

MINUTES OF THE HAMILTON COUNTY DRAINAGE BOARD

June 14, 2021

The meeting was called to order Monday, June 14, 2021 at 12:00 p.m.

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

Approval of Minutes of May 24, 2021:

The minutes of May 24, 2021 were presented to the Board for approval.

Heirbrandt made the motion to approve the minutes of May 24, 2021, seconded by Altman and approved unanimously.

Morrow-Follett Drain, J.W. Morrow Arm - Henry Roberts Heirs Addition Partial Vacation:

Mr. Jim Shinaver, Ms. Rebecca McGuckin and Mr. Justin Moffett were present for this item.

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

"February 3, 2021

To: Hamilton County Drainage Board

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

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

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

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

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

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

The parcels affected by this proposal are the following:

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

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

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/STC"

Clark stated the vacation was tabled on the 26th of April until a more detailed agreement, a hold harmless agreement be drafted and signed by the existing property owners essentially removing any potential liability on the County's part that the drain is still functioning, which we had every reason to believe that it is not. Representatives from Old Towne Development are present today if the Board has any questions.

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

Clark stated the hold harmless agreement was written and has been signed by every existing property owner with the drain on their lot.

Heirbrandt asked the Surveyor, do you have any additional comments?

The Surveyor stated I do not. I believe you have in your packets all the responses that we have. As Clark mentioned those are all the responses from owners that the drain crosses their lot.

Altman asked the Surveyor, and you're satisfied in the event there is an issue...

The Surveyor stated yes.

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

"FINDINGS AND ORDER

CONCERNING THE PARTIAL VACATION OF THE

**Morrow-Follett Drain, J.W. Morrow Arm
Henry Roberts Heirs Addition Partial Vacation**

Station 24+37 to Station 27+27

On this **14th day of June, 2021**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Morrow-Follett Drain, J.W. Morrow Arm, Henry Roberts Heirs Addition Partial Vacation (Station 24+37 to Station 27+27)**.

Evidence has been heard. Objections were presented and considered. The Board then adopted an order of action. The Board now finds that the costs of continued maintenance to the portion of the above drain exceed the benefits to the real estate benefited by the portion of the drain to be abandoned and issues this order vacating the above section of the **Morrow-Follett Drain, J.W. Morrow Arm, Henry Roberts Heirs Addition Partial Vacation (Station 24+37 to Station 27+27)**.

HAMILTON COUNTY DRAINAGE BOARD

Steven C. Dillinger
President

Christine Altman
Member

Mark Heirbrandt
Member

Attest: Lynette Mosbaugh "

American Rescue Plan Funding (ARP) - Discussion:

The Surveyor stated you received my list. Heirbrandt came over and talked to me about it and I imagine you had a good discussion earlier this morning regarding these. This is the list that takes care of everything on the existing classification list that has been petitioned for and a few that we've added because they're constant pains.

Altman stated the discussions we've had I think Council's position is, at least one Council Person, Mr. Beaver, was concerned that we obligate anything over than what's in the bank currently. I do think we have consensus to use the monies that are available to start design of the ones that need to be designed so we have shovel ready plans. At least with this infrastructure project we have to obligate by the end of 2024, but we have two years to construct. Everybody else is knocking on the door too for money and I don't think we have consensus other than lost revenue and what's already gone out the door. Is that accurate?

Heirbrandt stated that's accurate. Part of our discussion was when we talked about these and going over them, has he got them prioritized and he said that he did. He prioritized them in order to what he thinks they should be. The one thing I will say when I get contacted by the public it's usually about roads and drainage. I understand the loss of revenue is probably one of the biggest items. A couple of the Council Members and Todd (Clevenger) expressed too, but these are definitely worth getting done.

The Surveyor stated we already have Ream Creek, which is on the list for 2021. That hearing is set for July.

Heirbrandt stated one of my biggest frustrations has always been how come we haven't gotten this done and I get it's always been like that and there's no money to get it done. There's going to be a lot of them in there that this may be our only time to get some of them done.

Altman stated I would go through that list and decide of the high priority ones which ones need to be designed and get them together so we can ask Council because they've appropriated all the money, but before it shifts they have to take a second action.

Howard stated to the Surveyor, I don't know what your data is, but if you could put an executive summary of describing the projects with something more than drainage sheds because nobody in the world knows what drainage shed is what except your staff. Those need to be incorporated in the plan for expenditure of those funds. If you'd get that to us rather than us trying to write it up and you revise it, it will be right the first time.

Altman stated I know you sat down and talked but in terms of priority I would look at the sheds that can't reasonably ever raise the funds to fix the problem.

The Surveyor stated I have some of those in here.

Altman stated yes, but those probably need to percolate to the top or come up in priority. I don't know how Heirbrandt and Dillinger feel about it.

Howard stated the drainage fund is supposed to be user fees, but there are just some projects that there's not enough users.

Altman stated but they have countywide impact and need to be done.

The Surveyor stated okay.

Thorpe Creek Drain - Collins Variance (Mitigation Easement Approval):

The Surveyor stated this is the easement from the Collins regarding the mitigation of the 100-year floodplain. One of the requirements is that they present the Board with an easement for that mitigation area and this is the easement. I recommend the Board accept the easement.

Heirbrandt made the motion to accept the Collins Easement on the Thorpe Creek Drain, seconded by Altman.

Altman stated I'm looking at the plans, who owns this parcel?

The Surveyor stated Elizabeth Collins.

Altman stated the other stuff is not matching up to the plans. All these plan sheets have different...I look at Elizabeth Collins and it's not the same as what's showing up.

The Surveyor stated I wonder if that is the old owner.

Altman stated I don't know, but it's weird that it would have gone to...

The Surveyor stated it is Elizabeth Collins, I looked at it last week to make sure.

Altman stated okay and you're confident the person signing is the title holder?

The Surveyor stated yes.

The motion had been made and seconded to accept the Collins Easement on the Thorpe Creek Drain and approved unanimously.

Mary Wilson Drain - Habig Property:

Mr. Tim Knapp was present for this item.

The Surveyor stated this is for the easement across the Habig property for the new section of the Mary Wilson Drain that would connect the Mary Wilson upper portion with Oak Park Drain lower portion. This is the section that is not regulated at this time. I recommend that Board approve, and it does go to Executive Session this afternoon.

Heirbrandt made the motion to accept the Habig Easement on the Mary Wilson Drain, seconded by Altman and approved unanimously.

J. S. McCarty Drain - IMI Easements:

Mr. Otto Berlin was present for this item.

The Surveyor stated this item is for the easement to be sent to Tim (Knapp) for acquisition for the J. S. McCarty Phase 1, which is the open ditch section across IMI and some other properties. IMI is the only property that we needed additional easement for.

Altman asked is that new alignment or just widening?

The Surveyor stated it's a new alignment at that point, across IMI, the rest of it is existing alignment.

Heirbrandt made the motion to approve the easement acquisition from IMI, seconded by Altman and approved unanimously.

Bee Camp Creek Drain - Easement:

The Surveyor stated Mrs. Bolinger on Bee Camp Creek had issue with us using her name as the person turning in the work order, but she was the person that turned in the work order. She wanted to make sure the Board received her letter.

Altman stated there's no implied liability at all.

The Surveyor stated no.

Professional Services Agreement - Banning Engineering On-Call:

Mr. Joe Miller and Mr. Jon Polson were present for this item.

The Surveyor stated this is an on-call agreement with Banning Engineering on the list that we just talked about earlier. We have discussed this previously and I would recommend the Board accept this agreement.

Heirbrandt made the motion to approve the Professional Services Agreement with Banning Engineering for On-Call Engineering Services, seconded by Altman and approved unanimously.

Professional Services Agreement - Anchorage Erosion Study:

The Surveyor stated we have talked to Burke about the preliminary study that was made, and it was decided that we can't go any farther with this study to determine which is the best alternative until we have a survey of that area. This contract would be for the survey work for that area.

Altman asked is there any mark up or is it a straight contract?

The Surveyor stated it's a straight contract, not to exceed.

Altman stated I don't know why we wouldn't just hire a surveyor. Why are we going through Burke? Let's hire directly. It just doesn't make any sense. Normally, if you sub it there's going to be another mark up and I don't think that's necessary.

The Surveyor stated we'll look for another survey firm.

Altman stated no, the survey firm is fine, but it's not the same one. They're using Steven Christian Associates, just contract directly with them.

Howard asked why can't we use our general services contract with who you just approved, with Banning?

The Surveyor stated we can.

Heirbrandt stated just do that.

Altman stated it seemed awfully expensive.

Heirbrandt stated the cost was originally bid. There were two companies that originally bid that for the study.

Altman stated but this is totally new. All they're doing is surveying, correct?

Heirbrandt stated I want to move on this one. There are some trees that are; it's horrible over there.

Altman stated I don't care about the survey; I just want to make sure there's a not a mark up on the survey cost.

Heirbrandt stated I understand, I just want to get moving on it.

The Surveyor asked you're comfortable asking Banning to come up with a task order?

Heirbrandt stated yes.

Altman stated we have a cost, lets see if we get it a little lower. I don't care if Christian does it, but I want to make sure Burke isn't marking up it up under a sub.

Hearing Requests:

The Surveyor asked the Board to set the following items for hearing on July 26, 2021: Thistlethwaite Drain, Aaron Rawlings Arm, Maple Run Section 3B; Thistlethwaite Drain, Aaron Rawlings Arm, Maple Run Section 5; Canal Place Drain, Strongbow Gate Arm; W. R. Fertig Drain, J. W. Hawkins Arm, Monon Ditch Encapsulation Partial Vacation; Thistlethwaite Drain, Aaron Rawlings Arm, Maple Run Section 4; Isaac Jones Drain, W. C. Inman Arm 1, Chatham Villages Section 1 Partial Vacation.

Altman made the motion to set the items presented for hearing on July 26, 2021, seconded by Heirbrandt and approved unanimously.

Big Cicero Creek Joint Drainage Board:

The Surveyor presented the minutes of the Big Cicero Creek Joint Drainage Board of April 26, 2021 to the Board for their information. He asked if there were any questions.

There were no questions.

Variance Request - Mud Creek, Weaver-May Fill in the Floodplain:

Liston presented Cash's staff report to the Board.

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Staff Report

June 4, 2021

To: Hamilton County Drainage Board

Re: Mud Creek, Variance for Arbor Glen, Sec. 2, Lot 67 (Weaver - May) at 11803 Edgefield Drive, Fishers, DV-2021-0006 Parcel No 19-15-03-00-32-011.000

Attached is a request by Brooke May & Andrew Weaver requesting approval of a variance from the following ordinance and standard in connection with the Arbor Glen, Sec. 2, Lot 67 project:

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

Summary:

As part of a single residential house project, the petitioner has constructed a pool, patio, and other structures within the existing easement on lot 67 along the north bank of Mud Creek which resulted in fill being placed in the floodplain. Following discovery of the fill and encroachment into the existing platted easement, a violation notice was issued by this office. To comply with Hamilton County requirements to offset the fill, the project will excavate compensatory floodplain storage along Mud Creek. Per calculations by HWC Engineering, the construction placed 5.0 cubic yards of fill within the floodplain below the Base Flood Elevation. The proposal includes removing 15.0 cubic yards from the floodplain. The cut/fill ratio meets the standard 3:1 ratio required for consideration of the variance with a proposed ratio of 3.0:1.

Because this site is under a violation notice and the desire is to rectify this matter, the request has been made by the City of Fishers to waive the standard preliminary introduction meeting and the preliminary concurrence typically granted by the Drainage Board in favor of moving this forward. In this case, the engineering for the flood plain compensatory storage area has been completed and submitted for approval.

The design of the flood plain compensatory storage area was made by Luke Jahn of HWC Engineering per plans titled: Arbor Glen, Sec. 2, Lot 67 - 11803 Edgefield Drive, Fishers, Indiana - Floodplain Compensatory Storage Mitigation Plan; dated June 4, 2021.

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

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

Sincerely,

Steven T. Cash
Plan Reviewer

STC:stc"

Liston stated early on the homeowners submitted a plan for a pool to the City of Fishers. They went through the process and it was approved by the City of Fishers. The property owner decided they wanted to add some other amenities, fire pit, arbor, retaining wall and some other things. When the plan went back to the City of Fishers, they realized that they should contact our office because of the regulated drain and the easement behind their property. That was done through an email thread. I was asked to go out and look at the site, which I did and gave the Surveyor my findings. We determined the best way to address it was through a violation notice because they had encroached into our easement with the improvements. The City of Fishers paid for the analysis of the site because they approved it early on. Typically, we come to the Board with a preliminary concurrence and then come back in a month or so and get final concurrence. Since this is under a violation notice we would like to skip the preliminary concurrence and deal with this today as a final concurrence. Per calculations of HWC Engineering the construction placed 5.0 cubic fill within the floodplain below the base flood elevation. The proposal includes removing 15 cubic yards from the floodplain which meets our 3:1 ratio. Based on the staff recommendations the office recommends approval.

Altman stated the picture shows a plot plan with a pink line and then we've got...

Liston stated you have the site plan.

Altman stated we got a copy of the site plan; I just want to verify that this is all within these people's property?

Liston stated it is. The original plan submitted to the City of Fishers for review of this site was done by Mud Slingers, which is their pool contractor and things are not shown correctly.

Altman stated they didn't go where they were shown.

Howard stated we got another email concerning a Fishers issue this week about Fishers approving encroachments in easements. Do we need to enhance our communications with them or is there some way; it seems like most of our issue happen within; our issues that have become a problem where people are coming in and asking for forgiveness rather than permission somehow happens at Fishers. Is there something we ought to do for Fishers to hand out...?

Liston stated we've had several incidences in the last four or five months where things have been approved and it has created problems on our end of it. I'm not sure what we can do, but yes, something needs to be done.

Altman asked are we not catching this at TAC or is it just the plan approval and it doesn't go through TAC?

Heirbrandt asked what do you suggest?

The Surveyor stated in this case the reviewing with the individual we worked very well with. It just got past him. Jason Armor has been very proactive trying to get this fixed.

Altman stated okay, I think it's the best solution we have right now.

Altman made the motion to approve the variance request for the Weaver-May fill in the floodplain, seconded by Heirbrandt and approved unanimously.

Altman stated you might want to keep that contractor on your radar.

The Surveyor stated he was on the radar as a permanent fixture as soon as we got this.

Howard asked this is Mud Slinger?

The Surveyor stated yes.

Little Eagle Creek Drain, George Coverdale Arm - Citizens Energy Water Tower:
There were no objections on file. Mr. Bruce Cooley was present for this item.

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

"June 6, 2021

To: Hamilton County Drainage Board

Re: Little Eagle Creek, George Coverdale Drain-Citizens Energy Water Tower

Attached is a petition and plans for the proposed reconstruction of the George Coverdale Drain located in the Little Eagle Creek Watershed in Westfield, Indiana. The reconstruction is being proposed by Citizens Energy Group. The proposal is to reconstruct the George Coverdale Regulated Drain at the northwest corner of 193rd and Six Points Road. The reconstruction is per plans by Northpointe Engineering, having Job No. 20-0140 and dated May 4, 2021.

The existing regulated drain on this property, which runs from Station 34 to Station 36+49 per it's 1914 description, will be replaced. The relocation begins at new Structure 13 (old Station 34) then runs for 124 feet southeast with 18" RCP to new Structure 12 then runs south for 191 feet with 18" RCP to new Structure 11 before running 10 feet with 18" RCP and connecting to the existing George Coverdale Drain at original Station 36+49.

The reconstructed drain shall consist of the following:

18" RCP 325 Feet

The total length of the reconstructed drain will be 325 feet. The total amount of drain being removed is 249 feet. The beginning station is located at the northern limits of the lot and the end station is located at the eastern limits of the lot.

This project will add 76 feet to the drain's length.

The maintenance of the detention area such as sediment and erosion control along the banks, mowing and aquatic vegetation maintenance and control will be the responsibility of Citizens Energy.

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.

This would not extend the 75-foot easement onto the adjacent properties owned by Steven M. & Linda L. Osborne, Tract Number 08-05-27-00-00-005.000 and Tract Number 08-05-27-00-00-003.001. It would remain instead within the original easement in regard to the Osborne properties. I recommend that the existing easement boundaries of the George Coverdale drain per it's 1914 description on this property remain with the approval of the relocation.

Because the proposed reconstruction will be done upon the petitioner's property at the petitioner's expense it meets the requirements of I.C. 36-9-27-52.5 for a hearing.

Therefore, I recommend approval by the Board at this time.

Hamilton County Drainage Board
June 14, 2021

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pl1"

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

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

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

IN THE MATTER OF THE
RECONSTRUCTION OF THE

Little Eagle Creek Drain, George Coverdale Arm, Citizens Energy Water Tower

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the **Little Eagle Creek Drain, George Coverdale Arm, Citizens Energy Water Tower** came before the Hamilton County Drainage Board for hearing **on June 14, 2021**, 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 Eagle Creek Drain, George Coverdale Arm, Citizens Energy Water Tower** 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

Steven C. Dillinger
PRESIDENT

Christine Altman
Member

Mark Heirbrandt
Member

ATTEST: Lynette Mosbaugh "
 Executive Secretary

Cool Creek Drain, E. M. Osborn Arm - Spring Mill Centre Reconstruction:

There were no objections on file. Mr. Randy Zentz and Mr. Tyler Comstock were present for this item.

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

"May 19, 2021

To: Hamilton County Drainage Board

Re: Cool Creek Drain, E. M. Osborn Arm - Spring Mill Centre Reconstruction

Attached is a petition and plans for the proposed reconstruction of the E. M. Osborn Drain located in the Cool Creek Watershed in Westfield, IN. The reconstruction is being proposed by Haehl Group LLC. The reconstruction is per plans by American Structurepoint, having Job No. 2019.00721 and dated 1/18/2021 (see Sheets C410 to C421).

The entirety of the existing regulated drain on this property, which consists of the E. M. Osborn Arm, the E. M. Osborn Arms 1 and 2 as well as the Fabcon Reconstruction Arm of the Anna Kendall Regulated Drain will be replaced. The footage of the E. M. Osborn Arm to be replaced runs from Station 0+0 to Station 7+90 per the drain's 1924 description. The footage of E. M. Osborn Arm 1 to be replaced runs from Station 0+0 to Station 3+25 per the drain's 1924 description. The footage of E. M. Osborn Arm 2 to be replaced runs from Station 0+0 to Station 12+10 per the drain's 1924 description. The footage of the Fabcon Reconstruction Arm to be replaced runs from Station 0+0 to Station 18+36 per the drain's 1995 description.

The drain relocation starts at a property owned by Haehl Group LLC, approximately 598 feet south of the northwest corner of the southwest quarter of Section 35-19-3. This is also the approximate northwest corner of parcel #08-05-35-00-00-032.101 and more accurately described as the parcel in a Quick Claim Deed recorded at the Hamilton County Recorder's Office under Instrument #201904491.

The relocation, as shown on the plans prepared by American Structurepoint, Inc. for Spring Mill Centre, Project Number 2019-00721, dated January 18, 2021, begins as a ditch at the northwest corner of the property limits and runs east for 880 feet before flowing into Structure 300. The drain then runs for 59 feet with 36" RCP before outletting into the northeast wet pond at Structure 301. The wet pond runs east for 170 feet before turning south and running for 600 feet and outletting into Structure 302. To the west of the northeast wet pond, an additional arm of the E. M. Osborn Drain will be reconstructed. The reconstruction will begin at Structure 200 located at East Station 0+00 E. M. Osborn Arm 1, 1924 description and runs for 33 feet with 15" RCP before stopping at Structure 201. The drain then runs for 55 feet with 15" RCP before outletting into an open ditch at Structure 202. The ditch then runs for 1,055 feet before emptying into northeast wet pond. Continuing along the eastern limits of the property and beginning at Structure 302, the drain runs south for 178 feet with 24" RCP before outletting into southeast wet pond at Structure 303. From southeast wet pond it then runs south for 345 feet before outletting to Structure 500. The drain continues to run south for 348 feet with 30" RCP before stopping at Structure 505. The drain then turns west and runs for 201 feet with 36" RCP before outletting at Structure 506 into the existing end section Structure 140 of the SR 32 Arm of the Anna Kendall Drain per its 2011 description.

The reconstructed drain will consist of the following:

Open Ditch	3,050 feet
15" RCP	88 feet
24" RCP	178 feet
30" RCP	348 feet
36" RCP	260 feet

The total length of the reconstructed drain will be 3,924 feet. The proposal will reduce the length of regulated drain by 237 feet.

The northeast and southeast wet ponds per the plans are to be considered part of the regulated drain as detention ponds. Maintenance of the area assumed by the Drainage Board shall include the inlets and outlets of the reconstructed drain and ensuring that the flow of water is maintained as well as the storage volume, thus allowing no encroachments. The maintenance of the ponds such as sediment removal, erosion control along the banks, mowing and aquatic vegetation maintenance and control will be the responsibility of the developers or property owner. The overall cost of reconstruction will be paid by Haehl Group LLC.

Because the project is to be paid by the petitioner and is within the boundaries of the petitioner's property, the project falls under the requirements as set out in IC 36-9-27-52.5. Therefore, a noticed hearing is not required for the petitioner.

Isaac Jones Drain, W. C. Inman Arm 1 - Chatham Villages Section 1 Reconstruction:
There were neither landowners present nor objections on file.

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

"June 11, 2021

To: Hamilton County Drainage Board

RE: Isaac Jones, WC Inman Drain, Arm 1-Chatham Villages Section 1 Reconstruction

Attached is a petition to reconstruct the main W. C. Inman Drain in Westfield, Indiana by Henke Development Group as part of Chatham Villages, Section 1. The existing parcel in which the reconstruction will occur is 09-05-24-00-00-015.000 and is currently owned by Chatham Hills LLP.

The W. C. Inman Drain was constructed as per its original description dated August 9, 1905. The portion of drain between Station 19+76 and Station 33+55 will be reconstructed as Pond 2 as shown in the construction plans prepared by Cripe Engineering, Project No. 170504-20300, dated January 5, 2021. The reconstructed drain shall consist of the following:

Open Ditch 1,437 feet

This proposal will add 58 feet to the overall footage of the W. C. Inman Drain.

The detention pond is to be considered part of the regulated drain as an open ditch. Maintenance of the area assumed by the Drainage Board shall include the inlet and outlet and ensuring that the flow of water is maintained as well as the storage volume, thus allowing no encroachments. The maintenance of the detention pond such as removal of sediment, erosion control along the banks, mowing and aquatic vegetation maintenance and control will be the responsibility of the Chatham Villages Homeowners Association or the City of Westfield.

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.

Because the proposed reconstruction will be done upon the petitioner's property at the petitioner's expense it meets the requirements of I.C. 36-9-27-52.5 for a hearing. Therefore, I recommend approval by the Board at this time.

I recommend that upon approval of the above proposed drain that the Board also approve the attached non-enforcement request. The non-enforcement is for the altering of the regulated drain easement widths as shown on the Secondary Plat for Chatham Villages, Section 1.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll"

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

Altman made the motion to approve the Surveyor's report along with the non-enforcement request for Chatham Villages Section 1, seconded by Heirbrandt and approved unanimously.

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

IN THE MATTER OF THE
RECONSTRUCTION OF THE
Isaac Jones Drain, W. C. Inman Arm 1, Chatham Villages Section 1 Reconstruction

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the ***Isaac Jones Drain, W. C. Inman Arm 1, Chatham Villages Section 1 Reconstruction*** came before the Hamilton County Drainage Board for hearing **on June 14, 2021**, 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:

Hamilton County Drainage Board
June 14, 2021

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 **Isaac Jones Drain, W. C. Inman Arm 1, Chatham Villages Section 1 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

Steven C. Dillinger
PRESIDENT

Christine Altman
Member

Mark Heirbrandt
Member

ATTEST: Lynette Mosbaugh
Executive Secretary "

Preliminary Variance Request - Chatham Pointe Fill in the Floodplain:
Clark presented his report to the Board.

"June 2, 2021

Hamilton County Drainage Board

RE: Isaac Jones Watershed
Chatham Pointe - Preliminary Floodplain Permit Request
203rd and Tomlinson Road

Attached is a letter from Chris Wiseman of Cripe Engineering, requesting a defined amount of fill be permitted within the floodplain of the Isaac Jones Drain, for the Chatham Pointe Section 8 project, as set out in the Floodplain Management Ordinance 09-26-16-A. The request was made on the behalf of Chatham Hills LLP.

Additional Information:

The proposed project is a residential development in the northwest corner of 203rd Street and Tomlinson Road. The proposed design is intended to allow for a small portion of the development to be constructed within the currently delineated floodplain for the Isaac Jones drain.

Staff Recommendations:

Grant preliminary approval set mitigation ratio at 3 to 1, and require review by Drainage Board Watershed Consultant Clark Dietz, for the project to move forward.

Sincerely,

Samuel T. Clark
Hamilton County Surveyor's Office"

Altman made the motion to grant preliminary approval, seconded by Heirbrandt.

Altman stated it looks like a entire lot is going to be filled, I can't tell from this. As we proceed, they need to know what the plat disclosures are, etc.

Hamilton County Drainage Board
June 14, 2021

Clark stated yes.

The motion had been made and seconded to grant the preliminary approval for fill in the floodplain variance and approved unanimously.

Violations:

Conover presented his report to the Board for approval.

"To: Hamilton County Drainage Board

May 24, 2021

Re: Violation # VIO-2018-00005
Parcel #01-01-22-00-00-011.000
McMillan, Kyle Walker & Melinda Jo
405 W 266th St
Sheridan, IN 46069

On June 27, 2018 violation #VIO-2018-00005 was issued to Kyle & Melinda McMillan at 405 W. 266th Street, Sheridan, IN 46069. The violation was for a driveway that was constructed over the Herr-Haughey regulated without the required crossing permit. The driveway was installed by the previous owner of the property shortly before the purchase by the McMillans.

On July 3, 2018 a crossing permit was issued for the driveway crossing. The permit required that the existing clay tile under the driveway be replaced with reinforced concrete pipe (RCP).

On October 1, 2018 an inspection was made of the RCP that was installed under the driveway per the crossing permit requirements. The installation passed the inspection. The crossing permit was approved and was closed.

On May 24, 2021 it was found that while the crossing permit had been approved and completed, the violation was still outstanding. I would like to request that the violation #VIO-2018-00005 be rescinded.

Submitted by



Andrew D. Conover"

Altman made the motion to rescind the violation as requested, seconded by Heirbrandt and approved unanimously.

Non-enforcements:

Mr. Bo Peng was present for this item.

Clark presented a non-enforcement request for the Long Branch Drain, J. W. Brendel Arm filed by Bo Peng and Yan Tao for parcel #17-09-32-00-05-009.000 for a fence. The Surveyor's Office recommends denial. Mr. Peng is proposing a fence which would encroach fully into the fifteen-foot drainage easement off of the east property line. It was his intention to connect to his neighbor's fence to the east, which is currently on top of the property line. The neighbor did not get a non-enforcement and the fence orientation is in violation. What we initially recommended was a half encroachment which is 7.5 feet off of the east property line. What he proposed as an alternative was that the fence fully encroach into the fifteen-foot drainage easement connecting to his neighbor to the east on the condition that removable panels are placed. That way if we ever needed to access the drainage infrastructure behind his property there is a 24" pipe, we could pop off those removable panels and get our equipment in through that fifteen-foot drainage easement. Keep in mind, if the issue was accessing the actual drain that is on top of that east property line, we would still need to remove the entire fence. It solves one problem which would be access to the infrastructure behind him, but as for the actual drain on the property line we would still need to remove the fence because as of right now the fence is on top of that drain.

Altman asked is it the office's position that you would allow this if they were all removable panels?

Clark stated no, we are denying his proposal. We're arguing for the 7.5-foot encroachment.

The Surveyor stated correct. The problem is that the existing fence that was put up without the permit or the non-enforcement is right on top of the tile. I'm just hoping they didn't go through it with their auger.

Altman asked what are we doing about the existing fence?

The Surveyor stated it has a violation sent out on it. It needs to be removed to 7.5 feet, so we have access to the tile.

Altman stated so that's going to be the position of the Surveyor's Office that the violation will be to remove the fence.

Peng stated obviously the neighbor's fence is already there and it is on top of the easement, but the part we're adding to it I just found out today that there is a violation taking it down. I hope it's not the case because one, it's not the current owner of the house that installed it, it was the previous owner. The current owner won't know anything about it. I didn't want to cause any problems because I'm applying for this. The extension we want to add is just those two removable panels attaching to the existing fence. If that's there, then there's nothing we're really building on top of it. We're not going to build another fence alongside the easement. We're just building the two parts that are encroaching into the easement. I say removable panels which should give you twelve feet of two sections of six-foot panels including the posts in terms of access. Now, if you're saying they are going to remove that fence then that's a different story, I understand perfectly, but if you're not going to remove it the one we're adding to it right now should not cause any problems in terms of construction. By the way, it's six feet out so it's right on the edge of the 7.5 feet so we shouldn't touch anything in terms of depths, we shouldn't touch any of the drain. It's not right on top of it, it's 6.5 feet to the side of it. We're only one foot away from the easement recommendation. It's really on the edge of it. We've been living on the property for almost 10 years and we never needed a fence. Recently, last year we got a dog. Right now, it spends most of his days staring out the window looking at the backyard. It's a little heart breaking that we can't let him go out. We have foxes, coyotes and whatnot and playing in the backyard it's not safe for them to stay out by themselves. Obviously, this is very important, and we'll abide to whatever laws and regulations, but we're hoping.

Howard stated first of all because the neighbor's fence is right over a pipe it's going to be removed if it's by court order or anything short of court order. The fact the Drainage Board's rights to use that easement exists on the plat for your subdivision. I've been to real estate closings and I know there are 43 documents that you don't read, nobody reads, but they said they read them and agree to abide by them. Whose problem is that? The guy next door that's the subsequent owner inherits the faults of his predecessor. That is going to have to be removed under any circumstance. For you to connect to it is going, even if it's removable panels, is going to be a two-step process. Right now it seems to me until that's moved and then we look at the issue, we usually deny removable panels because that still means to get in there our contractor; we have to pay our contractor to remove them, have to pay our contractor to put it back, we have to worry about where the dog goes when the panels are removed. These are problems that just keep going on and on and on. The best thing to do is put the fence where it's permitted or within the encroachment that they've provided and be done. One of your dimensions of your fence is going to be to use your neighbor's and your neighbor isn't going to be there.

Peng stated correct. There's one thing I forgot to mention. The other problem right now is on the side of the 7.5-foot encroachment we have a little bit of a mulch area with a tree on it. There is a brick surface and right next to it there's a tree and there's a bit of a mulch area right underneath that tree and 7.5 feet in that is where we need to build our fence which means for me to have any kind of use of that backyard in terms of passage I need to remove that entire mulch area plus that tree. I understand if this has to be done, it has to be done, for me it becomes a little more complicated.

Howard stated the problem is difficult to explain to people because they think backwards. They think they have a right to use the easement but for our enforcement. You did not ever, nor did your neighbor ever, have the right to put anything in that easement unless there was a permit.

Peng stated that's why I'm here.

Howard stated I know, you're asking for permission as opposed to forgiveness, but the fact that the mulch goes away or something else goes away, life's full of decisions.

Peng stated but that mulch is not in the easement, right? Somebody's saying the easement between and again I try to understand. Let me say it this way, that the benefit of portable panels and the posts it's a fact that if the adjacent panel, if that panel was to be removed the fence has to be moved by court then there is the possibility for us to reuse some of that, just change direction and line it up against that 7 to 6.5 feet that we have. I think the extension panel has to be six feet. If we have removable posts, which means if that judgement ever comes and say this has to go away then we can just change direction and line the panel down from that same post without...It's a bit of flexibility in terms of step one, step two, right, at least from my point.

Howard stated it's up to the Board to decide. I'm just saying one of the rules of complex problem solving is to first decide whose problem it is.

Peng stated right.

Howard stated I don't have any more explanation. It's up to the Board.

Heirbrandt stated usually we're pretty lenient on a lot of the things that we allow to be done. We normally don't get a lot of resistance from the Surveyor's Office or even the attorney, but in this particular case, this is a little more difficult to be able to approve in my opinion.

Altman stated you kind of have two routes. The first route is to go with the recommendation with the 7.5 encroachment and just get your fence built or you could ask to table this until we see what you do with your neighbor's fence.

Peng asked how long do you think that would take?

Altman stated we have to do the notice of violation and see if they voluntarily remove it.

Peng stated I didn't want to cause any trouble for my neighbor. I didn't know this would come down to this.

Heirbrandt stated I understand.

Peng stated previously it was recommended we use their existing fence that would be there as far as I heard. I didn't want to cause any additional financial or issue with them.

Altman stated unfortunately it's sitting right over a pipe and I don't think we're going to have much choice but to tell them their going to have to move it because it's sitting on a pipe.

Heirbrandt stated they're going to have to move it. Very rarely do we ever see one where they put the fence right over the pipe. Unfortunately, the fence people should be doing their job and filing for a permit knowing where they need to put the fence and they didn't do it, obviously. When you put the fence right over the drain, that is a problem. We don't normally ever see that happen.

Howard stated we've been very aggressive trying to notify the fence companies to get a plat from the landowner that shows the easement so that these problems are not going to enforcement, they're covered on the front end. In the past that was not as aggressive and frankly even now there's some of the fence companies that don't care, they want to sell you the fence, get your money and get away.

Heirbrandt stated it's not the owner's fault, they usually just don't know.

Dillinger stated but it's the owners that have to pay the consequence.

Peng asked what kind of a length of time are we talking about in terms of decision making?

Heirbrandt stated we can make a motion to table this and then as Commissioner Altman had said you can try to determine exactly where your neighbor's fence is going to go or where it might be moved. It could be a month.

Altman stated it could be longer, that's the bad news, we can't guarantee whether the neighbor will cooperate or not.

Howard stated and even if they do in this market, construction companies doing everything are behind schedule, slow and expensive. I think you may want to build a small temporary fence for your dog because it could be a month, but it's probably going to be six months.

Peng stated my problem with the HOA is that I can't build any fence I want.

Heirbrandt stated that doesn't pertain to this Board.

Peng stated I understand.

Howard stated you might want to talk to the HOA, explain the situation to them and tell them it's temporary and you'll remove it as soon as possible, not to exceed twelve months or something and see if they'll work with you. They've got less interest in the deal than we do. They ought to be comfortable and it may not be pretty, but...

Altman stated I don't see where we're not going to make the neighbor move his fence. That's why I suggested you might want to wait, but my guess is we're going to make them move the fence anyway so your issue's kind of moot in terms of if we make him move we certainly aren't going to allow a full encroachment.

Peng stated I see.

Howard stated it's not if, it's when and we can't guarantee you when.

Peng stated I was hoping for a different result, but I thank you for your time.

Altman asked do you have a preference? Would you like to wait, or would you like to have the variance on the 7.5 because we don't want to waste your time or delay your fence if that's acceptable.

Peng stated the part I can move is the mulch area, it's going to be expensive, but it is what it is. What I can't move is the brick area. The problem is there's only about 5.5 feet between that brick space versus the 7.5 encroachment.

Heirbrandt stated why don't we go ahead and table this until you can go back and take a look at what Peng has there, run it by the Surveyor's Office.

Altman asked the brick area, how much are we talking about for the 7.5 feet, how much of it is in the brick area? I can't tell.

Heirbrandt stated I think we should go ahead and table this.

Altman stated if Peng has a fence contractor on the hook, I just don't want to do him a disservice. If we could avoid the pipe and give him another couple of feet that would be one thing, that's what I'm asking. That's what I can't tell without seeing the site. Can we allow it in one area, a little more room for him to avoid what I consider more of a permanent improvement other than the mulch? That's why I'm looking to the Surveyor's Office because hopefully you went out and walked it and know whether it's possible to accommodate at least that issue for him.

The Surveyor stated we can go out and take a look at this.

Howard stated that's going to involve Peng buying the fence for that run as opposed to tapping in and using his neighbor's fence because your neighbor isn't going to be contiguous to you anyway. Presume the neighbor's fence disappeared and work on your solution.

The Surveyor stated I would recommend tabling for today and give Luther (Cline) a chance to go out and look at it and report back at the next meeting.

Altman asked two weeks?

The Surveyor stated two weeks.

Altman asked Peng, can you wait two weeks while we look and see if there is a solution?

Peng stated sure.

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

Peng asked do I need to talk to my neighbor?

Howard stated no, you don't have to deliver the bad news, we'll take care of that for you. We will not start the letter based on Mr. Peng's request. We'll just tell them they're in violation. We won't rat you out.

Conover presented a non-enforcement request for the F. M. Musselman Drain, Arm 2 filed by Brian and Sarah Snider for parcel #12-07-22-00-00-011.001 for a pole barn and hobby shop including the existing garage. The Surveyor's Office recommends approval.

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

Clark presented a non-enforcement request for the Crooked Creek Drain, Park at Weston Place Arm filed by Brett and Erin Czajkowski for parcel #17-13-06-00-06-037.000 for a fence. The Surveyor's Office recommends approval.

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

Clark presented a non-enforcement request for the Lion Creek Drain, Claybourne Arm filed by Dashmir and Yllka Braja for parcel #17-09-30-00-05-064.000 for a fence. The Surveyor's Office recommends approval.

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

Clark presented a non-enforcement request for the Little Eagle Creek Drain, Albany Place Arm filed by Adam and Keri Berman for parcel #17-09-20-00-23-002.000 for a fence. The Surveyor's Office recommends approval.

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

Clark presented a non-enforcement request for the Long Branch Drain, Sanctuary at 116th Street Arm filed by Alan Deng for parcel #17-09-31-00-11-012.000 for a fence. The Surveyor's Office recommends approval.

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

Clark presented a non-enforcement request for the Richard Moffitt Drain, Lexington Farms Arm filed by William and Brenda Fresch for parcel #17-13-01-03-13-015.000 for a fence. The Surveyor's Office recommends approval.

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

Clark presented a non-enforcement request for the Williams Creek Drain, Brookstone park of Carmel Arm filed by Preetha Sinha and Jason Clifford for parcel #17-09-22-01-01-027.000 for a fence. The Surveyor's Office recommends approval.

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

Clark presented a non-enforcement request for the Williams Creek Drain, Centennial Arm filed by Matthew and Brenda Branaman for parcel #08-09-15-00-16-031.000 for a fence. The Surveyor's Office recommends approval.

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

Clark presented a non-enforcement request for the Williams Creek Drain, Parks at Springmill Arm filed by Kristie Naglich for parcel #16-09-26-00-04-055.000 for a fence. The Surveyor's Office recommends approval.

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

Clark presented a non-enforcement request for the Williams Creek Drain, Saddle Creek Arm filed by Neal and Kayci Ward for parcel #17-09-21-00-15-029.000 for a fence. The Surveyor's Office recommends approval.

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

Clark presented a non-enforcement request for the Williams Creek Drain, Spring Farms Arm filed by Steven and Janette Boyle for parcel #16-09-27-00-14-031.000 for a fence. The Surveyor's Office recommends approval.

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

Clark presented a non-enforcement request for the Williams Creek Drain, Waterwood Arm filed by Martha Byer for parcel #17-13-02-02-08-015.000 for a fence. The Surveyor's Office recommends approval.

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

Liston presented a non-enforcement request for the Vermillion Drain, Heritage at Vermillion Arm filed by Jared and Dana Stefanick for parcel #13-16-08-00-08-007.000 for a fence. The Surveyor's Office recommends approval.

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

Liston presented a non-enforcement request for the Vermillion Drain, Woods at Vermillion Arm filed by Clint and Kelly Brauchla for parcel #13-16-08-00-23-003.000 for a fence. The Surveyor's Office recommends approval.

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

Liston presented a non-enforcement request for the Wheeler and Wheeler Drain, Arbor Grove Arm filed by Darryl Wells for parcel #10-11-08-00-15-041.000 for a fence. The Surveyor's Office recommends approval.

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

Spills:

Anna Kendall Drain (Heating Oil Release) - Liston stated we received a follow up email from IDEM on the Westfield incident.

Cheaney Creek (Fishers) - Liston stated before the meeting I spoke with David Cage from IDEM. Sometime over the weekend at 106th Street and Allisonville Road there is a lift station owned by the City of Fishers and that facility failed and dumped an undetermined amount of raw sewage into Cheaney Creek. IDEM was not notified of that incident. A downstream homeowner notified IDEM.

Howard asked Liston, is that an HSE lift station or City of Fishers?

Liston stated I think it's the City of Fishers.

Howard stated most of their collection system is HSE.

Liston stated David Cage said someone from the City of Fishers was doing water samples, so I assumed it was the City of Fishers. I will find out.

Surety Acceptance:

Liston stated that at this afternoon's Commissioners meeting the Board would be accepting the following sureties: Performance Bond No. OHHNSU0796979 in the amount of \$167,535.60 for Tamarack Section 4, storm sewers; Performance Bond No. 5948795 in the amount of \$20,264.00 for 2021 Vegetation Control, Hamilton County Regulated Drains; Payment Bond No. 5948795 in the amount of \$20,264.00 for 2021 Vegetation Control, Hamilton County Regulated Drains.

Surety Release:

Liston stated that at this afternoon's Commissioners meeting the Board would be releasing the following surety: Subdivision Bond No. 1155710 in the amount of \$108,150.00 for Silverton Section 6, George Burke Legal Drain Reconstruction.

Construction Updates:

Intracoastal at Geist Drain - Liston stated we received a relocation plan from Duke Energy. I believe Duncan will be reviewing that plan. Brenn Streeter has replaced Cindy Rowland at Duke Energy and I've had a couple of conversations with Brenn last week. It is Duke's responsibility to notify the property owners on the outage. We have also received a phone call from Comcast, and I'll be following up on that.

Mallery Granger Drain Reconstruction - Liston stated Duke Energy went out and potholed their three-phase facility across the drain on the Noblesville Golf Course. Weather has not been good over the past week. The contractor only worked one day last week. The culvert pipes that were backlogged for the road crossings have been received and they're on site. We are coordinating those replacements with the County Highway.

Ellis Barker Drain Reconstruction - Duncan stated there hasn't been much change in status. The contractor is still trying to go out and do the final installation and how they can do that under traffic or wait until the roadway opens up at S.R. 38.

Clara Knotts Drain, Park Broadway Arm - Duncan stated utilities are actively moving there.

Overman-Harvey Drain, Village Farms, Adios Pass Reconstruction - Duncan stated this project is substantially complete, but I don't know if they've gone out and done the final paving.

Drainage Board Attorney (Pending Items):

Elwood Wilson Drain (1532 South Street) - Howard stated I have talked to the City of Noblesville and informed them that we are not interested in acquiring that old house and they're going to get that to the property owner.

Interlocal on Loan to Washington Township Trustee - Howard stated this will be memorialized in the amendment to the agreement to be presented to you with your Commissioners hat on later today.

Lake Stonebridge Agreement (Backflow Preventer) - Howard stated this was sent back by the HOA with two blanks. One blank was the cost of acquiring and installing this backflow preventer. We inserted the cost in the file. The other had a blank in it that the HOA wanted to limit their maintenance cost under the agreement they pay the maintenance cost and they wanted to limit that to an annual amount and we determined that the maintenance money at some time includes replacement of the area and we sent that back and said we would not be approving that agreement with the amount in it.

Violations and Enforcement - Howard stated as to the enforcement issues and ordinances, Gary (Duncan) and Connor (Sullivan) have delivered a draft to me which I will be reviewing before I leave on Thursday and get that to you on your next agenda.

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.

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

Westfield/Washington Trustee's Office - Rental Assistance Program:

Dillinger re-opened the Hamilton County Drainage Board meeting.

Dillinger asked for a motion to approve the interest free loan to the Westfield Washington Township Trustee to be used for the administration of the payment of claims for the Emergency Rental Assistance Program in the amount of \$750,000.

Heirbrandt so moved. Altman declared she has to abstain. Dillinger seconded. Heirbrandt and Dillinger approved. Motion carried. Altman abstained.

Heirbrandt moved to adjourn the Drainage Board meeting. Altman seconded. Motion carried unanimously.

Steven C. Dillinger - President

Lynette Mosbaugh
Executive Secretary