

MINUTES OF THE HAMILTON COUNTY DRAINAGE BOARD

May 22, 2023

The meeting was called to order Monday, May 22, 2023 at 9:00 a.m.

The members of the Board present were Mr. Mark Heirbrandt-President, Mr. Steven C. Dillinger-Vice President and Ms. Christine Altman-Member. Also present was the Hamilton County Surveyor, Kenton C. Ward and his staff: Mr. Sam Clark, Mr. Reuben Arvin, Mr. Gavin Maxwell, Ms. Clara Furst, Mr. Gary Duncan, Mr. Brian Rayl, Mr. John Campbell and Ms. Suzanne Mills. The Board's attorney's, Mr. Michael Howard and Mr. Connor Sullivan, were also present.

Approval of Minutes of May 8, 2023:

The minutes of May 8, 2023 were presented to the Board for approval.

Altman made the motion to approve the minutes of May 8, 2023, seconded by Dillinger and approved unanimously.

Bid Opening - Beaver & Brooks Drain:

Mr. Aaron Milbourne was present for this item.

Howard stated the first bid is from Morphe Construction with all required forms present and a bid of \$2,985,471.00. This appears to be all the bids. Do any persons present know of any other bids; none appearing I recommend the bid be referred to the Surveyor's Office for review and recommendation on June 12, 2023.

Altman made the motion to refer the bid to the Surveyor's Office for review and recommendation on June 12, 2023, seconded by Dillinger and approved unanimously.

Albert Shaw Drain:

There was one objection on file. There were no landowners present for this item.

The Surveyor presented his report to the Board for approval.

"February 9, 2023

TO: Hamilton County Drainage Board

RE: Albert Shaw Drain

At this time, I recommend the Board increase the period of collections for the Albert Shaw Drain Fund No. 70, from 4 years to 8 years as allowed under IC 36-9-27-43. Currently the drain collects \$9,506.98 annually and has a balance of \$26,952.96. The assessments for this fund were last revised in 2003.

This is an urban drain which means maintenance work is costly. With the costs of maintenance increasing one such breakdown or open ditch repair could eliminate the balance within this fund. If this happens the fund shortfall would be made up through the General Drain Improvement Fund (GDIF) as per IC 36-9-27-73. Depending on the amount of such shortfall it could take years to pay off the needed funds back to the GDIF. I view this as a proactive way to avoid this situation without increasing assessment rates. Also, at some point in the future the open drain portion of the drain may be a candidate for reconstruction. Increasing the period of collections will possibly provide some funds to use towards a reconstruction as allowed under IC 36-9-27-45.5.

I recommend the Board set this proposal for hearing for May 22, 2023.

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll"

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

Dillinger made the motion to deny the objection, seconded by Altman.

Altman asked, have we contacted the landowner?

The Surveyor stated I walked in at 8:00 a.m.

Altman stated send a note because I don't see that his objections are relevant to what we're doing.

The motion had been made and seconded to deny the objection and approved unanimously.

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

"FINDINGS AND ORDER

CONCERNING THE MAINTENANCE OF THE

Albert Shaw Drain

On this **22nd day of May, 2023**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Albert Shaw Drain**.

Evidence has been heard. Objections were presented and considered. The Board then adopted the original/amended Schedule of Assessments. The Board now finds that the annual maintenance assessment will be less than the benefits to the landowners and issues this order declaring that this Maintenance Fund be established.

HAMILTON COUNTY DRAINAGE BOARD

Mark Heirbrandt _____
President

Christine Altman _____
Member

Steven C. Dillinger _____
Member

Attest: Lynette Mosbaugh
Executive Secretary"

Little Cicero Creek Drain - Hamilton County Parks Extension:
There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"April 4, 2023

To: Hamilton County Drainage Board

Re: Little Cicero Creek Drain, Hamilton County Parks Extension

Attached is a petition, drain map, drainage shed map and schedule of assessments for the extension of the Little Cicero Creek Drain. This proposed drain is located in Jackson Township and has been petitioned by the Hamilton County Parks Board.

I have made a personal inspection of the land described below. Upon doing so, I believe that the drain is practicable, will improve the public health, benefit a public highway and be of public utility and that the costs, damages and expenses of the proposed drain will probably be less than the benefits accruing to the owners of land likely to be benefited. The drain will consist of the following:

Open Ditch 2,027 ft.

The total length of the drain will be 2,027 feet.

The extension has two segments as the Parks Parcel 03-02-00-00-005.003 , is located on both the north and south sides of 256th Street. The north segment begins at the west property line of the Parks Parcel and runs downstream 742 feet in the existing channel for Little Cicero Creek to the north property line of said parcel. The south segment begins at the south line of the 256th Street right of way which is the end point of the Little Cicero Creek Drain, 256th Street Extension as described in my report dated October 4, 2021. This extension was approved by the Board at hearing on November 22, 2021 (see Hamilton County Drainage Board Minutes Book 20, pages 216 to 218). This segment then runs in a southerly direction downstream 1,285 feet in the existing channel for Little Cicero Creek to the south line of said parcel.

The current rates for the Little Cicero Creek Drain are as follows:

1. Maintenance assessment for agricultural tracts set at 4.00 per acre with a \$15.00 minimum.
2. Maintenance assessment for non-platted residential tracts set at \$4.00 per acre with a \$15.00 minimum.
3. Maintenance assessments for platted lots in subdivisions whose drainage systems will not be part of the regulated drain set at \$35.00 per lot/minimum. Common areas within the non-regulated drain subdivision assessed at \$5.00 per acre with a \$35.00 minimum.
4. Maintenance assessments for platted lots within subdivisions whose drainage system will be part of the regulated drain set at \$65.00 per lot/minimum. Common areas within the regulated drain subdivision set at \$10.00 per acre with a \$65.00 minimum.
5. Maintenance assessments for commercial, institutional and multi-family residential tracts set at \$10.00 per acre with a \$75.00 minimum.
6. Maintenance assessment for roads and streets are set at \$10.00 per acre.

The annual maintenance collection for this extension will be \$160.68.

The nature of maintenance work required is as follows:

1. Bank erosion protection and/or seeding as might be required;
2. Removal of debris and/or blockages from existing open drain;
3. Removal of beaver dams;
4. Any other repairs necessary to restore proper flow to the open ditch.

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

The easements for the drain should be set at 75' from top of bank as set out in IC 36-9-27-33 on the Parks property. The easement on the Hever property parcels 03-02-26-00-00-006.000, 03-02-26-00-00-006.001, 03-02-26-00-00-006.002 shall be 30 feet as platted on the Secondary Minor Plat for Hever Estates and recorded in the office of the Hamilton County Recorder as Instrument Number 2020024152 Plat, Plat Cabinet 5, Slide 1126.

I recommend that the Board set a hearing for this proposal for May 22, 2023.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll"

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

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

"FINDINGS AND ORDER

CONCERNING THE MAINTENANCE OF THE

Little Cicero Creek Drain, Hamilton County Parks Extension

On this **22nd day of May, 2023**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Little Cicero Creek Drain, Hamilton County Parks Extension**.

Evidence has been heard. Objections were presented and considered. The Board then adopted the original/amended Schedule of Assessments. The Board now finds that the annual maintenance assessment will be less than the benefits to the landowners and issues this order declaring that this Maintenance Fund be established.

HAMILTON COUNTY DRAINAGE BOARD

Mark Heirbrandt
President

Christine Altman
Member

Steven C. Dillinger
Member

Attest: Lynette Mosbaugh
Executive Secretary"

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

IN THE MATTER OF THE
RECONSTRUCTION OF THE
Little Cicero Creek Drain, Hamilton County Parks Extension

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the **Little Cicero Creek Drain, Hamilton County Parks Extension** came before the Hamilton County Drainage Board for hearing **on May 22, 2023**, on the Reconstruction Report consisting of the report and the Schedule of Damages and Assessments. The Board also received and considered the written objection of an owner of certain lands affected by the proposed Reconstruction, said owner being:

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

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

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

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

Wherefore, it is ORDERED, that the proposed Reconstruction of the **Little Cicero Creek Drain, Hamilton County Parks Extension** be and is hereby declared established.

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

HAMILTON COUNTY DRAINAGE BOARD

Mark Heirbrandt
PRESIDENT

Christine Altman
Member

Steven C. Dillinger
Member

ATTEST: Lynette Mosbaugh
Executive Secretary "

Krause & Klepfer Drain:

There was one objection on file. Ms. Marilyn Raich was present for this item.

The Surveyor presented his report to the Board for approval.

"April 4, 2023

TO: Hamilton County Drainage Board

RE: Krause & Klepfer Drain

At this time, I recommend the Board increase the period of collections for the Krause & Klepfer Drain Fund No. 48, from 4 years to 8 years as allowed under IC 36-9-27-43. Currently the drain collects \$55,320.40 annually and has a balance of \$265,805.90. The assessments for this fund were last revised in 2014.

This drain is an Urban Drain which means maintenance work is costly. With the costs of maintenance increasing several work orders could eliminate the balance within this fund. If this happens the fund shortfall would be made up through the General Drain Improvement Fund (GDIF) as per IC 36-9-27-73. Depending on the amount of such shortfall it could take years to pay off the needed funds back to the GDIF. I view this as a proactive way to avoid this situation without increasing assessment rates. Also, at some point in the future this drain will be a candidate for reconstruction. Increasing the period of collections will possibly provide some funds to use towards a reconstruction as allowed under IC 36-9-27-45.5.

I recommend the Board set this proposal for hearing for May 22, 2023.

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll"

Heirbrandt opened the public hearing.

Raich stated I did send in a letter. When I received the letter, I realized what you're doing is assessing all the homeowners adjacent to a retention pond. This might have been really good when it was farmland and it just extended to that, but now we have all the subdivisions that incorporated. Indigo Lake owns the retention pond, and they own the land around. My lot doesn't even go down to the lake. Neither does any of the homeowners on the lake and those are the ones who have assessments. The question is, isn't this the responsibility of the Homeowners Association rather than billing the individual property owners? I also had a question, and you all are too young to remember Sunday afternoon drives, but I took one yesterday and I looked at the drain. This is the drain that runs behind the Walmart in the Fishers Marketplace. It is definitely a ditch, but it's so overgrown with everything and all and this \$55,000.00 goes for maintenance and I was just wondering what; and I realize it's a long drain and they may have it scheduled at different times, but those are my concerns because I'm not worried about the \$35.00, what I'm worried about when you replace the drain is how much I'm responsible for.

The Surveyor stated as far as the detention pond goes the detention pond is not part of the drainage system that is being assessed, that is the responsibility of the HOA. The assessment is only for that open ditch and those portions that are now enclosed storm sewer that's above you and below you.

Raich asked how would the water on my property reach that ditch?

The Surveyor stated through the drainage system for the subdivisions.

Raich stated it either goes into the retention or else it goes into the; front of the property the only concrete is the driveway, and it drains into our sewer system that is in the subdivision. So, I'm not sure how.

The Surveyor stated the outlet for that storm sewer system as it exits the lake is that ditch.

Raich stated yes, and that's what I'm talking about. The land around the lake all belongs to; I'm not objecting to paying as a member of the Homeowners Association I just don't think we should be individually assessed.

Howard stated let me try again. Your water goes into the detention pond, but that is step one. When that detention pond reaches a certain elevation there is an outlet pipe that takes the excess water and conveys it to the ditch. That is the part of the drain that is regulated and that is the part of the drain that the maintenance goes toward, not the pond. Once it outlets the pond, you're right, but it's two separate systems. One is a collection system for the subdivision, we all live in them, and they have a collection system, but it's the outflow when the water gets caught. That's the basis of the assessment. It's not the maintenance of the pond itself.

Hamilton County Drainage Board
May 22, 2023

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

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

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

"FINDINGS AND ORDER
CONCERNING THE MAINTENANCE OF THE
Krause & Klepfer Drain

On this **22nd day of May, 2023**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Krause & Klepfer Drain**.

Evidence has been heard. Objections were presented and considered. The Board then adopted the original/amended Schedule of Assessments. The Board now finds that the annual maintenance assessment will be less than the benefits to the landowners and issues this order declaring that this Maintenance Fund be established.

HAMILTON COUNTY DRAINAGE BOARD

Mark Heirbrandt
President

Christine Altman
Member

Steven C. Dillinger
Member

Attest: Lynette Mosbaugh
Executive Secretary"

Mallery-Granger Drain - Comstock Estates Extension:

There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"April 4, 2023

To: Hamilton County Drainage Board

Re: Mallery-Granger Drain, Comstock Estates Extension

Attached is a drain map and petition for the extension of the Mallery-Granger Drain, Comstock Estates Extension. The proposed drain is located in Noblesville Township.

I have made a personal inspection of the land described below. Upon doing so, I believe that the drain is practicable, will improve the public health, benefit a public highway and be of public utility and that the costs, damages, and expenses of the proposed drain will probably be less than the benefits accruing to the owners of land likely to be benefited.

The extension of the regulated drain shall begin at the west property line of current Parcel 10-06-25-00-00-016.000 owned by Comstock LLC which is being platted as Comstock Estates. The beginning point falls on the east right of way line for the old Nickel Plate Railroad. The drain then runs 1,390 feet in a southeasterly direction downstream following the existing open ditch to the south property line of the afore mentioned parcel.

This extension will consist of the following:

Open Ditch 1,390 feet

This extension is located on the following parcel:

<u>Parcel</u>	<u>Owner</u>
10-06-25-00-00-016.000	Comstock LLC

This parcel will not be assessed for maintenance at this time.

The easements for the drain should be set at 75' from top of bank on the north bank and 25 feet on the south bank as set out on the Secondary Plat for Comstock Estates.

I recommend that the Board set a hearing date for May 22, 2023.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/llm"

Altman asked, did we set a maintenance rate on this?

The Surveyor stated no, we did not since it's downstream of the regulated section that is under maintenance at this time. We didn't, at this time, set a rate. I had talked to the Parks Department about three years ago, about regulating the drain through the golf course. They were having major erosion problems and we went through the petition process at that time. I actually gave them a petition and I haven't heard back from them. At some point in time, I expect to hear back from the Parks across the golf course and at that time I thought we could put it on a maintenance program.

Altman stated it just seems to me if this is going to be subdivided and you know the number of lots, we would be better served to set the maintenance at the same time to avoid a public hearing with a bunch of people on all these subdivisions when it starts heating up again.

Heirbrandt asked Altman, do you want to table?

Altman stated yes, I'd like to table this unless it's going to mess up their timeframe and get notice out to them that we're going to set maintenance and have them sign off.

Howard stated there have been long standing conversations and negotiations just to get the acquiescence that there would be dedication of the regulated drain through the property. I know that finally there was an acquiescence because people want to get a house built this year.

Altman asked, what's your point? I'm not sure if it's pro or con of my suggestion.

Howard stated if we just approve the dedication of the easement today then that would allow them to go forward, their plat would be approved by the city and that would allow them to go forward. If we table it today and then advertise for a maintenance route...

Altman asked is this a single house subdivision?

Howard stated no, there's two or three houses there and there's two or three houses proposed, I think.

The Surveyor stated five lots.

Dillinger asked the Surveyor, Jim Comstock sold the house?

The Surveyor stated I believe so.

Dillinger stated I don't want to table it.

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

Altman stated I would ask in the future, on any of these subdivisions, just get a rate set and move on at the same time because you're dealing with one person.

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

BEFORE THE HAMILTON COUNTY
DRAINAGE BOARD
NOBLESVILLE, INDIANA

IN THE MATTER OF THE
RECONSTRUCTION OF THE
Mallery-Granger Drain, Comstock Estates Extension

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the **Mallery-Granger Drain, Comstock Estates Extension** came before the Hamilton County Drainage Board for hearing **on May 22, 2023**, on the Reconstruction Report consisting of the report and the Schedule of Damages and Assessments. The Board also received and considered the written objection of an owner of certain lands affected by the proposed Reconstruction, said owner being:

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

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

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

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

Wherefore, it is ORDERED, that the proposed Reconstruction of the **Mallery-Granger Drain, Comstock Estates Extension** be and is hereby declared established.

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

HAMILTON COUNTY DRAINAGE BOARD

Mark Heirbrandt
PRESIDENT

Christine Altman
Member

Steven C. Dillinger
Member

ATTEST: Lynette Mosbaugh
Executive Secretary"

William Lehr Drain:

There was one objection on file. Mr. Ricky Williams was present for this item.

The Surveyor presented his report to the Board for approval.

"April 4, 2023

TO: Hamilton County Drainage Board

RE: William Lehr Drain

At this time, I recommend the Board increase the period of collections for the William Lehr Drain Fund No. 3, from 4 years to 8 years as allowed under IC 36-9-27-43. Currently the drain collects \$149,134.98 annually and has a balance of \$182,180.71 after subtracting the reconstruction for the Joseph & Brooks Drain, 156th Street Project and the J. S. McCarty Drain Phase 1. The assessments for this fund were last revised in 2005.

With the costs of maintenance pressure will be placed this fund. Any shortfalls with this fund would be made up through the General Drain Improvement Fund (GDIF) as per IC 36-9-27-73. Depending on the amount of such shortfall it could take years to pay off the needed funds back to the GDIF. I view this as a proactive way to avoid this situation without increasing assessment rates. Also, at some point in the future this drain will be a candidate for reconstruction for the J. S. McCarty Drain Phase 2 and Phase 3. Increasing the period of collections will possibly provide some funds to use towards a reconstruction as allowed under IC 36-9-27-45.5.

I recommend the Board set this proposal for hearing for May 22, 2023.

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll"

Heirbrandt opened the public hearing.

Williams stated when you say the assessment increasing it from four years to eight years; in other words, the assessment was just limited to four years, but now it's going to be just for an eight-year period.

Heirbrandt stated correct.

Williams stated the previous conversations kind of cleared up any other questions I had.

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

Altman stated let's take a moment and read the objection.

Heirbrandt stated I think he has some confusion in regard to what the storm sewer is.

Altman stated it's also an issue of Fishers doing its independent assessment, which you don't know exactly what it's applied to. I think it's a misunderstanding of the request.

Altman made the motion to deny the objection with the understanding that the Surveyor will clarify what we were asking and respond to him, seconded by Dillinger and approved unanimously.

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

"FINDINGS AND ORDER

CONCERNING THE MAINTENANCE OF THE

William Lehr Drain

On this **22nd day of May, 2023**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **William Lehr Drain**.

Evidence has been heard. Objections were presented and considered. The Board then adopted the original/amended Schedule of Assessments. The Board now finds that the annual maintenance assessment will be less than the benefits to the landowners and issues this order declaring that this Maintenance Fund be established.

HAMILTON COUNTY DRAINAGE BOARD

Mark Heirbrandt
President

Christine Altman
Member

Steven C. Dillinger
Member

Attest: Lynette Mosbaugh
Executive Secretary"

Thomas Pierce Drain - Green Harris Arm:

There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"March 13, 2023

TO: Hamilton County Drainage Board

RE: Thomas Pierce Drain, Green Harris Arm

Attached is the drain map and drainage shed map for the Green Harris Arm to the Thomas Pierce Drain. The Green Harris Drain is Number 2 on the 2023 Drain Classification for maintenance.

The Green Harris Drain was petitioned for to the Hamilton County Circuit Court and the Viewers Report was approved and ordered constructed by the court in November 1904 (See Hamilton County Order Book 45, pages 584 to 588). The drain consists of 1,000 feet of 8-inch and 2,044 feet of 10-inch tile in Adams Township. At the time the Harris Drain was constructed it terminated into the Henry Albright Drain. The Albright Drain was vacated by the Board on February 2, 1982 (See Hamilton County Drainage Board Minutes Book 1, page 455). This was done prior to the policy of not vacating a drain if it runs from a road to an outlet so as not to lose the regulated drain easement. In this case between 286th Street and the Thomas Pierce Drain.

An inspection was made on the tile on February 3, 2023 by Jerry Liston of this office. At that time one small hole was found over the tile. Mr. Liston's report is dated February 14, 2023.

At this time, I would recommend the Board incorporate the Green Harris Drain as an arm to the Thomas Pierce Drain. The drainage shed of the Green Harris Drain is being assessed for the Thomas Pierce Drain currently and has been for some time. The current rates for the Pierce Drain, Fund 255, are as follows:

1. Maintenance assessment for agricultural tracts be set at \$3.00 per acre with a \$15.00 minimum.
2. Maintenance assessment for non-platted residential tracts be set a \$3.00 per acre and increase the \$10.00 minimum to \$15.00 minimum.
3. Maintenance assessment for platted lots in subdivisions whose drainage systems will not be part of the regulated drain shall be set at \$35.00 per lot/minimum. Common areas within non-regulated drain subdivisions shall be assessed at \$5.00 per acre with a \$35.00 minimum.
4. Maintenance assessment for platted lots within subdivisions whose drainage system will be part of the regulated drain shall be set at \$65.00 per lot/minimum. Common areas within the regulated drain subdivisions shall be set at \$10.00 per acre with a \$65.00 minimum.
5. Maintenance assessment for commercial, institutional and multi-family residential tracts will be set a \$10.00 per acre with a \$75.00 minimum.
6. Maintenance for roads and streets shall be set at \$10.00 per acre.

These rates collect \$4,914.20 annually and the fund currently has \$26,410.07 in the maintenance fund.

I do not recommend the rates be changed due to this proposal.

I recommend that the Board set a hearing for this proposal for May 22, 2023.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll"

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

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

Hamilton County Drainage Board
May 22, 2023

"FINDINGS AND ORDER

CONCERNING THE MAINTENANCE OF THE

Thomas Pierce Drain, Green Harris Arm

On this **22nd day of May, 2023**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Thomas Pierce Drain, Green Harris Arm**.

Evidence has been heard. Objections were presented and considered. The Board then adopted the original/amended Schedule of Assessments. The Board now finds that the annual maintenance assessment will be less than the benefits to the landowners and issues this order declaring that this Maintenance Fund be established.

HAMILTON COUNTY DRAINAGE BOARD

Mark Heirbrandt
President

Christine Altman
Member

Steven C. Dillinger
Member

Attest: Lynette Mosbaugh
Executive Secretary"

Schneider & Pierce Drain:

There was one objection on file. No landowners were present for this item.

The Surveyor presented his report to the Board for approval.

"February 28, 2023

TO: Hamilton County Drainage Board

RE: Schneider & Pierce Drain

At this time, I recommend the Board increase the period of collections for the Schneider & Pierce Drain Fund No. 100, from 4 years to 8 years as allowed under IC 36-9-27-43. Currently the drain collects \$4,834.76 annually and has a balance of \$19,711.26. The assessments for this fund was last revised in 2006.

This drain has a chronic history of breakdowns, some of which have been costly. With the costs of maintenance increasing one such breakdown could eliminate the balance within this fund. If this happens the fund shortfall would be made up through the General Drain Improvement Fund (GDIF) as per IC 36-9-27-73. Depending on the amount of such shortfall it could take years to pay off the needed funds back to the GDIF. I view this as a proactive way to avoid this situation without increasing assessment rates. Also, at some point in the future this drain will be a candidate for reconstruction. Increasing the period of collections will possibly provide some funds to use towards a reconstruction as allowed under IC 36-9-27-45.5.

I recommend the Board set this proposal for hearing for May 22, 2023.

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll"

Altman stated the objection indicated there would be written evidence supporting the objection may be provided.

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

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

Hamilton County Drainage Board
May 22, 2023

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

**"FINDINGS AND ORDER
CONCERNING THE MAINTENANCE OF THE
Schneider & Pierce Drain**

On this **22nd day of May, 2023**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Schneider & Pierce Drain**.

Evidence has been heard. Objections were presented and considered. The Board then adopted the original/amended Schedule of Assessments. The Board now finds that the annual maintenance assessment will be less than the benefits to the landowners and issues this order declaring that this Maintenance Fund be established.

HAMILTON COUNTY DRAINAGE BOARD

Mark Heirbrandt _____
President

Christine Altman _____
Member

Steven C. Dillinger _____
Member

Attest: Lynette Mosbaugh
Executive Secretary"

Petition - Taylor & Jessup Drain, Davis Arm:

The Surveyor stated the office received a petition for a new arm to the Taylor & Jessup Drain. The arm would go down 211th Street from the existing main drain running east along 211th Street on the north side to the Davis property and then south to a private drain and pick up that drain, which appears to be cut off by the property to the west of it when they put in a pond. This would help those people within that little drainage shed, which we have water standing there now.

Altman stated going through aerials I'm more concerned we're putting a regulated drain in a wetland. How long has it been wet?

The Surveyor stated it's not on the map.

Altman stated I don't care; we all know the rules that it doesn't have to be on the map.

The Surveyor stated it's been wet for a long time because if you go through the aerials it's been wet for a while and a lot of it has to do with the soil type itself.

Altman stated well that's the definition of a wetland is the type of soils and the aquatic vegetation.

The Surveyor stated it's been farmed so it's prior converted.

Altman stated I just want a review of that and a determination as you go forward with the petition because you're just announcing the petition has been filed.

The Surveyor stated right.

Altman stated I'm sharing with you my concerns that we don't want to drain a wetland and then get sideways with IDNR or the Feds.

The Surveyor stated I don't want that either.

Hearing Requests:

The Surveyor asked the Board to set the following items for hearing on June 26, 2023: McMahon & Overdorf Drain; John Owen Drain, Maintenance Assessment Increase; Ida Teter Drain, Maintenance Assessment Increase; Oliver Shoemaker Drain, Maintenance Assessment Increase; Flat Fork Creek Drain, Flatrock Creek Farms Arm, Added Parcels & Increase Collection Period; Adam Ault Drain Reconstruction; Marion Blanton Drain Reconstruction; Thorpe Creek Drainage Area, The Cove at Thorpe Creek Extension; Williams Creek Drainage Area, Hinshaw-Henley Arm, Bedford Falls; Cool Creek, Anna Kendall (Main) and Anna Kendall, E. M. Osborn Reconstruction, Oak Ridge Pointe.

Altman asked, the Adam Ault Drain, you've got that paid for by Highway, Tipton County and ARPA?

The Surveyor stated correct.

Altman stated with a small contribution from maintenance of \$63,000.00.

The Surveyor stated correct.

Altman stated I'm just pointing out the major funder is ARPA and we're okay with that?

The Surveyor stated the Adam Ault Drain was on the list.

Altman stated I know it's on the list, but we've been trying to get more people involved so we spread the money further.

Heirbrandt asked is Tipton involved in this too?

The Surveyor stated yes. This is a very small drainage shed.

Altman stated okay, I didn't know the details on this, that's why I'm asking before we send it out and then decide we want more contribution from the owners and have to readvertise.

The Surveyor stated we already have a bid on that one and it's based on the bid.

Altman stated then you've got the Marion Blanton Drain with no contribution from ARPA, \$500,000.00 from Highway and then \$1,400.00 per acre.

The Surveyor stated correct. This was not on the list of drains that I gave you for ARPA. At the meeting of November 18, 2022, when you set the rest of the ARPA funds for drains.

Altman stated \$1,400.00 per acre is a significant assessment is my point and it will probably draw many objections which will fill the room. Before we send this out do we have excess ARPA, does this qualify for ARPA to drive down those assessments?

The Surveyor stated it does qualify. We have \$9,664.00 left over from Ream Creek Reconstruction and we have \$97,523.44 left over from George Symonds Drain.

Altman stated that would make a rather significant reduction plus we're charging Highway \$500,000.00, which...

The Surveyor stated that's for two new structures.

Altman stated I would suggest we table this reconstruction until we get permission on ARPA.

Heirbrandt stated I think we ought to table this one as well.

Altman stated I already know what the result is going to be.

Heirbrandt stated some questions have been brought up about the Army Corps and whether they've been contacted at all and IDEM. I want to make sure that gets resolved. According to some of the landowners there's been nothing presented to the Army Corps. That's what they're telling me, I don't whether that's true or not.

The Surveyor stated we heard that from somebody and we were looking through emails because we have an email either from IDEM or the Corps saying that was not a high quality wetland and saw no reason to submit.

Heirbrandt stated you need to have it clarified and every "t" crossing and "i" dotted.

Howard stated we need that in the record when the public hearing is held so five years from now somebody can find that document.

The Surveyor stated we're trying to find that document in the emails, but unfortunately after two years emails get stripped out and all the attachments get done away with.

Altman stated no, we can't, we have to have public record retention on that.

Sullivan stated they have record of it somewhere. I went over an issue similar to this so I think we just have a conversation with Chris (Mertens).

Altman stated it's just what you can search versus the archive.

The Surveyor stated it still doesn't help us.

Heirbrandt asked Altman, are you good with all of the other hearing requests other than the Marion Blanton?

Altman stated Olive Shoemaker Drain, is it going to have to be reconstructed? You've got \$44,000.00 sitting in the bank and you collect almost \$10,000.00 per year and you want to extend it. I didn't see an "oh my, we've got a problem".

The Surveyor stated Fishers keeps beating on me to extend the drain, so they don't have to fix it downstream, and I haven't been wanting to.

Altman asked is downstream regulated?

The Surveyor stated no, it's not.

Altman asked then why would we fix it downstream if it's not regulated?

The Surveyor stated I don't want to go into that area because it's all behind lots, subdivisions that Fishers let build right up to the ditch.

Altman stated I imagine that's what their \$90.00 a year assessment could do.

The Surveyor stated in this case it's not regulated so it's on Fishers, but upstream we've had some major erosion in that area.

Altman stated okay, can you beef up your letter to explain because otherwise we'll have the same objections we've been having.

Altman made the motion to approve the hearing requests presented as adjusted for June 26, 2023, seconded by Dillinger and approved unanimously.

Altman made the motion to table the Marion Blanton Drain Reconstruction request for hearing, seconded by Dillinger and approved unanimously.

Final Reports:

The Surveyor presented his report to the Board for approval.

"To: Hamilton County Drainage Board

May 8, 2023

Re: Westfield Farms Drain - U.S. 31 Relocation

Attached are as-builts and other information for U.S. Relocation. An inspection of the drainage facilities for this section has been made and the facilities were found to be complete and acceptable.

During construction, changes were made to the drain, which will alter the plans submitted with my report for this drain-dated March 30, 2012. The report was approved by the Board at the hearing held May 29, 2012. (See Drainage Board Minutes Book 14, Pages 165-168)

The changes are as follows: the 36" RCP was lengthened from 60 feet to 64 feet. The 42" RCP was shortened from 392 feet to 217 feet. The 54" RCP was shortened from 206 feet to 182 feet. The 60" RCP was lengthened from 237 feet to 451 feet. The 72" RCP was shortened from 1,246 to 1,076 feet. The open ditch was modified from 1,049 feet open ditch to 563 open ditch and 396 feet of open ditch with 8' concrete swale bottom. 9' x 5' RCP was lengthened from 70 feet to 173 feet. The 10' x 5' RCP was shortened from 175 feet to 174 feet. The 12' x 4' RCP was lengthened from 255 to 267 feet. The length of the drain due to the changes described above is now **3,563 feet**. It should be noted here was 3336 feet of existing drain removed with this project.

The easements were outlined in my report described above. The new drain south of 146th Street is within the US 31 Right of Way. The project was paid for by Indiana Department of Transportation.

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

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor "

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

Capital Asset Notifications:

The Surveyor presented the following Capital Asset Notifications to the Board for approval: Cool Creek Drainage Area, Westfield Farms Arm, Lowes Extension; Cool Creek Drainage Area, Westfield Farms Arm, Greyhound Pass & Village Farm (2000); Isaac Jones Drainage Area, W. C. Inman Arm, US 31 Reconstruction; Isaac Jones Drainage Area, W. C. Inman Arm; Little Eagle Creek Drainage Area, George Coverdale Arm.

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

Private Drain Petition - Wright vs Dhani (Amendment of Findings & Order):

Howard stated this is the Wright/Dhani issue again.

Altman stated so they have not taken out the dirt.

Howard stated no.

Altman stated so this amendment is clearly just to clarify and put a line in the sand as to a date for removal.

Howard stated absolutely. The date for removal has long since passed. As a courtesy to offending property owner we found, in talking to the Surveyor's Office, that there is a fence involved that will be damaged, most likely in most of the places by the removal of the dirt by our contractor. We felt that we should place the property owner on express written notice that the fence is in peril. So, essentially, we're extending the date for that work from tomorrow, a period of two weeks to June 5, 2023.

Altman stated to allow the homeowner to remove the fence prior to...

Howard stated this will allow them to remove the fence prior to work. The order of finding the obstruction was intentionally caused by the respondent remains in full force and effect and the order for removal, this is just for clarification, solely to benefit the property owner. We worked with the Surveyor's Office, and they have the contractor scheduled for June 5, 2023, to move out.

Altman stated the Dhani's were represented by Counsel at our hearing and they did not file an appeal to our order.

Howard stated they have not filed an appeal to the order finding that there is an obstruction. That's the subsidive issue. I believe this is just implementation and it's a courtesy to them. They brought it to our attention that the fence might be a problem and the Surveyor's Office concurred. The obstruction order that was signed in March remains in full force and effect.

Altman made the motion to amend the order that we adopted to clarify the express date for removal and to notify the landowner that their property improvements may be in jeopardy to allow them sufficient time remove them before our contractor moves in, seconded by Dillinger and approved unanimously.

Preliminary Variance Request - Thorpe Creek Drain, Floodplain Compensatory Storage:

Mr. Tristen Carrithers was present for this item.

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

"Re: Thorpe Creek Drainage Area - Variance Preliminary Introduction

May 9, 2023

To: Hamilton County Drainage Board

Project Name: Cyntheanne Woods Subdivision
DV-2023-00014, Parcel: 13-12-29-00-00-019.000

Petitioner: William Tre Development, LLC

Summary:

William Tre Development, LLC requests to present their proposal for site grading and installing flood plain compensatory storage as part of Cyntheanne Woods project. This proposal will require the approval of a variance from Ordinance No. 09-26-16A for fill in the floodplain of Thorpe Creek Drainage Area, near the confluence of Thorpe Creek / Martha Ford Arm and the John Underwood Arm. The project site is located on the east side of Cyntheanne Road, southeast of the intersection with 136th Street. The plans are being designed by Kimley-Horn.

The engineering design for the flood plain compensatory storage area is being reviewed by Banning Engineering which is the Drainage Board's engineering consultant for the Thorpe Creek Drainage Area watershed. Banning will review the fill proposed for lots, cul-de-sac, detention area and other proposed grading in areas currently located in the flood plain for compliance with Hamilton County standards. The Banning review will analyze the fill volumes and compare with the required flood plain compensatory storage area to determine if the required 3:1 cut/fill ratio is met. Following successful review, a Banning

Hamilton County Drainage Board
May 22, 2023

Engineering review memorandum will become part of the report submitted to the Board as part of the variance packet.

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 asked is this all low land?

The Surveyor stated it's part of the floodplain.

Altman stated I'd just note you've got a whole lot of fill so the same disclosures if we move forward, I will request the same disclosures for the buyer of that lot.

The Surveyor stated we've already talked about it.

Altman stated okay, good. I hope their plans work and it doesn't sink.

Altman stated based on that with those disclosures I would grant preliminary approval subject to engineering review, seconded by Dillinger and approved unanimously.

Rule 13 - MS4 Annual Report:

Furst stated a few Board meetings ago we brought before you the MS4 Annual Report that was due on May 1, 2023. However, due to the timing for signatures from the Drainage Board the signature page was not submitted. We're asking today for the Board's assign so we can forward this on to Stacy Goodwin at IDEM to close out the report.

Dillinger made the motion to approve the MS4 Annual Report, seconded by Altman.

Altman asked is there anything unusual in this report this year?

Furst stated no, just your standard report.

The motion had been made and seconded to approve the MS4 Annual Report and approved unanimously.

Non-enforcements:

Furst presented a non-enforcement request for the Cool Creek Drain, Westfield Farms Arm filed by Robert and Ashley Fawcett for parcel #08-09-13-00-03-004.000 for a fence. The Surveyor's Office recommends approval.

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

Furst presented a non-enforcement request for the Hunters Creek Village Drain filed by William and Hope Gathercole for parcel #17-09-24-01-02-001.000 for a fence. The Surveyor's Office recommends approval.

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

Furst presented a non-enforcement request for the Little Eagle Creek Drain, Grannan Grove Arm filed by Julie Jarrett for parcel #17-09-19-00-11-012.000 for a sediment/grass retaining wall. The Surveyor's Office recommends approval.

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

Furst presented a non-enforcement request for the Masthead Drain filed by Marianne and Jordan Holsinger for parcel #13-15-09-02-04-023.000 for a fence. The Surveyor's Office recommends approval.

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

Furst presented a non-enforcement request for the Vestal/Kirkendall Drain, Russell Shugart Arm filed by Anthony Gayton and Maria Wessel for parcel #10-10-04-00-04-008.000 for a fence. The Surveyor's Office recommends approval.

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

Furst presented a non-enforcement request for the Williams Creek Drain, Jackson's Grant Arm filed by Maureen Wynne for parcel #17-09-34-00-08-038.000 for landscape plantings. The Surveyor's Office recommends approval.

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

Surety Acceptance:

The Surveyor stated that at this afternoon's Commissioners meeting the Board would be accepting the following sureties: Bond No. 100061653 in the amount of \$18,949.86 for iBeach 31, Cool Creek (Wheeler & Beals Drain) Relocation/Reconstruction erosion control; Bond No. 100062030 in the amount of \$95,250.00 for iBeach 31, Cool Creek (Wheeler & Beals Drain) Relocation/Reconstruction storm sewers; Site Improvement Performance Bond No. 47SUR300214010604 in the amount of \$88,410.00 for Monon Corner Section 3, Cove Horney Drain Reconstruction.

Surety Release:

Liston stated that at this afternoon's Commissioners meeting the Board would be releasing the following surety: Performance Bond No. OHHNSU0796979 in the amount of \$167,535.60 for Tamarack Section 4, storm sewers.

Elwood Wilson Drain, E. M. Hare Arm Reconstruction - Change Order No. 4:

Duncan presented Liston's report to the Board for approval.

"May 4, 2023

TO: HAMILTON COUNTY DRAINAGE BOARD

RE: Elwood Wilson E M Hare Reconstruction - Change Order # 4

The following item is a change order to the Elwood Wilson E M Hare Reconstruction contract being done by Morphey Construction.

Change Order # 4 - Line Item B3 - Cost Savings for raising the Ditch 2 feet. \$-18,000.00 Raising the ditch grade 2 feet will establish the new flowline above a heavy layer of sand found during the initial excavation of the open Channel.

Change Orders # 1, # 2 and # 3 Cost to Date	\$ 330,392.59
Change Order #4	<u>\$- 18,000.00</u>
Total Change Order Cost to Date	\$ 312,392.59
Morphey's Contract	\$2,478,000.00
Total 15% Contingency	<u>\$ 371,700.00</u>
Total	\$2,849,700.00
Revised Construction Total to Date	\$2,790,392.59

Submitted By

Jerry L. Liston
Hamilton County Surveyor's Office"

Altman made the motion to approve Change Order No. 4 presented, seconded by Dillinger and approved unanimously.

Construction Updates:

Elwood Wilson Drain, E. M. Hare Arm Reconstruction - Duncan stated this project is ongoing. They are up to Presley Drive and the plan is to continue to move east and continue to reconstruct the open drain. The work at Home Depot has been completed. The work south of S.R. 32/38 has been completed.

Canal Place Drain, Strongbow Gate Arm - Duncan stated this work is complete. I believe we're working on the final report. The asbuilts have been certified by Brian Rayl and Jerry (Liston) will probably start the final report.

William Lehr Drain, Joseph & Brooks Arm (156th Street Reconstruction) - Duncan stated we have approved the shop drawings for the structures that will be installed. Those are being ordered and we are working with two utilities to relocate.

2022 Reconstruction of the W. S. Burnau Arm of the F. M. Musselman Drain - Duncan stated that work is ongoing. I believe they are finishing the grass waterway. All the pipe has been installed.

Jonas Rogers Drain, J. M. Gustin Arm Reconstruction - Duncan stated I believe they are up to 296th Street and they're still setting the last two structures on that job. This project went very well.

William Lehr Drain, J. S. McCarty Arm Phase 1 - Duncan stated we have held the preconstruction meeting. The contractor is looking to mobilize sometime in August when weather is more favorable for digging the open ditch.

Clara Knotts Drain, Park Broadway Arm Phase 2 - Duncan stated we are still working with the utilities.

Flora Mendenhall Drain Reconstruction - Duncan stated I need to meet with Connor and Mike to develop a form for cancelling that contract with White Construction. I have talked with White Construction, they agree to cancel the contract and not do the work. We just have to formalize. I don't know what the proper term is, cancelling the contract, vacating the contract...

Altman stated terminating the contract.

Howard stated we've got three weeks until the next meeting and we can get that done.

Altman asked would you want a motion just to get it from our end to say that with the consent of the contractor we're terminating that particular contract subject to appropriate termination signed by the president.

Duncan stated that would be great.

Altman made the motion to terminate the Flora Mendenhall Reconstruction Contract subject to consent of the contractor and appropriate termination signed by the president, seconded by Dillinger and approved unanimously.

Ream Creek Drain, Orchard Park Arm (Pending Asbuilts) - Duncan stated we are still approving the asbuilts. I don't think we've seen them yet. We've been working with Christopher Burke Engineering who has Steven J. Christiansen under contract to complete those. There has been some email traffic regarding those, and they should be close to being done.

Clara Knotts Drain, Park Broadway Arm Phase 1 (Pending Final Report) - Duncan stated Cline is still working on this final report.

Private Drain Petition - Wright vs Dhani:

Altman asked, I just want to make sure, there's not technical requirement when we issue an order to file it with the Circuit Court or anything like that is there?

Howard stated no.

Altman stated I just want to make sure that time period commenced and is over.

Drainage Board Attorney - Pending Items:

W. R. Fertig Drain, J. W. Hawkins Arm - Howard stated an issue we had several months ago concerning an encroachment in Carmel just south of Carmel Drive. The drain was being reconstructed and the property owner had placed a fence too close. The contractor couldn't get there, and we worked Jerry (Liston) and we worked with a whole bunch of people going out there and trying to resolve it. We did resolve it and I have a non-enforcement. We set the distance from top of bank at 23 feet for the non-enforcement. The property owner removed two or three sections of a fence, relocated it. Brian (Rayl) and Jerry (Liston) were out on scene. Brian had checked out the 23 feet and this is before the Board for approval.

Altman asked who is the landowner?

Howard stated the landowner's name is Dr. Sarah Morgan.

Altman asked and what's the property address?

Howard stated I don't have the property address, but it's Lot 10 in Rosemead Commons.

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

F. M. Musselman Drain, W. S. Burnau Arm (2022):

Mr. David Latty was present for this item.

Latty stated the project that has been ongoing is about to finish this week supposedly. They're supposed to be putting in grass seed and such. I don't know if Jerry (Liston) has spoken with you as far as; that's been one of the problems are issues with communication between the property owners and the Drainage Board or whomever. They're about ready to finish this up this week and I can tell you I've been lied to, I've been misled many, many times over this issue as far as how this is going to happen going through your property.

Heirbrandt asked has your communication been directly with Liston?

Latty stated communication has been horrible.

Heirbrandt asked who's it been with? When you say Drainage Board, you're referring to us.

Latty stated between Jerry; Jerry says I'll talk to the Surveyor and things aren't communicated. If we want anything done, we have to talk to the construction crew who is awesome, Morphe Construction, I highly recommend them, they work with you. I can go on over and over again about how bad things look going through my property. Going from what's going to be manageable as far as taking care of the property because I mow it down to a ditch that feeds down; it looks like the Grand Canyon, I exaggerate not. The straw that broke the camel's back is when I slipped on the slope, I fell, and I'm supposed to be able to mow this and that was from day one. From our early meetings I wanted to be able to make sure that I could maintain the property that goes through my woods, and I wanted to make sure that I could preserve the looks; well, that's gone. Today I want to ask that before they seed, because they're out there right now moving dirt still, but before they finish this off, I have a mower with a five-foot deck and the ground comes down to a "v", that's the way they plow it going all the way through there to move all this water. If they could come in and just level that off six feet so I can get my mower down in there on a flat and go from one end of my property all the way down to the other end and be able to mow that, that would be huge. Move the dirt back down. That's all I'm asking, six feet, give me a five-foot deck to be able to move up and down through there. Right now, it's like this; I'm telling you I could roll my tractor on some of the areas they're so steep because they had to move the dirt somewhere. I'm not going to argue the point about looks and everything; you wouldn't like it, but I've asked for it to be manageable so I can mow it from day one. The other thing is they're talking about all this seeding and everything, I can't mow some of this stuff because it's so steep. My tractor would just slide down through it and potentially even roll it, I don't even want to think about something like that, but if I could at least get down to the bottom where the water is going to run, if we could just flatten that out six feet, that's not doing anything as far as engineering wise not being able to move water. I don't know where you're at with Prairie Grass, but I'd love to see it. Just throw some nice Prairie Grass in there at certain areas where maybe I can't mow. I don't know what the answer's going to be. Kenton, I'm very disappointed between Jerry and communication between me and my neighbors; the fall answer is, write a letter. We've all written letters and we get no responses, no call back. I just want you to look at that and try to help out there.

The Surveyor stated I apologize for that.

Altman stated we have specs and design, was it built according to the specs that should have been revised if we were going to accommodate.

Duncan stated our understanding is that it's being built per the plan, and I actually redesigned the grass waterway to be more shallow. The side slopes were to be 6:1, which 3:1 is considered mowable so we laid it back. Our standard for grass waterways is a 10:1 slope, but we made it steeper to not have to clear more trees. We thought we were finding a good balance there in terms of providing mowable slope and not having to clear more trees. That also limits our ability, if we don't clear as much trees, to stack the dirt outside of the grass waterway. It could be that we're stacking more dirt because we don't have the room to stack it, but all indications are it's being constructed per plan. When we took this to bid, we redesigned the grass waterway from what was initially presented to make it more shallow and more gradual. If Morphe's not building it per the plan we'd have to evaluate that. I have no reason to believe that they're not. Like I said 6:1 is considered mowable.

Heirbrandt asked Duncan, would you follow up on that with this gentleman and make sure his items are getting addressed?

Duncan stated yes.

Latty stated when I speak of trying to mow it, obviously laying flat with your mower, that's the way to do it, but it literally comes to a "V", spreads out a foot, two feet, back to a "V". You can't mow like that and then expect to bring your mower down and the ground is only "this wide".

Altman stated I don't know how you accommodate that sir. I'm just being honest with you.

Duncan stated "V" ditches are the most common ditches throughout the county.

Latty stated well, it's simple.

Altman asked, this has been a regulated drain, correct?

Latty stated I understand, I've worked with equipment for a while, but fill it in to where a six-foot strip is flat and then it goes up. That's all it takes.

Duncan stated as we all know there's endless things that we can do, but we chose to do grass waterways, which tend to be "V" notches, "V" weirs rather and to provide a six foot wide bottom ditch and then slope it out increases the footprint of the disturbance, increases cost for dirt removal and again, we were trying to balance that all with tree removal. The wider the footprint of the disturbance the more trees that have to be cleared.

Altman stated the steeper the slope and if you've got 3:1, I've got that in front of my property and that is exciting to mow.

Latty stated I slip; it's so steep. Tree removal, I'm in a woods, everything is up here, elevated and I can go on and on and argue the point that it never even needed done in the first place, it's happened and now I'm trying to just get over it except, in the long run, I have to look at my maintenance aspect or I just let it go and let the mulberry's and the weeds and everything else go through and that's not where it was. I've lost what I had and you're 100-year floodplain, that water has to go somewhere, we've got to move the dirt somewhere so you just go up, up, up, up and then you spread it out and then you reach your easement line and you can't go any further than that, well, hello, that is way up here and your flood if it goes it's in a woods, let it flood, let it run off into the tree line.

Duncan stated and it will do that.

Latty stated yeah. It won't do it in a 100-year plain compared to where I live; as high as elevated as my property is and all around it. I'm in a woods. It's all because it channeled down and all that water flooded right through there. So, you did your thing, but it's...

Heirbrandt stated we'll have someone follow up with you.

Latty stated I wish you guys would go out there and look at it and then you'd just shake your heads and like "I cannot believe this".

Heirbrandt asked Latty, what's your address again?

Latty stated 11395 E. 196th Street.

Heirbrandt stated okay.

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

Mark Heirbrandt - President

Lynette Mosbaugh
Executive Secretary