

MINUTES OF THE HAMILTON COUNTY DRAINAGE BOARD

May 23, 2022

The meeting was called to order Monday, May 23, 2022 at 9:00 a.m.

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

**Approval of Minutes of May 9, 2022:**

The minutes of May 9, 2022 were presented to the Board for approval.

Dillinger made the motion to approve the minutes of May 9, 2022, seconded by Heirbrandt and approved unanimously.

**Wilson/Nagle Drain Reconstruction - Professional Services Agreement:**

The Surveyor presented a Professional Services Agreement for the Wilson/Nagle Drain in Arcadia from Commonwealth Engineers to the Board for approval. Upon looking at this I request the Board award Commonwealth Engineers the Professional Services Agreement for engineering and surveying in the amount of \$79,200.00 with an alternate for Geotechnical in the amount of \$8,450.00.

Dillinger made the motion to award the Professional Services Agreement to Commonwealth Engineers in the amount of \$79,200.00 for engineering and surveying with an alternate for Geotechnical in the amount of \$8,450.00, seconded by Heirbrandt and approved unanimously.

**West Arcadia Drain (Miller Arm) - Professional Services Agreement:**

The Surveyor presented a Professional Services Agreement for the West Arcadia Drain (Miller Arm) from Commonwealth Engineers to the Board for approval. Upon looking at this I request the Board award Commonwealth Engineers the Professional Services Agreement for engineering and surveying in the amount of \$81,100.00 with an alternate for Geotechnical in the amount of \$8,710.00.

Dillinger made the motion to award the Professional Services Agreement to Commonwealth Engineers in the amount of \$81,100.00 for engineering and surveying with an alternate for Geotechnical in the amount of \$8,710.00, seconded by Heirbrandt and approved unanimously.

**Williams Creek Drain - Ambleside Section 1 Arm:**

There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"November 29, 2021

To: Hamilton County Drainage Board

Re: Williams Creek; Ambleside Section 1 Arm

Attached is a petition filed by Platinum Properties, along with a non-enforcement request, plans, calculations, quantity summary and assessment roll for Ambleside Section 1, Williams Creek Drain to be located in Clay Township. I have reviewed the submittals and petition and have found each to be in proper form.

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

12" RCP	1,594 feet	24" RCP	619 feet
15" RCP	835 feet	27" RCP	371 feet
18" RCP	630 feet	48" RCP	387 feet
21" RCP	876 feet		

The total length of the drain will be 5,312 feet.

A portion of the new regulated drain will run offsite into a future section of Ambleside and will only be partially constructed at this time. The lengths of these drains are as follows:

40 feet of 18" RCP running from Northwest to Southwest into Str. 150.  
30 feet of 48" RCP running from West to East into Str. 162.  
110 feet of 24" RCP running from Southwest to Northeast into Str. 113.

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

I have reviewed the plans and believe the drain will benefit each lot equally. Therefore, I recommend each lot to be assessed equally. I also believe that no damages will result to landowners by the constructor of this drain. I recommend a maintenance assessment of \$65.00 per lot, \$10.00 per acre for common areas, with \$65.00 minimum, and \$10.00 per acre for roadways. With this assessment the total annual assessment for this drain will be \$1,592.70 for Section 1A and \$7689.90 for Section 1B.

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

I believe this proposed drain meets the requirements for urban drain classification as set out in IC 36-9-27-67 to 69. Therefore, this drain shall be designated as an urban drain.

I recommend that upon approval of the above proposed reconstruction that the Board also approve the attached nonenforcement for Ambleside Section 1A and 1B arms.

I recommend the board set a hearing for this proposed drain for May 23rd, 2022.

Kenton C. Ward  
Hamilton County Surveyor

KCW/pll"

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

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

The Surveyor presented a non-enforcement request for Ambleside Section 1 to the Board for approval.

Heirbrandt made the motion to approve the non-enforcement request for Ambleside Section 1, seconded by Dillinger and approved unanimously.

**"FINDINGS AND ORDER**

**CONCERNING THE MAINTENANCE OF THE**

**Williams Creek Drain, Ambleside Section 1 Arm**

On this **23<sup>rd</sup> day of May, 2022**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Williams Creek Drain, Ambleside Section 1 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

Christine Altman  
President

Mark Heirbrandt  
Member

Steven C. Dillinger  
Member

Attest: Lynette Mosbaugh  
Executive Secretary"

**Williams Creek Drain - Jackson's Grant Section 8 Arm:**

There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"January 24, 2022

Re: Williams Creek, Jackson's Grant Section 8 Arm

Attached is a petition filed by Jackson's Grant Real Estate Co. LLC, along with a non-enforcement request, plans, calculations, quantity summary and assessment roll for Jackson's Grant Section 8 Arm, Williams Creek Drain to be located in Carmel, IN. I have reviewed the submittals and petition and have found each to be in proper form.

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

12" RCP	296 ft.	24" RCP	96 ft.
15" RCP	346 ft.	18" RCP	416 ft.
21" RCP	255 ft.	SSD	547 ft.

The total length of the drain will be 1,956 feet.

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

Yard SSDs

Rear yard lots 334 to 339 from 79 feet east of Str. G4 to 150 feet West of Str. G5.

Common Area SSDs

Common Area #8-2 from Str. B1 to Str. A2.

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

I have reviewed the plans and believe the drain will benefit each lot equally. Therefore, I recommend each lot to be assessed equally. I also believe that no damages will result to landowners by the constructor of this drain. I recommend a maintenance assessment of \$65.00 per lot, \$10.00 per acre for common areas, with \$65.00 minimum, and \$10.00 per acre for roadways. With this assessment the total annual assessment for this drain will be \$2,015.00.

The petitioner has provided the Performance Bonds as follows:

**Monumentation**

Bonding Company: Standard Financial Corporation  
Bond Number: 1455JG8  
Bond Date: January 10, 2022  
Bond Amount: \$5,040.00

**Storm Sewer**

Bonding Company: Standard Financial Corporation  
Bond Number: 1454JG8  
Bond Date: January 10, 2022  
Bond Amount: \$325,009.20

I believe this proposed drain meets the requirements for urban drain classification as set out in IC 36-9-27-67 to 69. Therefore, this drain shall be designed as an urban drain.

I recommend that upon approval of the above proposed drain that the board also approve the attached non-enforcement requests for Jackson's Grant Section 8. The request will be for the reduction of the regulated drain easements to those easement widths as shown on the secondary plat for Jackson's Grant Section 8.

I recommend the Board set a hearing for this proposed drain for May 23, 2022.

Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/pll"

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

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

The Surveyor presented a non-enforcement request for Jackson's Grant Section 8 to the Board for approval.

Heirbrandt made the motion to approve the non-enforcement request for Jackson's Grant Section 8, seconded by Dillinger and approved unanimously.

**"FINDINGS AND ORDER**

**CONCERNING THE MAINTENANCE OF THE**

**Williams Creek Drain, Jackson's Grant Section 8 Arm**

On this **23<sup>rd</sup> day of May, 2022**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Williams Creek Drain, Jackson's Grant Section 8 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

Christine Altman  
President

Mark Heirbrandt  
Member

Steven C. Dillinger  
Member

Attest: Lynette Mosbaugh  
Executive Secretary"

**Clara Knotts Drain, Park Broadway Arm Phase 2 (Mound Excavation & Restoration):**

There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"April 6, 2022

Hamilton County Drainage Board

Re: Clara Knotts Drain, Park Broadway Avenue Arm Phase 2

At the March 28, 2022 hearing for the above referenced drain the Board asked that the owner of the mound at the south end of Central Avenue be assessed the additional cost of excavating and restoration of the mound. The contractor for that project, Morphey Construction, Inc., has figured that cost to be \$30,000.00. The owner of the mound is Meridian Corporate Plaza Association, Inc. and the mound is found on Tract Number 16-13-11-04-18-001-008.

I recommend the Board set a hearing fo this item for May 23, 2022.



ATTEST: Lynette Mosbaugh  
Executive Secretary "

**Emery Clark & S. J. Compton Drainage Area - Maintenance Assessment Increase:**

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

The Surveyor presented his report to the Board for approval.

"April 6, 2022

To: Hamilton County Drainage Board

Re: Emery Clark & S.J. Compton Drainage Area Maintenance Assessment Increase

At this time, I recommend that the rates for the maintenance assessment for the Clark-Compton Drain be revised. The fund is currently in the red \$14,303.82.

The current rates, which were set in 2009, 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 rain 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 assessments for roads and streets set at \$10.00 per acre.

I recommend the rates be revised to the following rates:

1. Maintenance assessment for agricultural tracts be set at \$6.00 per acre with a \$25.00 minimum.
2. Maintenance assessment for non-platted residential tracts be set at \$6.00 per acre with a \$25.00 minimum.
3. Maintenance assessments for platted lots in subdivisions whose drainage systems will not be part of the regulated drain shall be set at \$45.00 per lot/minimum. Common areas within the non-regulated drain subdivisions shall be assessed at \$10.00 per acre with a \$45.00 minimum.
4. Maintenance assessment for platted lots within subdivisions whose drainage system will be part of the regulated drain shall be set at \$75.00 per lot/minimum. Common areas within the regulated drain subdivisions shall be set at \$15.00 per acre with a \$75.00 minimum.
5. Maintenance assessment for commercial, institutional and multi-family residential tracts to be set at \$25.00 per acre with a \$120.00 minimum.
6. Maintenance assessment for roads and streets be set at \$20.00 per acre.

With the above rates the drain will collect \$31,368.00 annually. These collections at the revised rates will begin in May 2023.

The period of collections is currently set at 8 years.

I recommend the Board set a hearing for this matter on May 23, 2022.

Sincerely,

Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/llm"

Hamilton County Drainage Board  
May 23, 2022

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

Dillinger asked what is Briggs assessment going up to?

Altman stated I couldn't tell how much acreage either; it would be helpful if we knew the acreage.

The Surveyor stated Briggs has 73 acres and the assessment is going from \$293.00 to \$440.00.

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

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

**"FINDINGS AND ORDER**

**CONCERNING THE MAINTENANCE OF THE**

**Emery Clark & S. J. Compton Drainage Area  
Maintenance Assessment Increase**

On this **23<sup>rd</sup> day of May, 2022**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Emery Clark & S. J. Compton Drainage Area, Maintenance Assessment Increase**.

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

HAMILTON COUNTY DRAINAGE BOARD

Christine Altman  
President

Mark Heirbrandt  
Member

Steven C. Dillinger  
Member

Attest: Lynette Mosbaugh  
Executive Secretary"

**William Baker Drain - Flora Mendenhall Arm Reconstruction (Continued from 05/09/22):**

Altman stated this item was tabled on May 9, 2022 and we did conclude the public hearing at that time.

The Surveyor stated I spoke with Ms. Baker-Leak and also Duncan spoke with her last week. She had reservations about the open ditch proposal, and I believe she said it's taking too much of her tillable land and that's her cash rent. At this point in time she's been talking to Duncan about the possibility of enclosing it. I believe if we do enclose it, if we put in an agricultural type of drain, we will be throwing money away because as soon as water and sewer goes in that area it's going to pop right open as far as development.

Altman asked, is it possible to open that drain to the extent we need but leave the spoils piled so if a developer does come in, they put in the pipe and close it up?

The Surveyor stated the spoils will be left on site as the proposal now stands so it will always be there, we'll just be spreading them out across the farm field as we usually do.

Altman stated that would be one solution; that would be less energy for everyone, but we don't know for certain what the timing will be and there's an immediate need.

The Surveyor stated correct. There's a lot of erosion going down through there. I feel that if the Board doesn't do it now it will have to be done in the future, not with ARPA funds.

Altman asked, the correction of the drain or closing it up or what? What's "it"?

The Surveyor stated either opening it up as the proposal or enclosing it depending on the developer. It could be next year, or it could be ten years from now. We don't have that crystal ball. I think if it does happen ten years from now I believe the proposal in that area was a half mile on either side of US 31 that was going to be set at, from 216<sup>th</sup> Street to 296<sup>th</sup> Street as a commercial area and TIF'd so you would have the ability to use those TIF funds at a later date to do the work that's needed.

Altman stated I'm now totally confused. What is your bottom-line suggestion or option?

The Surveyor stated the option is do nothing, A, B, do the proposal, C, do an ag drain, d, do a partial reconstruction up to the wood line and e, would be to put in a drain that would satisfy development in the future.

Altman asked do we have costs for all these things for us to make a decision?

The Surveyor stated do nothing, we have a cost for, that would \$0. We do have the cost for the open ditch that is the proposal.

Altman asked and how much is that again?

Duncan stated \$637,000.00 as I recall.

The Surveyor stated we have not received estimated costs for putting in an ag tile; Duncan is working on that or cost for putting in a tile that would support future development. The cost for opening the ditch up to the timber line would be substantially less than what we have estimated now.

Altman asked, what does that do for them?

The Surveyor stated that doesn't solve the total problem, but it does solve the more horrendous erosion that's out there. My recommendation would be either do nothing or do up to the timber line.

Altman stated my personal opinion is certainly what we're going to do if it goes through will change the use of that land so putting an ag drain in is just throwing good money after bad. If it's going to get reconstructed in development, my opinion is we put the band aid on to the extent we can until we find out what's going on.

Dillinger asked the Surveyor, is there a way you could have an open ditch and then let her pay for a closed ditch and an open ditch again? Is that a possibility? I don't know. It's a question. Let her pay the difference?

The Surveyor stated she would more or less put in the ag drain, again you're throwing money away.

Altman stated that would be her choice.

Dillinger stated it would be her money though. I'm just saying, mechanically, would it work to go from an open drain to an agricultural drain to an open drain again?

The Surveyor stated this is all tile now. The section that I'm suggesting that we do the work in would be the downstream section so if there was a tile put in that would be upstream of that portion and that would be something that wouldn't be going from tile to open to tile.

Dillinger stated I don't understand. She's complaining because we're going to take away agricultural income from her.

Altman stated tillable land.

The Surveyor stated and what I'm suggesting is she may even gain some.

Dillinger stated I know, but I need you to answer my question first. Would it be possible for her to pay for the agricultural drain, not spread it amongst everyone else, if she chose to do that, if she felt that strongly about it? Would that impede what we're trying to do?

The Surveyor stated it would work, but I don't have the cost for that and that's what she would want to know before.

Dillinger stated it just seems to me like if we gave her that as an option; I can't believe that she would want to pay; I don't know what it would cost, but I'm sure it would be out of her price range.

Altman stated the tile there currently is serving as an obstruction, correct, because it's not sized to handle, and it's deteriorated.

The Surveyor stated it's deteriorating, and it's not sized for that. There's an awful lot of surface water that goes across that property and that's what is creating the erosion.

Altman stated the surface water there is probably killing her tillable area anyway. It probably gets planted and then gets wiped out.

Dillinger stated I think it's a gesture of goodwill if we gave her an estimation if you want to pay for this, we'll consider that. How do you feel about that?

Heirbrandt stated I'm fine with that, but I think we need to make a decision today and we need to move forward.

Dillinger stated I agree.

Altman asked why today? Is it the contract?

The Surveyor stated the bid will expire.

Altman stated at this point if we go with your recommendation, we can't accept the bid anyway, can we? Or did we do it with an alternate that we did the first section and second section?

The Surveyor stated we don't have that alternate, but we could just issue a change order cutting that southern section off. If you wish to go with the ag tile suggestion for her section...

Altman stated well then, we can do a change order on the contract again, correct?

Heirbrandt stated we'd have the flexibility to be able to do that.

The Surveyor stated yes.

Dillinger stated I don't think she would do that because I think it would be cost prohibitive, but I think it would be a good gesture on our part if we offered.

Altman stated I think we ought to offer too, personally. Either we give her the cost on the ag or give her the commercial cost. If she's looking to develop then she can make a decision on that. I would tend to go the partial.

Dillinger stated just a various issue trying to accommodate what she wants. I can't believe that she would do that, but at least we would have made the offer.

Altman stated but I think it ought to be too because of the ag unless she plans to keep it in tillable for years isn't a good investment, but you can give her another alternate.

The Surveyor stated and like I said it's a crystal ball, you never know when development is going to be at that point.

Altman stated it sounds like half of her plants are getting washed away anyway.

Dillinger made the motion to approve the Surveyor's recommendation with the caveat that we would make a consideration to Baker-Leak that if she would like to choose that we would revisit it in the contract potentially.

Altman asked, are you talking about the full project, the partial project...?

Dillinger stated I'm talking about the full project with the amendment that I was just talking about.

Altman stated but not stopping at...

Heirbrandt stated we're going to, but the Surveyor is saying that we need to accept the full contract right now and he can do a change order.

The Surveyor stated we can accept the contract now as it stands...

Altman stated I'm talking about what we're doing on this drainage shed, that's first, the contract is second. Are we approving the complete project as a Drainage Board I believe that what he described was to approve the reconstruction in a specific section of that drain? The first step is let's figure out what we're doing as a Drainage Board.

Heirbrandt asked the Surveyor, what would the motion be?

The Surveyor stated the Board should make a motion to approve the project up to the wood line at the northwest corner of the wood line north to the present Baker open ditch and then the area south and the arm over to Dunbar Road would be a possibility where Baker-Leak could pay the additional cost to make it an ag tile in lieu of an open ditch.

Dillinger made the motion to approve the project up to the wood line at the northwest corner of the wood line north to the present Baker open ditch and then the area south and the arm over to Dunbar Road would be a possibility where Baker-Leak could pay the additional cost to make it an ag tile in lieu of an open ditch, seconded by Heirbrandt 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  
**William Baker Drain, Flora Mendenhall Arm Reconstruction**

**FINDINGS AND ORDER FOR RECONSTRUCTION**

The matter of the proposed Reconstruction of the **William Baker Drain, Flora Mendenhall Arm Reconstruction** came before the Hamilton County Drainage Board for hearing **on May 23, 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 **William Baker Drain, Flora Mendenhall 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 - Flora Mendenhall Drain Reconstruction:**

Altman stated we have to consider the contract. That modification will be made in your paperwork, correct?

The Surveyor stated once we have that modification ready for the Board, we'll send it to the Board at the next meeting, but we do need to sign the contract today.

Altman stated but we're executing those documents with the understanding they will be modified to set forth the limits in the motion.

The Surveyor stated correct.

Duncan stated if we propose this to the contractor reducing the scope and it's their preference to not honor the contract or just consider it too much of a reduction to honor the contract..

Altman stated that is indeed a risk.

Duncan stated if that happens, we'll bring it back to the Board.

Altman stated the acceptance of the contract will be the understanding of an immediate change order to reduce the scope.

Duncan stated correct and I will call the contractor and brief him.

Altman stated we'd certainly understand if there was a problem. We have a contract before us from White Construction, LLC. Their base contract was in the amount of \$637,000.00 to do the complete project. Is it the Board's desire that we accept the contract provided that we have an immediate change order that would reduce the scope of the contract to align with the reconstruction determined by the Board?

Dillinger made the motion to accept the contract provided that we have an immediate change order that would reduce the scope of the contract to align with the reconstruction determined by the Board, seconded by Heirbrandt and approved unanimously.

**Elizabeth Lynch Drain - RFQ:**

The Surveyor stated at this time the Elizabeth Lynch RFQ did not get on the agenda. If we could open those quotes at this time.

Altman asked the Surveyor, would you describe the project?

The Surveyor stated the Elizabeth Lynch is the drain that drains a portion of the northeast quadrant of Arcadia. It's part of the overall Arcadia drainage program. This would be for the engineering.

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

Sullivan stated we received two quotes from Banning Engineering and Commonwealth Engineers. Banning Engineering submitted a quote of \$50,000.00 and an Alternative Professional Services Cost of \$7,000.00. Commonwealth Engineers submitted a quote of \$49,780.00 for engineering, \$22,000.00 for surveying and \$7,435.00 for alternate professional services.

Altman stated the first bid you didn't call out the survey work. Was that included?

Sullivan stated yes, it was just a one-line item.

Heirbrandt made the motion to refer the quotes to the Surveyor's Office for review and recommendation on June 13, 2022, seconded by Dillinger and approved unanimously.

**Mallery-Granger Drain - Billing for Reconstruction Clarification:**

The Surveyor stated on the April 11, 2022 meeting the Board signed the Mallery-Granger Drain Certificate of Assessment for reconstruction. At that meeting Howard stated, "those won't be collected this year though, right?" and I stated "yes". I mis-spoke and they were collected this year.

Altman stated so when he put it in the negative you answered with a positive.

The Surveyor stated correct.

Altman stated so those fees will be collected in 2022.

**Hearing Requests:**

Mr. John Maren was present for this item.

The Surveyor asked the Board to set the following items for hearing on June 27, 2022: Morrow-Follett Drain, Donahue Arm, 1<sup>st</sup> on Main Partial Abandonment; Cool Creek Drain, Clark & Inman Arm.

Heirbrandt made the motion to approve the items presented for hearing on June 27, 2022, seconded by Dillinger and approved unanimously.

Altman asked on the abandonment, is that the same abandonment they've been going through, basically in Carmel?

The Surveyor stated yes.

Altman stated so we need the same language in there that they'll fix it if there's a problem.

The Surveyor stated right.

**Preliminary Variance Request - Mud Creek/Sand Creek Drain, Keyt Pool:**

Mr. Matt Harms was present for this item.

Cash presented his report to the Board.

"Re: Mud creek - Sand Creek Drain - Variance Preliminary Introduction

May 4, 2022

To: Hamilton County Drainage Board

Project Name: Keyt Pool - 10996 Cumberland Road, Fishers

Petitioner: Jordan Keyt

Summary:

Jordan Keyt requests to present their proposal for installing an in-ground swimming pool within the flood plain of Sand 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 at Walnut Creek subdivision, Lot 1 on the west side of Cumberland Road and on the east side of Sand Creek. The plans are being designed by Modish Pools.

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"

Harms stated I'm here on behalf of the homeowners who contracted our services to build a swimming pool in their backyard. The issue at hand when we submitted the permit to the City of Fishers was that the floodplain line sits at 779.1 above sea level which will basically cut right through the middle of where we intend to put the pool. We are requesting the capability of moving beyond the 789.1 line in order to get a pool in the backyard.

Altman stated I don't see the 100-year floodplain going into that area. Is it a freeboard issue that you have to be...? I'm confused because I didn't see the blue line going into where you're putting the pool.

Harms stated we didn't either when we were initially given the plot plan and the information at the beginning of the project. It wasn't until it went to the City of Fishers when the engineer came back and said there were issues with the elevations, specifically the 789.1.

Altman asked is it freeboard? Is there a two-foot freeboard?

The Surveyor stated on our GIS we capture that data off the FEMA website and put it on there. This is the case where DNR does the floodplain mapping. DNR did not use our contours. They used old contours and...

Altman asked was there a LOMR on this?

The Surveyor stated there was actual mapping on this that is showing there, but DNR didn't use our contours. It's incorrect.

Cash stated the 789 elevation is the base flood elevation.

Altman asked so our map is incorrect? The FEMA map is incorrect.

Cash stated the base flood elevation is correct according to DNR, but the lines drawn doesn't match with the topo.

Altman asked we're confident in our drawing; we believe our drawing is more accurate.

Cash stated correct.

Altman asked Harms, are your homeowners willing to hold everyone harmless if we say okay? It is water and we don't know.

Harms stated they are, and we've had that conversation.

Altman stated it would have to be in writing so the next people that sit in these seats don't say "what were they doing?".

Harms stated understood.

Cash stated this is preliminary.

Hamilton County Drainage Board  
May 23, 2022

Altman stated at this point I don't care about preliminary or not personally. If they're willing to hold us harmless, you're not going to put big obstructions that's going to block water, correct?

Harms stated we are not.

The Surveyor stated this property you knew the old owners, the previous owners were the Sebesma's.

Heirbrandt stated I'd make sure that's crystal clear in the agreement.

Cash stated to understand, you will not require them to come back.

Altman stated I don't think it's necessary, I think it's a waste of time. Is there a motion to approve the variance with a clear hold harmless for the City of Fishers, Hamilton County and any other governmental entity?

Heirbrandt made the motion to approve the variance with a clear hold harmless for the City of Fishers, Hamilton County and any other governmental entity, seconded by Dillinger and approved unanimously.

**Variance Request - Sly Run Drain, The Timbers Subdivision:**

Mr. Jonathan Mirgeaux was present for this item.

Cash presented his report to the Board for approval.

"May 13, 2022

To: Hamilton County Drainage Board

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

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

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

Summary:

As part of a new residential subdivision project located northeast of State Road 38 and Little Chicago Road, in the City of Noblesville, the petitioner proposes to extend sanitary sewers to The Timbers, Sec. 1 which results in two crossing under Sly Run Regulated Drain. The developer requests to reduce the minimum cover over one of the sanitary sewer main crossings below the flowline of Sly Run Drain to less than the standard 10' separation. Due to the existing depth of the downstream sanitary manhole, the proposed sanitary sewer main cannot be installed lower than what is being proposed. The cover at the drain crossing between Str. 206 and Str. 207 is proposed to be 6.5'. The cover at another crossing between Str. 210 and Str. 211 is proposed to be 11.3', which complies with the requirement.

Additional Information:

The Surveyor's Office has coordinated with the City of Noblesville Engineering Department and Department of Public Works in the review of this proposal. The sanitary sewer will be turned over to the City of Noblesville upon successful completion of construction.

The separation requirements for pipeline and utility installation under open drains is depicted in Hamilton County Surveyor's Office Standard Plan Detail C-6. (See attached).

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

Staff Recommendations:

1. If this variance is approved by the Drainage Board, the Surveyor has recommended that as a condition of approval the following items be met:
  - a. The sanitary pipe is to be encased in concrete if open cut installation is used.
  - b. Site inspection approval by Surveyor's Office.
  - a. Submittal of as-built drawings showing the sanitary sewer crossing location and elevation. As-built drawings are to be stamped and sealed by a professional engineer.

Note - In addition to this variance, this project has also been required to apply for other applicable permits which have been pursued by the developer. A flood plain variance and non-enforcement were approved by the Board on May 9, 2022.

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

Hamilton County Drainage Board  
May 23, 2022

Sincerely,

Steven T. Cash  
Plan Reviewer

STC:stc"

Altman asked it's not deep enough where they have to connect, correct?

Cash stated it is not.

Altman stated so the slope won't work.

Cash stated correct.

Altman asked, do you feel that this coverage is okay, in terms of six feet versus two?

Cash stated yes, we're satisfied with that. The original proposal by the developer was 2.5 feet separation and that was unacceptable. They went back to the drawing board and found a totally different route to get a little more separation. We are comfortable with the 6.5 feet.

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

**Non-enforcements:**

Mr. Kurt Kirkham and Mr. Jonathan Tooker were present for this item.

Liston presented a non-enforcement request for the Fairfield Farms Drain filed by Kurt Kirkham for parcel #11-07-30-04-06-029.000 for a fence. The Surveyor's Office recommends approval. Kirkham installed the original fence in the 1990's. The fence right now is failing and needs to be replaced. The original fence was put in without any permits which is why we're having him go through the non-enforcement process. Kirkham has some pool equipment next to his utility shed and we're trying to work with the property owner for that shed to remain. Kirkham has reached out to his pool company to see what it would take to move that pool equipment and they're two years out. I believe Kirkham is good with the 7.5-foot encroachment except for the north side of his shed he would like to go to three feet there to work around his pool equipment until it can be moved in the future.

Altman stated as long as it's documented when the time hits it gets done.

Kirkham stated the fence company said they could make that fence panel removable.

Altman stated but your intent is to move the equipment when they can; is that your intent?

Kirkham stated I was trying to leave it.

Altman stated that's a different answer.

Kirkham stated we haven't needed to get back there for 30 years and if I make that removable then you can. Only the little area where the pool equipment is would be any type of problem.

Altman stated let's get this clarified.

Heirbrandt stated it's my understanding he was going to move forward to relocate the equipment in two years.

Kirkham stated I can't guarantee I'll be there in two years.

Altman stated the encroachment shed that's on the property now, it's encroaching currently, does it just have pool stuff like floats and skimmers, or does it have actual...?

Kirkham stated pool equipment, a telescope.

Altman stated so it's not like the guts of your plumbing system for the pool.

Kirkham stated no.

Altman asked Kirkham, are you planning on removing that shed?

Kirkham stated I plan to remove the shed because I don't want the fence butting up to it, I think that would be a bad thing to have for the future and there's no place to put the shed on the property because of the grade of the property.

Altman asked Liston, is the pool equipment encroaching, all the pipes?

Liston stated I believe so. The shed is in the easement so that tells me that the equipment is in the easement.

Kirkham stated right where the pin is, is where the fence would be and that would be my heater outside of the fence which means all the kids will gather there and smoke, play on it and then we'd have a nuisance and a hazard.

Altman stated so you're proposing just jumping around your heater and enclosing it with a fence.

Kirkham stated yes, that would be eight feet.

Heirbrandt asked and its removable fence?

Kirkham stated yes, it will be a removable fence.

Altman stated if we allow this movement in variance are you willing to commit to move your pool equipment if it's a problem with respect to our maintenance of the line?

Kirkham stated I can commit to that, but if I sell the property..

Altman stated this will be of record; it will be recorded and should be picked up by the title company.

Sullivan stated and the next person should know that going into it.

Kirkham stated I didn't know there was an easement there when I bought the property. The fence company said they were getting the permit. I had papers plastered all over my garage in 1995 and they built over the easement. The pool company had permits, I saw the papers plastered and they built the pool equipment right on the easement, so I don't know how this happened.

Altman stated it does. If you're willing to commit that it will be removable panels and if the pool equipment interferes with our work, it will be removed at your cost or whoever's cost.

Kirkham stated yes, I can do that.

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

Liston presented a non-enforcement request for the Vermillion Drain, Woods at Vermillion Arm filed by Chad and Kristin Bailey for parcel #13-16-08-00-23-022.000 for a fence. The Surveyor's Office recommends approval.

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

Clark presented a non-enforcement request for the Timber Heights Drain, Walden Pond Arm filed by Carol Graham for parcel #17-14-07-01-12-029.000 for a fence. The Surveyor's Office recommends approval.

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

Clark presented a non-enforcement request for the Williams Creek Drain, Centennial Arm filed by Jonathan Tooker and Siara Chupp for parcel #08-09-15-00-16-035.000 for a fence. The Surveyor's Office recommends approval.

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

Clark presented a non-enforcement request for the Williams Creek Drain, Centennial Arm filed by Jacob and Madison Weide for parcel #08-09-15-00-16-036.000 for a fence. The Surveyor's Office recommends approval.

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

Clark presented a non-enforcement request for the Williams Creek Drain, Jackson's Grant Arm filed by Brian and Ellen Coan for parcel #17-09-34-00-08-046.000 for a fence. The Surveyor's Office recommends approval.

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

Clark presented a non-enforcement request for the Williams Creek Drain, West Rail at the Station Arm filed by Neeta Soni-Castillo and Peter Bass for parcel #08-09-10-00-20-019.000 for a fence. The Surveyor's Office recommends approval.

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

Clark presented a non-enforcement request for the Williams Creek Drain, Wilshire Arm filed by Tiffany and Cristian Soria for parcel #08-09-10-00-19-012.000 for a fence. The Surveyor's Office recommends approval.

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

Tooker stated I have a point of clarification. I was told that the recommendation was going to be 7.5 feet encroachment.

Altman stated correct.

Tooker stated the permit I submitted had 8.67 feet and doing measurements to our existing fence lines of our neighbors to the south it's about 8.5-foot encroachment so our desire is to line up with their fence.

Altman asked the Surveyor, did staff discuss this?

The Surveyor stated no, we did not.

Tooker stated the blue line shows the proposed plan from our neighbor.

Altman asked Tooker, do they have a fence already?

Tooker stated they do not. I think that's what they're asking for approval.

Altman asked did they get permission? I don't know why these fence lines are so close together. Is this a good depiction? Who went out and inspected?

The Surveyor asked who went out and looked at it?

Cline stated I did. When I was out there, there were no property markers. I used lines of procession as far as property lines because I could not find the property corners, property pins. I was just measuring from a manhole that everybody was using to mow to. There wasn't really any way to tell exactly where property lines were.

Altman asked, so we're not requiring stake surveys when we give variances? I always presumed that we were.

The Surveyor stated no, we're putting an ordinance together to require that.

Altman stated we can require it, it's a variance. We don't need an ordinance to do that. Are we looking at where the pipe is and so the variance is really from the pipe? Then this how this ought to be described in our variance if that's how we're doing it now. It's so many feet back from the pipe and that's a more accurate depiction for the next guy going down the road.

The Surveyor stated we always do it by the property line because that is...

Altman stated if we don't know where the property line is, hence the problem, correct?

Mosbaugh asked, may I interject?

Altman stated yes, that would be wonderful.

Mosbaugh stated I talked Siara (Chupp) on the phone last week asking why she couldn't have her fence moved at the same distance as her neighbors'. I pulled it up on the map and turned our internal easements on and the property to the south doesn't have a drainage easement and the property to the north does. I think that's what the inspectors were looking at.

Altman stated if she's not encroaching on an easement. Do we have enough room within the remaining easement to work on this thing?

Mosbaugh stated the actual drain is on the north side of the property in question. That's why the easement was on their property.

Altman asked how big was the easement, do you recall?

Mosbaugh stated I believe it was 15 feet.

Altman stated then we have seven feet to work in there if there's no corresponding easement.

The Surveyor asked could we table this non-enforcement?

Heirbrandt stated I think it is appropriate to table and do further investigation on this before we move forward and approve it.

Altman stated we need to withdraw the approval.

Heirbrandt made a motion to rescind his approval for the Tooker non-enforcement; Dillinger rescinded his second and approved.

The Surveyor asked where is the Weide property at?

Altman stated that's what I was concerned about. It's two and three together.

Cline stated Weide is the neighbor to the north. They were the ones that had a tile on their property. Tooker's lot is to the south of the Weide property and there is no storm line on their property. Our mapping also shows that we have no regulated drain easement on the property, but there was a drainage easement that was put on the Tooker property when it was platted.

Heirbrandt stated this is confusing. We need to take a better look at this before.

Altman stated I don't know how we do a variance if we don't have a regulated drain.

The Surveyor asked could you also table the Weide non-enforcement?

Altman asked the Board to rescind the approval of the Weide non-enforcement for more review.

Heirbrandt made the motion to rescind approval of the Weide non-enforcement; Dillinger rescinded his second and approved.

Altman stated I'm more concerned we're not getting any type of survey information on these variances because those lines could be anywhere. People think their yards extend back. It's endemic and until we start redoing them so far from the pipe or so far from the center of the...I don't want to hear anymore fence variances unless they're willing to get a stake survey. I don't know how the Board feels, but this is way too dangerous. It's not fair to the people getting variances. They may not have a problem if they're not getting it staked or they may have a really bad problem they need to know about before they put money in a fence.

The Surveyor stated I think it's an excellent idea.

Altman stated I'd never put in a fence without a stake survey as an owner.

**George Symonds Drain, 2-Stage Ditch Reconstruction - Change Order No. 2:**

Liston presented his report to the Board for approval.

"May 13, 2022

TO: Hamilton County Drainage Board

RE: George Symonds, 2-Stage Ditch Reconstruction  
Change Order #2

The following items are additional to the George Symonds, 2-Stage Ditch Reconstruction contract being done by Hoosier Pride.

BB-5, 8' wide bench (Add 175.44')	\$ 7,017.60
Total additions for CO #2	\$ 7,017.60
BB-3, 16' wide bench (Remove 565')	- \$ 25,425.00
BB-6, Mari over-excavation/topsoil placement (Remove)	- \$ 7,599.25
Total deductions for CO #2	- \$ 33,024.25
Total Deduction from Change Order #2	- \$ 26,006.65
Engineer's Estimate based on bid	\$838,752.45
Total Reconstruction Cost with change order	\$851,945.80
ARPA funds available for reconstruction	\$906,487.00
Available ARPA funds for (future change orders)	\$ 54,541.20

Submitted By

Jerry L. Liston  
Hamilton County Surveyor's Office"

Heirbrandt made the motion to approve Change Order No. 2 for the George Symonds Drain, 2-Stage Ditch, seconded by Dillinger and approved unanimously.

The Surveyor stated Duncan and I had discussed this, and I did not want to touch that morrow soil.

Altman asked is morrow really bad soil?

The Surveyor stated it's like runny sand.

Duncan stated it's like mayonnaise. It's white and has a lot of calcium in it and has no strength.

The Surveyor stated and if you break that dam of the soil around it, it just pours out.

Duncan stated we didn't know about growing grass on it and how that would actually take. If we couldn't get grass to grow on this bench, we'd always be out there trying to get grass to grow. Banning Engineering looked at the hydraulics of the ditch related to that and the reason we did the two-stage ditch was storage volume for flooding purposes and it had a negligible impact.

**Construction Updates:**

George Symonds Drain, Two Stage Ditch Reconstruction - Liston stated the work is progressing. We have grass growing on portions of it. We've met with some property owners who had some concerns. Once we met with the property owners, they no longer have any issues. We have a good contractor on this project, Hoosier Pride. You've probably seen a lot on the bridge side, very, very good contractor. They do a wonderful job.

Elwood Wilson Drain, E. M. Hare Arm Reconstruction - Liston stated we have not had a preconstruction meeting on this yet. No work has started.

Intracoastal at Geist Drain - Liston stated the pipe is in. Agricon needs to come back and do the final grading and the path work out back in the right of way.

Mallery-Granger Drain Reconstruction - Liston stated during the asbuilts that were captured for that project, it was discovered that the slope on a good portion of the drain did not meet the cross section needed. The contractor's back now fixing that problem. This should be done in the next day or two and then we'll go out and do a reinspection and close this one out.

Altman asked was this a contracting error or a design error?

Liston stated this was a contractor error. When the asbuilts were done it was a 1.5:1 and it should have been a 2:1.

Canal Place Drain, Strongbow Gate Arm - Liston stated Agricon has not started this project yet. He has all the materials needed; he just needs to put it in his schedule.

Clara Knotts Drain, Park Broadway Arm Phase 1 - Cline stated there are two structures that haven't been set because of Carmel Water lines. They're trying to go back and do grading, but the rain won't cooperate.

Clara Knotts Drain, Park Broadway Arm Phase 2 - Cline stated we had a preconstruction meeting on Thursday last week. The intended start date is around the 1<sup>st</sup> of July.

Duncan stated we're hoping to have utilities moved in June and then we'll start in July.

Ream Creek Drain Reconstruction, Orchard Park Arm - Cline stated (inaudible)

Duncan stated I think it's addressed, but I need to follow up with it. They sent in some shop drawings for review and approval and I don't know if that's made it back to the contractor. I'll follow up with that to make sure (inaudible)

**Budget & Permit Update:**

The Surveyor presented the budget and permit update to the Board for their information. He asked if there were any questions.

There were no questions.

**Introduction - New Employee:**

The Surveyor stated I'd like to introduce Daniel Ybarra. He's taking over the private inspector job that Andy (Conover) used to do.

**Taylor & Jessup Drain:**

Mr. Scott Osborne was present for this item.

The Surveyor stated Duncan and I have a plan.

Altman asked is it a good plan?

The Surveyor stated it's a band aid.

Altman stated well, it's a place for water to go.

Duncan stated what we're proposing and just as a point of reference I made the property owners big in text; I believe Brent Oswald to the north and Brian Kinney have been to the Board meeting. They're the ones that have flooding issues on their properties. Mr. Sedwick, the property immediately to the south has been emailing so really those three are the ones we've been dealing with the most. Our regulated drain ends just past the driveway on the McDaniel property. We're limited as to what we can do.

Altman asked, so it didn't go the property line?

Duncan stated no, it does not. It stops short about 20 feet. What we're proposing is, really, excavating a 20-foot wide ditch, 20-foot wide on the bottom with 2:1 side slope down to where the tile is the largest through here. It starts off as a four-inch and gradually gets larger but gets to be a 10-inch which is the best we can do. The tile from there on doesn't really get much larger. Hopefully, the idea would be to remove those obstructions of the smaller tile, allow it to stage in this area. It will back up a little bit and then it will slowly drain through the 10-inch tile rather than trying to go through the four-inch.

Altman stated so it's just a detention area.

Duncan stated it is a detention area until we can reconstruct the whole.

The Surveyor stated the bottom would be one foot below the tiles on both ends and when it silts, and it will silt, we can go in there and clean it back out. All the spoil will be stockpiled along the edges for later use.

Duncan stated what we'd like to do, we want to work with Mr. McDaniel. I'm not certain he even knows that this is coming. That would be our next step, to approach Mr. McDaniel and propose this plan to him.

Heirbrandt stated I'm fine with it. We need to do something especially temporarily to get this; we get four or five emails a week on this.

Altman asked what's our next step?

The Surveyor stated after we speak with Mr. McDaniel send it out to the contractor and get it done.

Altman asked is it flooding on their property too, currently?

The Surveyor stated yes, but they have a hole. The dark area on the map is actually a low area in their field. The water sits there most of the year.

Duncan stated the intent would be to do this just through a maintenance contract. Meet with Mr. McDaniel and if we get his acceptance of the project, we'll put it out for maintenance.

Altman stated I don't want to be unkind, but are we doing what we're allowed within a regulated drain?

The Surveyor stated yes.

Heirbrandt stated I think we need to move on it.

Altman stated yes.

Dillinger made the motion to proceed with the project on the Taylor & Jessup Drain as described by the Surveyor, seconded by Heirbrandt and approved unanimously.

**Westfield Washington Township Repayment:**

Ms. Tammy Havard was present for this item.

Altman stated I think you all received a memo from Danielle about the status of those funds. Did you receive that?

Heirbrandt stated yes, I did.

Dillinger stated I did not receive it.

Altman stated Danielle's currently owed over \$2,000,000.00 from the County on the Rental Assistance Program. She scheduled the dates that the claims were submitted and how long they have pended. Obviously, the township people are out \$2+ million and they're unable to pay the loan to the Drainage Board.

Heirbrandt asked Sullivan, do you want to elaborate?

Sullivan stated I did not get that email, but I had some issues with my email.

Dillinger stated I didn't receive it either because I'm looking at it right now.

Sullivan stated I do have a third supplement to the loan to the Westfield Washington Township Trustee as that was discussed between you three, Danielle and the Auditor's Office.

Altman stated the loan was coming from the County General, correct?

Sullivan stated yes, so we've already started the process where on June 1<sup>st</sup>, which is the Council's meeting, the appropriation was put in, they have already planned to approve it.

Altman stated that's not the information that Danielle has received when she polled County Council.

Sullivan stated I was going off of what Councilman Alexander and Robin (Mills) has told me.

Altman stated I think Councilman Alexander was one of the "no" votes.

Sullivan stated I talked with him right after this initial conversation.

Altman stated this whole thing is turning into a ridiculous mess.

Heirbrandt stated this came Friday at 7:50 p.m. and it shows that all three of us were copied on it as well as Tammy Havard.

Altman stated we have a representative from Westfield Washington if we have any questions. I don't see any questions. Its just a big clog again on what they believe their audit functions are in the Auditor's Office.

Sullivan stated I'm sorry, I drafted the agreement after we talked about it.

Altman stated you are doing as we thought would happen, but polling indicates that Mr. Alexander thinks we need to keep the money in house, but we probably need clarification.

The Surveyor asked was that ARPA or was that CARES?

Altman stated no, it was different, Rental Assistance Program.

Heirbrandt asked what is the recommendation?

Altman stated the report is you won't get a \$1,000,000.00 back or whatever. We're going to need to extend that loan so they're not in default given the fact that they're out \$2,000,000.00 of their own money. She's decided she's shutting down the program.

Sullivan stated I don't have it in writing, but you want to extend the repayment of the loan?

Heirbrandt stated I think we have to right now.

Sullivan stated this one stated until the successful transfer of the \$3,000,000.00, but it sounds like that's not happening. We can extend it until at least the next Drainage Board meeting.

Altman stated we might as well extend it for 30 to 60 days because my advice to them is to repay yourself first. There's no reason why they should be out that kind of money. It's not what they contracted for.

Heirbrandt stated I agree.

Heirbrandt made the motion to extend the loan from the Drainage Board to the Washington Township Trustee for 60 days, seconded by Dillinger.

Havard stated in Danielle's email she did specify that she would recommend that the loan be extended until the end of December of 2022. There are those big amounts right now, the program is expected to decrease in the installer amounts that people get reimbursed, but we go to the end of the year we will make sure that we make that amount.

Altman stated I think we want to keep the pressure.

Heirbrandt stated let's continue with the 60 days and we'll revisit it.

Dillinger stated this has gotten so out of hand it's ridiculous.

Altman stated I don't disagree. We're sitting with money in our coffers.

The motion had been made and seconded to extend the loan from the Drainage Board to the Washington Township Trustee for 60 days and approved. Altman abstained.

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

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Christine Altman - President

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Lynette Mosbaugh  
Executive Secretary