

MINUTES OF THE HAMILTON COUNTY DRAINAGE BOARD

May 9, 2022

The meeting was called to order Monday, May 9, 2022 at 12:01 p.m.

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

Approval of Minutes of April 25, 2022:

The minutes of April 25, 2022 were presented to the Board for approval.

Dillinger made the motion to approve the minutes of April 25, 2022, seconded by Heirbrandt and approved unanimously.

Elwood Wilson Drain - E. M. Hare Arm (Revised):

There were two objections on file. Ms. Sue Dillon, Mr. Jim Dillon, Ms. Patsy Savage, Mr. Jim Harger, Mr. Matt Skelton, Mr. Brian Powers, Ms. Darlene Musselman, Mr. Joel Musselman, Ms. Rebecca Fleck, Mr. James Hellmann, Mr. Corby Thompson and Mr. Jonathan Mirgeaux were present for this item.

The Surveyor presented his revised report to the Board for approval.

"April 6, 2022

TO: Hamilton County Drainage Board

RE: Elwood Wilson Drain E.M. Hare Arm Reconstruction (Revised)

Attached are the plans, schedule of assessments and drainage shed map, for the Elwood Wilson Drain EM Hare Arm Reconstruction Project.

The Elwood Wilson Drain EM Hare Arm is located in Noblesville Township of Hamilton County and benefits properties in Sections 32 and 33 of Township 19 North, Range 5 East. The drain is currently tiled and is 8,197-feet-feet in length. The EM Hare Arm drainage shed is 765.94-acres. The area subject to assessment also includes acreage in Section 5 of Township 18 North, Range 5 East in Noblesville Township and acreage in Section 34 of Township 19 North, Range 5 East in Wayne Township.

The Elwood Wilson Drain EM Hare Arm discharges to the Home Depot Relocation Arm of the Elwood Wilson Drain on the east side of Presley Drive. The Home Depot Relocation Arm of the Elwood Wilson Drain discharges to the Elwood Wilson Main Ditch which then flows downstream through the Elias Gascho Arm, then flows through the Firestone Reconstruction Arm, and then flows through the Elwood Wilson Main Ditch to Stony Creek.

The attached plans, dated December 17, 2021 were prepared by Clark Dietz, Inc. The plans are for dredging a section of the Elwood Wilson Main Ditch, reconstructing the majority of the Home Depot Relocation Arm of the Elwood Wilson Drain, and reconstructing a portion of the EM Hare Arm of the Elwood Wilson Drain as an open ditch. The project will improve the flow characteristics of the Drain and will allow future reconstruction projects of the remainder of the EM Hare Arm of the Elwood Wilson Drain.

The drain stationing in this report reference the historic stationing of the drain. The project stationing of the construction plans by Clark Dietz does not follow the historic stationing.

I have made a personal inspection of the Drain. Upon doing so, I believe that the drain is practicable; will improve the public health; will 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.

History

The Elwood Wilson Drain was established in approximately December of 1891 (Commissioner's Record No. 7, Page 153).

The EM Hare Arm of the Elwood Wilson Drain was petitioned on May 16, 1908. The record includes a Viewers Report dated June 8, 1908 (Ditch Construction Book 1885-1914, Page 323).

The Home Depot Relocation Arm of Elwood Wilson Drain was approved at hearing at the August 27, 2001 meeting of the Drainage Board (Hamilton County Drainage Board Meeting Minutes Book 6, Page 127)

Work Order History

Based on a search of the County's database for drainage complaints, there have been eighteen (18) Drainage Complaints logged in to the County's database for such complaints since 2001. The complaints are listed below.

Job #	Issue	Description	Location
DC-2001-00086	1/17/2002	Breakdown of tile; several holes	East of SR 37 & South of SR 32
DC-2001-00194	10/16/2001	Flooding in area	#18067 Promise Rd, Noblesville
DC-2002-00009	1/17/2002	Blow hole	North of SR 32 & West of Promise Rd
DC-2002-00235	5/14/2002	No headwall on surface drain	North of SR 32 & East of Presley Dr
DC-2003-00577	10/9/2003	Blow holes	181st St & Promise Rd
DC-2003-00639	11/10/2003	Broken tile	North of SR 32 & West of Promise Rd
DC-2006-00300	7/6/2006	Erosion	North of SR 32 & East of Presley Dr
DC-2008-00023	1/29/2008	Broken field tile	North of SR 32 & West of Promise Rd
DC-2011-00428	11/17/2011	Standing water	Near 181st St on both E and W sides of Promise Rd
DC-2012-00134	4/5/2012	Blow holes	North of SR 32 & East of SR 37
DC-2014-00254	5/14/2014	Erosion at gabion baskets	North of SR 32 & East of Presley Dr
DC-2014-00289	5/30/2014	Blow hole	North of 181st St & East of Promise Rd
DC-2014-00505	11/19/2014	Blow holes	North of SR 32 & West of Promise Rd
DC-2015-00238	5/13/2015	Blow hole	Near 181st St & West of Promise Rd
DC-2015-00469	10/8/2015	Rocks and sediment in Breather	North of 181st St & East of Promise Rd
DC-2016-00115	4/14/2016	Seven (7) blow holes	North of SR 32 & East of SR 37
DC-2018-00111	4/5/2018	Water overtopping road on 186th St	On 186th Street & West of Promise Rd
DC-2019-00035	2/1/2019	Drain clogged	North of 181st St & East of Promise Rd

There have been a total of 12 Work Orders since 2001 with a total value of \$19,897.93. The Work Orders are listed below.

Job #	Type of Repair	Cost (\$)	Date Complete
WO-2001-00156	Water boiling up; Investigate tile for blockage	\$3,251.20	1/10/2003
WO-2002-00010	Blow hole	\$294.00	8/12/2003
WO-2003-00239	Several blow holes	\$1,422.10	1/20/2005
WO-2004-00040	Repair holes and investigate tile for blockage	\$885.10	12/9/2005
WO-2008-00042	Several blow holes	\$852.55	2/5/2009
WO-2012-00049	Several holes; investigate tile for blockage	\$1,436.86	4/10/2012

WO-2012-00133	Three blow holes	\$1,485.20	5/29/2012
WO-2015-00008	Blow hole on regulated tile	\$546.00	2/25/2016
WO-2015-00198	Blow hole	\$1,125.70	6/23/2015
WO-2015-00384	Breather full of rocks and sediment	\$813.75	6/24/2016
WO-2016-00167	Seven blow holes	\$1,945.47	8/18/2016
WO-2017-00138	Repair holes and de-brush around structure and easement	\$5,840.00	6/13/2019

Existing Condition

The existing drain is comprised of the original clay field tile constructed in 1908. The 20" portion of the tile between Stations 81+97 and 79+60, just east of Presley Drive, was constructed in 1959. The Drain functions but is undersized by today's standards. The tile is at least 114-years old and has exceeded the expected service life of such a tile. Routine maintenance is required for the tile to function

It is common for ponding to occur after rain events in several of the fields within the watershed. Such ponding and saturated soil conditions affect crop production.

Promise Road, just north of 181st Street, regularly overtops during rain events.

The portion of the Elwood Wilson Main Ditch and the portion of the Home Depot Relocation Arm to be reconstructed with this project have accumulated sediment within the ditch that affects the capacity of the drain.

Reconstruction Project

Each aspect of the reconstruction project is recommended in the Elwood Wilson Drain, EM Hare Arm Hydraulic Study completed by Clark Dietz, Inc. dated December 2016.

The proposed open ditch and culverts were sized for runoff from the 100-year storm event from the watershed in the existing condition. The culverts were sized to convey runoff from the 100-year storm event within the watershed without overtopping the roadways. The open ditch was designed so that the runoff from the 100-year storm event within the watershed would remain below the top-of-bank.

While the project mainly involves the reconstruction of the EM Hare Arm of the Elwood Wilson Drain, certain portions of the Elwood Wilson Main Ditch and the Home Depot Relocation Arm of the Elwood Wilson Drain must also be reconstructed to improve the capacity of the Drain.

The project will be let by the Hamilton County Drainage Board and the construction contract will be managed by the Hamilton County Surveyor's Office.

The project includes the following:

1. Reconstruct the Elwood Wilson Main Ditch between Station 13+06 and Station 7+46 to re-establish the flowline and cross-sectional area of the ditch to improve the capacity of the Drain. The ditch configuration varies through this segment and includes a bag type cast-in-place retaining wall as follows, looking upstream:

Station		Side Slope		Bottom Width (ft)		Retaining Wall	
From	To	Left (H:V)	Right (H:V)	Left	Right	Left	Right
13+06	12+80	2:1	2:1	2	2	No	No
12+80	12+60	Transition	2:1	Transition	2	No	No
12+60	11+81	0.5:1	2:1	4	2	Yes	No
11+81	11+60	0.5:1	Transition	4	Transition	Yes	No
11+60	10+69	0.5:1	0.5:1	4	4	Yes	Yes
10+69	10+48	Transition	0.5:1	Transition	4	No	Yes
10+48	10+10	2:1	0.5:1	2	4	No	Yes
10+10	9+89	2:1	Transition	2	Transition	No	No
9+89	7+46	2:1	2:1	2	2	No	No

2. Reconstruct the Home Depot Relocation Drain between Station 7+29 and Station 0+00 to re-establish the flowline and cross-sectional area of the ditch to improve the capacity of the Drain. The ditch configuration is a 4-foot wide bottom with 3:1 side slopes.
 - i. The 135-foot segment of 21" RCP that currently drains the EM Hare Arm of the Elwood Wilson Drain and crosses Presley Drive will remain and not be reconstructed with this project.
3. Construct new open ditch as part of the EM Hare Arm of the Elwood Wilson Drain. The new open ditch will be constructed between Station 81+78 and Station 79+60 of the EM Hare Arm of the Elwood Wilson Drain. Station 81+78 of the new open ditch of the EM Hare Arm of the Elwood Wilson Drain is also Station 0+00 and the current end of the Home Depot Relocation Arm of the Elwood Wilson Drain. The ditch configuration is a 4-foot wide bottom with 3:1 side slopes. The length of the new open ditch is 218-feet.
 - i. The portion of the existing EM Hare of the Elwood Wilson Drain between Station 80+04 and Station 79+60 will be removed with this project.
 - ii. The portion of the existing EM Hare of the Elwood Wilson Drain between Station 81+97 (the current end of the Drain) and Station 80+04 will be abandoned in place with a bulkhead and breather placed at Station 80+04.
4. Reconstruct the existing EM Hare Arm of the Elwood Wilson Drain as an open ditch between Station 79+60 and Station 62+45. The ditch configuration is a 4-foot wide bottom with 3:1 side slopes. The existing tile will be demolished as the new open ditch is constructed.
5. Construct new open ditch as part of the EM Hare Arm of the Elwood Wilson Drain. The new open ditch will be constructed off of the alignment of the existing tile between Station 62+45 and Station 38+19 of the EM Hare Arm of the Elwood Wilson Drain. The alignment of the open ditch was shifted from the alignment of the existing tile to avoid impacting existing wetlands. The ditch configuration is a 4-foot wide bottom with 3:1 side slopes. The length of the new open ditch is 2,350-feet.
 - i. The portion of the existing EM Hare of the Elwood Wilson Drain between Station 62+45 and Station 60+72 will be removed with this project.
 - ii. The portion of the existing EM Hare of the Elwood Wilson Drain between Station 60+72 and Station 38+63 will be abandoned in place with a bulkhead and breather placed at Station 38+63.
 - iii. The portion of the existing EM Hare of the Elwood Wilson Drain between Station 38+63 and Station 38+19 will be removed with this project.
6. Reconstruct the existing EM Hare Arm of the Elwood Wilson Drain between Station 38+19 and Station 29+92 as an open ditch to improve the capacity of the drain. The ditch configuration is a 4-foot wide bottom with 3:1 side slopes. The existing tile will be demolished as the new open ditch is constructed.
7. The existing tile upstream of Station 29+92 will remain in place and discharge to the new open ditch at this station.
8. A rock chute for surface water flow to enter the new open ditch will be constructed between Station 30+44 and Station 29+22.
9. The installation of three 30-foot wide ditch crossings, per HCSO Detail C-2, as follows:
 - i. 63-LF of 7-foot x 5-foot Reinforced Concrete Box Structure at Station 70+04 on Parcel 10-07-32-00-00-013.001.
 - ii. 51-LF of 5-foot x 4-foot Reinforced Concrete Box Structure at Station 49+93 on Parcel 10-07-32-00-00-007.000.
 - iii. 51-LF of 5-foot x 4-foot Reinforced Concrete Box Structure at Station 43+93 on Parcel 10-07-33-00-00-012.000.
10. The installation of 187-feet of 12-foot x 7-foot Reinforced Concrete Box Structure under the Home Depot Entrance Drive.
11. The installation of 71-feet of 12-foot x 6-foot Reinforced Concrete Box Structure under Presley Drive.
12. The installation of 73-feet of 7-foot x 4-foot Reinforced Concrete Box Structure under Promise Road.
13. The cost estimate includes the installation of 15 surface water pipes with animal guard per HCSO Details OD-8 and O-2. These will be installed on an "as-needed" basis.
14. The cost estimate includes the installation of 95 tile outlets of various sizes with animal guards per HCSO Details O-1 and O-2. These will be installed on an "as-needed" basis.
15. The project will also include clearing of the easement area and removal of existing pavement, culverts, sidewalk, curb, gabion baskets, breathers, hand rail; fence removal and repair; the installation of rip-rap stabilization at various locations and at culvert crossings; temporary erosion control; native seeding areas; seeding for a 20-foot filter strip as noted in the Filter Strip section of this report; seeding and other stabilization of disturbed soil areas; maintenance of traffic; pavement, sidewalk, curb, and handrail repair; special backfill; removal and resetting of existing RCP end sections of tiles that drain to the existing open ditch; and other ancillary construction.
16. The soil excavated with the project will be placed within the adjacent regulated drain easement.
17. The project includes the installation of 2 sanitary sewer manholes, 160-feet of sanitary sewer, and 1 pipe plug for future connection. This sanitary sewer will not become part of the regulated drain system.

Permits

The provisional Regional General Permit, LRL-2019-795-sjk was issued by the Army Corps of Engineers on April 2, 2020. This permit was provisional pending the issuance of the IDEM Individual Water Quality Certification.

The Section 401 Water Quality Certification, IDEM Authorization Number 2020-111-29-ALF-A was issued on May 19,2020.

The IDEM Authorization fo Construction of Sanitary Sewer System, Permit Approval No. 24344, was issued on January 7, 2022.

Staff of the Surveyor's Office or the Contractor will obtain construction entrance and road closure approvals from the Hamilton County Highway Department or the City of Noblesville.

Construction Cost

The Elwood Wilson EM Hare Arm reconstruction project was approved for letting at the November 22, 2021 meeting of the Drainage Board (Hamilton County Drainage Board Meeting Minutes, Book 20, Page 236).

One addendum was issued. The addendum issued the most current Common Construction Wage Rate determination prior to receiving bids and included a change to the deflection testing specification for the sanitary sewer as a condition of the IDEM Sanitary Sewer Construction permit.

Two bids were received at the Drainage Board meeting on January 10, 2022. One bid was from Morphey Construction in the amount of \$2,478,000. The second bid was from 5 Star Company, Inc. in the amount of 2,729,295.00 as entered on Page BF-3.

Morphey Construction submitted the lowest bid.

From the Morphey Construction bid, the construction cost of the project is estimated to be \$2,478,000.00. With a 15% contingency, the total construction cost is \$2,849,700.00

A detailed cost of construction is outlined below.

City of Noblesville Street Costs					
<i>Line Item</i>	<i>Item Description</i>	<i>Quantity</i>	<i>Unit</i>	<i>Unit Cost</i>	<i>Total Cost</i>
N1	Clearing [Presley Drive Culvert, Pavement, Curb and Gutter, and Sidewalk]	LS	1	\$ 15,000.00	\$ 15,000.00
N2	12 x 6 Box Culvert (Presley Drive)	LF	71	\$ 5,000.00	\$ 355,000.00
N3	Revetment Rip Rap with Geotextile	TON	25	\$ 180.00	\$ 4,500.00
N4	Presley Drive Roadway Pavement Repair	TON	328	\$ 133.00	\$ 43,624.00
N5	Concrete Curb and Gutter	LF	120	\$ 74.00	\$ 8,880.00
N6	Sidewalk Concrete	CYS	15	\$ 100.00	\$ 1,500.00
N7	Hand Rail Pedestrian	LF	144	\$ 300.00	\$ 43,200.00
N11	Maintenance of Traffic	LS	1	\$ 15,000.00	\$ 15,000.00
City of Noblesville Street Subtotal					\$ 486,704.00
15% Contingency					\$ 73,005.60
City of Noblesville Street Total					\$ 559,709.60

Home Depot Costs					
<i>Line Item</i>	<i>Item Description</i>	<i>Quantity</i>	<i>Unit</i>	<i>Unit Cost</i>	<i>Total Cost</i>
HD1	Clearing [Existing Entrance Drive Culvert, Pavement, Curb and Gutter]	LS	1	\$ 100,000.00	\$ 100,000.00
HD2	12 x 7 Box Culvert (Home Depot Entrance)	LF	187	\$ 3,163.00	\$ 591,481.00
HD3	Revetment Rip Rap with Geotextile	TON	33	\$ 180.00	\$ 5,940.00
HD4	Entrance Drive Pavement Repair	TON	243	\$ 140.00	\$ 34,020.00
HD5	Concrete Curb and Gutter	LF	175	\$ 68.00	\$ 11,900.00
HD6	Maintenance of Traffic	LS	1	\$ 5,000.00	\$ 5,000.00
Home Depot Subtotal					\$ 748,341.00
15% Contingency					\$ 112,251.15
Home Depot Total					\$ 860,592.15

City of Noblesville Sanitary Sewer Costs					
<i>Line Item</i>	<i>Item Description</i>	<i>Quantity</i>	<i>Unit</i>	<i>Unit Cost</i>	<i>Total Cost</i>
N8	Sanitary Sewer, Pipe, Type 2, Circular, 21 IN., ASTM F679, PS 46	LF	160	\$ 285.00	\$ 45,600.00
N9	Sanitary Sewer Manhole, Type A, with Casting	EA	2	\$ 12,222.00	\$ 24,444.00
N10	Sanitary Sewer Pipe Plug	EA	1	\$ 3,800.00	\$ 3,800.00
City of Noblesville Sanitary Sewer Subtotal					\$ 73,844.00
15% Contingency					\$ 11,076.60
City of Noblesville Sanitary Sewer Total					\$ 84,920.60

Hamilton County Highway Costs					
<i>Line Item</i>	<i>Item Description</i>	<i>Quantity</i>	<i>Unit</i>	<i>Unit Cost</i>	<i>Total Cost</i>
B13	Maintenance of Traffic	LS	1	\$ 3,500.00	\$ 3,500.00
B14	7 x 4 Box Culvert (Promise Road)	LF	73	\$ 2,000.00	\$ 146,000.00
B21	Promise Road Roadway Pavement Repair	SYS	138	\$ 100.00	\$ 13,800.00
Hamilton County Highway Subtotal					\$ 163,300.00
15% Contingency					\$ 24,495.00
Hamilton County Highway Total					\$ 187,795.00

Elwood Wilson EM Hare Costs					
<i>Line Item</i>	<i>Item Description</i>	<i>Quantity</i>	<i>Unit</i>	<i>Unit Cost</i>	<i>Total Cost</i>
B1	Clearing [General Clearing, Promise Road Culverts and Pavement, Gabion Baskets, Breathers, Trees, Farm Fence]	LS	1	\$ 13,000.00	\$ 13,000.00
B2	Temporary Erosion Control	LS	1	\$ 7,000.00	\$ 7,000.00
B3	Open Ditch Construction	LF	6010	\$ 22.00	\$ 132,220.00
B4	Tile Removal	LF	800	\$ 15.00	\$ 12,000.00
B5	Retaining Wall System	LS	1	\$ 299,731.00	\$ 299,731.00
B6	Surface Water Pipe	EA	15	\$ 2,000.00	\$ 30,000.00
B7	6" CMP Tile Drain Extension with Animal Guard	EA	20	\$ 800.00	\$ 16,000.00
B8	8" CMP Tile Drain Extension with Animal Guard	EA	20	\$ 1,000.00	\$ 20,000.00
B9	10" CMP Tile Drain Extension with Animal Guard	EA	20	\$ 1,100.00	\$ 22,000.00
B10	12" CMP Tile Drain Extension with Animal Guard	EA	25	\$ 1,200.00	\$ 30,000.00

Elwood Wilson EM Hare Costs (cotinued)					
<i>Line Item</i>	<i>Item Description</i>	<i>Quantity</i>	<i>Unit</i>	<i>Unit Cost</i>	<i>Total Cost</i>
B11	15" CMP Tile Drain Extension with Animal Guard	EA	5	\$ 1,500.00	\$ 7,500.00
B12	18" CMP Tile Drain Extension with Animal Guard	EA	5	\$ 2,000.00	\$ 10,000.00
B15	7 x 5 Box Culvert (Private Crossing - Station 54+15)	LF	63	\$ 1,300.00	\$ 81,900.00
B16	5 x 4 Box Culvert (Private Crossing - Station 74+26)	LF	51	\$ 1,200.00	\$ 61,200.00
B17	5 x 4 Box Culvert (Private Crossing - Station 80+26)	LF	51	\$ 1,200.00	\$ 61,200.00
B18	Revetment Rip Rap with Geotextile	TON	579	\$ 100.00	\$ 57,900.00
B19	Rock Chute with Geotextile	LS	1	\$ 15,000.00	\$ 15,000.00
B20	Fence Repair	LF	188	\$ 20.00	\$ 3,760.00
B22	Seeding Type 1 Area (Native Seed Mix)	ACRE	5	\$ 8,500.00	\$ 42,500.00
B23	Seeding Type 2 Area; Filter Strip Only (with fertilizer and straw mulch)	ACRE	3	\$ 8,600.00	\$ 25,800.00
B24	Seeding Type 3 Area (with fertilizer and straw mulch)	ACRE	6	\$ 7,800.00	\$ 46,800.00
B25	Remove and reset 36" RCP End Section	EA	1	\$ 1,500.00	\$ 1,500.00
B26	Remove and reset 24" RCP End Section	EA	3	\$ 1,500.00	\$ 4,500.00
B27	Remove and reset 18" RCP End Section	EA	2	\$ 1,500.00	\$ 3,000.00
B28	Remove and reset 12" RCP End Section	EA	1	\$ 1,300.00	\$ 1,300.00
Elwood Wilson EM Hare Subtotal					\$ 1,005,811.00
15% Contingency					\$ 150,871.65
Elwood Wilson EM Hare Total					\$ 1,156,682.65

Easements

The project will take place within existing regulated drain easements for the Elwood Wilson Drain, the Home Depot Relocation Arm, and the EM Hare Arm and within the public right-of-way of Presley Drive and Promise Road. No additional easements are required for this project.

The statutory easement over the existing tile of the EM Hare Arm will be shifted between Stations 62+45 and 38+19 and between Stations 79+60 and 81+97 to follow the new open ditch. Between these stations, the existing tile will be removed or abandoned in place. The shifted easement will be 150-feet in width centered on the flowline of the new open ditch. The easement will be shifted on the following parcels:

Parcel No.:	Owner
11-07-32-00-00-016.002	Harger Farms, Inc.
10-07-32-00-00-009.000	Harger Farms, Inc.
10-07-32-00-00-007.000	Caledonia Development, Inc.
10-07-33-00-00-012.000	Fleck, Timothy J & Rebecca J

Filter Strips

20-foot filter strips are hereby established across the following parcels:

Parcel No.:	Owner	Side of Open Ditch
11-07-32-00-00-016.002	Harger Farms, Inc.	Both
10-07-32-00-00-013.001	Harger Farms, Inc.	Both
10-07-32-00-00-011.001	Harger Farms, Inc.	Both
10-07-32-00-00-013.002	Harger Farms, Inc.	Both
10-07-32-00-00-009.000	Harger Farms, Inc.	Both
10-07-32-00-00-007.000	Caledonia Development, LLC	Both
10-07-33-00-00-012.000	Fleck, Timothy J & Rebecca J	Both
10-07-33-00-01-001.000	Barton, Douglas D & Julie D	Both
10-07-33-00-00-012.001	Louks, Jason C & Lisa S	Both
10-07-33-00-00-002.000	ATS World Wide Real Estate III LLC [To Station 29+22]	Both

Changes to the Drain

The reconstruction of the E.M. Hare will replace the existing tile or re-route the flow of water through an open ditch running roughly parallel to the existing tile. The Existing E.M. Hare Arm drain will be removed or abandoned in place between Stations 29+92 and 81+97. This will abandon or remove 5,205-feet of existing drain.

The newly reconstructed and or re-routed open ditch will begin at Station 29+92 and continue down-stream to Station 79+60. The newly constructed open ditch is reflected on the Construction Plans between Plan Station 94+00 and Plan Station 44+78. At this juncture, approximate Station 79+60 of the EM Hare Arm, an open ditch will be constructed to convey the flow of the newly constructed EM Hare open ditch to its confluence with the Home Depot Relocation Arm at Station 81+78. This new open ditch is reflected on the Construction Plans between Plan Station 44+78 and Plan Station 42+60. This will construct an additional 218-feet of open ditch.

With the changes mentioned above, the reconstruction project will have constructed or reconstructed 5,140-feet of drain and will have removed or abandoned 5,205-feet of drain. Therefore, the project will remove 65-feet of drain from the E.M. Hare Arm.

Project Costs

Clark Dietz, Inc. was contracted for Topographic Survey Services of the drain on April 23, 2018. The contract amount was \$63,700.00.

Clark Dietz, Inc. was contracted to provide Engineering Design, Soil Borings, Geotechnical Investigation, and Permitting Professional Services on November 14, 2018. The total value of the contract for these services is \$306,040.00.

A contract amendment for the design of the sanitary sewer design, development of bid documents, and permitting Professional Services was approved on July 26, 2021. The contract amount for these services is \$20,740.00. The cost for these services will be reimbursed by the City of Noblesville.

Clark Dietz, Inc. will be contracted for construction phase professional surveying services. These services include construction staking, periodic grade checks, and as-built drawings. The contract amount is \$126,670.00.

Clark Dietz, Inc. will be contracted for construction phase inspection services. These services include full time construction inspection for the construction of the retaining wall, the box culverts, and the wingwalls. These services include part time construction inspection for the construction of the open ditch. The contract will be a not-to-exceed amount of \$124,080.00.

Clark Dietz, Inc. will be contracted for construction administration services. These services include attendance at progress meetings, shop drawing review, and responding to contractor questions. The contract amount will be a not-to-exceed amount of \$13,240.00

The total value of the project is estimated to be as follows:

Construction	\$2,478,000.00
15% Construction Contingency	\$371,700.00
Professional Services: Topographic Survey [Clark Dietz, Inc.]	\$63,700.00
Professional Services: Design, Geotechnical, Soil Borings, Permitting [Clark Dietz, Inc.]	\$306,040.00
Professional Services: Sanitary Sewer Design [Clark Dietz, Inc.]	\$20,740.00
Professional Services: Construction Staking, Grade Checks, As-Built Drawings [Clark Dietz, Inc.]	\$126,670.00
Professional Services: Construction Inspection [Clark Dietz, Inc.]	\$124,080.00
Professional Services: Construction Administration [Clark Dietz, Inc.]	\$13,240.00
Total Project Cost	\$3,504,170.00

Project Funding

The costs for this project will be paid from the sources outlined below.

1. The cost of the new culvert under the Home Depot entrance drive shall be paid by Home Depot per IC 36-9-27-71. The lump sum cost to be charged to Home Depot is \$860,592.15. This amount includes a base cost of \$748,341.00 (Refer to Line Items HD1-HD-6 of the detailed cost estimate) and a 15% contingency equal to \$112,251.15.
2. The cost for the new culvert under Presley Drive shall be paid by the City of Noblesville per IC 36-9-27-71. The lump sum cost to be charged to the City of Noblesville is \$559,709.60. This amount includes a base cost of \$486,704.00 (Refer to Line Items N1-N7 and N11 of the detailed cost estimate) and a 15% contingency equal to \$73,005.60.
3. The cost for the new culvert under Promise Road shall be paid by the Hamilton County Highway Department per IC 36-9-27-71. The lump sum cost to be charged to the Hamilton County Highway Department is \$187,795.00. This amount includes a base cost of \$163,300.00 (Refer to Line Items B13, B14, and B21 of the detailed cost estimate) and a 15% contingency equal to \$24,495.00.
4. The cost for the Sanitary Sewer shall be paid by the City of Noblesville. Including the construction of the sanitary sewer with this reconstruction project, and payment for this work by the City of Noblesville, was first discussed in an email dated December 8, 2020. The lump sum cost to be charged to the City of Noblesville is \$105,660.60. This amount includes professional services equal to \$20,740.00, a base construction cost of \$73,844.00 (Refer to Line Items N8-N10 of the detailed cost estimate) and a 15% construction contingency equal to \$11,076.60.
5. A portion of the project will be funded by the Coronavirus State and Federal Fiscal Recovery Funds of the American Rescue Plan. As of the date of this report, the first round of funds from this program is available. The total amount of the ARPA funds allocated for this project is \$200,000.00.
6. The remainder of the total project cost, \$1,590,412.70 shall be assessed equally by acreage over the remainder of the properties that benefit from the reconstruction project. The total acreage to be assessed is 765.94-acres. Based on this estimate, the rate per acre would be \$2.076.42.

To date, the County has paid the invoices for the various professional services from the Elwood Wilson Shed maintenance fund. The costs incurred to date total \$386,776.60. The maintenance fund balance is presently in the red \$382,819.41 due to the payment of these invoices from the Elwood Wilson Shed maintenance fund. The reconstruction assessment plus \$20,740.00 of the lump sum will be transferred to the Elwood Wilson Maintenance Fund.

The Elwood Wilson Shed collects \$47,520.44 annually for maintenance.

The final costs to be assessed shall be based on the actual construction contract amounts and any approved change orders.

For the costs to be paid by the Hamilton County Highway Department, the City of Noblesville Street Department, the City of Noblesville Sanitary Sewer, and the Home Depot, it is recommended that, at the discretion of the entity being assessed, the assessment be paid as one lump sum or allowed to be repaid over a period of five years, with interest, starting in 2023.

I believe that no damages will result to landowners by the reconstruction of this drain. Therefore, damages shall be set at \$0.00.

I recommend that a hearing be held for this matter on May 9, 2022.

Sincerely,

Kenton C. Ward, CFM

Hamilton County Surveyor

KCW/pll"

Altman opened the public hearing.

Skelton stated I'm here on behalf of James Harger and Juanita Harger. We understand the objectives of the reconstruction project and are generally supportive of the project. We would like to receive a little clarification on what the triggering mechanism would be for the payment of the assessments. We are considering some succession transfers and some estate planning type of transfers and would like to make sure that if the triggering mechanism is a sale that those types of transfers would not trigger that.

Altman stated the intent of the deferral of the assessments to assure that the rate payers in this drain are not paying for commercial speculation. Generally, what would trigger the assessment due and payable is at the time the use of the land goes from agricultural to commercial usage. Is that accurate?

The Surveyor stated it would be an Urban usage.

Altman stated it could be a subdivision or it could be commercial property.

Sullivan stated essentially any time an issuance for an improvement permit is given for the land and my understanding is that could be a variety of different things. Whether it's platted for a subdivision or a commercial development, whatever that is, anytime it goes from what it is now in changes of nature like the Surveyor said, to Urban, is when that triggering process will start. It will start upon the first assessment once it does become Urban. I do not believe for estate purposes, transferring it to whomever it might be, as long as they don't change it or anything and it remains rural then that will not impact that. Is that the understanding of the Surveyor?

The Surveyor stated yes.

Skelton stated the triggering event though is an improvement location permit?

Sullivan stated yes.

Altman stated zoning requests also.

Sullivan stated it depends on the building permit too, it wouldn't initially just be a building permit, it would have to go through the whole process and part of that is the TAC review also. There are a few steps that would have to happen, and zoning would be part of it, but for drainage purposes it would be switching from the rural to the Urban.

Skelton stated for example if one owned a piece of real estate and was in the process of selling it to a developer the zoning would change, then a closing would likely happen subsequent to that; it's even more than that?

Sullivan stated it would not just be from the zoning change, it would be once the actual improvement permit has been provided and then the first assessment post that.

Altman stated let's clarify that. To me, it's successful zoning to a change of classification. I don't think it would be appropriate for us to continue to defer assessments if a landowner actually changes zoning and now it has a commercial classification or a multifamily classification. To me that's the triggering affect where the deferral of interest and everything else, but it would be a successful change. Just the application I don't believe will trigger that.

Skelton stated so if a change of zoning and a transfer or just a change of..

Altman stated for me it's the change of zoning to continue to give you the deferral. That would cover a landowner that is under contract subject to zoning. If the zoning goes through and the contract is successful that's what would trigger it, in my mind. We want to make sure we're clear.

Skelton stated zoning and then a transfer.

Altman stated no, it's a change of zoning, it's a change of the permitted use on this land.

Skelton stated so in the normal course of events in that scenario there's an owner under contract, there's somebody under contract to purchase the property, zoning happens first and that's just part of due diligence and then a transfer would happen.

Altman stated one would hope and if I was a very careful landowner I would make sure that once that zoning occurs you feel comfortable you are going to close so your due diligence on land, etc., anything other than zoning ought to be completed before you effectuate the zoning change.

Skelton asked where will this be memorialized?

Altman stated it will be a recorded document. Part of this deferral is a very favorable interest rate. Our intent is to allow this land to become developed for the good of the community or if the landowner wants to continue to use it as agriculture we don't want to put an undo burden on that.

The Surveyor stated one item you might want to clarify is the interest up to a point of the payment of the deferred is 0 and then the interest rate thereafter would be...

Altman stated I don't know if we agreed on the interest rate. I don't want to waive interest. I think what we talked about is having interest tracked what we are able to invest those dollars in to be fair to the watershed. We're going to have to figure out how we make this deferral work and it's probably going to be drainage funds generally instead of General Drain because this is a significant deferral.

The Surveyor stated we had batted several things around.

Altman stated the current interest rate was .02%.

Heirbrandt asked how many years will this be deferred?

The Surveyor stated when everything sells or transfers.

Sullivan stated there's no set time for it, it's just when the change from rural to urban occurs.

Altman stated or when the location permit that's developed even at a smaller parcel. We're trying to figure out both sides of the coin to try to make this work for the landowners and the drainage shed. Did we want to put a cap on interest or to be fair we're just going to let it float? My personal opinion to be fair we have to match existing yields. Let it float and then the homeowners or the landowners can make decisions along the way if it becomes higher than anticipated.

The Surveyor stated and that is how the past interest was calculated on the 146th Street project and also for the Washington Township.

Altman stated Washington Township was 0.

Musselman (Joel) stated we have a small tenant farm right in the middle of this. We're off of Promise Road. We got the first assessment and that was a sticker shock on our 12.92 acres out of our 24-acre farm. That was \$6,237.02 received on February 25th. April 8th of 2022 we got another assessment, same acreage, but the price had gone up 4.3 times the original assessment at \$26,827.34. I'm recently retired, my wife is retired, we're trying to punch out here what's this going to cost us in retirement. I appreciate you working with us on the payment plan, but I think as you stated this project does go on to Mallery Road. Our concerns are if we can fund this and get through the five-year payments what's it going to cost me six months down the road, two years down the road as this project grows and extends. That's our main concern. I appreciate the work that's being done out there, it's an improvement. I'm not really sold as a farmer on open ditches. I liked the buried ditches, farm over them, you don't lose ground. Open ditches have to be dredged, trees grow up and have to be cleared through time. Buried ditches are buried and it's there until you get a blowout. I know it's more expensive, but I understand that sanitary sewers and development is planned with this ditch on down the road. We're going to have guys up there digging with excavators and I'd much rather seen it done at the same time, let's bury this ditch and not lose the productivity of that farm ground. It's more expensive, but I think it's a lot better served for the landowners and farmers. What happens with an open ditch, you become landlocked, the farm just south of me, my cousin farms it, he farms mine and part of that's going to be closed down on the Fleck farm because of the open ditch. I don't see any crossings for farm equipment. The way we access that field is right where they're going to open this ditch up on Promise Road because there's an easement. That ditch is coming right through there. If it was a buried ditch, we could still access it. Those are our concerns. I don't understand why the increase on the funding part of it is.

Altman stated when this was first proposed we have a funding source called American Rescue Plan and the County received significant dollars. This was advertised before the Board really examined that and the first advertisement you received, we had significant dollars from that ARPA money applied to the reconstruction. When the Board examined the properties that were going to be served by this we did not believe it was equitable to put that much of that type of money toward this reconstruction primarily because of the commercial aspects that we anticipated would happen to the major large farms along SR 32 and part of the watershed. We pulled that back and tried to balance out that amount by deferring the assessment on the agricultural portion until it did develop. That's the difference between your first assessment and second, was the Board determining not to invest so many of those federal dollars in this project given that we had \$41 million; what was your drainage proposal?

Heirbrandt stated \$41 million.

Altman stated we had \$41 million worth of drainage improvements that probably won't happen unless we invest some of this ARPA fund money into it, so we wanted to spread that out further.

The Surveyor stated actually the proposal was \$44 million.

Altman stated the Surveyor was very aggressive in his request and we can't afford to put all that money towards it. I hope that answers your question.

Musselman stated it does, but I also feel like in the small farms like us; this is my wife's family farm and we're just trying to keep it and pass it onto our kids and maybe their grandkids.

Altman asked isn't part of their assessment deferred?

The Surveyor stated yes.

Musselman stated it is, I just found that out from the Surveyor.

Heirbrandt asked what is the deferred period?

Altman stated most of it except for probably the house is going to be deferred. Again, you're going to have the same benefit as the other farmers in the area as long as you maintain that as farm ground, agriculture use, your assessment will be deferred.

Sullivan stated until a triggering event happens.

Musselman stated the triggering event and I have to appreciate Skelton; he was getting over my head on the succession where you pass it on.

Altman stated if you pass your farm down to your kids and it stays a farm it defers.

Musselman stated it stays deferred, but it's still drawing 0.21% interest, correct?

Altman stated correct, but you will be enjoying the benefit of that reconstruction, correct?

Musselman stated I've never lost \$65,000.00 in crops to water damage. My total farm income on 19 acres, not counting expenses, would be \$4,000.00 on a good year. To pay that kind of money...

Musselman (Darlene) stated that pays our taxes. It's not like it's a money-making farm.

Musselman (Joel) stated it's a small farm, we have a couple of hogs, a couple of cows for freezer meat the kids showed in 4-H. My wife has a couple of horses. It's a recreation farm, it's not a big corporation farm. I appreciate what you're doing, but I think you're also pushing small farms out to development with this. You folks are saying, we're creating an urban area, but your driving price, but if I don't want to sell, we're being forced out with this kind of thing. Retired income and the ditch goes on to Mallery Road and what's our timeframe, a year, two years? Are we going to get hit again when this gets rebuilt?

The Surveyor stated the extension between Promise Road and Mallery Road would be done by developers as it's developed.

Musselman asked, would that come back to us though?

The Surveyor stated no, that will be the cost of the developer.

Musselman stated okay, I can appreciate that. I just think it's very excessive for a small business, small farm and that's why we're here.

Altman asked if anyone else cared to address the Board?

Hellman stated this wasn't planned, it's been a trip in the roadway, but we're very appreciative at the last meeting the payment over five years. This impacts the Utility Director's annual budget so our understanding from the last discussion we pay the sewer component year one and then the roadway assessment over a five-year period. We appreciate that being deferred over five years instead of one lump sum.

Fleck stated we have 44.43 acres that's being farmed. Right now, we have access into our property. When the open ditch goes through it would appear to me that we will lose being able to get farm equipment over and farm this property. Our concern is that we have a proper crossing for us. We're wanting to know how he's going to go in with the open ditch running through the northern quarter of it, how he can get his farm equipment over there to farm it. We've already signed a lease with him, he's already paid his first spring payment and we need to know, and he needs to know definitely how he gets his equipment there. The other thing is, if he plants the rest of the field is there going to be damage as the open ditch goes through, what timeline do we have; is he going to be able to plant and harvest his crops? He's already paid us his spring payment. I guess my husband and I are very concerned on how this is going to essentially take out that whole section of our ground. Above that drainage, how are we going to maintain it? Is it just going to be weeds? What's happening with that?

The Surveyor stated there is going to be a crossing to get from the north to the south on the farm. Unfortunately, Duncan is not with us today because he had a death in the family, but he was looking at how to get from Promise Road into the balance of the acreage. We knew that was an issue and we're looking into that.

Fleck asked can I make a time that we can have an appointment at your office to discuss this? We actually have a few questions that are coming up and I don't want to bring them all up here. We can set something up between the two of us and get that worked out. I really need to tell the farmer how this is going to affect him. I do have to say on our 44.43 acres I was a little shell shocked when I get the assessment for \$93,874.96. I mean seriously, it was a shell shock.

Thompson stated we own the property between Harger and the Flecks, but I appreciate the culvert coming in there. The only question is I assume I have a statutory 150-foot easement through there.

The Surveyor stated yes.

Thompson stated do you know what that reduction is going to be once the ditch itself..

The Surveyor stated zero.

Thompson stated it's still going to be 150 feet.

Altman stated unless you're planning on; that raises a question though on the reconstruction, do we have a Plan B where developers come in and want to narrow up that regulated drain with reconstruction themselves, is it possible...?

The Surveyor stated that would be on a case by case basis because we have varying depths and widths involved and there's no square peg that's going to fit in all the holes.

Altman stated correct, but I guess my point is knowing what Mr. Thompson does for a living this is probably something that is on the horizon for him and it's probably discussion we ought to have before everybody spends a bunch of money reconstructing things in this area. It may be worth, I see our designer over there, for you to go through the obvious farms that are probably first up and provide an option to the landowner on what's it take to get the water through their property and maybe not build it twice.

The Surveyor asked are you talking about a crossing or are you talking about enclosing it?

Altman stated I'm talking about is it possible to enclose it because I doubt; I think the acreage is more usable if it's enclosed, but I don't know engineering wise what it's going to take.

Thompson stated we have a long history of working with the Surveyor's Office on drainage so really the Surveyor gave me my answer, worse case its still 150 feet. I know I can come back through and we can inch that down and work with the farmer.

Altman stated I'd like to know that up front before we build it twice.

Thompson stated I appreciate the work to be done, I know these drainage things are very, very expensive.

The Surveyor stated the structure across the property at that point is a 5x4 box and carries the 100-year event and that's what would be expected if it was to be enclosed. I know Thompson has a land plan for that area and we would work with you on where you would want to have that crossing.

Altman asked would anyone else care to address the Board.

Musselman stated just a point of clarification and I'm not trying to throw anybody under the bus, but you said when you're going to develop this on up to Mallery Road the developer is going to bear the cost. Corby Thompson is a developer, why isn't he bearing this cost instead of going to the small farms?

Altman stated Thomson owns his property and he'll pay his share of the reconstruction just as everyone pays within the watershed. Nobody gets a free ride.

Altman asked does anyone else care to address the Board; seeing no one Altman closed the public hearing. We have objections both verbally and in writing. What's the pleasure of the Board?

Heirbrandt stated I heard twice about crossings for farm equipment and I want to be respectful to the landowners on this crossing. I would hope that we can work with these landowners to try to accommodate them the best we can with that request. Secondly, I know we've invested a tremendous amount of ARPA dollars into this project and the intent that we put these ARPA dollars into this particular project is because this is one of the top five drainage projects in the entire county to be addressed. We felt like and I know this may not mean much, but I know you're spending a lot of money on this drainage project and it's difficult for me to hear this too, but knowing how the drainage law works and all these ARPA dollars that we put in this to try to get this thing done, relieve some drainage issues in this area and try to bring down these costs is really pretty significant. I appreciate everybody being here and your comments. I can assure you I'll be at those meetings, just contact me because I'd like to figure out how we can best work through this and make it as beneficial as we can for everybody.

Dillinger stated we dealt with this ever since I've been a Commissioner and that's been 32 years. I don't need to tell you Joel (Musselman) or Jim (Harger) or any of you guys, you know how bad the drainage is out there. It is expensive to fix and as Commissioner Heirbrandt said, we've tried to defer as much of that as we could. I do think that the end result once the development community comes in, you'll get your money back ten-fold, which may be what you want, or you don't want. I'm just saying that ultimately, it has to be done. We're open to suggestions, but like I said I've been dealing with this for 32 years, no one has come up with a better suggestion than what we have now. With these ARPA dollars it's not going to get any cheaper. We just had a meeting this morning with our road projects and with the cost that's gone up the longer we wait to do anything with any of these projects it's just going to escalate that much more on a daily basis with the cost of diesel fuel and everything else that's going on.

Altman stated and that's why we don't want to lose the bid we have. We have to deal with the objections that are on file.

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

Heirbrandt made the motion to approve the reconstruction project on the E. M. Hare Arm of the Elwood Wilson Drain, seconded by Dillinger and approved unanimously.

Heirbrandt stated if you have any questions at all during this process, please send them to us and we can try to address them.

Altman stated drainage is the most difficult thing we work with.

Sullivan stated I have the findings and order that Howard drafted.

The Surveyor asked is that ready to sign or is it just a draft?

Sullivan stated he said that you and he had discussed it and that the only thing he might need from you is the exhibits. Do you have those? If not, we can wait until next time and have that ready.

The Surveyor stated my impression from talking to Howard today was that this was for the Board's review and discussion at the next meeting.

Altman asked do you feel comfortable awarding the contract today?

The Surveyor stated yes.

Wherefore, it is ORDERED, that the proposed Reconstruction of the **Elwood Wilson Drain, E. M. Hare Arm Reconstruction** be and is hereby declared established.

Thereafter, the Board made inspection for the purpose of determining whether or not the lands of any owners had been erroneously included or excluded from the Schedule of Assessments. The Board finds on the basis of the reports and findings at this hearing as follows:

HAMILTON COUNTY DRAINAGE BOARD

Christine Altman
PRESIDENT

Mark Heirbrandt
Member

Steven C. Dillinger
Member

ATTEST: Lynette Mosbaugh "

Award Contract - Elwood Wilson Drain, E. M. Hare Arm Reconstruction:

The Surveyor asked the Board to approve and award the contract for the Elwood Wilson Drain, E. M. Hare Arm to Morphe Construction in the amount of \$2,478,000.00.

Heirbrandt made the motion to award the contract for the E. M. Hare Arm of the Elwood Wilson Drain to Morphe Construction in the amount of \$2,478,000.00, seconded by Dillinger and approved unanimously.

William Baker Drain - Flora Mendenhall Drain Reconstruction:

There were two objections on file. Ms. Kelei Baker-Leak and Ms. Candice Ganzel were present for this item.

The Surveyor presented his report to the Board for approval.

"March 25, 2022

TO: Hamilton County Drainage Board

RE: William Baker Drain, Flora Mendenhall Arm Reconstruction

Attached are the plans, schedule of assessments and drainage shed map for the William Baker, Flora Mendenhall Arm Reconstruction Project.

The Flora Mendenhall Arm of the William Baker Drain is located in Sections 1 and 12 of Township 19 North, Range 3 East, in Adams Township.

The Flora Mendenhall Arm of the William Baker Drain consists of the Flora Mendenhall Arm Drain, the Arm 1 Drain, and the Arm 2 Drain. The Drain is currently tiled, is 8,615-feet in length, and discharges to the George Starrett Arm of the William Baker Drain at Station 65+24 of the George Starrett Arm. The drainage shed is 402.44-acres

The attached plans, dated January 14, 2022, were prepared by the Hamilton County Surveyor's Office. The plans are for reconstructing a portion of the Flora Mendenhall Arm of the William Baker Drain and a portion of the Arm 2 of the Flora Mendenhall Arm of the William Baker Drain as an open ditch. The project will improve the flow characteristics of the Drain and will allow future reconstruction projects of the remainder of the drain not included in this project.

The drain stationing in this report references the historic stationing of the drain. The project stationing of the construction plans by the Hamilton County Surveyor do not follow the historic stationing.

I have made a personal inspection of the Drain. Upon doing so, I believe that the drain is practicable; will improve the public health; will 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.

History

Per a Surveyor's Report dated March 16, 1990: "The Flora Mendenhall Drain was on a maintenance program in April 1979. This drain was petitioned by Flora Mendenhall et al. to the Commissioners Court and on March 15, 1899, viewers were appointed and ordered to meet J.A. Mitchell, County Surveyor at Bakers Corner on the morning of April 4, 1899. The Viewers Report was filed April 15, 1899 and was ordered constructed on June 7, 1899 for a cost of \$1,281.82 (See Commissioners Record 29, Pages 25-27). The drain consisted of a main drain 7,800-feet in length, being 8, 10, 12, and 15-inch tile, and open ditch entering the T.B. Baker Drain. The 820-feet of the open ditch is now part of the Starrett and Swarms drain so the Flora Mendenhall main drain just has 6,980-feet in tile length and no open ditch. There are also two arms of the Flora Mendenhall drain; Arm 1 consisting of 8-inch tile with a length of 635-feet, and Arm 2 consisting of 8-inch tile with a length of 1000-feet. The construction of the two arms were at the same time of the main tile installation. The drain was assessed, and maintenance performed in 1958. Requests were made to maintain the drain in March 1969 by Lyndon Beals and Bernie Stowers. However, further maintenance was not performed until the drain was placed on maintenance in 1979."

Work Order History

Based on a search of the County's database for drainage complaints, there has been a total of twenty-eight (28) drainage complaints filed with the Surveyor's Office since 2003. The complaints are listed below.

DC #	Date	Description	Location
DC-2003-00223	5/15/2003	Blow hole in Tile	South of 234th St & East of Dunbar Rd
DC-2003-00323	6/18/2003	Blow hole in Tile	South of 226th St & East of Dunbar Rd
DC-2004-00241	5/28/2004	Blow hole in Tile	North of 226th St & East of Dunbar Rd
DC-2005-00290	5/11/2005	Standing water	South of 226th St & West of Dunbar Rd
DC-2006-00108	4/3/2006	Blow hole in Tile	22899 Dunbar Rd, Sheridan
DC-2006-00410	10/19/2006	Sink hole in Tile	South of 226th St & East of Dunbar Rd
DC-2008-00365	7/29/2008	Two (2) Blow holes in Tile	South of 226th St & East of Dunbar Rd
DC-2009-00214	5/15/2009	Standing water	South of 226th St & East of Dunbar Rd
DC-2009-00262	6/5/2009	Blow hole in Tile	South of 226th St & East of Dunbar Rd
DC-2010-00109	4/23/2010	6' of Tile missing in field	South of 234th St & East of Dunbar Rd
DC-2011-00296	6/28/2011	Blow hole in Tile	South of 226th St & East of Dunbar Rd
DC-2012-00113	3/27/2012	Water boiling up in back yard	South of 226th St & West of Dunbar Rd
DC-2012-00334	10/31/2012	Small Blow hole in Tile	South of 226th St & East of Dunbar Rd
DC-2013-00022	1/15/2013	Five (5) Blow holes in Tile	North of 226th St & East of Dunbar Rd
DC-2013-00264	5/6/2013	Three (3) Blow holes in Tile	South of 226th St & East of Dunbar Rd
DC-2013-00380	6/24/2013	Tile blockage; Two (2) Blow holes in Tile	South of 226th St & West of Dunbar Rd
DC-2015-00239	5/13/2015	Several Blow holes in Tile	North of 226th St & East of Dunbar Rd
DC-2015-00530	12/9/2015	Broken Tile	South of 226th St & East of Dunbar Rd
DC-2016-00058	3/9/2016	Blow hole in Tile	South of 226th St & East of Dunbar Rd
DC-2017-00049	2/21/2017	Standing water; Tile bent/exposed	South of 226th St & West of Dunbar Rd
DC-2018-00178	5/2/2018	Three (3) Blow holes in Tile	North of 226th St & East of Dunbar Rd
DC-2018-00202	5/10/2018	Broken Tile	South of 226th St & East of Dunbar Rd
DC-2019-00354	6/10/2019	Blow hole in Tile	South of 226th St & East of Dunbar Rd
DC-2019-00574	10/17/2019	Two (2) Blow holes in Tile close to Road	North of 226th St & West of Dunbar Rd
DC-2020-00185	4/20/2020	Two (2) Blow holes	North of 226th St & East of Dunbar Rd
DC-2020-00300	6/4/2020	Four (4) holes	South of 226 th Street & East of Dunbar Road
DC-2020-00347	7/6/2020	Two (2) holes	West of Dunbar Road & North of 226 th Street
DC-2021-00412	11/17/21	Standing water in front yard	South of 226 th Street & West of Dunbar Road

Based on a search of the County's database for Work Orders, a total of twenty-eight (28) Work Orders have been completed since 2003 with a total value of \$48,474.51. The Work Orders are listed below.

Work Order #	Type of Repair	Cost	Date Complete
WO-2003-00123	Blow hole in Tile	\$508.00	1/14/2005
WO-2003-00154	Blow hole in Tile	\$689.40	1/9/2005
WO-2004-00164	Blow hole in Tile	\$470.20	12/9/2005
WO-2005-00146	Tile blockage and restore flow	\$6,177.76	5/1/2007
WO-2005-00176	Jet field tile lines	\$423.75	5/1/2007
WO-2006-00076	Blow hole in Tile	\$1,095.30	8/7/2007
WO-2006-00207	Sink hole in Tile	\$173.50	9/28/2007
WO-2008-00262	Two (2) Blow holes in Tile	\$415.90	12/24/2008
WO-2009-00288	Two (2) Blow holes in Tile	\$498.75	12/18/2009
WO-2011-00212	Two (2) Blow holes in Tile	\$557.75	8/9/2011
WO-2012-00114	Obstruction in tile; replaced with new pipe	\$3,928.45	1/30/2013
WO-2012-00307	Blow hole	\$163.00	12/11/2012
WO-2013-00039	Five (5) Blow holes in Tile	\$3,495.40	3/18/2013
WO-2013-00155	Three (3) Blow holes in Tile	\$349.11	7/10/2013
WO-2013-00249	Roots in Tile; replace with new Tile	\$3,959.10	9/5/2013
WO-2013-00261	Jet Tile	\$300.00	8/26/2013
WO-2016-00007	Blow hole in Tile	\$696.90	2/22/2016
WO-2016-00012	Five (5) Blow holes in Tile	\$2,469.32	4/11/2017
WO-2016-00097	Blow hole in Tile	\$2,358.72	6/13/2016
WO-2017-00066	Remove obstruction/Restore flow	\$7,253.65	12/21/2017
WO-2017-00067	Jet and remove roots in Tile	\$337.50	6/27/2017
WO-2018-00136	Several blow holes in Tile	\$3,415.75	7/25/2018
WO-2018-00153	Broken Tile	\$653.75	6/26/2018
WO-2019-00192	Several blow holes in Tile	\$2,712.75	7/9/2019
WO-2019-00199	Jet field tile/Restore flow	\$612.50	7/9/2019
WO-2019-00382	Two (2) Blow holes in Tile	\$593.40	12/10/2019
WO-2020-00162	Holes reported	\$2,716.40	6/3/2020
WO-2020-00272	Two (2) holes	\$1,448.50	7/15/2021

There are two (2) outstanding work orders for this Drain as of the date of this report. These work orders are WO-2022-0006 and WO-2022-0092.

Existing Condition

The existing drain is comprised of the original clay field tile constructed in 1899. The drain functions but is undersized by today's standards. The tile is 123-years old and has exceeded the expected service life of such a tile. Routine maintenance is required for the tile to function. The undersized tile does not adequately drain the ground and does not provide a positive outlet for private tiles that are connected to the drain. An adequately drained root zone relieves stress on plants and also provides aeration to the root system, which potentially increases production/yield of the acreage.

It is common for ponding to occur after rain events in several of the fields within the watershed. Such ponding and saturated soil conditions affect crop production.

There is also severe erosion occurring over the tile due to the flow of surface water.

Reconstruction Project

The project will improve the capacity of the drain, provide better drainage for existing tile upstream of the project, and provide a positive outlet for any private tiles.

The project will be let by the Hamilton County Drainage Board and the construction contract will be managed by the Hamilton County Surveyor's Office.

The project includes the following:

2. Flora Mendenhall Arm

1. Reconstruction of the existing Flora Mendenhall Arm of the William Baker Drain between Station 25+90 and Station 69+80. The existing tile between Station 0+00 and Station 25+90 is not being reconstructed with this project. More specifically, the reconstruction will include the following:

- i. Construct a new 4-foot bottom width open ditch with 2:1 side slopes between Station 26+41 and 68+81 at a gradient of 0.2%.
- ii. Intercept the existing 12" tile at Station 25+90 and install a new 15" tile between Station 25+90 and Station 26+41 to outlet the tile to the new open ditch.
- iii. Construct a rock chute in the open ditch between Station 65+05 and Station 65+53.
- iv. Construct a rock chute for surface water flow to enter the new open ditch between Station 26+49 and Station 25+75.

2. The existing tile between Stations 25+90 and Station 69+80 will be demolished by the project. Any connections to the existing tile will be extended to the new open ditch.

3. The new open ditch will be constructed off of the alignment of the existing tile approximately between Station 32+04 and Station 59+17. The alignment of the open ditch was shifted from the alignment of the existing tile to avoid the creation of an isolated area of arable ground east of the new open ditch.

3. Arm 2 of the Flora Mendenhall Arm

1. Reconstruction of the existing Arm 2 of the Flora Mendenhall Arm of the William Baker Drain between Station 2+73 and Station 10+00. The existing tile between Station 0+00 and Station 2+73 is not being reconstructed with this project. More specifically, the reconstruction will include the following:

- i. Construct a new 4-foot bottom width open ditch with 2:1 side slopes between Station 2+89 and Station 11+26 at the following gradients:
 1. 0.2% between Station 11+26 and Station 10+04.
 2. 0.75% between Station 10+04 and 7+08.
 3. 0.2% between Station 6+60 and 4+03.
 4. 0.2% between Station 3+55 and 2+89.
- ii. Intercept the existing 8" tile at Station 2+73 and install a new 12" tile between Station 2+73 and Station 2+89 to outlet the tile to the new open ditch.
- iii. Construct a rock chute in the open ditch between Station 7+08 and Station 6+60.
- iv. Construct a rock chute in the open ditch between Station 4+03 and Station 3+55.
- v. Construct a rock chute for surface water flow to enter the new open ditch between Station 2+95 and Station 2+23.

2. The existing tile between these stations will be demolished by the project. Any connections to the existing tile will be extended to the new open ditch.

4. Culverts and Crossings

1. The installation of two, 30-foot wide ditch crossings, per HCSO Detail C-2, as follows:

- i. 60-LF of 54" CMP at Station 37+11 of the Flora Mendenhall Arm on Parcel 01-05-01-00-00-029.000.
- ii. 60-LF of 60" CMP at Station 54+18 of the Flora Mendenhall Arm on Parcel 01-05-01-00-00-024.000.

2. The installation of 80-feet of 54" CMP under 226th Street at Station 26+88 of the Flora Mendenhall Arm.

3. The installation of 60-feet of 48" CMP under Dunbar Road at Station 3+24 of Arm 2 of the Flora Mendenhall Arm.

5. The cost estimate includes the installation of 4 surface water pipes with animal guard per HCSO Details OD-8 and O-2. The final number installed shall be determined during construction.

6. The cost estimate includes the installation of 8 tile outlets with animal guards per HCSO Details O-1 and O-2. These will be installed on an "as-needed" basis.

7. The project will also include clearing of the easement area, removal of existing pavement, culverts, breathers; installation of rip-rap stabilization at various locations and at culvert crossings; short lengths of grass waterway with rock chutes where concentrated surface flow will enter the new open ditch; temporary erosion control; seeding for a 20-foot filter strip as noted in the Filter Strip section of this report; seeding and other stabilization of disturbed soil areas; maintenance of traffic; pavement repair; special backfill; adjusting the slope of the roadway embankment for future access of ditch maintenance equipment; and other ancillary construction.

8. The soil excavated with the project will be placed within the adjacent regulated drain easement.

Permits

Staff of the Surveyor's Office or the Contractor will obtain construction entrance and road closure approvals from the Hamilton County Highway Department.

Permits from the US Army Corps of Engineers, Indiana Department of Natural Resources, and Indiana Department of Environmental Management are not required for this project.

Construction Cost

The Flora Mendenhall Arm of the William Baker Drain reconstruction project was approved for letting at the January 10, 2022 meeting of the Drainage Board (Hamilton County Drainage Board Meeting Minutes, Book 20, Page 265).

One addendum was issued. The addendum issued the most current Common Construction Wage Rate determination prior to receiving bids.

At the Drainage Board meeting on January 24, 2022, one bid was from White Construction in the amount of \$637,000. (Hamilton County Drainage Board Meeting Minutes, Book 20, Page 293).

From the White Construction bid, the construction cost of the project is estimated to be \$637,000.00.

The bids may be held for a period of 120-days from January 24, 2022. Therefore, the bid will expire on May 24, 2022.

A detailed cost of construction is outlined below.

Flora Mendenhall Construction Costs					
Line Item	Item Description	Quantity	Unit	Unit Cost	Total Cost
A1	Clearing	Acre	0.25	\$36,000.00	\$ 9,000.00
A2	Regulated Drain Tile Removal	LF	2,469	\$ 5.75	\$ 14,196.75
A3	Construction Entrance	EA	4	\$ 2,250.00	\$ 9,000.00
A4	Open Ditch Excavation	LF	4,962	\$ 45.00	\$ 223,290.00
A5	Roadway Embankment	LS	1	\$25,000.00	\$ 25,000.00
A6	Grass Waterway/Surface Swale	LF	321	\$ 12.25	\$ 3,932.25
A7	Farm Crossing [12", #2 Stone]	Tons	225	\$ 45.00	\$ 10,125.00
A8	Surface Water Pipes with Animal Guard and CMP End Section	LF	303	\$ 100.00	\$ 30,300.00
A9	Tile Drain Extension with Animal Guard	EA	8	\$ 2,000.00	\$ 16,000.00
A10	15" HDPE Pipe with Fittings and Animal Guard [Regulated Drain Outlet]	LF	51	\$ 100.00	\$ 5,100.00
A11	12" HDPE Pipe with Fittings and Animal Guard [Regulated Drain Outlet]	LF	15	\$ 150.00	\$ 2,250.00
A12	54" CMP with Granular Backfill	LF	60	\$ 500.00	\$ 30,000.00
A13	60" CMP with Granular Backfill	LF	60	\$ 550.00	\$ 33,000.00
A14	Reno Mattress/Rock Chute	Tons	400	\$ 140.00	\$ 56,000.00
A15	Rip Rap	Tons	468	\$ 55.00	\$ 25,740.00
A16	Tree Fence	LF	1,035	\$ 3.00	\$ 3,105.00
A17	Filter Strip	Acre	4.7	\$ 5,000.00	\$ 23,500.00
A18	Ditch Seeding	Acre	3	\$ 3,000.00	\$ 9,000.00
A19	General Seeding	Acre	0.4	\$10,000.00	\$ 4,000.00
HC1	Pavement Demolition	SF	905	\$ 6.00	\$ 5,430.00
HC2	Existing Culvert Removal	LF	59	\$ 50.00	\$ 2,950.00
HC3	48" CMP with Granular Backfill	LF	60	\$ 325.00	\$ 19,500.00
HC4	54" CMP with Granular Backfill	LF	80	\$ 500.00	\$ 40,000.00
HC5	Maintenance of traffic	LS	1	\$18,481.00	\$ 18,481.00
HC6	Pavement Repair	SF	905	\$ 20.00	\$ 18,100.00
Total Cost					\$ 637,000.00

Easements

The project will take place within existing regulated drain easements and within the public right-of-way of 226th Street and Dunbar Road. No additional easements are required for this project.

The statutory easement over the existing tile of the Flora Mendenhall Arm of the William Baker Drain will be shifted between Station 32+04 and Station 59+17, approximately, to follow the new open ditch. The shifted easement will be 150-feet in width centered on the flowline of the new open ditch.

The statutory easement will be shifted on the following parcels:

Parcel No.:	Owner
01-05-01-00-00-028.000	Waltz, Kelei D
01-05-01-00-00-029.000	Waltz, Kelei D
01-05-01-00-00-024.000	Waltz, Kelei D

The statutory easement over the existing tile of the Arm 2 of the Flora Mendenhall Arm of the William Baker Drain will be extended with the new open ditch from Station 10+00 to 11+26.

The statutory easement will be extended on the following parcels:

Parcel No.:	Owner
01-05-01-00-00-029.000	Waltz, Kelei D

Filter Strips

20-foot filter strips are hereby established on each side of the new open ditch across the following parcels:

Parcel No.:	Owner
01-05-01-00-00-028.000	Waltz, Kelei D
01-05-01-00-00-029.000	Waltz, Kelei D
01-05-01-00-00-024.000	Waltz, Kelei D

Changes to the Drain

The reconstruction of the Flora Mendenhall Arm of the William Baker Drain and the Arm 2 of the Flora Mendenhall Arm of the William Baker Drain will replace the existing tile with an open ditch running roughly parallel to the existing tile. The existing tile of the Flora Mendenhall Arm will be removed between Station 25+90 and Station 69+80. The existing tile of the Arm 2 of the Flora Mendenhall Arm will be removed between Stations 2+73 and 10+00. This will remove 5,117-feet of existing drain.

As part of the Flora Mendenhall Arm, a new 15" tile will be constructed between Station 25+90 and Station 26+41. The new open ditch will begin at Station 26+41 and continue down-stream to Station 68+81. This work is reflected on the Construction Plans as Line "A" between Plan Station 10+49 and Plan Station 53+26. These changes will add 4,291-feet of new drain.

As part of the Arm 2 of the Flora Mendenhall Arm, a new 12" tile will be constructed between Station 2+73 and Station 2+89. The new open ditch will begin at Station 2+89 and continue down-stream to Station 11+26. This work is reflected on the Construction Plans as Line "B" between Plan Station 10+00 and Plan Station 18+40. These changes will add 853-feet of new drain.

With the changes mentioned above, the reconstruction project will have reconstructed 5,144-feet of drain and will have removed or abandoned 5,117-feet of drain. Therefore, the project will add 27-feet of drain to the Flora Mendenhall Arm.

Project Costs

Topographic Survey and Design was preformed by the Hamilton County Surveyor's Office.

Construction staking, periodic grade checks, and as-built drawings will be performed by the Hamilton County Surveyors Office.

The total value of the project is estimated to be as follows:

Construction	\$637,000.00
15% Construction Contingency	\$95,550.00
Total Project Cost	\$732,550.00

Project Funding

The costs for this project will be paid from the sources outlined below.

7. The cost for the new culverts under Dunbar Road and 226th Street shall be paid by the Hamilton County Highway Department per IC 36-9-27-71. The lump sum cost to be charged to the Hamilton County Highway Department is \$120,130.15. This amount includes a base cost of \$104,461.00 (Refer to Line Items HC1 - HC6 of the detailed cost estimate) and a 15% contingency equal to \$15,669.15.
8. The remainder of the project, equal to \$612,419.85 will be funded by the Coronavirus State and Federal Fiscal Recovery Funds of the American Rescue Plan. As of the date of this report, the first round of funds from this program is available. The total amount of the ARPA funds allocated for this project is \$637,000.

The maintenance fund balance for the William Baker Drain is currently in the red \$33,953.21. The William Baker Drain maintenance fund currently receives \$8,425.94 annually from maintenance assessments.

The final costs to be assessed shall be based on the actual construction contract amounts and any approved change orders.

I believe that no damages will result to landowners by the reconstruction of this drain. Therefore, damages shall be set at \$0.00.

I recommend that a hearing be held for this matter on May 9, 2022.

Sincerely,

Kenton C. Ward, CFM

Hamilton County Surveyor

KCW/pll"

The Surveyor stated currently on the Waltz-Leak property the acreage that's now unfarmable has a surface waterway in area of approximately 1.5 acres and the net increase of unfarmable area going to the open ditch is 6.3 acres.

Altman stated both objections deal with the open ditch. Do you have, and it doesn't need to be an exact estimate, but an estimate of what this reconstruction would cost with enclosed drainage?

The Surveyor stated I do not have such an estimate. It would be far more than what the open ditch would be.

Altman asked would it be twice as much?

The Surveyor stated I would say probably twice as much.

Altman stated if not more.

The Surveyor stated at least twice as much.

Altman stated with this reconstruction to solve those issues we're using the ARPA funds to basically eliminate an assessment.

The Surveyor stated correct.

Altman stated what would happen if we enclosed it, we would have an assessment, potentially, of \$700,000.00 that would go over the watershed.

The Surveyor stated yes.

Altman asked and how many properties are in the watershed?

The Surveyor stated 402 acres in the watershed and over 31 properties.

Altman stated so this project couldn't be done quite honestly if we had to put an assessment of \$700,000.00 over 400 acres.

The Surveyor stated as current farm ground, no.

Altman stated I think that's important for those in the audience and objectors to understand. We have a problem we need to fix, we figured out a way to fix it without paying other than it is an open ditch and loss of some tillable ground. Is that an accurate description?

The Surveyor stated yes.

Altman opened the public hearing.

Ganzel stated I drain to this and I'm adjacent and I'm not objecting to fixing the drain at all. I'm happy you're fixing it, it will help drain my yard, it will help the land right behind me, but I am objecting to what you already talked about, having an open versus a closed drain. I have lived by and I grew up by an open drain. It causes nothing but issues with animals, trees growing up, mosquitos; I don't know if you've lived by an open drain and had mosquitos in the summer, but it's nothing but a breeding ground for mosquitos. I don't want to live in my backyard and fight that all summer. It's very unfair to us to do that; just to say we're putting in an open drain and we're not going to consider; I'd rather have all the people; I'd rather do the assessment because most of those people are not going to move and if I understand right once you assess it's deferred or whatever. It's such a breeding ground. We have animals that will be back there. I can guarantee pretty much that the State or the County is not going to come in and clean out the trees and the debris that's in there and the smell. That's my objection. I'm still asking that it be a closed drain instead of an open drain. My neighbors don't want it, I don't know why they're not here, but we don't want an open drain behind our house.

Heirbrandt asked how many acres do you have?

Ganzel stated 1.5 acres, but it's 1.5 plus part of it is beside my house. It's behind my house and beside my house.

Baker-Leak stated as we know Baker's Corner is quickly disappearing. I've been dealing with the State on the road project, I've been dealing with the County on 236th Street and now I am dealing with this drain. As you know, this drain is very old, and I've been dealing with it and fixing from time to time where a blow out would happen. What this does, agriculturally speaking, is it, as an open drain, cuts my farm in half. I didn't understand the full ramification until I got how many acres that I'm being asked to donate to this. In eminent domain I've been feeling the pain, so I've been dealing with this with the State and the County, but I have been paid for the ground that was taken. I am finding that to appease the 400 individuals I am supposed to donate. I am appreciative. I know the Surveyor has worked very hard to get all this funding and to get it through, but it really set me back when I found out that total amount of acreage that was going to be taken. The flow of how this drain goes, it slices my farm in half so I'm losing access from US 31 to my farms, so I have to come in through Dunbar Road or 226th Street. With farming you want to make rows that go the longest distance. What this is going to create also is compaction, not to mention being open, but the other side is I have an open drain in this farm area that is full of trees that are twenty feet tall that have come up by open drains. I feel that at this point this is a lot of undo burden on me. I know the drain needs fixed, believe me, I do. It's just that I also want to appeal to what we are planning for this area. I currently have residential here, we're putting in a commercial drain and I know it's an intersection, but I want us to be very clear with what we're trying to bring forth. At some point I will have to sell and are we catering to retail here or residential or are we catering to commercial? I think with residential which is kind of where the area is, open drain is not necessarily what we want. I know there are a lot of developers and a lot of plans in this area that are being spun right now. I'm needing some help, I'd like to make that area, because I'm being affected even where I live at 2398 E. 236th Street, Cicero. I'm being hit up the road with the road project and on this farm as well again. Forgive me if I feel I'm being encroached upon, but it can work for us, but we do need to understand the scope and what we're setting up for. I feel like I'm being asked to donate acreage to all of this, and I want to keep it as a farm for as long as I can. Where is development going to lead us to, I don't know. I think it's amazing that we've got this opportunity to fix the drain. It's zoned for agriculture until you get towards US 31 and then I think it has the ability to shift. I'm kind of feeling like I'm not going to stand against it, but I think I should be compensated for my ground that I live off of. This is my income. I'm feeling the undue right now.

Altman stated I'd like the Surveyor to address that because I believe we're doing everything within the regulated drain on this or not?

The Surveyor stated we are within the 150 foot. We are moving that against the woods, so we don't impact heavily on two sides. I understand Baker-Leak's position totally. I'm sitting here wondering if there's a scaled down version of this that we can enter into. That kind of throws out the contract that we have.

Altman stated if you scale down the scope of the work, I don't think the contractor would object, do you?

The Surveyor stated probably not.

Altman asked has this been engineered?

The Surveyor stated we've done it in house, so we don't have any engineering funds out per say. Perhaps if the Board would table this for the next meeting.

Altman stated which we can do on this particular project.

The Surveyor stated yes, we have time.

Altman stated I want to have the public hearing concluded because I think we heard from our objectors. Is there any new material you'd like to share?

Baker-Leak stated the only thing is I want to be workable here. You can see how the open drain is just cutting me in half. So, what once was farmed over we're chopped and chopped and chopped. Granted, I've suffered with the drain, so I get this, but the farmer can farm this way, now he has to find where the crossing is and that's going to create compaction and anybody who understands agriculture we're to be dealing with a lot of turns, a lot of compaction.

Altman stated understood, but I'm looking at the topo and it looks like you have almost wetlands developing anyway on your farm because of the drainage problem; looking at the parcels to the south. If we don't get this fixed your opportunities may be going down the road.

Heirbrandt stated it could be classified as a wetland.

Baker-Leak stated gotcha.

Altman stated it behooves you to have this done.

Baker-Leak stated right, I'm not arguing about that, but I don't think I'm taking undo total responsibility because I lose 7.9 acres of productivity.

Altman stated understood, but I believe that regulated drain easement has been there since your family owned the property.

Baker-Leak stated yes.

Altman stated at this point we've got other meetings we have to deal with, and I believe we've understood your concerns and I think the Surveyor will look at it.

Altman asked would anyone else care to address the Board; seeing no one Altman closed the public hearing.

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

Professional Services Agreement - Taylor & Jessup Drain Reconstruction:

The Surveyor presented a Professional Services Agreement from Banning Engineering for the Taylor & Jessup Drain in the amount of \$34,500.00 to the Board for approval.

Heirbrandt made the motion to approve the Professional Services Agreement from Banning Engineering in the amount of \$34,500.00 for the Taylor & Jessup Drain, seconded by Dillinger and approved unanimously.

Professional Services Agreement - Mary Wilson Drain Reconstruction:

The Surveyor presented a Professional Services Agreement from Banning Engineering for the Mary Wilson Drain Reconstruction in the amount of \$40,500.00 to the Board for approval.

Heirbrandt made the motion to approve the Professional Services Agreement from Banning Engineering in the amount of \$40,500.00 for the Mary Wilson Drain Reconstruction, seconded by Dillinger and approved unanimously.

Professional Services Agreement - Cornthwaite Drain:

The Surveyor presented a Professional Services Agreement from Banning Engineering for the Cornthwaite Drain in the amount of \$40,500.00 to the Board for approval.

Heirbrandt made the motion to approve the Professional Services Agreement from Banning Engineering in the amount of \$40,500.00 for the Cornthwaite Drain, seconded by Dillinger and approved unanimously.

Professional Services Agreement - Raymond Briles Drain:

The Surveyor presented a Professional Services Agreement from Banning Engineering for the Raymond Briles Drain in the amount of \$26,500.00 to the Board for approval.

Heirbrandt made the motion to approve the Professional Services Agreement from Banning Engineering in the amount of \$26,500.00 for the Raymond Briles Drain, seconded by Dillinger and approved unanimously.

Professional Services Agreement - M. E. Scherer Drain:

The Surveyor presented a Professional Services Agreement from Banning Engineering for the M. E. Scherer Drain in the amount of \$42,000.00 to the Board for approval.

Heirbrandt made the motion to approve the Professional Services Agreement from Banning Engineering in the amount of \$42,000.00 for the M. E. Scherer Drain, seconded by Dillinger and approved unanimously.

Clara Knotts Drain Phase 2 - Easements:

The Surveyor stated we have ten (10) easements from Tim (Knapp). You've seen the email I forwarded to you from Tim.

Altman asked these are all to be signed at this meeting?

The Surveyor stated yes. These are for the compensation on the acquisition of those easements if the Board would approve the signing of those.

Dillinger made the motion to approve the ten (10) easement acquisitions presented in the total amount of \$54,000.00, seconded by Heirbrandt and approved unanimously.

Highland Springs Drain - Petition:

The Surveyor presented a petition from the City of Fishers for a short arm to the Highland Springs Drain for the Board's acceptance today.

Heirbrandt made the motion to accept the petition from the City of Fishers, seconded by Dillinger and approved unanimously.

Big Cicero Creek Joint Drainage Board - Minutes:

The Surveyor presented the minutes of the Big Cicero Creek Joint Drainage Board from March 23, 2022 to the Board for their information.

Vegetation Control - 2022 Contract:

The Surveyor presented the contract for the 2022 Vegetation Control contract to the Board for approval. I'd like to introduce Gavin Maxwell who's taking over Steve's (Baitz) job.

Heirbrandt made the motion to award the 2022 Vegetation Control contract to Puddle Jumpers Aquatics, seconded by Dillinger and approved unanimously.

52.5 Hearing - Sly Run Drain, Willowview Road Arm - Carter Lumber Reconstruction:

There were neither landowners present nor objections on file.

Cash presented the Surveyor's report to the Board for approval.

"April 22, 2022

To: Hamilton County Drainage Board

Re: Sly Run Drain, Willowview Road Arm, Carter Lumber Reconstruction

Attached are plans and petition for the reconstruction of the Sly Run Drain, Willowview Road Arm, Carter Lumber Reconstruction. This proposal includes a non-enforcement. This project is to be paid for by Carter Lumber. As part of a drainage improvement project to the overall Carter Lumber site, the proposal is for the re-grading of the banks of the existing open drain and replacing an existing CMP culvert pipe with RCP. The purpose of this reconstruction is to provide storm water detention. This is to be constructed per project plans and drainage report for Carter Lumber Company Drainage Improvement Plans by Civil & Environmental Consultants, Inc. (CEC), revision date March 25, 2022.

The project site is located at 2107 Westfield Road, in the City of Noblesville, Indiana. This project is located on parcel 10-10-03-00-00-005.000 owned by Carter Lumber Co. Inc.

Per the plans, the reconstruction begins near the west property line which involves regrading the existing flow line (approximately 277') through a proposed dry detention area. Then, partway through the site, 42' of (2) 24" RCP will be installed. Downstream of these pipes, the regrading will continue east (approximately 42') and end near the east property line.

The reconstruction will consist of the following:

319' of Open Drain (regrading)
42' of (2) 24" RCP

The proposed reconstruction will occur in-line along the existing flowline of existing regulated drain. Therefore, the overall length of the Sly Run Drain, Willowview Arm will remain the same. The reconstruction will occur between CEC plans Sta. 0+34 to Sta. 3+95 with a total length of 361 linear feet. This reconstruction involves the following structures: #4, 5 and 6.

The Willowview Road Drain was established per my report dated April 14, 1986 and approved by the Drainage Board on August 11, 1986. (See Drainage Board Minutes Book 2, pages 128-129; 148-149; and 156-157). The Willowview Road Drain was extended across this parcel as part of the Noblefield Business Park Arm per my report dated December 8, 2005 and approved by the Drainage Board on March 27, 2006. (See Drainage Board Minutes Book 9, pages 130-131). The Willowview Road Drain was made an arm to the Sly Run Drain per my report dated April 22, 2009 and approved by the Drainage Board on June 22, 2022. (See Drainage Board Minutes Book 12, pages 108-111).

The easement for this reconstruction will include the existing easement for the Sly Run Drain, Willowview Road Arm. To accommodate the project's grading and the detention area control structure, a Non-enforcement has been submitted. I recommend approval of the Non-enforcement at this time.

The detention area (dry basin) outside of the flowline and storm pipes is not to be considered part of the regulated drain. The maintenance of the detention area such as sediment removal, erosion control, mowing and vegetation control will be the responsibility of the owner. The Board will also retain jurisdiction for ensuring the storage volume for which the detention area was designed will be retained, thereby, allowing no fill or easement encroachments.

The cost of the project is to be paid by the developer. The proposed reconstruction is wholly within the bounds of the petitioner's property. The petitioner has not yet submitted surety for the proposed drain reconstruction at this time. Per the Board's policy, if approved, I recommend the developer submit surety in the amount of 120% of the engineer's estimate for the above reconstruction.

This proposal meets the criteria for reconstruction of a regulated drain as laid out in IC-39-9-27-52.5. I recommend approval.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/scash"

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

Heirbrandt made the motion to approve the Surveyor's report along with the non-enforcement request for parcel #10-10-03-00-00-005.000 for a detention basin, seconded by Dillinger and approved unanimously.

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

BEFORE THE HAMILTON COUNTY
DRAINAGE BOARD
NOBLESVILLE, INDIANA

IN THE MATTER OF THE
RECONSTRUCTION OF THE
Sly Run Drain, Willowview Road Arm, Carter Lumber Reconstruction

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the ***Sly Run Drain, Willowview Road Arm, Carter Lumber Reconstruction*** came before the Hamilton County Drainage Board for hearing ***on May 9, 2022***, on the Reconstruction Report consisting of the report and the Schedule of Damages and Assessments. The Board also received and considered the written objection of an owner of certain lands affected by the proposed Reconstruction, said owner being:

Evidence was heard on the Reconstruction Report and on the aforementioned objections.

The Board, having considered the evidence and objections, and, upon motion duly made, seconded and unanimously carried, did find and determine that the costs, damages and expenses of the proposed Reconstruction will be less than the benefits accruing to the owners of all land benefited by the Reconstruction.

The Board having considered the evidence and objections, upon motion duly made, seconded and unanimously carried, did adopt the Schedule of Assessments as proposed, subject to amendment after inspection of the subject drain as it relates to the lands of any owners which may have been erroneously included or omitted from the Schedule of Assessments.

The Board further finds that it has jurisdiction of these proceedings and that all required notices have been duly given or published as required by law.

Wherefore, it is ORDERED, that the proposed Reconstruction of the ***Sly Run Drain, Willowview Road Arm, Carter Lumber Reconstruction*** be and is hereby declared established.

Thereafter, the Board made inspection for the purpose of determining whether or not the lands of any owners had been erroneously included or excluded from the Schedule of Assessments. The Board finds on the basis of the reports and findings at this hearing as follows:

HAMILTON COUNTY DRAINAGE BOARD

Christine Altman
PRESIDENT

Mark Heirbrandt
Member

Steven C. Dillinger
Member

ATTEST: Lynette Mosbaugh "

Preliminary Variance Request - Thorpe Creek Drain, Anders Pool:

Cash presented his report to the Board for approval.

"Thorpe Creek - Variance Preliminary Introduction

May 4, 2022

To: Hamilton County Drainage Board

Project Name: Anders Pool - 15412 Southeastern Pkwy, Fall Creek Twp.

Petitioner: Scott Anders

Summary:

Scott & Michelle Anders requests to present their proposal for installing an in-ground swimming pool within the flood plain of Thorpe Creek. This proposal will require the approval of a variance from Ordinance No. 09-26-16A for construction in the floodplain of Thorpe Creek. The project site is located on the north side of Southeastern Parkway, northeast of the intersection with Florida Road. The plans are being designed by Family Leisure.

The purpose of this presentation is to introduce the project to the Drainage Board and to request Preliminary Concurrence.

If Preliminary Concurrence is granted, this project will return to the Board for final approval.

Steven T. Cash
Plan Reviewer"

Altman stated this is all in the floodway, isn't it?

Cash stated almost the entire site is located within the floodplain. It's regulated drain upstream and downstream and the property owners have expressed interest in connecting the dots through here to also include this as regulated drain. The proposal is to include the inground pool here. We've been in discussion with them and if approved they would need to haul off all the dirt, they wouldn't be able to stockpile it within the floodplain. We've also stipulated that if the Board concurs with a pool being located in the floodplain that we would request that a hold harmless agreement would be drafted to keep Hamilton County from incurring any liability from flood waters that may occur in the pool, which is any damage, debris, clogging of the filters, those kinds of things.

Altman stated at least their house is on stilts, the worst problem is in the pool filter. I saw the floodway and I thought this is unusual to want to put more improvements in.

Heirbrandt asked do they realize what they're getting into?

Cash stated I believe they do. They were unable to attend and the folks from Family Leisure were unable to attend. Both the owners expressed they wanted to be here, but they both had conflicts with work they couldn't get out of. I believe they understand. We've met on site and Jason Armour with Fishers also met on site with them to discuss the extent of the floodplain. They understand that the whole thing is below the base flood elevation.

Altman stated with a strong release and hold harmless I personally don't have an objection. We'll just gather up their pool equipment as it flows away.

The Surveyor stated they're walking in eyes wide open.

Dillinger stated I agree.

Heirbrandt stated I'd make sure, from a legal standpoint, we're covered.

Altman stated and it's recorded.

The Surveyor stated I wanted something in the chain of title.

Heirbrandt made the motion to grant preliminary approval of the work in the floodplain, seconded by Dillinger and approved unanimously.

Non-enforcements:

Mr. Matthew Cole was present for this item.

Liston presented a non-enforcement request for the Sly Run Drain, Villages at Pebble Brook Arm filed by Matthew Cole for parcel #11-06-33-03-04-040.000 for a fence eleven feet into the easement. The Surveyor's Office recommends approval. Typically, we would ask for 7.5 feet.

Altman asked what's the total drainage easement?

Liston stated it's a fifteen-foot easement per half. We looked at trying to get this fence through that landscape bed past those trees. The Surveyor asked that we go four feet. There is a storm pipe in the easement. I spoke with Mr. Cole this morning on the phone and he would like to speak to the Board.

Altman asked how much do we have left after what you proposed to access?

Liston stated he wanted to put the fence eleven feet into the easement and that would leave us four feet.

Altman stated so we have four feet left.

Liston stated yes.

Altman stated that's awfully generous, you can try, sir.

Cole stated there are a few reasons I believe we should be able to erect the fence closer to the property line. First off, we would be able to mow behind the landscaping and with four feet of clearance from the property line I wouldn't be able to make one pass with the mower. Second having a fence that close to the landscaping bed personally it affects the visual composition of the yard and affects our property value.

Altman stated I'll point out your landscaping mound is in the drainage easement.

Cole stated yes. Are there any plans currently, like a specific and present plan to perform maintenance on the drain?

Altman stated we don't know.

Cole stated I was looking, and I wasn't able to find anything. If we were to put the fence further into the easement, I am fully aware that there it would be our responsibility to remove said fence prior to anything needing to be done. With 24 hours' notice I would personally take it down. I'm asking for 1.5 feet from the property line.

Altman asked, is that your request? We're running way late.

Cole stated my partner is disabled and having the fence that close to the bed would functionally prohibit her access from that part of our property.

Altman asked, excuse me?

Cole stated my partner has mobility issues.

Altman stated I understand, but I'm not sure how having a fence in one location prohibits access.

Cole stated she wouldn't be able to walk behind that landscaping bed.

Altman stated that's four feet on the other side, correct? I'm trying to find the hardship.

Cole stated with having it four feet from the property line it's right adjacent to the edge of that bed and she wouldn't be able to walk there.

Altman stated I don't know why anybody would if it's that close. I'm just being honest.

Cole stated it's our property.

Altman stated okay, lets just start with the premise that you purchased a property with a fifteen foot easement along the back along the property line, along the property is an underground pipe that we have to protect and that you're asking for permission, which we appreciate, you didn't just throw up your fence, but what I've heard today is the Surveyor's Office has been extremely generous with coming back even further than they felt comfortable with. If you think you can convince us I would suggest you do it in the next minute.

Cole stated I don't see why if there's not a specific and present need to do maintenance on that part of the drain and I'm willing to take the fence down in the event maintenance is performed and that it's a four foot aluminum fence, it wouldn't functionally impact drainage on the property at all.

Altman asked are you requesting us to deny this until you re-present it with your new request, or do you want this variance as presented by the Surveyor's Office?

Heirbrandt stated I think we ought to table this until they figure out exactly what they want to do because I am not comfortable with any more of this especially because if we come in there, we're taking all that landscaping out. All of that is coming out if we have an issue there.

Dillinger stated but that would happen today.

Heirbrandt stated yes, it would happen today. If we come in there, we'd have to, there would be no choice.

Heirbrandt made the motion to table the Cole Non-enforcement request, seconded by Dillinger and approved unanimously.

Liston presented a non-enforcement request for the Vermillion Drain, Enclave at Vermillion Arm filed by Madison and Zachary Miller for parcel #13-16-08-00-24-030.000 for a fence. The Surveyor's Office recommends approval.

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

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

Dillinger 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 Sunit-Preet and Paulomi Chaudhry for parcel #17-09-34-00-14-020.000 for a fence. The Surveyor's Office recommends approval.

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

Liston presented a non-enforcement request for the Sly Run Drain, Villages at Pebble Brook Arm filed by Matthew Cole for parcel #11-06-33-03-04-040.000 for a fence eleven feet into the easement. The Surveyor's Office recommends approval.

Heirbrandt made the motion to take this item off the table, seconded by Dillinger and approved unanimously.

Heirbrandt made the motion to allow the variance as described by the Surveyor's Office, seconded by Dillinger and approved unanimously.

Variance Request - Cool Creek Drain:

Mr. Josh Hogan was present for this item.

Clark presented his report to the Board for approval.

"April 19th, 2022

Hamilton County Drainage Board

RE: Cool Creek Drain

Northwest Corner of Grand Park Blvd and Wheeler Road.

Attached is an application from Mike Timko of HWC Engineering dated April 19th, 2022, requesting a variance from the adopted structural standard for utility crossings as set out in Ordinance 3-25-02-A. The structural standard in question requires a 10-foot separation between a utility and a regulated drain during a crossing.

Additional Information:

The proposed utility crossing is part of a larger project known as the Grand Park Lake Village Multifamily located at the Northwest corner of Grand Park Blvd and Wheeler Road.

Reason for Variance:

The reason for the variance is that the existing legal drain is 54" RCP and 6 to 8 feet deep meaning that there is less than 10 feet of cover over the drain and placing the utilities 22 feet deep or more would be impractical. As a result, the utility will need to be placed above the regulated drain with a 2-foot separation.

Staff Recommendations:

Grant approval of the variance and allow for the issuance of the associated crossing permit.

Sincerely,

Samuel Clark
Hamilton County Surveyor's Office"

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

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

Christine Altman - President

Lynette Mosbaugh
Executive Secretary