to the IURC (Indiana Utility Regulatory Commission).

Altman stated probably when we ask them to move maybe we just make that part of the process. It's worth two more certified letters.

Howard stated yes and I assume, what's a reasonable time, 60 days, 90 days? The contractor is held up, right?

The Surveyor stated yes.

Heirbrandt stated like I said time is money and they're continually delaying us.

The Surveyor asked Duncan, the contractor has had the contract since when?

Duncan stated the end of last year.

The Surveyor stated we gave the utilities the first notice in 2016.

Duncan stated and then again in earnest in May last year. I told them that the project was getting legs and we need you to move utilities.

Altman stated we're probably going to have to decide if it's in right of way in areas that we don't have exclusive right of way or regulated drain when you've got conflicts among utilities what's the obligation and I don't know that answer.

The Surveyor asked when did that go to Carmel, was that last year?

Duncan stated I don't remember. It all blurs together when Carmel took over Home Place.

Altman stated just pull up a parcel, look on the transfer record and it will show you. It will show the transfer on annexation and it will show on the transfer record in the parcel information.

Howard stated and then we need to check with Dave Lucas and see if they got a permit at Highway and see what our ordinance said at the time. We've got this two edge sword and we just got it in this other issue, you deny them permits or you deny them things until they do what they're supposed to do and then citizens end up holding the stick for lack of service. In an old neighborhood like that AT&T's probably got a substantial amount of the customers.

Heirbrandt asked what do you advise us to do then?

Howard stated have the wisdom of Solomon. Do we go play hardball and threaten; I think we've got to threaten them to fine them and dig up our lines and check to see what our ordinance said on the relevant dates.

Altman asked what would it cost, depending on the line if it's just a telephone line, to dig it up and splice it, leave a raw splice, and install our stuff. That isn't much of a disruption of service. They can come fix it.

Howard stated if it's fiber optic line..

Altman stated that would be a problem.

Howard stated it may not be a problem at all. I have AT&T and their own people had me out of service for a week because they couldn't figure out where to splice the line.

Altman stated I'm trying to figure out how our contractors can go in there and do what we need to do and get it done. That's going to be the most efficient if they're not paying attention to us and then back charge them and sue them for the back charge. The problem is you wait on Duke or whoever and they get all picky about their lines, too bad. You've had notice, you fix it, you don't fix it you're not going to hold us up and we'll back charge you.

Heirbrandt stated I'm going to try to schedule a meeting with all the public works people, maybe with the Surveyor and the attorney from each jurisdiction and set in on a meeting and talk specifically about how we're going to handle these attorneys and maybe bring in a Baldwin or legislature and let all of us tell them the problems they are causing and the increase in costs that is affecting our projects.

Altman stated there should be legislation that allows us to go in.

Heirbrandt stated the problem is they support the utilities.

Altman stated the more we put a spotlight on that the more likely we are to have a change. You just have to keep putting the spotlight on it.

Heirbrandt stated I'll try to arrange it.

Howard stated in the meantime do you want us to start researching our ordinance and see how nasty we can be?

Altman stated of course.

Heirbrandt stated I think you have to.

Altman asked how else are we going to get someone's attention? We've tried the carrot and you've got to get the stick out occasionally. I like the concept of getting our own contractor in there to cut it and splice it and be done.

Howard stated we will do our best to reconnect it appropriately.

Dillinger asked do we need any kind of a motion here or what?

Altman made the motion to deny permits. I think that's what we can do today at Highway and Drainage. Seconded by Heirbrandt and approved unanimously.

The Surveyor stated we are changing the specifications for all pipelines, not just Panhandle and Marathon; pipelines, gas lines, cables, telecommunications, whatever it might be will now be put ten foot below our drains.

Altman stated that's fine, we have to have room to work.

Howard asked does our ordinance say that now?

The Surveyor stated that's what our new specifications are being changed to.

Altman stated let's amend the ordinance.

Howard asked did we ratify those by ordinance?

The Surveyor stated no.

Howard stated we probably should.

Altman stated why don't we verbally amend the ordinance today to require that so we can stop it. We're going into spring construction.

Altman made the motion to adopt the new standards for the Hamilton County Drainage Board that any utility that goes within drainage easement shall be buried at a minimum of ten feet to avoid conflict, seconded by Heirbrandt.

Howard stated the minimum of bottom of ditch and existing structure.

The Surveyor stated the bottom of the existing flowline of the open ditch or the invert elevation of the existing pipe facility.

Altman amended her motion to include those details, seconded by Heirbrandt.

Altman made the motion to adopt this ordinance on first reading, seconded by Heirbrandt and approved unanimously.

The motion had been made and seconded to adopt the new standards for the Hamilton County Drainage Board that any utility that goes within drainage easement shall be buried at a minimum of ten feet to avoid conflict (bottom of the existing flowline of the open ditch or the invert elevation of the existing pipe facility) and approved unanimously.

Altman stated get it documented, get it published. The main thing is to get it published and send it out to all utilities. This isn't tax money, it's user money. It's not fair to the people who have to pay for the drains.

The Surveyor stated right. We're just sitting around waiting on them now. It will be a year now.

Heirbrandt stated look at 146<sup>th</sup> Street, it's a perfect example with the two pipelines. They delayed our whole project for well over a year. With all the mud and always trying to clean out the drains. It's a mess.

Altman stated the other thing positively we can do without a change is work on the notice. When we're going to work on a project, and we tell them to get out of the way outline exactly what we're going to do and when we're going to do it.

Dillinger stated those main pipelines are not uncommon, we ran into the same thing on 234<sup>th</sup> Street.

Altman stated plus you have federal preemption on pipe.

Dillinger stated yes, they have the feds behind them, and they just tie your hands.

Altman stated on the other utilities I don't think they're going to have the same federal protection. That's where when we send out a notice we need to send it certified mail so we know they got receipt, we need to tell them "here's your timeline", this is what's going to happen if you don't meet the timeline and it's your choice. We'll have our contractor resplice or reconnect at your cost and any delay of the project will be the inflation rate from the date of delay and extras. Let's just outline what's going to happen then they can't say we didn't have notice and then when they try to sue us because we cut their line, we'll say "you had it in writing". That's the only way we're going to get it changed.

**Proposed Grant Projects:**

The Surveyor stated you got this sheet on Friday.

Heirbrandt stated this is a list of the new projects that the Surveyor is looking at that could qualify under the American Rescue Plan Act.

Altman asked what's the gross amount on what you're listing?

The Surveyor stated \$16,740,898.00.

Altman asked is it spread among the county? We've got to come away to vet these things.

The Surveyor stated Home Place, Wayne Township, Washington Township..

Heirbrandt stated I understand what you're saying about spreading this out, but some of these are ones that will probably never ever get done as he said the last time we sat and talked. We just need to figure out a way to get them done.

Altman stated I just want to be defensible. There's got to be criteria when we don't have \$16,000,000.00 how do we pick and choose or if we have \$16,000,000.00; are there any other plans that are shovel ready?

The Surveyor stated not that we have ready that are pipe. Otherwise the list would be longer.

Dillinger asked do we need to act on this?

Altman stated we're still formulating our plan.

Howard stated you'll have the first draft of the plan before you in ordinance form two weeks from today. We didn't get it all done, but I think once you get the plan; we're talking about committees to amend for not for profits and small businesses, etc., etc., but there is an appropriation on the agenda to appropriate the first \$32.5 million two weeks from now and you've spent less than \$4,000,000.00 I'm estimating on Friday. We're working with payroll to get the questionnaires out, but I don't see spending any more than \$4,000,000.00 there. I think maybe you would want to prioritize at least at some level; are these you say \$16,000,000.00?

Altman stated some aren't designed yet. I see two that need designed.

Heirbrandt stated yes and some plans need to be updated.

The Surveyor stated these will be quick designs. Some of them we have survey ready, some of them we're doing the survey.

Heirbrandt asked the reason the A. F. Ingerman isn't on here is because there's no pipe, it's just ditch?

The Surveyor stated no pipe.

Altman stated again, I think this is really important, but this is a direct benefit to specific people unlike a tax-based project. That's the concern and I think we need to be very careful to make sure there is some formula to make sure it's equitable among the citizens of the county. That's my biggest concern.

Heirbrandt stated I understand it, I think if you follow the grant, we're limited to what we can do.

Altman stated yes, but I think we can easily go through; I think we easily can get that \$65,000,000.00 done.

Heirbrandt asked what do we need to do?

Howard stated you're telling the Surveyor to move forward and we'll have a plan in front of you at your next meeting for the use of the grant funds. He's got design work to do, but I think to Commissioner Altman's suggestion these are benefits to a limited number; I don't know how many drains we have.

Altman stated lets just do the old fire station application where you take the drainage shed benefitted and draw your protractor on these drains. That's how they decide where fire stations go. This isn't rocket science. Do the watersheds that this will improve, and you can do directly and indirectly because they accept more water and lay it out.

Howard stated you've got until December 31 of 2024 to spend whatever money is allocated by the Commissioners from grant funds.

The Surveyor stated I thought I had two years.

Howard stated any money we do not spend by December 31, 2024 we have to put in a package and ship it back to Washington. It will not go up the hill to reduce subsequent debt; from the hill down is a one-way street, but it will be reallocated among various departments of the United States Government.

The Surveyor stated I can add to this list.

Heirbrandt asked the Surveyor, confirm with Todd (Clevenger) and make sure what qualifies.

The Surveyor stated I thought I had two years to spend it, that's why it's this short.

Altman stated if we can just map it out so I feel comfortable that we're hitting a fair part of the county, number one, I think there's value to jumping on one or two drains that are the worst before contractors get sucked in. There's real value to acting quickly. I don't want to hold it up, but I just see us getting crucified if these projects aren't fair and equitably selected. I would be upset too if I was someone paying in on a reconstruction that they had to pay out of pocket and now somebody else gets theirs for free.

The Surveyor stated the other thing to consider is the upcoming infrastructure act. That one currently says storm water, but we're trying to, through NACo, add open ditches. I made the suggestion to the lobbyist for NACo and a Commissioner in Ohio jumped right on it and so did a Commissioner in Florida. They said yes, that's where all this water is going.

Howard stated caveat, Mr. Surveyor in charge of water, you're competing with roads and bridges on the infrastructure. This one, you're not competing with roads and bridges as long as you are eligible, so I think you need to zero in on these as soon as possible.

The Surveyor stated yes, but that one may include open ditches, that was my point. That's where the Ingerman is going to come in.

Altman stated we do what we can do. Right now, we've got a green light, we think, on pipe.

Dillinger stated personally I think it's all a big travesty anyway, it's ridiculous.

Altman asked all this money?

Dillinger stated yes.

Altman stated I don't disagree.

Dillinger stated we're just spending money because we have to, because we can. It's just not the way government should be run.

Howard stated you're buying votes for 2024.

Dillinger stated and you're putting our kids and grandkids in the worse financial strapping just because we have to spend money. That's ridiculous.

Howard stated Capitol Hill is a one-way street, it goes down, it doesn't go back up.

Altman stated and your infrastructure hopes half of the bill has nothing to do with infrastructure that's coming down the pike. That money may or may not be there for stuff.

Dillinger stated to me it creates a moral issue for the administrations that it's dumped in their lap either spend it or give it back and we'll give it to someone else.

Howard stated most of this emergency relief act is focused on lost revenue from major cities. Wayne County, Michigan and Cook County, Illinois those people priority one is replace revenue; that's why you don't hear any news about this. Priority one is to replace revenue and they're going to suck it up the minute it hits the bucket. They were upside down anyway.

**N. H. Teter Drain - Petition:**

The Surveyor stated we have a petition for the N. H. Teter Drain.

Altman asked what percentage do the Galloway's own.

The Surveyor stated Galloway owns 25% on the Teter Drain.

**Weaver & Hooke Drain, William Weaver Arm - Petition:**

The Surveyor presented a petition for the William Weaver Arm of the Weaver & Hooke Drain to the Board for referral to the Surveyor's Office.

Altman asked what percentage do Galloway's own?

The Surveyor stated 45% on Weaver & Hooke.

Altman stated on the Weaver & Hooke Drain, this will be a lovely hearing.

The Surveyor stated this is the one that goes up to serve Durbin School.

Heirbrandt stated Jim (Galloway) is usually pretty good with his neighbors.

Altman stated I hope so because he's got a whole lot of neighbors that get to pay.

Heirbrandt stated Jim knows the process.

The Surveyor stated he's been talking about both of them for a long time.

Howard asked are these open ditches?

The Surveyor stated no, tile. If you notice they're on the list.

Howard stated just thinking out loud and direction to the Surveyor, after we determine whether or not these projects are eligible under the act, would it kind of soften Commissioner Altman's concerns; there are going to be some concerns out there where people are going to get hammered for a full reconstruction assessment on something that doesn't qualify. Would it make sense to look at some type of assessment to cover part of the reconstruction, not the whole amount? What we might do is go ahead and approve the reconstruction and the assessments and then once we make sure we're real comfortable because you may have open ditches get added under the interpretation of the feds. This is a moving target. We're seeing about 20% of it. You could always relieve some of those costs as long as you committed the grant money before you start construction. Still, you have to advertise the higher assessment. I'm just trying to leverage this money as far as we can and if they get to something other than pipe you need to ask for more space because you're going to have to triple your staff for about two years.

Altman stated then it puts it in the rate payers' hands whether they want a leverage or not. To me it's so unfair that somebody gets theirs totally free. We work and work trying to make things equitable.

Howard stated and the next guy is paying retail because he's got open ditches rather than pipe.

Altman stated we can't fix that, but we can fix do we want to make sure someone has skin in the game for equity, if we can use the \$65,000,000.00 countywide, and I think we can on all kinds of projects.

Heirbrandt stated you blame the Federal Government.

Altman stated they're going to blame us because we pick and choose.

The Surveyor stated right now I'm going with pipe because that's what I've been told.

Altman stated that's fine, I'm sure you're working on your secondary list.

Howard stated but I guess the question now is, on the pipes, do we want to advertise an assessment, even if it's qualified, do we want to advertise an assessment and at what level?

Altman stated we have time to think about it. We won't decide that today, but if we find out...

Howard stated just food for thought.

Altman asked can we pay off any existing assessment?

The Surveyor stated I was told this also includes soft costs.

Altman stated I think you get the ones designed we need to get designed. That's not going to go away in terms of value.

The Surveyor stated the Knotts was on the shelf since 1987 and we built the Delaware and New Jersey with those plans.

Altman asked do we have money, without an appropriation, to start design on the two that need designed?

The Surveyor stated the Beaver & Brookes is under design now.

Altman stated I'm talking about Weaver & Gustin.

The Surveyor stated the Teter is already surveyed. The Weaver is not. The Gustin Drain is about a two-day survey and design. Cornthwaite is one for Cicero.

Altman asked is that the one that's been caught holding everything up?

Heirbrandt stated yes.

Altman made the motion to start design on the Cornthwaite Drain, seconded by Heirbrandt and approved unanimously.

Howard stated if the Surveyor will get us a list of those, I don't know about spending money before it's committed, but we'll use it for endorsement resolution like we do on bonds.

Heirbrandt stated I think we need a list of where all of these drains are.

Altman stated right, I do want a map with the drainage shed that benefits.

**Final Reports:**

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

**"To: Hamilton County Drainage Board**

**April 16, 2021**

**Re: Isaac Jones Drain: Thomas B. Lindley Arm - US 31 Reconstruction**

Attached are as-builts and other information for the US 31 Reconstruction of the Thomas B. Lindley Drain. 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 December 31, 2012. The report was approved by the Board at the hearing held January 14, 2013. (See Drainage Board Minutes Book 14, Pages 467-468)

The changes are as follows: the existing open ditch was removed between Station 83+88 to Station 96+06 and replaced with 1235 feet of open ditch. The length of the drain due to the changes described above is now **1235 feet**. It should be noted that the project removed 1218 feet of existing open ditch.

The work was performed in road right of way and existing regulated drain easements. The project was paid for by the State of Indiana.

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 16, 2021**

**Re: Isaac Jones Drain: W.C. Inman Arm - US 31 Reconstruction**

Attached are as-builts, and other information for the US 31 Reconstruction of the W.C. Inman Drain. 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 January 31, 2013. The report was approved by the Board at the hearing held April 22, 2013. (See Drainage Board Minutes Book 14, Pages 557-559)

The changes are as follows: the south relocation of the 12" tile removed 362 feet of tile between station 32+28 and station 35+90. It was replaced with 337 feet of open ditch. The northern relocation removed the existing open ditch at station 9+49 to station 11+81. This section of drain was replaced with 259 feet of open ditch. The length of the drain due to the changes described above is now **596 feet**. It should be noted that this reconstruction project removed 594 feet of existing drain.

The work was done within existing regulated drain easement and road right of way. The project was paid for by The State of Indiana.

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 8, 2021**

**Re: Mud Creek - Sand Creek D.A.: Frank Keiser Arm - Cyntheanne Rd Bridge 306 Project Recon.**

Attached are as-builts and other information for Cyntheanne Rd Bridge 306 Project Recon. 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 September 6, 2017. The report was approved by the Board at the hearing held September 11, 2017. (See Drainage Board Minutes Book 17, Pages 471-472)

The changes are as follows: the 30" RCP was shortened from 180 feet to 176 feet. The length of the drain due to the changes described above is now **176 feet**. The original 27" concrete tile was removed from Sta. 140+32 to Sta 142+02. Thus, the project added 6 feet to the overall drain length.

The work was performed within existing regulated drain easement and road right of way. The project was paid for by the Hamilton County Highway Department.

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 14, 2021**

**Re: Williams Creek D.A. -West 146<sup>th</sup> Street Expansion Project**

Attached are as-builts, plans, and other information for the 146<sup>th</sup> St. Road Improvement project. An inspection of the drainage facilities for this project has been made and the facilities were found to be complete and acceptable.

This report will serve as an initial and final report for this construction. This road project began just west of Ditch Road and continued just past Towne Road. The project was managed by the Hamilton County Highway Department and plans being prepared by Beam Longest and Neff with a project number of 138315700LC3. During this construction two regulated drains were affected. Those drains are as follows:

**Williams Creek Drain: Shadow Wood Arm**

**BLN Plans Page 89:** the existing 487 feet of open ditch was replaced and extended with 665 feet of open ditch. Therefore, the drain was lengthened by 178 feet.

**Williams Creek Drain: Towne Road - 131<sup>st</sup> ST to 146<sup>th</sup> St Reconstruction Arm**

**BLN Plans Page 89:** the existing 104 feet of 36" RCP was removed and replaced with 136 feet of 4.4' x 2.8' ERCP. Therefore, the drain was lengthened by 32 feet.

The work was done within road right of way and existing regulated drain easements. The project was paid for by the Hamilton County Highway Department.

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

Sincerely,

---

Kenton C. Ward,  
Hamilton County Surveyor

KCW/slm"

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

**Capital Asset Notifications:**

The Surveyor presented the following Capital Asset Notifications to the Board for approval: W. C. Inman Drain; W. C. Inman Drain, 2009 Extension; W. C. Inman Drain, US 31 Reconstruction; Thomas B. Lindley Drain; Frank Keiser Drain; Williams Creek, Shadow Wood Arm; and Williams Creek, Towne Road, 131<sup>st</sup> to 146<sup>th</sup> Street Reconstruction.

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

**Citizens Energy Group:**

The Surveyor presented the minutes of the Service Advisory Board of March 16, 2021 for the Board's information. He asked if there were any questions.

There were no questions.

**Variance Request - White River Fill in the Floodplain:**

The Surveyor stated the applicant requested that this item be tabled. They don't like our recommendations.

Heirbrandt made the motion to table this item, seconded by Altman and approved unanimously.

**Violation Update:**

Conover presented his report to the Board for their information.

"April 7, 2021

Wanczyk, Robert  
402 N East Street  
Arcadia, IN 46030

**\*STOP WORK ORDER\***

RE: No Stormwater Pollution Prevention Plan (SWPPP)  
No Erosion Control on site

Parcel #03-02-13-00-00-016.000

This letter is to notify you that the Hamilton County Surveyors Office (HCSO) has issued a Stop Work Order to cease all work on the property located at 402 N East Street, Arcadia, IN 46030, Parcel # 03-02-13-00-00-016 being shown on Hamilton County tax record as owned by Robert Wanczyk, 402 N East Street, Arcadia, IN 46030. The Stop Work Order applies to all contractors/subcontractors working on this property.

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

- 1.) A Stormwater Pollution Prevention Plan (SWPPP) has not been submitted to the Hamilton County Surveyor's Office. This is in direct violation of Hamilton County Ordinance No. 5-09-05-B which regulates storm water runoff associated with construction and post-construction activities in Hamilton County, Indiana.

The Hamilton County Stormwater Management Technical Standards Manual Section 602.01 includes:

HCSO will require a Stormwater Pollution Prevention Plan (SWPPP), which includes erosion and sediment control measures and materials handling procedures, to be submitted as part of the construction plans and specifications. Any project located within Hamilton County which falls under the jurisdictional authority of Hamilton County government and includes clearing, grading, excavation, and other land disturbing activities resulting in the disturbance of 1 acre or more of total land area is subject to the requirements of this Chapter. This includes both new development and re-development.

This chapter also applies to disturbances of less than one 1 acre of land that are part of a larger common plan of development or sale if the larger common plan will ultimately disturb one (1) or more acres of land, within the area under the jurisdictional authority of Hamilton County. Section 602.03 of this Chapter provides guidelines for calculating land disturbance. Projects meeting the coverage requirements of 327 IAC 15-5 (Rule 5) shall also be in compliance with 327 IAC 15-5.

Due to the proposed changes of the property from the current condition, a Stormwater Pollution Prevention Plan (SWPPP) will be required to be submitted to this office for review and approval.

I have attached a map of your parcels which includes the location of the statutory regulated drain easement for the Wm Nagle Arm 1 Regulated Drain. Per Indiana Code no fill may be placed within the easement of a regulated drain. Any proposed work within this regulated drain easement will require review and approval from the Hamilton county Surveyor's Office.

Should you have any questions or comments, please feel free to contact Andrew Conover Inspector for the Hamilton County Surveyor's Office at 317-776-8495.

Thank you for your cooperation.

Sincerely,

---

Kenton C. Ward  
Hamilton County Surveyor

CC: Hamilton County Drainage Board  
Town of Arcadia "

Conover stated we received the signed certified mail receipt but have not had any contact with the property owner. I did speak with Donny (Aleo) with the Town of Arcadia and they too put a stop work order on the project. Their office has not been contacted by the property owner. The work was stopped, and we required they provide a SWPPP (Storm Water Pollution Prevention Plan) to us and we have not received that.

Hamilton County Drainage Board  
April 26, 2021

**Non-enforcements:**

Clark presented a non-enforcement request for the Hunters Knoll Drain filed by Matthew and Stacey Bailey for parcel #17-09-24-03-03-001.000 for a fence. The Surveyor's Office recommends approval.

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

Clark presented a non-enforcement request for the Little Eagle Creek Drain, Tallyns Ridge Arm filed by Matthew and Sky Andrews for parcel #17-09-20-00-22-002.000 for a fence. The Surveyor's Office recommends approval.

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

Clark presented a non-enforcement request for the Little Eagle Creek Drain, Washington Township Arm filed by Duke Energy Indiana for parcel #08-05-34-00-00-023.006 for a T-Line Structure. The Surveyor's Office recommends approval.

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

Clark presented a non-enforcement request for the Little Eagle Creek Drain, Washington Township Arm filed by Duke Energy Indiana for parcel #08-05-34-00-00-023.006 for a T-Line Structure. The Surveyor's Office recommends approval.

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

Clark presented a non-enforcement request for the Williams Creek Drain, Jackson's Grant Arm filed by John and Vivian Maley for parcel #17-09-34-00-12-006.000 for a paver deck. The Surveyor's Office recommends approval.

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

Clark presented a non-enforcement request for the Williams Creek Drain, Jackson's Grant Arm filed by Joshua Uffman and Alexander Roberts for parcel #17-09-34-00-08-006.000 for trees. The Surveyor's Office recommends approval.

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

Clark presented a non-enforcement request for the Williams Creek Drain, John Osborn Arm, Kingsmill filed by Jeffrey and Joy Huffman for parcel #17-13-05-00-11-014.000 for a fence. The Surveyor's Office recommends approval.

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

Clark presented a non-enforcement request for the Williams Creek Drain, West Rail at the Station Arm filed by Ken William Eygnor for parcel #08-09-10-00-20-017.000 for a fence. The Surveyor's Office recommends approval.

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

Clark presented a non-enforcement request for the Williams Creek Drain filed by Beazer Homes of Indiana, LLP for West Rail at the Station Section 3. The Surveyor's Office recommends approval.

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

Clark presented a non-enforcement request for the Williams Creek Drain, Wilshire Arm filed by Kenneth and Nancy Ray for parcel #08-09-10-00-19-047.000 for a fence. The Surveyor's Office recommends approval.

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

Liston presented a non-enforcement request for the Fairfield Farms Drain filed by Brandon and Stacia Frazee for parcel #11-07-30-04-04-048.000 for a fence. The Surveyor's Office recommends approval.

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

Liston presented a non-enforcement request for the Vestal/Kirkendall Drain, Hazel Dell Woods Arm file by Andrew and Michelle Pixley for parcel #10-10-04-00-06-046.000 for a fence. The Surveyor's Office recommends approval.

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

Liston presented a non-enforcement request for the Vermillion Drain, Enclave at Vermillion Arm file by Julius and Lauren Jones for parcel #13-16-08-00-21-028.000 for a fence. The Surveyor's Office recommends approval.

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

Liston presented a non-enforcement request for the Vermillion Drain, Enclave at Vermillion Arm filed by Alexandra Skrinak and John Terwilliger for parcel #13-16-08-00-21-021.000 for a fence. The Surveyor's Office recommends approval.

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

Liston presented a non-enforcement request for the Vermillion Drain, Heritage at Vermillion Arm file by Patrick and Ashley Manore for parcel #13-16-05-00-02-011.000 for a fence. The Surveyor's Office recommends approval.

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

Liston presented a non-enforcement request for the Vermillion Drain, Heritage at Vermillion Arm file by James Stanley for parcel #13-16-08-00-13-028.000 for a wooden retaining wall. The Surveyor's Office recommends approval.

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

Liston presented a non-enforcement request for the Vermillion Drain, Village at Flat Fork Arm file by Francisco Preciado for parcel #13-16-05-00-01-006.000 for a fence. The Surveyor's Office recommends approval.

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

**Surety Acceptance:**

Liston stated that at this afternoon's Commissioner's meeting the Board would accept the following sureties: Payment Bond No. B-9125034 in the amount of \$100,148.00 for Intracoastal at Geist Drain, reconstruction; Performance Bond No. 70NGP184935 in the amount of \$598,515.50 for Monon Corner Section 1, Cove Horney Drain Reconstruction.

**Surety Release:**

Liston stated that at this afternoon's Commissioner's meeting the Board would be releasing the following sureties: Irrevocable Standby Letter of Credit No. 1067 in the amount of \$59,356.00 for O'Reilly Auto Parts Store, Elwood Wilson Drain Relocation; Subdivision Performance Bond No. 5053193 in the amount of \$66,681.00 for Waterfront of West Clay Section 5A, subsurface drains.

**Construction Updates:**

Intracoastal at Geist Drain - Liston stated we're still on hold with this project because of Duke Energy. Friday, I had a conversation with Shawn Williams of Centerpoint Energy, which is Vectren and they potholed their facilities in the vicinity where we need to start. They believe there is enough slack in the line that we'll be able to go underneath them. We'll coordinate that with the pipeline contractor when we are able to start.

Mallery Granger Drain Reconstruction - Liston stated the contractor is dredging on this project.

Ellis Barker Drain Reconstruction - Duncan stated the contractor is scheduled on the week of May 3<sup>rd</sup> to close the intersection and complete the project. I did receive an email from the City of Westfield that they're okay with the closure in that timeframe.

Clara Knotts Drain, Park Broadway Arm - Duncan stated this project is on hold pending utility relocations.

Overman-Harvey Drain, Village Farms, Adios Pass Reconstruction - Duncan stated this project was scheduled to be paved last week which should complete this project.

**Mark's Updates:**

Bellewood Drain, Glen Oaks Arm (Konow Property) - Baitz stated I met with Mr. Konow in March. He had a couple of issues with the flex mat, there were a couple of loose pads. We anchored those down immediately. His basic concern when I met with him in early March was that he wanted it to be covered in grass immediately. He wondered why it wasn't. We haven't had any weather that would germinate the seed at that time. We also received an email on the 23<sup>rd</sup> and the HOA has now sprayed that flex mat with Round-Up so it will not germinate at this time.

Altman asked is that the stuff that kills it for six months?

Baitz stated Round-Up stays residual in the ground for two weeks. It's non-selective vegetation, it kills everything.

Anchorage Drain (Burke Erosion Study) - Liston stated the office had a Teams kick off meeting with Burke on April 7<sup>th</sup>. Prior to that Burke had been out and done their evaluation of the problem.

Shortenhaus Drainage (15438 Shelborne Road) - Conover stated what I had found was at 151<sup>st</sup> Street and under Shelborne Road there are sizeable box structures and a well-defined drainage ditch that goes into the pond at the Shortenhaus property. There is kind of an overflow out of the pond that goes about 100 feet and then disappears. I've never quite seen anything like it with such a defined ditch just kind of going away. There's about a 10" or 12" pipe on the Shortenhaus property that appears to go towards the cemetery to the north. The only option available through the County to help the Shortenhaus' is if they petition for a regulated drain to come from Little Eagle Creek, through the cemetery into their property. Our office went through it, the Surveyor had Darren (Wilson) do a watershed analysis to see the acreage and how many property owners were in there and came up with a property owner list and a petition to give to the Shortenhaus'. I did drop that off personally last week. Mrs. Shortenhaus did not appear to be interested because she did not want to give easement through their property for this regulated drain. I explained to her the only help the County can give them is if they petitioned for a regulated drain and if there is a regulated drain it will require an easement for us to install it and maintain it in the future.

Heirbrandt asked can you put that in writing to her and anybody else complaining?

Conover stated I will do that.

Vincent Case Drain (Bear Drainage) - Heirbrandt asked is the pipe under 234<sup>th</sup> Street not big enough?

Conover stated this is an agricultural drain and it functions fine as an agricultural drain. I run into this very often where people move into the country and they're used to storm drains in a town. An agricultural drain's design and function is to lower the water table to make the ground tillable. It's not a storm drain. With an agricultural drain, even with a new one, the way it's designed 95% or more the water flows over the surface and then once the major rain surface are gone where the water is pocketing and when the ground is saturated then the agricultural drain dries up the ground and lowers that water table again for agricultural purposes. The situation with the Bear property is you get the major surface flows which are normal for an agricultural drain design, they flow under his driveway and into a box culvert under 234<sup>th</sup> Street. The box culvert is 4'x7' for 28 square feet of opening. Bear has three 18" pipes under his driveway which give approximately 5 square feet of opening. He's only making a fourth capacity on this driveway as what the road can handle. In addition to the small capacity the three culvert pipes in an agricultural area you get the no till debris. When you have multiple pipes like that, and you get no till they start getting plugged up. One of the reasons we don't allow multiple pipes, we try to avoid them at all costs on our regulated drains. That's the situation we're at there. The only real option there is to increase the size under his driveway to match what's under the road. There could be an option where he could take his driveway to the other side and then remove all of this. I don't know whether he would want to do that, but that would be an option.

Heirbrandt stated I'd like some recommendations in an email that I can send to them.

Altman stated you need the explanation of how these drains are designed to work and what our jurisdiction is.

Heirbrandt stated I'm going to take the meeting minutes too of him explaining this to be able to convey that.

Howard stated I think the conclusion is that the obstruction is caused by his driveway and again whose problem is it? It doesn't appear to be a cost which should be assessed to the drainage shed. Is that where we are?

Conover stated there are three culverts under his driveway and then there's the box culvert under the road.

Howard stated it appears it is not a Drainage Board problem, but a private property problem. Is that area regulated?

The Surveyor stated the Vincent Case Drain runs through there.

Conover stated and there is a good-sized inlet on our regulated drain.

The Surveyor stated but that's only a 12" tile at that point.

Baitz stated it's a 14" tile.

Howard stated that driveway looks fairly new. I wonder if anybody had a permit?

The Surveyor stated that was put in by the Highway.

Howard stated that changes which way this goes.

Altman asked and that's a county road?

Heirbrandt stated yes.

The Surveyor stated if you remember in the video, Lisa is saying, and this is what was designed and approved by the Highway.

Altman asked did we acquire right of way from them; is that why we put that in there?

The Surveyor stated yes.

Heirbrandt stated you ought to see the video.

Altman stated it looks like Highway owes them a new driveway.

Heirbrandt stated it needs to be conveyed to the Highway too.

Altman stated yes, we need some expertise.

Heirbrandt stated we need some advice and guidance on this.

The Surveyor stated if you put a larger structure under there, one thing you're going to have a problem with is the approach off the road will be pretty sudden down onto the main driveway. Really what needs to be done is a larger structure under that driveway moved closer to the road and just one structure instead of three barrels.

Altman stated or an oval.

Howard stated probably an oval, more capacity, less height.

Heirbrandt stated I'm going to need some direction from you guys.

Altman stated let's bring it up at Highway.

Beals & Cox Drain (Hinshaw Drainage) - The Surveyor stated Luther (Cline) did go out and look at it. What he told me was that a lot of the work that's being done by Westfield will give that water a place to go in the future.

Heirbrandt asked with the development of Northpoint?

The Surveyor stated the north extension of East Street.

Heirbrandt asked when is that supposed to be done?

The Surveyor stated they're working on it now; I think it's completed this year.

Heirbrandt asked can somebody follow up with Ms. Hinshaw and copy me on that?

The Surveyor stated yes.

Heirbrandt stated she really appreciated you guys coming out.

The Surveyor stated they're putting in an open ditch where the 12" tile is now so it should carry more water.

Howard asked is Old Town involved in this?

The Surveyor stated no.

Howard stated I have a message from them I need to return and it's about a drainage problem in Westfield. Do you know anything about that?

The Surveyor stated this one is Chris White's.

**Drainage Board Attorney (Pending Items):**

Utility Non-enforcements - Altman asked can we have Conner (Sullivan) work on the utility non-enforcements? Times passing and we need to get the thing done. We need the notice letter; we need to have the violations where we can start charging people and we need to be able to move the stuff at their cost. Next meeting would be good.

The Surveyor stated we'll give Conner what we send.

Howard stated give us what you send now, and we'll pull the ordinances and see if the ordinances need to be spruced up. We do need an ordinance ratifying your standards at a very minimum.

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

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Steven C. Dillinger - President

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Lynette Mosbaugh  
Executive Secretary