The meeting was called to order Monday June 24, 2019 at 9:05 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 Baitz, Mr. Gary Duncan, Mr. Jerry Liston, Mr. Rueben Arvin, Mr. Sam Clark, Ms. Suzanne Mills, Mr. Steven Cash and Mr. Luther Cline.

**Bid Opening - Ellis Barker Drain Reconstruction:**
Mr. Steven Milbourne and Mr. David Martin were present for this item.

Howard stated the first bid packet is from Hoosier Pride Excavating with all required forms present and a Base Bid of $532,442.43 and Alternate Bid of $685,617.16; the next bid is from Morphey Construction with all required forms present an a Base Bid of $348,000.00 and Alternate Bid of $614,000.00; the next bid is from Millennium Contractors with all required forms present and a Base Bid of $500,000.00 and Alternate Bid of $935,000.00. This appears to be all the bids on this project. Do any other persons know of any other bids; none appearing I recommend the bids be referred to the Surveyor’s Office for review and recommendation at the Board’s July 8, 2019 meeting.

Dillinger made the motion to refer the bids to the Surveyor’s Office for review and recommendation at the Board’s July 8, 2019 meeting, seconded by Heirbrandt and approved unanimously.

**Ed Waltz Drain, Bear Slide Arm – 231st Street Extension:**
There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

“April 24, 2019

To: Hamilton County Drainage Board
Re: Ed Waltz Drain Bear Slide Arm, 231st Street Extension

Attached is a drain map, drainage shed map and schedule of assessments for the extension of the Bear Slide Drain. This proposed drain is located in Jackson Township.

When the Bear Slide Drain was created at hearing on April 27, 1998 the Surveyor’s Report dated March 17, 1998 described the drain’s terminus as being the south right of way line of 231st Street. In 2008 Bridge 93 was replaced and as part of the project additional right of way was purchased by the County. The result of the bridge replacement is that the original terminus now falls within the new structure.

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

- Open Ditch 38 ft.

The total length of the drain will be 38 feet.

The extension will begin at the pre-2008 south right of way line of 231st Street and extend south to the new south right of way line of 231st Street.

The current rates for the Ed Waltz Drain of which Bear Slide Drain is part of are $10.00 per acre for roads. The annual maintenance collection for this extension will be $60.00.

The nature of maintenance work required is as follows:

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

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

The easements for the drain should be set at 75’ from top of bank as set out in IC 36-9-27-33.
I recommend that the Board set a hearing for this proposal for June 24, 2019.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor
KCW/p11"

Altman opened the public hearing; seeing on one present Altman closed the public hearing.

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

"FINDINGS AND ORDER
CONCERNING THE MAINTENANCE OF THE
Ed Waltz Drain, Bear Slide Arm
231st Street Extension

On this 24th day of June, 2019, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the Ed Waltz Drain, Bear Slide Arm, 231st Street Extension.

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

HAMILTON COUNTY DRAINAGE BOARD

Christine Altman
President

Mark Heirbrandt
Member

Steven C. Dillinger
Member

Attest: Lynette Mosbaugh
Executive Secretary 

"STATE OF INDIANA ) BEFORE THE HAMILTON COUNTY
COUNTY OF HAMILTON ) NOBLESVILLE, INDIANA
IN THE MATTER OF THE
RECONSTRUCTION OF THE
Ed Waltz Drain, Bear Slide Arm, 231st Street Extension

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the Ed Waltz Drain, Bear Slide Arm, 231st Street Extension came before the Hamilton County Drainage Board for hearing on June 24, 2019, 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.

Hamilton County Drainage Board
June 24, 2019
The Board having considered the evidence and objections, upon motion duly made, seconed 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 Ed Waltz Drain, Bear Slide Arm, 231st Street Extension be and is hereby declared established.

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

HAMILTON COUNTY DRAINAGE BOARD

Christine Altman
PRESIDENT

Mark Heirbrandt
Member

Steven C. Dillinger
Member

ATTEST: Lynette Mosbaugh
Executive Secretary

Hinkle Creek Drain – 225th Street Extension:

There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"April 26, 2019

To: Hamilton County Drainage Board

Re: Hinkle Creek Drain, 225th Street Extension

Attached is a drain map, drainage shed map and schedule of assessments for the extension of the Hinkle Creek Drain. This proposed drain is located in Jackson Township.

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

Open Ditch 141 ft.

The total length of the drain will be 141 feet.

The extension will begin at the existing north Right of Way line of 225th Street and extend across to the south Right of Way line of 225th Street.

I recommend rates for the Hinkle Creek Drain be set at $25.00 per acre for roads. The annual maintenance collection for this extension will be $97.50.

The nature of maintenance work required is as follows:

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

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

The easements for the drain should be set at 75’ from top of bank as set out in IC 36-9-27-33.

Hamilton County Drainage Board
June 24, 2019
I recommend that the Board set a hearing for this proposal for June 24, 2019.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor

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.

"FINDINGS AND ORDER
CONCERNING THE MAINTENANCE OF THE
Hinkle Creek Drain, 225th Street Extension

On this 24th day of June, 2019, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the Hinkle Creek Drain, 225th Street Extension.

Evidence has been heard. Objections were presented and considered. The Board then adopted the original/amended Schedule of Assessments. The Board now finds that the annual maintenance assessment will be less than the benefits accruing 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"

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

IN THE MATTER OF THE
RECONSTRUCTION OF THE
Hinkle Creek Drain, 225th Street Extension

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the Hinkle Creek Drain, 225th Street Extension came before the Hamilton County Drainage Board for hearing on June 24, 2019, 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 Hinkle Creek Drain, 225th Street Extension be and is hereby declared established.

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

HAMILTON COUNTY DRAINAGE BOARD

Christine Altman __________________________
PRESIDENT

Mark Heirbrandt __________________________
Member

Steven C. Dillinger _________________________
Member

ATTEST: Lynette Mosbaugh
Executive Secretary "

Little Cicero Creek Drain - 281st Street Extension:
There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"April 26, 2019

To: Hamilton County Drainage Board
Re: Little Cicero Creek Drain, 281st Street Extension

Attached is a drain map, drainage shed map and schedule of assessments for the extension of the Little Cicero Creek Drain. This proposed drain is located in Jackson Township.

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

Open Ditch 73 ft.

The total length of the drain will be 73 feet.

The extension will begin at the existing north Right of Way line of 281st Street and extend across to the south Right of Way line of 281st Street.

The current rates for the Little Cicero Creek Drain are $10.00 per acre for roads. The annual maintenance collection for this extension will be $21.00.

The nature of maintenance work required is as follows:

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

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

The easements for the drain should be set at 75' from top of bank as set out in IC 36-9-27-33.
I recommend that the Board set a hearing for this proposal for June 24, 2019.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor
KCW/pl1”

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

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

"FINDINGS AND ORDER
CONCERNING THE MAINTENANCE OF THE
Little Cicero Creek Drain, 281st Street Extension

On this 24th day of June, 2019, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the Little Cicero Creek Drain, 281st Street Extension.

Evidence has been heard. Objections were presented and considered. The Board then adopted the original/amended Schedule of Assessments. The Board now finds that the annual maintenance assessment will be less than the benefits accruing 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”

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

IN THE MATTER OF THE
RECONSTRUCTION OF THE
Little Cicero Creek Drain, 281st Street Extension

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the Little Cicero Creek Drain, 281st Street Extension came before the Hamilton County Drainage Board for hearing on June 24, 2019, 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.

Hamilton County Drainage Board
June 24, 2019
The Board having considered the evidence and objections, upon motion duly made, seconded and unanimously carried, did adopt the Schedule of Assessments as proposed, subject to amendment after inspection of the subject drain as it relates to the lands of any owners which may have been erroneously included or omitted from the Schedule of Assessments.

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

Wherefore, it is ORDERED, that the proposed Reconstruction of the Little Cicero Creek Drain, 281st Street Extension be and is hereby declared established.

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

HAMILTON COUNTY DRAINAGE BOARD

Christine Altman ___________________________
PRESIDENT

Mark Heirbrandt ___________________________
Member

Steven C. Dillinger ___________________________
Member

ATTEST: Lynette Mosbaugh
Executive Secretary

Martha Darrah Drain – Anthony Road Extension 2:
There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"April 26, 2019

To: Hamilton County Drainage Board
Re: Martha Darrah Drain, Anthony Road Extension 2

Attached is a drain map, drainage shed map and schedule of assessments for the extension of the Martha Darrah Drain. This proposed drain is located in Jackson Township.

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

Open Ditch 42 ft.

The total length of the drain will be 42 feet.

The extension will begin at the west terminus of the Martha Darrah Drain, Anthony Road Extension described in my April 1, 2010 report which was approved at hearing by the Board on May 24, 2010. The drain will then extend west across to the current west right of way line of Anthony Road.

The current rates for the Martha Darrah Drain are set at $15.00 per acre for roads. The annual maintenance collection for this extension will be $76.50.

The nature of maintenance work required is as follows:

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

The frequency with which maintenance work should be performed is annually as required by the condition of the drain.
The easements for the drain should be set at 75’ from top of bank as set out in IC 36-9-27-33.

I recommend that the Board set a hearing for this proposal for June 24, 2019.

Sincerely,

Kenton C. Ward, CPM
Hamilton County Surveyor
KCW/p11"

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

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

"FINDINGS AND ORDER
CONCERNING THE MAINTENANCE OF THE
Martha Darrah Drain, Anthony Road Extension 2

On this 24th day of June, 2019, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the Martha Darrah Drain, Anthony Road Extension 2.

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"

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

IN THE MATTER OF THE
RECONSTRUCTION OF THE
Martha Darrah Drain, Anthony Road Extension 2

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the Martha Darrah Drain, Anthony Road Extension 2 came before the Hamilton County Drainage Board for hearing on June 24, 2019, 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 Martha Darrah Drain, Anthony Road Extension 2 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 Mosbaug
Executive Secretary

Rebecca Roberts Drain – Shed Revision:
There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"May 9, 2019

TO: Hamilton County Drainage Board
RE: Rebecca Roberts Drain

Upon review of the drainage sheds it was found that the drainage shed for the Rebecca Roberts Drain is in need of revision. This revision is due to the reconstruction and relocation of the Roberts Drain by the Purgatory Golf Course. This reconstruction and relocation was done per my report dated September 24, 1997 and approved at hearing on September 8, 1997 (see Hamilton County Drainage Board Minutes Book 4, page 427).

The revision affects three parcels as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Current area benefited</th>
<th>Proposed area benefited</th>
<th>Current Assmnt</th>
<th>Proposed Assmnt</th>
</tr>
</thead>
<tbody>
<tr>
<td>Purgatory Golf Club, Inc.</td>
<td>31.0 Ac.</td>
<td>42.45 Ac.</td>
<td>$62.00</td>
<td>$84.90</td>
</tr>
<tr>
<td>Lively/Sylvester</td>
<td>0.00 Ac.</td>
<td>0.70 Ac.</td>
<td>$ 0.00</td>
<td>$15.00</td>
</tr>
<tr>
<td>Lively/Sylvester</td>
<td>8.00 Ac.</td>
<td>15.65 Ac.</td>
<td>$16.00</td>
<td>$31.30</td>
</tr>
</tbody>
</table>

The current rates of assessment for the drainage area were set by the Board at hearing on January 23, 2006 per my report to the Board dated November 1, 2005 (see Hamilton County Drainage Board Minute Book 9, pages 47-48). If approved the above assessments will not be collected until 2020.
I recommend the Board set this hearing on June 24, 2019.

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 Dillin and approved unanimously.

"FINDINGS AND ORDER
CONCERNING THE MAINTENANCE OF THE
Rebecca Roberts Drain

On this 24th day of June, 2019, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the Rebecca Roberts Drain.

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

HAMILTON COUNTY DRAINAGE BOARD

Christine Altman
President

Mark Heirbrandt
Member

Steven C. Dillinger
Member

Attest: Lynette Mosbaugh
Executive Secretary ”

Clara Knotts Drain – 96th & College Reconstruction:
There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"May 9, 2019

To: Hamilton County Drainage Board
Re: Clara Knotts Drain, 96th & College Reconstruction

Attached is a map showing the extent of the proposed reconstruction of the Clara Knotts Drain Reconstruction at 96th Street and College Avenue.

The proposed reconstruction would begin at the outlet (Structure 120 of the Parkwood Crossing Arm) of the detention pond on the Parkwood Crossing Homeowner Association property, tract 16-13-11-04-17-001.006 located in the northwest corner of 96th Street and College Avenue. The reconstruction would run thence downstream in the existing 60 inch CMP drain location to a point within 96th Street approximately 174 feet east of the College Avenue intersection centerline where the drain intersects the box culvert which runs south under 96th Street. The total length is 220 feet.

All work will be done within existing regulated drain easement. Two property owners will be affected by this project. These are as follows:

Parkwood Crossing Owners Association 16-13-11-04-17-001.006
City of Carmel 96th Street, College Avenue

Hamilton County Drainage Board
June 24, 2019
After the July 2017 pipe failure of a section of this line this office has been concerned about the integrity of the remaining CMP pipe in this area. Due to the flooding in the residential area upstream during the same July storm event which caused the pipe failure, attention was diverted to the completion of reconstruction plans for the upstream area which are now completed. In May 2018 the Board gave the office the go ahead for requesting quotes for reconstructing the pipe. At first the traditional excavation and replacing the remaining 60" CMP was investigated. This method was discarded due to the number of utilities in the path, traffic disruption and expense. Quotes were then obtained in October 2018 for lining the pipe. Four quotes were received. Two quotes involved the pipe using concrete. These were rejected due to the capacity which would be lost in the pipe which was up to 4" total. It was felt that the lost capacity would be unacceptable due to the entire system upstream was designed based on the existing pipe capacity. The quote for spray polyurethane structural lining would be the best method for the system.

The estimate for the reconstruction is as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spray Polyurethane Structural Lining 220 feet</td>
<td>$258,331.06</td>
</tr>
<tr>
<td>15% Contingency</td>
<td>$38,749.66</td>
</tr>
<tr>
<td></td>
<td>$297,080.72</td>
</tr>
</tbody>
</table>

Funding for this project will be paid for by a Community Development Block Grant.

I recommend the Board set a hearing for this reconstruction for June 24, 2019.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor
KCW/1lm°

Altman asked this will be funded by CDBG (Community Development Block Grant) Funds?

The Surveyor stated correct.

Altman stated so there won’t be an assessment on this portion. What the county is utilizing its allocation of the Community Building Block Grants to fund this because this area qualifies for those funds.

The Surveyor stated the cost estimate for this work is $297,080.72 all to be funded by the Block Grant.

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

Dillinger made the motion to approve the Surveyor’s report, seconded by Heirbrandt.

Altman stated I have emailed Carmel’s engineer Jeremy Kashman and the Mayor to see if I can set up a meeting with them to talk with them about capturing a portion of their mandatory drainage fees in the area and also to see if we could have them look at utilizing their Community Development Block Grants. This is one of the few areas in Clay Township that I think will qualify for that funding. I’ve not heard back yet, I think the Mayor is out of town, but I’ll keep pursuing that. It would be an excellent use of that mandatory drainage fee.

The Surveyor stated it would be.

Altman stated our estimate to complete the whole thing; I couldn’t tell in the report are we just shy of $2,000,000.00 including this work or is this additional?

The Surveyor stated the $2,000,000.00 did not include this work.

Altman stated so we have almost $2,000,000.00 to totally fix the issue.

The Surveyor stated yes.

Altman stated the gentleman that contacted; we had a concern and a gentleman contacted us that had been working with Highway. I assume that will be in this general region, but I don’t know if it’s going to help or not. I don’t know if you all had a copy of that email or not; where his yard was flooding.

Heirbrandt asked are you talking about where this could help to offset some of the cost of the $2,000,000.00?

Altman stated just take off some of the water because this area is just plain flat.

The motion had been made and seconded to approve the Surveyor’s report and approved unanimously.
The matter of the proposed Reconstruction of the Clara Knotts Drain, 96th & College Reconstruction came before the Hamilton County Drainage Board for hearing on June 24, 2019, 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 Clara Knotts Drain, 96th & College 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
Executive Secretary

Ellis Barker Drain Reconstruction:

There were no objections on file. Mr. David Chance, Mr. Chris White, Mr. Joe Roberts, Mr. Tom Roberts, Mr. Damian Cornachione, Mr. Mick Scheetz, Mr. Tammy Haney, Mr. Mr. Jeff Pape, Mr. Ralph Kaufman and Mr. Ed Recickoahof were present for this item.

Duncan presented the Surveyor’s report to the Board.

"May 16, 2019

TO: Hamilton County Drainage Board

RE: Ellis Barker Drain Reconstruction

Attached are the petition, plans, schedule of assessments and drainage shed map, for the Ellis Barker Drain Reconstruction Project.
There have been a total of 13 drainage complaints filed with the Surveyor’s Office since 2000.

<table>
<thead>
<tr>
<th>DC#</th>
<th>Date</th>
<th>Description</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>DC-2000-00012</td>
<td>4/7/2000</td>
<td>Three (3) Holes in Tile</td>
<td>S of 196th St &amp; E of Grassy Branch Rd</td>
</tr>
<tr>
<td>DC-2000-00016</td>
<td>11/1/2001</td>
<td>Two (2) Locations where Tile is broken</td>
<td>3801 196th St</td>
</tr>
<tr>
<td>DC-2002-00038</td>
<td>10/15/2002</td>
<td>Blow Holes</td>
<td>W of 191st St &amp; W of Moontown Rd</td>
</tr>
<tr>
<td>DC-2003-00078</td>
<td>3/19/2003</td>
<td>Standing Water in Rear Yard</td>
<td>Rear Yard of 3801 E 196th St</td>
</tr>
<tr>
<td>DC-2008-00016</td>
<td>1/6/2012</td>
<td>Blow Holes West of Open Ditch</td>
<td>S of 196th St &amp; W of Moontown Rd</td>
</tr>
<tr>
<td>DC-2007-00016</td>
<td>10/30/2007</td>
<td>Sink Hole</td>
<td>196th St &amp; Moontown Rd</td>
</tr>
<tr>
<td>DC-2008-00019</td>
<td>5/8/2008</td>
<td>Flowing on Surface of Property</td>
<td>SW of 296th St &amp; Hinkle Rd</td>
</tr>
<tr>
<td>DC-2009-00046</td>
<td>3/2/2009</td>
<td>Blow Hole</td>
<td>S of 196th St &amp; W of Grassy Branch Rd</td>
</tr>
<tr>
<td>DC-2009-00131</td>
<td>4/13/2009</td>
<td>Blow Hole &amp; Surface Water</td>
<td>196th St &amp; Grassy Branch Rd</td>
</tr>
<tr>
<td>DC-2012-00003</td>
<td>1/6/2012</td>
<td>Blow Hole</td>
<td>NW Side of Field S of 196th St &amp; Moontown Rd</td>
</tr>
<tr>
<td>DC-2013-00142</td>
<td>4/16/2013</td>
<td>Blow Holes</td>
<td>S of 196th St &amp; W of Moontown Rd</td>
</tr>
<tr>
<td>DC-2015-00038</td>
<td>7/27/2015</td>
<td>Blow Hole</td>
<td>S of 196th St &amp; W of Moontown Rd</td>
</tr>
<tr>
<td>DC-2016-00062</td>
<td>3/10/2016</td>
<td>Blow Hole</td>
<td>S of 196th St &amp; N of Grassy Branch Rd</td>
</tr>
</tbody>
</table>

There have been sixteen (16) work orders completed on the drain since 2000. They are as follows:

<table>
<thead>
<tr>
<th>Work Order Number</th>
<th>Type of Repair</th>
<th>Cost</th>
<th>Date Complete</th>
</tr>
</thead>
<tbody>
<tr>
<td>WO-2000-00071</td>
<td>Three (3) Blow Holes</td>
<td>$904.00</td>
<td>4/18/2000</td>
</tr>
<tr>
<td>WO-2001-00178</td>
<td>Several Blow Holes</td>
<td>$1,707.70</td>
<td>11/8/2001</td>
</tr>
<tr>
<td>WO-2008-00194</td>
<td>Root Cut; Jet and Vac</td>
<td>$1,093.75</td>
<td>7/2/2008</td>
</tr>
</tbody>
</table>

Hamilton County Drainage Board
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The existing Ellis Barker Drain will be replaced between Station 25+05 and Station 48+76. The existing Ellis Barker tile between Station 11+86 and 25+05 and the entirety of Arm 2 (Stations 0+00 and 6+06) will be abandoned in place and demolished as development of the Lindley Run subdivision progresses.

There are no outstanding work orders for this Drain at this time.

**Existing Condition**

The Ellis Barker Drain consists of both tile and open ditch. The drain functions but is undersized by today’s standards. A majority of the properties served by the drain have standing water issues that affect crop production. The tile is at least 114-years old and has exceeded the expected service life of such a tile. Routine maintenance is required for the tile to function. The open ditch portion of the Drain is overgrown with vegetation and sediments has accumulated in the channel. This sediment compromises the hydraulic capacity of the channel and also limits (or prohibits) the capacity of private field tiles that discharge to the open ditch and the ability of these tiles to effectively drain the root zone of the adjacent agricultural lands. An adequately drained root zone relieves stress on plants and also provides aeration to the root system, which potentially increases production/yield of the acreage.

Water ponds on the surface at the east property line of the Goins property.

A wetland delineation was by Williams Creek Consulting for M/I Homes of Indiana, LP in 2016. The limits of the wetland on the M/I Homes Indiana, LP property were included in the CAD file provided by Weihe Engineers on April 6, 2016 as part of the topographic survey work.

A wetland delineation dated December 14, 2017 and performed by Earth Source, Inc. for Lindley Run Development, LLC identified three wetland areas on the Goins property.

**Reconstruction Project**

The improvement project will reconstruct the Drain between Stations 11+86 and 69+40. The Ellis Barker Drain between Station 0+00 and 11+86, the Ellis Barker Drain between Station 69+40 and Station 78+40 (the Marathon Pipeline Extension), and Arm 1 of the Ellis Barker Drain will not be affected by this project.

The project will re-establish the flowline of the existing open ditch portion of the Drain between Stations 48+76 and 69+40 to improve the capacity of the Drain and to provide positive drainage to any tiles that outlet to the Drain.

The project also creates a new arm to the Ellis Barker Drain to serve the proposed Northpoint Development at the northwest corner of 196th Street and Grassy Branch Road.

**Demolition**

Clearing of existing trees on the M/I Homes Indiana, LP property and the Johnson property has already been completed by a County maintenance contractor. A total of 3.23 acres was cleared. As of the date of this report, the value of this work is equal to the following:

| WO-2008-00147 | Remove Blockage & Repair Blow Hole | $1,953.25 | 7/2/2008 |
| WO-2010-00006 | Blow Hole & Surface Water | $543.80 | 4/14/2010 |
| WO-2014-00050 | Three (3) Blow Holes | $336.00 | 11/2014 |
| WO-2014-00049-C | Repair Several Blow Holes | $7,672.15 | 5/28/2015 |
| WO-2014-00049-D | Repair Several Blow Holes | $945.53 | 5/28/2015 |
| WO-2015-00412 | Several Blow Holes | $1,110.22 | 1/6/2016 |
| WO-2016-00100 | Blow Hole | $873.11 | 4/25/2016 |
| WO-2016-00226 | Blow Hole | $494.15 | 6/16/2016 |

Due to the fact that the work is not yet completed, the total value of the work is estimated to be $100,000.00.

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Ellis Barker Drain

The project will include the installation of the following as new tile: 84-LF of 12" RCP; 28-LF of 15" RCP; 212-LF of 30" RCP; 462-LF of 36" RCP; 1,131-LF of 42" RCP; 560-LF of 48" RCP; 2, 48" RCP End Sections; 1, Outlet Control Structure; 4, 48" Manholes with casting; 4, 60" Manholes with casting; 4, 72" Manholes with casting; 2, 84" manholes with casting; 2, 96" manhole with casting; 1, 108" manhole with casting.

The new tile was sized for runoff rates from the watersheds upstream of Grassy Branch Road, upstream of 196th Street, and the portion of the Lindley Run development that is proposed to drain to the new tile. The total watershed served by the new tile is 246.01-acres. The watershed is comprised of 177.73-acres of offsite watershed that will be managed with future development; 49.32-acres from the Lindley Run development; and 18.96-acres of offsite acreage that is controlled by an existing roadway culvert. Assuming detention is provided for the future development area of 227.05-acres (177.73-acres offsite and 49.32-acres onsite), the runoff from these areas will be 22.71-CFS during the 10-year storm event and 68.12-CFS during the 100-year storm event. The 18.96-acre off-site area that is controlled by the existing roadway culvert generates 8.79-CFS during the 100-year storm event. Adding this base flow to the managed release rates results in peak flows of 31.5-cfs during the 10-year storm event and 76.91-CFS during the 100-year storm event. The tile is sized incrementally as more watershed is served by the new tile. The proposed detention pond on Lindley Run will have peak discharges equal to 24.27-CFS during the 10-year storm event and 72.23-CFS during the 100-year storm event. These discharges satisfy the maximum release requirement.

The project will include the installation of 2,405-LF of new 4-bottom ditch with 3:1 side slopes.

At the most restrictive point of the proposed open ditch, a point where stormwater runoff conveyed in the open ditch stages out of the banks at the shallowest depth, the capacity of the proposed open ditch is 188.37-CFS at a depth of 3.61-feet. The runoff from the existing 10-year storm at this point, Station 55+16, is 114-CFS and will flow below the proposed top of bank at a depth of 2.91-feet. With future development upstream of this point the stormwater runoff conveyed by the proposed open ditch will be reduced from the existing condition due to management of the stormwater runoff by detention facilities.

The project will include the installation of 763-LF of 5-bottom open ditch with 4:1 side slopes and erosion control blankets. This open ditch is located within the footprint of a future wet bottom detention facility of the Lindley Run subdivision. This open ditch will be expanded in the future by the developer of the Lindley Run subdivision and will cease to function as an open ditch at that time.

The project will include the dredging of 2,043-LF of the existing open ditch to a point approximately 35-LF upstream of the current end of the McKnight extension and start of the Marathon Pipeline Extension. 1,490-LF of the total length is both dredging and bank work. 553-LF of this work is bank work only.

As previously stated, the existing Ellis Barker tile between Station 11+86 and Station 25+05 will be abandoned in place. Until such time as the tile is demolished with the Lindley Run development, a positive drainage outlet needs to be provided. 61-LF of 18" dual wall, non-perforated HDPE tile with 3, 18"x18" 45-degree fittings will be installed and discharged to the last manhole just upstream of the new open ditch.

There are three instances where existing surface water flow must be maintained to the new open ditch. One surface swale is 42-LF of 5-foot bottom with 4:1 side slopes. The other two comprise a total of 222-LF of V-bottom swale with 10:1 side slopes.

Two tile outlets for existing private drains will be constructed with this project. The tile outlets will consist of 20-LF of 8" CMP and 20-LF of 10" CMP. As part of the installation of one of two tile outlets, it is necessary to remove approximately 46-LF of an existing 6" tile.

The cost estimate includes the installation of 12 surface water pipes per HCSO Detail OD-8. These will be installed on an "as-needed" basis.

The soil excavated with the project will be placed within the adjacent regulated drain easement on the north side of the open ditch and other places as approved by the property owners. The cost estimate also includes the demolition of the existing tile. A total of 2,121-LF of the existing tile is not located along the alignment of the proposed open ditch and must be removed in a separate operation.

The project will also include the installation of rip-rap stabilization at surface water outlets to the new open ditch (a total of 233-tons of revetment rip-rap); clearing of any remaining small trees and woody vegetation in the Operational Area; maintenance of traffic; four fence removals and repairs; seeding for a 20-foot filter strip as noted in the Filter Strip section of this report; seeding and other stabilization of disturbed soil areas; and other ancillary construction.
### Construction Cost Estimate

The estimated cost of construction is outlined below. There is a Base Bid and an Alternate Bid. The Alternate Bid is for the work associated with the installation of the proposed tile system. The Base Bid includes two estimates. One estimate is for the work associated with the approval of Scofield Farms subdivision and will be paid by M/I Homes of Indiana, LP. The other part of the Base Bid is for all other work associated with this reconstruction project.

#### Reconstruction of the Ellis Barker Regulated Drain - Base Bid

<table>
<thead>
<tr>
<th>Line Item</th>
<th>Description</th>
<th>Unit</th>
<th>Quantity</th>
<th>Unit Cost</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>BB-M1</td>
<td>Demolish existing regulated drain</td>
<td>LF</td>
<td>936</td>
<td>$35.00</td>
<td>$32,760.00</td>
</tr>
<tr>
<td>BB-M2</td>
<td>4-foot bottom ditch with 3:1 side slopes</td>
<td>LF</td>
<td>926</td>
<td>$52.00</td>
<td>$48,152.00</td>
</tr>
<tr>
<td>BB-M3</td>
<td>Filter Strip</td>
<td>ACRE</td>
<td>0.59</td>
<td>$3,000.00</td>
<td>$1,770.00</td>
</tr>
<tr>
<td>BB-M4</td>
<td>Rip-Rap Revetment</td>
<td>TON</td>
<td>69</td>
<td>$55.00</td>
<td>$3,795.00</td>
</tr>
<tr>
<td>BB-M5</td>
<td>Seeding</td>
<td>ACRE</td>
<td>1.26</td>
<td>$3,000.00</td>
<td>$3,780.00</td>
</tr>
<tr>
<td>BB-M6</td>
<td>Surface Water Pipes</td>
<td>EA</td>
<td>4</td>
<td>$1,600.00</td>
<td>$6,400.00</td>
</tr>
<tr>
<td>BB-M7</td>
<td>Dredge Existing Open Ditch</td>
<td>LF</td>
<td>362</td>
<td>$12.50</td>
<td>$4,525.00</td>
</tr>
<tr>
<td>BB-M8</td>
<td>5-bottom surface water swale with 4:1 side slopes</td>
<td>LF</td>
<td>42</td>
<td>$60.00</td>
<td>$2,520.00</td>
</tr>
<tr>
<td>BB-M9</td>
<td>Clearing</td>
<td>LS</td>
<td>1</td>
<td>$1,000.00</td>
<td>$1,000.00</td>
</tr>
</tbody>
</table>

Subtotal: $120,407.30
15% Contingency: $18,061.10
Total: $138,468.40

#### Work Associated with Scofield Farms Development - Base Bid

<table>
<thead>
<tr>
<th>Line Item</th>
<th>Description</th>
<th>Unit</th>
<th>Quantity</th>
<th>Unit Cost</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>BB-MI-1</td>
<td>Demolish existing regulated drain</td>
<td>LF</td>
<td>1,000</td>
<td>$35.00</td>
<td>$35,000.00</td>
</tr>
<tr>
<td>BB-MI-2</td>
<td>4-foot bottom ditch with 3:1 side slopes</td>
<td>EA</td>
<td>1</td>
<td>$7,500.00</td>
<td>$7,500.00</td>
</tr>
<tr>
<td>BB-MI-3</td>
<td>Filter Strip</td>
<td>ACRE</td>
<td>0.59</td>
<td>$3,000.00</td>
<td>$1,770.00</td>
</tr>
<tr>
<td>BB-MI-4</td>
<td>Rip-Rap Revetment</td>
<td>TON</td>
<td>69</td>
<td>$55.00</td>
<td>$3,795.00</td>
</tr>
<tr>
<td>BB-MI-5</td>
<td>Seeding</td>
<td>ACRE</td>
<td>1.26</td>
<td>$3,000.00</td>
<td>$3,780.00</td>
</tr>
<tr>
<td>BB-MI-6</td>
<td>Surface Water Pipes</td>
<td>EA</td>
<td>4</td>
<td>$1,600.00</td>
<td>$6,400.00</td>
</tr>
<tr>
<td>BB-MI-7</td>
<td>Dredge Existing Open Ditch</td>
<td>LF</td>
<td>362</td>
<td>$12.50</td>
<td>$4,525.00</td>
</tr>
<tr>
<td>BB-MI-8</td>
<td>5-bottom surface water swale with 4:1 side slopes</td>
<td>LF</td>
<td>42</td>
<td>$60.00</td>
<td>$2,520.00</td>
</tr>
<tr>
<td>BB-MI-9</td>
<td>Clearing</td>
<td>LS</td>
<td>1</td>
<td>$1,000.00</td>
<td>$1,000.00</td>
</tr>
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</table>

Subtotal: $104,702.00
15% Contingency: $15,705.30
Total: $120,407.30

#### Reconstruction of the Ellis Barker Regulated Drain - Alternate Bid

<table>
<thead>
<tr>
<th>Line Item</th>
<th>Description</th>
<th>Unit</th>
<th>Quantity</th>
<th>Unit Cost</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>AB-1</td>
<td>Fence Removal and Repair</td>
<td>EA</td>
<td>2</td>
<td>$1,250.00</td>
<td>$2,500.00</td>
</tr>
<tr>
<td>AB-2</td>
<td>5-foot bottom ditch with 4:1 side slopes</td>
<td>LF</td>
<td>763</td>
<td>$275.23</td>
<td>$210,000.49</td>
</tr>
<tr>
<td>AB-3</td>
<td>Erosion Control Blanket</td>
<td>SYS</td>
<td>7812</td>
<td>$2.50</td>
<td>$19,530.00</td>
</tr>
<tr>
<td>AB-4</td>
<td>Seeding</td>
<td>ACRE</td>
<td>2.25</td>
<td>$3,000.00</td>
<td>$6,750.00</td>
</tr>
<tr>
<td>AB-5</td>
<td>48” Manhole with casting</td>
<td>EA</td>
<td>4</td>
<td>$4,500.00</td>
<td>$18,000.00</td>
</tr>
<tr>
<td>AB-6</td>
<td>60” Manhole with casting</td>
<td>EA</td>
<td>4</td>
<td>$6,750.00</td>
<td>$27,000.00</td>
</tr>
<tr>
<td>AB-7</td>
<td>72” Manhole with casting</td>
<td>EA</td>
<td>4</td>
<td>$7,500.00</td>
<td>$30,000.00</td>
</tr>
<tr>
<td>AB-8</td>
<td>84” Manhole with casting</td>
<td>EA</td>
<td>2</td>
<td>$10,000.00</td>
<td>$20,000.00</td>
</tr>
<tr>
<td>AB-9</td>
<td>96” Manhole with casting</td>
<td>EA</td>
<td>2</td>
<td>$13,000.00</td>
<td>$26,000.00</td>
</tr>
<tr>
<td>AB-10</td>
<td>108” Manhole with casting</td>
<td>EA</td>
<td>1</td>
<td>$16,000.00</td>
<td>$16,000.00</td>
</tr>
<tr>
<td>AB-11</td>
<td>Outlet Control Structure with screen</td>
<td>EA</td>
<td>1</td>
<td>$6,500.00</td>
<td>$6,500.00</td>
</tr>
<tr>
<td>AB-12</td>
<td>Pavement Repair</td>
<td>LS</td>
<td>1</td>
<td>$6,500.00</td>
<td>$6,500.00</td>
</tr>
<tr>
<td>AB-13</td>
<td>12” RCP Pipe [6-10’ deep]</td>
<td>LF</td>
<td>84</td>
<td>$85.00</td>
<td>$7,140.00</td>
</tr>
<tr>
<td>AB-14</td>
<td>15” RCP Pipe [6-10’ deep]</td>
<td>LF</td>
<td>28</td>
<td>$95.00</td>
<td>$2,660.00</td>
</tr>
<tr>
<td>AB-15</td>
<td>30” RCP Pipe [11-15’ deep] with Granular Backfill</td>
<td>LF</td>
<td>60</td>
<td>$250.00</td>
<td>$15,000.00</td>
</tr>
<tr>
<td>AB-16</td>
<td>30” RCP Pipe [6-10’ deep]</td>
<td>LF</td>
<td>152</td>
<td>$125.00</td>
<td>$19,000.00</td>
</tr>
<tr>
<td>AB-17</td>
<td>36” RCP Pipe [6-10’ deep]</td>
<td>LF</td>
<td>462</td>
<td>$155.00</td>
<td>$71,610.00</td>
</tr>
<tr>
<td>AB-18</td>
<td>42” RCP Pipe [11-15’ deep]</td>
<td>LF</td>
<td>600</td>
<td>$190.00</td>
<td>$114,000.00</td>
</tr>
<tr>
<td>AB-19</td>
<td>42” RCP Pipe [6-10’ deep]</td>
<td>LF</td>
<td>531</td>
<td>$165.00</td>
<td>$87,615.00</td>
</tr>
<tr>
<td>AB-20</td>
<td>54” RCP Pipe [6-10’ deep]</td>
<td>LF</td>
<td>84</td>
<td>$95.00</td>
<td>$7,980.00</td>
</tr>
<tr>
<td>AB-21</td>
<td>48” RCP Pipe [11-15’ deep]</td>
<td>LF</td>
<td>278</td>
<td>$200.00</td>
<td>$55,600.00</td>
</tr>
<tr>
<td>AB-22</td>
<td>48” RCP Pipe [6-10’ deep]</td>
<td>LF</td>
<td>282</td>
<td>$175.00</td>
<td>$49,350.00</td>
</tr>
<tr>
<td>AB-23</td>
<td>Maintenance of Traffic</td>
<td>LS</td>
<td>1</td>
<td>$5,000.00</td>
<td>$5,000.00</td>
</tr>
</tbody>
</table>

Subtotal: $827,755.49
15% Contingency: $124,163.32
Total: $951,918.81

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Hamilton County Drainage Board
June 24, 2019
Permits

The Surveyor has applied for permits from the Army Corps of Engineers and Indiana Department of Environmental Management for this project.

Application for permits for construction equipment access from the roadways, if needed, will be made prior to the start of construction.

Easements

The project will take place within existing regulated drain easements for the Ellis Barker Drain.

Additional permanent regulated drain easement will be required from the following parcels. Such easements will be contiguous with the existing statutory easement over the Ellis Barker Drain. All acreages are approximate.

<table>
<thead>
<tr>
<th>Parcel No.:</th>
<th>Owner</th>
<th>Size (acres)</th>
<th>Type of Grant</th>
</tr>
</thead>
<tbody>
<tr>
<td>08-06-29-00-00-002.001</td>
<td>Johnson, Brian &amp; Melissa S; Co-Trustees of Melissa Johnson Rev. Trust</td>
<td>0.592</td>
<td>Grant of Easement. Accepted by the Board at the May 13, 2019 meeting of the Drainage Board.</td>
</tr>
<tr>
<td>08-06-29-00-07-075.00</td>
<td>M/I Homes of Indiana, LP</td>
<td>0.248</td>
<td>By Plat</td>
</tr>
</tbody>
</table>

There are known property boundary discrepancies between the Goins and Johnson properties that are in the process of being resolved. Once resolved, a certain amount of easement will be granted on the Johnson property and a certain amount of easement will be dedicated by Plat from the Goins property.

The statutory easement associated with the existing regulated drain across the following parcels will be modified as follows:

<table>
<thead>
<tr>
<th>Parcel No.:</th>
<th>Owner</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>08-06-29-00-00-002.001</td>
<td>Johnson, Brian &amp; Melissa S; Co-Trustees of Melissa Johnson Rev. Trust</td>
<td>Reduced to 40-feet on each side measured from the top of bank of the proposed open ditch.</td>
</tr>
<tr>
<td>08-06-29-00-07-075.00</td>
<td>M/I Homes of Indiana, LP</td>
<td>Reduced to 40-feet on each side measured from the top of bank of the proposed open ditch.</td>
</tr>
<tr>
<td>08-06-29-00-00-001.001</td>
<td>Goins, Thomas E.</td>
<td>Vacated</td>
</tr>
<tr>
<td>08-06-29-00-00-001.201</td>
<td>Lindley Run Development LLC</td>
<td>Vacated</td>
</tr>
<tr>
<td>08-06-29-00-00-001.301</td>
<td>Lindley Run Development LLC</td>
<td>Reduced to 25-feet on each side measured from the center of the existing tile.</td>
</tr>
<tr>
<td>08-06-29-00-00-003.001</td>
<td>Goins, Thomas E.</td>
<td>Reduced to 25-feet on the south side measured from the top of bank of the proposed open ditch.</td>
</tr>
<tr>
<td>08-06-29-00-07-073.000</td>
<td>M I Homes of Indiana LP</td>
<td>Vacated</td>
</tr>
<tr>
<td>08-06-29-00-07-068.000</td>
<td>M I Homes of Indiana LP</td>
<td>Vacated</td>
</tr>
<tr>
<td>08-06-29-00-07-074.000</td>
<td>M I Homes of Indiana LP</td>
<td>Vacated</td>
</tr>
<tr>
<td>08-06-29-00-07-061.000</td>
<td>M I Homes of Indiana LP</td>
<td>Vacated</td>
</tr>
<tr>
<td>08-06-29-00-07-062.000</td>
<td>M I Homes of Indiana LP</td>
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<tr>
<td>08-06-29-00-07-064.000</td>
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<td>08-06-29-00-07-065.000</td>
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<td>08-06-29-00-07-066.000</td>
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<tr>
<td>08-06-29-00-07-067.000</td>
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<td>Vacated</td>
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<tr>
<td>08-06-29-00-07-068.000</td>
<td>M I Homes of Indiana LP</td>
<td>Vacated</td>
</tr>
</tbody>
</table>

A new statutory easement is hereby established across the following parcels. At such time as the secondary plats for sections of the Lindley Run Development are recorded, proper approvals shall be obtained from the Drainage Board to reduce the width of these easements through the Lindley Run development.

<table>
<thead>
<tr>
<th>Parcel No.:</th>
<th>Owner</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>08-06-29-00-00-001.001</td>
<td>Goins, Thomas E.</td>
<td>150-feet in width centered on the proposed tile.</td>
</tr>
<tr>
<td>08-06-29-00-00-001.301</td>
<td>Lindley Run Development LLC</td>
<td>150-feet in width centered on the proposed tile.</td>
</tr>
<tr>
<td>08-06-29-00-00-001.201</td>
<td>Lindley Run Development LLC</td>
<td>150-feet in width centered on the proposed tile.</td>
</tr>
</tbody>
</table>

Hamilton County Drainage Board
June 24, 2019
Filter Strips

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

<table>
<thead>
<tr>
<th>Parcel No.</th>
<th>Owner</th>
<th>Side of Open Ditch</th>
</tr>
</thead>
<tbody>
<tr>
<td>08-06-29-00-00-002.001</td>
<td>Johnson, Brian &amp; Melissa S; Co-Trustees of Melissa Johnson Rev. Trust</td>
<td>North Side</td>
</tr>
<tr>
<td>08-06-29-00-00-075.00</td>
<td>M/I Homes of Indiana, LP</td>
<td>North Side</td>
</tr>
</tbody>
</table>

Changes to the Ellis Barker Drain

The following, a total of 4,296-LF, will be removed from the Ellis Barker drain.

1. The existing tile between Station 11+86 and Station 25+05 of the main Drain. This tile will be abandoned in place and replaced with new tile along a different alignment.
2. The existing tile between Station 25+05 and Station 48+76 will be removed and replaced with new open ditch.
3. The entirety of the existing Arm 2 tile between Station 0+00 and Station 6+06. This tile will be abandoned in place.

The following, a total of 5,645-LF, will be added to the Ellis Barker drain.

1. 462-LF of 36" RCP tile.
2. 1,131-LF of 42" RCP tile.
3. 560-LF of 48" RCP tile.
4. 763-LF of temporary open ditch.
5. 2,405-LF of new open ditch.
6. 24-LF of 30" RCP starting at Station 16+48 as a lateral to drain a swale.
7. 28-LF of 12" RCP starting at Station 19+03 as a lateral to drain an adjacent swale.
8. 28-LF of 12" RCP starting at Station 21+79 as a lateral to drain an adjacent swale.
9. 28-LF of 15" RCP starting at Station 24+79 as a lateral to drain an adjacent swale.
10. 28-LF of 12" RCP starting at Station 27+79 as a lateral to drain an adjacent swale.
11. 188-LF of 30" RCP as the Northpoint Arm of the Drain.

The following will be dredged without any change in length.

1. 2,043-feet of existing channel from Station 48+76 to Station 69+40.

The new section of the Drain starts at Station 11+86 where it intercepts the existing 10-inch tile of the main Ellis Barker Drain. The drain then runs as 462-LF of 36-inch RCP tile; then 1,131-LF of 42-inch RCP tile; then 278-LF of 48-inch RCP tile; then as 763-LF of temporary open ditch; then as 2,405-LF of new open ditch; then continues downstream as 2,043-LF of dredged existing open ditch to Station 85+53 where it will discharge at Station 69+40 of the existing open ditch; 35-feet upstream of the end of the McKnight Extension/Start of the Marathon Pipeline Extension at Station 69+75.

The two private tile outlets, the outlet of the abandoned Ellis Barker tile, the three surface water swales, and any needed surface water pipes are considered ancillary to the project and are not considered a part of the Ellis Barker Regulated Drain.

This reconstruction will remove 4,296-LF and add 5,645-LF resulting in a net increase of 1,349-feet to the Drain.

Northpoint Arm to the Ellis Barker Drain

As part of the reconstruction project, a new arm of the Ellis Barker Drain shall be established. The arm begins at Station 19+03 of the Ellis Barker Drain and continues upstream as 188-LF of 30" RCP tile between Station 0+00 and Station 1+88. The total length of the new arm will be 188-feet and shall be known as the Northpoint Arm to the Ellis Barker Drain.

Project Funding

Topographic survey was provided by Weihe Engineers. The value of this work was $8,650.00. Engineering Design was performed by the Hamilton County Surveyor’s Office. Construction staking, construction inspection and as-built drawings will be performed by the Hamilton County Surveyor’s Office.

Stoeppelwerth & Associates is under contract with Lindley Run Development, LLC to provide professional services associated with the proposed tile portion of the reconstruction. This contract includes design, construction staking, and as-built drawing production. The value of this contract is $7,500.00.

Hamilton County Drainage Board
June 24, 2019
The project will be let by the Hamilton County Drainage Board and the construction contract will be managed by the Hamilton County Surveyor’s Office.

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

<table>
<thead>
<tr>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction</td>
<td>$1,449,286.24</td>
</tr>
<tr>
<td>Clearing</td>
<td>$100,000.00</td>
</tr>
<tr>
<td>Weihe Survey</td>
<td>$8,650.00</td>
</tr>
<tr>
<td>Stoeppelwerth &amp; Associates</td>
<td>$77,500.00</td>
</tr>
<tr>
<td><strong>Total Project Cost</strong></td>
<td><strong>$1,465,416.24</strong></td>
</tr>
</tbody>
</table>

Certain acreage within the watershed is proposed to be developed in the short term. The developments include the Lindley Run subdivision and Northpoint III. The developers of this acreage are, respectively:

1. Lindley Run Development, LLC
2. Northpoint Owners, LLC and Pinnacle Development, LLC; both in care of Chris White at Site Solutions Group, LLC, respectively.

Certain acreage within the watershed is presently under development. The Scofield Farms Subdivision is being developed by M/I Homes of Indiana, LP.

As previously stated, the stormwater runoff from certain acreage within the watershed was accommodated in the design of this project. The design assumed that stormwater detention facilities to the current standards of Hamilton County will be constructed as the acreage is developed. As such, this acreage will have an existing stormwater outlet at the time the acreage is developed. This acreage is included in portions of the following parcels:

<table>
<thead>
<tr>
<th>Parcel Number</th>
<th>Owner</th>
<th>Total Acreage</th>
<th>Acreage within watershed</th>
</tr>
</thead>
<tbody>
<tr>
<td>08-06-30-00-00-007.00</td>
<td>Chance, Carolyn A &amp; David Maurice Trustees Ronald E Chance Family Trust Exempt Share 1/2 int &amp; Carolynn A &amp; Ronald E Chance Trustees of Carolyn A Chance Lvg Trust 1/2 int</td>
<td>70.00</td>
<td>40.00</td>
</tr>
<tr>
<td>08-06-30-00-00-009.00</td>
<td>Roberts, Leanna K</td>
<td>59.74</td>
<td>59.74</td>
</tr>
<tr>
<td>08-06-20-00-00-023.00</td>
<td>Roberts, Joseph G</td>
<td>18.96</td>
<td>18.96</td>
</tr>
</tbody>
</table>

Under previous discussion and agreements between M/I Homes of Indiana, LP and the Hamilton County Surveyor’s Office during the approval process of the Scofield Farms subdivision, M/I Homes of Indiana, LP is responsible for the following work across the Scofield Farms development (refer to email between Weihe Engineers and Hamilton County Surveyor’s office dated February 28, 2017 and Hamilton County Surveyor’s Office Plan Review Letter for Scofield Farms Section 1 dated March 28, 2017):

1. The regulated drain west of the existing power line easement will be cleared of vegetation within an area 20-feet on either the north or south side of the existing open ditch and the open ditch regraded.
2. East of the electric line easement, the existing regulated drain will be cleared of log-jams, dams, and fallen limbs between the tops of bank.
3. Converting the existing regulated drain tile to an open ditch.
4. While not specifically outlined in the referenced email and referenced plan review letter, the following work is ancillary to the agreed scope of work and has been included in the cost:
   a. Demolish the existing regulated drain tile
   b. Installation of 20-foot filter strip
   c. Rip-rap revetment for surface drainage ways
   d. Construction of 5-foot bottom surface water swale with 4:1 side slopes
   e. Seeding of disturbed areas
   f. Surface water pipes
   g. Clearing of small diameter trees and woody vegetation that was not cleared as part of the clearing performed under separate contract
   h. A portion of the topographic survey work completed by Weihe Engineers under contract with Hamilton County Drainage Board needed for the design for dredging the existing open ditch and for converting the existing regulated drain tile to an open ditch.

The value of this work is estimated to be $157,513.48 based on the following:
1. Clearing under previous contract: 1.06-acres of total 3.23-acres equal to $32,840.00
2. Surveying: 3,623.83-feet of total 7,348-feet equal to $4,266.18
3. Construction: $120,407.30

Based on this estimate, the rate per acre would be $2,163.05.
The remainder of the total project cost, $1,307,902.76, shall be assessed equally by acreage over the remainder of the properties that benefit from the reconstruction project. The total acreage to be assessed is 304.90 acres. Based on this estimate, the rate per acre would be $4,289.61. The following outlines the acreage by owner and the respective assessment:

<table>
<thead>
<tr>
<th>Owner/Developer</th>
<th>Acreage</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lindley Run Development, LLC [portions of which are owned by Thomas Goins]</td>
<td>106.43</td>
<td>$456,543.43</td>
</tr>
<tr>
<td>Northpoint Owners, LLC and Pinnacle Development, LLC [portions of which are owned by Carey Corp. and portions of which are owned by Leanna K Roberts]</td>
<td>79.77</td>
<td>$342,182.36</td>
</tr>
<tr>
<td>Chance, Carolyn and David</td>
<td>40.00</td>
<td>$171,584.49</td>
</tr>
<tr>
<td>Roberts, Leanna</td>
<td>59.74</td>
<td>$256,461.43</td>
</tr>
<tr>
<td>Roberts, Joseph</td>
<td>18.96</td>
<td>$81,333.05</td>
</tr>
</tbody>
</table>

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

As discussed at the April 8, 2019 meeting of the Drainage Board, Lindley Run Development, LLC, Northpoint Owners, LLC and Pinnacle Development, LLC (both in care of Chris White at Site Solutions Group, LLC), and M/I Homes of Indiana, LP (collectively, “Developers”) shall provide a financial guarantee surety that is acceptable to the Hamilton County Drainage Board. The Surety shall be payable to the Hamilton County Drainage Board in the amount of 100% of the amounts listed previously as surety of the financial obligation to repay Hamilton County for any monies expended by the County on behalf of the Developers in association with this reconstruction in the event of non-payment by the Developers.

As discussed at the May 13, 2019 meeting of the Drainage Board, payment by the Developers shall be over a five (5) year period starting in 2020.

As discussed at the May 13, 2019 meeting of the Drainage Board, payment by the following property owners, or their successors in title, for work completed as a part of this reconstruction project shall be deferred until such time as the properties are developed or are designated as right-of-way. In the event that such development occurs within a period of twenty (20) years from the completion date of the reconstruction project, this deferred assessment shall be billed to these property owners, or their successors in title, with the entire payment due when the first section of any development of the respective property is recorded.

<table>
<thead>
<tr>
<th>Parcel Number</th>
<th>Owner</th>
</tr>
</thead>
<tbody>
<tr>
<td>08-06-30-00-000-007.00</td>
<td>Chance, Carolyn A &amp; David Maurice Trustees Ronald E Chance Family Trust Exempt Share 1/2 int &amp; Carolyn A &amp; Ronald E Chance Trustees of Carolyn A Chance Lvg Trust 1/2 int</td>
</tr>
<tr>
<td>08-06-30-00-000-009.00</td>
<td>Roberts, Leanna K</td>
</tr>
<tr>
<td>08-06-20-00-023-00</td>
<td>Roberts, Joseph G</td>
</tr>
</tbody>
</table>

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

I recommend that a hearing be held for this matter on June 24, 2019.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pl1"

Altman stated you indicated they will be granted in Secondary Plat.

Duncan stated yes.

Altman stated I don’t like it. We just ran into a huge problem where that did not occur. Those easements would have to be dedicated before we proceed.

Duncan stated I believe in the case of; I’ve not talked with M/I Homes about this, but in the case of Lindley Run, which is Olthof Homes, they do control this property, already own it so that should be fairly straight forward. I would need to have a discussion with M/I Homes about a grant of easement on their property because that’s a future section they may not get to for a while.

Altman stated and that’s exactly the problem we had in Westfield where that future section never got developed and then we ended up buying it and this Board won’t do that.

Howard stated that was Grassy Branch.

Altman stated correct. In your presentation the light blue you indicated that was going to be tile.
Duncan stated yes, it will be tile.

Altman asked it won’t be reinforced concrete pipe?

Duncan stated I’m sorry, I say tile, it’s reinforced concrete pipe. The alternate bids of the bids that we just received reflect the construction of what is in blue there on the map. We broke that out specifically for that portion of the project.

Altman asked Duncan to go back to the map and point out Carey Corporation. We received a letter from Carey.

Duncan stated Carey Corporation is roughly 80 acres in the northwest corner. Carey Corporation is in negotiations presently with Northpoint Development. The blue area of the map is the area we’ve proposed for deferred assessment.

Altman asked what is our security for the five-year repayment if these properties aren’t owned by the developer?

Howard asked are you proposing a deferred assessment or a deferred collection? Under the statute it talks about an assessment that becomes a lien against the property. The Urban designation allows deferral up to 20 years and then the other reconstruction section allows deferral up to five years. Both statutes provide for 10% interest to be paid even on the rural deferral. It still has 10% to be paid a year. This Board has traditionally looked at that in terms of substantially lower because GDIP (General Drain Improvement Fund) is not making that kind of money and that’s all within the negotiations and the conversations today. We talk about deferred, but essentially the statute uses the term Rural which allows up to a 20-year deferral. The properties that are going to be under development I presume would be assessed and then you would, over the five-year period, and then it would be assessed as a lien. If you would not assess it as a lien then the report talks about performance bonds. When they start selling off lot by lot that becomes somewhat of an issue. I started through this yesterday and there’s so many variables here that we may not get them all done today. If you say approved as submitted that isn’t going to get it because there are too many variables.

Altman stated there’s been some valid concerns as to what happens to certain property owner’s rights if this thing does not go.

Howard stated on the other side of that coin is what happens to the cash balance of the General Drain Improvement Fund which does not get reimbursed because the project is going to be constructed.

Altman stated that’s what they would like to have happen.

Duncan stated this is discussed in the report regarding a payment surety. We discussed at the April 8th meeting that certain portions of certain development property would be required to provide a financial guarantee.

Altman stated but that’s a backed financial guarantee, correct?

Duncan stated correct. I’ve done some research on the types of bonds we could require for that and it got a little over my head as an engineer. I was going to refer to Howard on some help with that.

Howard stated it would look like a performance bond and it will guarantee the contract.

Altman stated but for the people that have had the questions that are the landowners if we were to proceed it’s either going to be a lien against their property or it will be secured with a performance bond by the developer, just in plain English, correct?

Howard stated yes.

Duncan stated this would be for financial obligation to repay the Board for any monies expended by the County on behalf of the developers, more or less, for the reconstruction. I’ve listed out the various numbers that each property would be responsible for in the report for your reference.

Altman stated but your numbers were based on a proportion of the estimate.

Duncan stated yes. There is no remonstration on file, but there have been concerns raised, one specifically by the developer of the Northpoint property regarding the terms of the repayment program. I think they are looking for some type of deferral. Also, concerns have been noted providing the obligation the property owner to make repayment to the County related to Northpoint and if that contract isn’t approved, they don’t settle, are they on the hook to pay the County. Also, there’s one regarding I believe from two of the property owners regarding our deferred assessment and the language in there related to it if a property becomes right of way. I believe our intent is including language and that is let’s say they own 40 acres and the County does a project to improve a roadway and they acquire 5 acres; do they have to pay the entire…

Heirbrandt stated no that will come off.
Duncan asked do they have to pay the entire assessment at that time? The way the language is written...

Altman stated and your intent is to clarify that the portion that would go into right of way would take it off their ledger only and to the public entity with the roadway.

Duncan stated yes.

Altman stated and we’ll clarify that.

Duncan stated it would not be the intent for them to; the entire bill would not be due at that point.

Altman asked should we treat the letter that we received even though they were supportive as an objection?

Howard stated for purposes of discussion I think it’s a limited objection, but it still is an objection. I might also point out before the public hearing starts and this sounds extremely harsh, but the deferral, the reduction in interest rate, whatever are all in the Board’s discretion. Under the Drainage Code the theory is that this property would not be developed, could not be developed, but for this project and this project adds value day one. The question is then the benefits of that exceed the damages and I think we all know that they will it’s just a question of when and that gives you kind of a blank sheet to work on the deferrals.

Altman stated the other on the deferral of payment you went through again clarify the five years pertains to...

Howard stated the five year would be the standard drainage reconstruction assessment, but because of the size of it you are allowing it to be paid in payments with interest, statutorily, up to 10% which you can reduce. What we use as deferral is the rural designation of an Urban Drain because this drain is being reconstructed essentially as an urban drain and the rural section can be deferred up to 20 years, but there is also the statutory requirement of interest accruing on the first date of assessment, which would be pay 20 up to 10%.

Heirbrandt asked what did we do on the interest rate the last time? Was it 4% or 4.5%?

The Surveyor stated I don’t recall. It was at least 3%.

Altman stated I think we may have tied it to prime.

Howard stated we talked about tying it to prime, but at the end of the day that requires the Auditor or somebody to make an annual calculation and I think it landed at 3% or 3.5%.

Altman stated when you get into the millions of dollars it might be worth that calculation to have it ride with prime because that’s what GDIF would earn. When we get to these dollar amounts, you get to an extended period past five years I really think we need to be businesspeople about this and tie it to a fluctuating interest rate.

Howard stated that’s in your discretion.

The Surveyor asked would you consider tying it to the prime at the time of payment?

Altman stated yes. That’s just it, it just rolls.

The Surveyor stated as a fixed.

Altman stated just like you would do a variable rate interest every year you look at what the rate is at the term date and that applies to the pending balance.

Howard stated the Surveyor would calculate that in December and then whatever time works for you guys in certifying the assessments to the Auditor.

Altman stated its really not hard.

Howard stated its one more step, but as long as you do it timely and it gets to the Auditor in time then they can adjust the assessment.

Altman stated we’re talking a million dollars and it’s worth doing that calculation for the protection of all the rate payers. It’s really an equity position or consideration. We’ve laid it out and hopefully everybody kind of understands what we’re faced with.

Altman opened the public hearing. I ask as you want to comment to the Board that you state your name, your address and your relationship to this project.

White stated he represents both Pinnacle Development and Northpoint owners who are the two property developers who have contracted to purchase the Carey Corporation 80 acres at the northeast corner of 196th Street and Grassy Branch Road. I participated with the Surveyor’s Office and downstream developer Olthof and M/I Homes on the design of this.

We’ve had the project under contract for some time and having developed long-term in this county I know that we need a positive drainage outlet so I’ve worked with them to design
and get a system that works for everybody. We unfortunately do not have this project under contract today. We do not own it today. The closing right now is set for the first phase next year, second phase two years from that. M/I, I believe, owns all their property today. Olthof has closed on their first phase so we’re a little different than the other two developers in that we don’t own the property, we don’t have a development in place to start development activity. We certainly are not objecting to the cost share and that we would, when we develop this, need to pay our proportionate share, but trying to post a surety bond on land before we own it is problematic and starting to pay assessments before we own it could be a possible problem as well. Leading up to this we’ve discussed with the Surveyor possibly making our payment when we apply for a building permit on that property, which would be at time of plat recording. The land seller obviously has concern if we don’t close for some reason; its not our intent, but anything could happen. They have concerns being assessed short-term on that if we would default. Looking at the structure that’s out there I guess our request would be to, if we could be assessed the same way as the Roberts and Chance properties that presently do not have a developer on them. Where that payment right now is deferred for up to 20 years, that payment is also due upon the recording of the first section when you develop. That way if we wouldn’t close the landowners are basically in the same boat as the others. If we do proceed and close, which is our intent to do, then you’ll probably see that payment in shorter terms than five years. That may be a solution here that we’re coming up with a third option that may satisfy that concern. We do have a buyer looking at this as being incorporated into the Northpoint project, it is zoned as part of that and primary platted as part of that. We have a 60-acre user looking at that site. It’s a large company coming to town. We’re just negotiating the final terms of that contract. They have two sites, the other one is in Noblesville so the good news to the county is that if that buyer proceeds it’s going to stay in Hamilton County, which is good. They are just under contract and that would close next year as well. If that does proceed to close payment would be very early on this. It’s the issue of not owning the property today and how we commit to the schedule similar to the other downstream developers who already have a development in process. Tammy Haney is here with Carey Corporation and she represents the landowners.

Altman stated you present a quandary for this Board with that request. The preconstruction is kind of a “but for” your commitment to development we wouldn’t be doing the record the Surveyor address that? What would we do timing wise with commitments that are already there with paying people?

The Surveyor stated as part of the reconstruction around the Lindley Run property we’d be tying into the existing drain as it crosses off Roberts now into the new system. Really, timing wise the only thing that would be different would be possibly the extension across the intersection over to the Carey Corporation property. It wouldn’t be needed at this time and could be offset to a later date. Personally, I think putting it in as part of the Chance and Roberts and having them (the developer) pay it once the plat is done or submitted and recorded. I personally think that’s the way to go.

Howard stated I understand the expense of performance bonds, but if they’re in the position to post a bond there’s two issues. There’s assessment, which is a lien and when you pay, which is the other side of the coin and an assessment that can be deferred up to 20 years if Mr. White and his organization walks away. There’s somebody borrowing 2007 all over again for lasting 10 years. This property is going to develop so the assessment being there that what means is it’s going to be paid at closing for him to get title interest when it happens that would seem to me the Board has just under contract and that assessment being a lien of record. As long as the property is not sold to a developer it won’t be payable for 20 years, it sells to a developer it will be paid at closing.

White stated it would be paid at time of plat recording.

Howard stated you might have to bridge that gap with a bond. This is six figures worth of money and we’re not in the risk partner business but bridging from closing to the plat with a bond is a lot shorter and a lot more certain than from here to closing I would guess.

White asked is that the way Roberts and Chance is set up too?

Howard stated we haven’t gotten there yet.

White stated we’re looking to be consistent.

Howard stated we’re going to eat this watermelon one bite at a time.

Altman stated they haven’t asked for this to be done. There’s a big distinction in my mind that Chance and Roberts are not under contract. The blue areas, are they under contract or are they not?

The Surveyor stated they are not.

Altman stated that’s the distinction of eminent development. Tammy (Haney) I think we need to hear from your client because I think the advice of the Drainage Board Attorney is we have a lien at the time we start and I don’t know if that’s what your clients want to do.
Haney stated I’m here representing Carey Corporation and the concern by the family that make up Carey Corporation because it’s not an entity engaged in development, it’s not participating in the development, it is just a brother and a sister whose family has owned this property quite some time. They are under contract. Their understanding was they would not be obligated to pay any of these costs because for they’re doing, which is farming the property, they’re not part of the development so they’re looking for treatment similar to the other property owners who are not developers. It was a surprise to them to get the letter which when questions were asked they were told the entire assessment would be due in 2020. As, I think, you can appreciate the fact that they have a contract with a developer doesn’t guarantee that the property is going to be sold and the concern was if that sale doesn’t go through what are they left obligated to pay and when?

Altman asked is it "when" is their concern because these properties will all be assessed, correct? It’s just a deferral plus interest.

Howard stated 2039. That’s better than 2020 isn’t it?

Haney stated exactly. Yes, they understand the need for the project and the 20 years that the properties in blue that would be acceptable.

Altman stated but understand there will be an assessment, there will be a lien and interest starts at that point.

Haney stated if that’s the way all the properties are being treated. They’re just asking to be treated as those properties as the current property owner as opposed to eminent development owned by developers in the business who are turning ground.

Howard stated the Statute requires the interest to be paid semi-annually beginning year one.

Altman stated so interest isn’t deferred.

Howard stated you can, but the Statute says...

Altman stated so we have the discretion to pile on.

Howard stated yes, collect 10% per annum. So, moving it back in time and moving down in rate is part of the clean sheet of paper we’re dealing with today to try to work with the qualified objections.

Altman asked is there anything you want to add with all that being said?

Haney stated all that being said it’s just similar treatment to the other landowners who are not developers.

Pape stated I’m with Olthof Homes. Just to put your mind at ease a little bit about the perimeter easements around the project, a portion of them are in right of way which we closed with our first closing so we were able to work with the County on the easements in that portion of the property. A portion is outside of that easement on ground we don’t own yet, but Tom Goins did grant easements for that, that are assignable working with Howard. We had the same concern you did, if you don’t own the land you can’t grant the easement, it’s certain you’d want the easement so I wanted to give you a little bit of comfort when we closed our first portion, we took care of that. Also, as it relates to Mr. Goins, we have an obligation with him that any of the capital costs for this reconstruction, not maintenance assessments, etc., but the capital costs would be born by Olthof Homes for the entirety of his property since we’re closing it in phases with him over time. I just ask the Board if that needs to be bonded for some of the discussion you would understand that will be Olthof Homes posting those bonds.

Chance stated I represent the Ronald Chance Family Trust and the Carol A. Chance Living Trust, I’m the trustee. We are one of the affected property owners in blue. Approximately 40 acres are assessed into this watershed of the Ellis Barker Drain. I had sent a letter to the Surveyor last Monday kind of mildly supporting some upgrading of this watershed. It is 114 years old. I’ve grown up on this property so I’m aware of working a lot of those fields in the past and about sunk a tractor in a couple of those sink holes in the past so I’m very aware of the drainage problem in that area. Obviously, it needs addressed, but we’re kind of talking two different things. You have the properties that are under contract to be developed, which are going to take massive reconstruction to accommodate discharge and drainage. The properties in blue, which at this point have not contracted and are still agricultural and still in some cases rely on that watershed for agricultural drainage. For the most part I’m basically okay with upgrading this watershed and kind of applaud the Board in regard to looking forward to future development. On the other hand, I have read the report and I had stated some concerns I guess regarding the deferred assessment and the Board has designated right of way. I’d like to read this to the Board I feel like as landowners we need clarification and might potentially object to some of the language that’s in there. On page 15 of the report at the bottom of the page it says “as discussed at the May 13, 2019 meeting of the Drainage Board payment by the following property owners or their successors in title for work completed as a part of this reconstruction project shall be deferred until such time as the properties are developed or are designated as right of way. In the event that such development occurs within a period of 20 years from the completion date of the reconstruction project this deferred assessment shall be billed to these property owners.”
owners or their successors in title with the entire payment due when the first section of any development of the respected property is recorded. So a couple of things I guess I see that need extreme clarification for us as property owners for protection because we’re talking about a pretty significant amount of money, if the Roberts family and our family chooses not to develop, not saying we will, not saying we won’t, but if we choose not to develop that property that’s an extremely big obligation on that particular parcel.

Again, it’s deferred, but it’s deferred 20 years with, my understanding of drainage law, 10% interest unless you have the ability to negotiate that down.

Howard stated we do.

Chance stated if we’re not pursuing development at this particular time that becomes a very expensive drainage main. When I actually took the farm over Bob Huber had farmed this for many years and retired. We have a farming operation in Boone County and came over to farm this we had actually tile ditched our entire portion and taken our water to a different watershed. On our particular property we could drain our property a different direction. My concern is the 20-year deferral, if we choose not to develop, that’s a pretty expensive main and then the language I feel like as we’re designated as right of way is very unclear and could potentially have some ramifications that would not be good.

I emailed Janet Hansen, the Administrative Assistant and she was really good at explaining and clarifying this thing. The right of way I think is in consideration as 4.34 acres that are part of this project on the south side of the road. It’s west side of Grassly Branch Road, that’s the right of way you’re talking about. If that language is kept in there, we’re a designated right of way, I think that needs to be specified because in the case of Roberts and ourselves, if right of way would be taken on Grassly Branch or 196th Street, if he has 40 and it goes to 40 acres, I think that’s a pretty clear enough that it could actually trigger payment. I think that’s an issue. I’m moderately in favor of improving the drainage in that area, however, I think this could be an excessive requirement put on our property in terms of the lien if we therefore choose not to do this. I would ask the Board to really consider this, some of the language and would have some clarification I guess in our rights and our protection.

Altman asked do you believe this drain could be improved at a lesser cost if but for development?

Chance stated if we were strictly talking agricultural, yes, absolutely. That could have been improved, it still would have been probably $200,000.00, I’d have to do the math on it and the grade at that time and all that stuff, but you probably, in terms of the watershed area would have gotten down to an assessment per acre that would have matched the income coming off of it in terms of production. To me you’ve kind of got two different things kind of going on here. I understand the foresight of having to look forward, but as an attorney had also made the comment if, God forbid, we have another 2007 and 2008 which things cycle up and down and we’re on a pretty high high right now. Potentially the rebound could be 10 to 15 years and all of sudden in 20 years we have this assessment and as you’re talking variable interest, but in my understanding is due every year on tax bill. Our portion is $170,000.00 that’s a pretty significant cost. I really think that this needs to be thought through a little better than just what we got on paper in front of us right now.

Altman asked if anyone else cared to address the Board? Does the Board want to close or continue the public hearing? I think maybe continue.

Howard stated it would seem to me, I think for example the right of way issue, I think your thought is that the proportionate part of that assessment would go off of the property like Mr. Chance’s. In other words, if he has 40 and it goes to 35 the 5 would go away and your assessment would be proportionate to that.

The Surveyor stated the owner of the highway which would have the 5 would be responsible for the payment.

Howard stated the other issue, I think Mr. Chance brought it up, there is going to be a benefit to the ground as rural. You don’t have to forgive all of it and it would seem to me that an interest rate hooked to prime would be very de minimis recognition that the ground in rural area it’s not going to do thing for you to think that as something for you to think about. In my opinion continuing the public hearing would be appropriate because I think with all the variables here the Surveyor and I need some input from the Board of what’s on the check list and what your thoughts are. I think the comments are all very constructive and gives you an idea of what the variables are in this case.

The Surveyor stated perhaps Howard and I get together, red line it, give you the changes, look it over, see if that matches what you feel is necessary once Lynette (Mosbaugh) gets those minutes done.

Dillinger stated I think we ought to continue the public hearing, keep it open, but turn this over to the Surveyor and a committee. This is too complicated. It needs to be done with these people somewhere else and then come back with a recommendation because I don’t think we can make a good decision on this right now.

Altman stated this isn’t ready to be decided. We’ll continue the public hearing until the seconded meeting in July. Will that be enough time?

The Surveyor stated yes.
Altman asked and that date is?

Mosbaugh stated the 22nd.

Altman stated the 22nd of July. One other option I think we need to consider based on Mr. Chance’s comments is a lot of times when we have these reconstructions for development the developer is responsible for the up sizing and we kind of bifurcate it that way. It may be something else we need to look at because as pointed out there is a benefit to the production side for agriculture by doing this and that would be normally assessed regardless because this needs work, but we have up sizing costs directly related, I think, to development. That may be another thing to throw into the mix is I think we did it over in Delaware Township. It was a drain with Corby Thompson that he picked up the cost and it was more like an oversizing charge. That probably ought to be considered also and it shouldn’t be that difficult. Is there a more equitable way to protect the folks that may choose to continue to farm for the next 40 to 50 years? I doubt that’s going to happen, but you never know. I assume this may be your retirement.

Howard stated being probably a committee of two or three that gets to work on this I think the converse of that is we can’t defer that oversizing. It either is or it isn’t.

Altman stated no; it would be a commitment of those who actually were necessitating the change. I think that’s part of the discussion of how much is driven by development and how much is really driven by the fact that this thing has blow holes and lots of other problems.

Howard stated I think that’s the Urban/Rural idea is that the Urban looks at oversizing to accommodate development, the Rural looks at curing the fact that this is a 115-year-old piece of junk that we’re dealing with and it needs fixed anyway.

Dillinger stated by the same token the Rural will benefit immensely on the value of the property if this gets done whether they keep farming for a while or not.

Altman stated right and that’s how you; the payback doesn’t go away because if you develop it that’s what triggers that oversize charge.

Howard stated I think we’ll at least fill in the blanks and then there will be some variables the Board to look at, but I think we’ve gotten some guidance.

Altman stated I’d like to have an update at the next meeting of things if you’re going to ask us to consider for a decision in July. Give us a heads up on what you’re thinking so we can fine tune it as you go through.

Heirbrandt made the motion to continue the public hearing on July 22, 2019, seconded by Dillinger and approved unanimously.

*Drain Petition – William Baker Drain, C.B. Jones Arm:*

The Surveyor presented a petition for the C.B. Jones Arm of the William Baker Drain from the Hamilton County Commissioners. This is on the highway work on 236th Street west of U.S. 31. This is for the upgrade of the C.B. Jones Drain through Bakers Corner.

*Village Farms Report:*

The Surveyor stated this is a report that was generated by Conover, Baitz and I think Duncan. This has gone through, as the Board requested, each one of the items that was brought to the Board’s attention in the May 24th letter from the Village Farms Homeowners Association. I have not been able to read it so I’m at a loss.

Duncan stated I haven’t read it, I just compiled.

Dillinger stated maybe we shouldn’t talk about it right now.

Heirbrandt stated all I know is there are a lot of issues over there in regards to swales and all kinds of things. I talked to a lady named Kate that lives at 15239 Declaration Drive in Westfield about a lot of issues she’s got in her particular yard. There’s a lot of people looking for some help and guidance.

Altman asked wouldn’t the normal course be that they petition to regulate the drain and reconstruction if there needs to be repairs?

The Surveyor stated in some cases there are no subsurface drains at all. They would have to petition the Board for drainage to extend those arms.

Altman stated the report basically says that there wasn’t an oversite, it was never presented or designed that way.

The Surveyor stated correct.

Duncan stated that’s what it looks like and the development plans support that. If you look at the development plans in the areas where they’re having issues there wasn’t really any proposed to be there.

Altman stated so the answer is if they want drainage from us it would have to be regulated drain.

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Heirbrandt stated and they would need to petition.

Altman stated and maybe that’s where we meet with the landowners and say here’s your choice and the other bad news is once you petition it’s really your cost along with the watershed.

The Surveyor stated correct and removal of those self-inflicted wounds such as trees, mini barns, fences, landscaping.

Altman stated as a condition for the regulation.

The Surveyor stated correct.

Altman stated I think what discussion needs to go on about this is how this Board can fix it. I would think the City of Westfield could use other options, but we’re constrained by Statute.

Heirbrandt asked do you think it would be beneficial to have a meeting with Westfield and maybe somebody that represents Village Farms to sit down and really dig into the weeds a little bit on this and try to get some options put together?

The Surveyor stated we could do that. Since this is my first day back from vacation let me look at it and read it.

Heirbrandt stated if you could copy me in there I’ll sit in the meetings.

Altman stated it’s just going to go through what options we have. Maybe Westfield has others. I don’t know if they have a drainage fee or any other source of revenue in Westfield.

The Surveyor stated I believe they do.

Altman stated that they could fund it through city coffers that would be probably less burden on their real estate because it will be a burden on their real estate if we take over. Do we want this on the agenda on any specific date?

The Surveyor stated let’s do the 22nd of July.

**Preliminary Variance Request – Vestal/Kirkendall Drain – Slater Woods Section 5:**

Mr. Tim Barr was present for this item.

Cash stated we have Slater Woods LLC requesting to get an introduction for a revamping of the floodplain compensatory storage area. In 2016 the Board granted approval for constructing the existing floodplain compensatory storage area. It has been constructed, but there have been some issues surrounding that.

Barr stated this is part of the approved construction plans for Slater Woods Section 5. In the blue is the area of the floodplain to be filled. This is where the compensatory storage area is currently. Our builders aren’t liking this because with all the rain we had this year has been extraordinary, but in general people can’t put a playground back there, they can’t occupy that space. We own land on the east side of the Fred Hines Drain and all that pink is where we’re proposing to relocate the compensatory storage area to. We’re here to ask to relocate that compensatory storage area.

Altman asked is that area part of this development?

Barr stated we own some land on the east side of the ditch, but not all of it. We’re working with Pulte and they’ve agreed to grant us some space over there on their piece if necessary. We still have to engineer it. We’re just trying to get a variance to get the Board’s approval to go down this road and look at this.

Howard asked whose maintenance problem is it going to be?

Barr stated fair question. It’s going to be our HOA, Slater Woods HOA.

Howard stated so they would assume...

Barr stated yes.

Howard stated and you can still do that and make that enforceable against the HOA? A lot of times when you sell off all the lots you sell off a lot of the control and from a long-term standpoint, we’ve got to look at not only are you transferring the maintenance, but is it enforceable. That’s a pretty serious question.

Altman stated we’ll probably have to go to the covenants to see if the developer can expand the development and then is the developer still in control of the HOA for Slater Woods?

Barr stated no.

Altman stated so enough lots; it’s gone into the homeowners?
Barr stated correct.

Altman stated its really dispensation for them that they want to reclaim.

Howard stated about six of them.

Altman stated its common area I assume that’s why they went back in because it’s common area, you’ve got play sets and that kind of stuff and it’s under water.

Barr stated these are actual platted properties. This is on properties.

Howard stated but there is a restriction of use in it’s existing condition because it is compensatory storage.

Altman stated so the lots extend back into that.

Barr stated yes.

Howard stated so at the end of the day you’re benefitting ‘x’ amount of property owners and you may need some consensus to do it. This is complex problem solving so the first rule is whose problem it is. So, I look forward to your highlighted version of where you or somebody has the authority to impose this maintenance obligation upon the association. The engineering part of this is probably a lot easier than the legal part of it unfortunately. We didn’t make you do this; you did this to yourself.

Barr stated correct.

Altman asked if anyone had a problem if they can work out to no cost to the rate payers of the area?

Heirbrandt stated I don’t have a problem.

Dillinger stated no.

Howard stated and maintenance is enforceable.

Altman stated it’s enforceable and it will be maintained with our new covenants.

The Surveyor stated we would have had another item in Barrington much like this today, but I told them not to put it on the agenda. We’re having problems where we’ve extended those mitigation areas as part of the lots and then people want to use their lot.

Howard stated and their realtor told them they could.

The Surveyor stated I think in the future we start looking at requiring those to be in common areas.

Altman stated yes, for that very reason. I assumed it was common area.

Howard stated the previous gentleman’s problem that might be one where the only way you’re going to get an enforceable commitment against somebody would be to make that a commitment for the lot owners, a lien against those particular lots that are benefitting by freeing up the other area. I don’t know, but once those plats are recorded and you start selling off lots the toothpaste is out of the tube.

Altman stated he could have handled it with the covenant’s thing. This is going to be considered a drainage area because he probably couldn’t have done the development without that.

The Surveyor stated the Barrington situation people are not wanting to buy the lots with that on it.

Howard stated somebody’s trying to meet their minimum lot sizes for zoning purposes by agreeing to non-residential uses within the boundaries of those lots and at the end of the day the governmental entity that gets to enforce that gets to be the bad guys.

Elwood Wilson Drain – O’Reilly Auto Parts Variance & Restrictive Covenants:
Mr. Rob Warstler was present for this item.

Cash stated this goes back to our previous meeting where the Board approved the two variances on the Elwood Wilson Drain for the O’Reilly project. If you recall, there was a drainage easement and restrictive covenant that Howard had put together that needed to be completed with the correct notary information.

Howard stated and signature.

Cash stated that has been done and that has been completed. We are here to day to get the Board’s signature for the acceptance of that drainage easement and restrictive covenant as well as the two variance applications.

Heirbrandt asks Howard you’re good with it?
Howard stated yes.

Heirbrandt made the motion to approve the O’Reilly Auto Parts variance applications and restrictive covenants on the Elwood Wilson Drain, seconded by Dillinger and approved unanimously.

**F. M. Musselman Drain, Burnau Arm:**

The Surveyor stated we had an item come in this morning on the Burnau Redesign contract from VS Engineering. We do have the amendment now. 

Duncan stated if the Board recalls we’ve had a reconstruction of the Burnau Arm of the F. M. Musselman Drain for some time. The reconstruction of the entire drain from 191st Street and Mallory Road up to its outlet with the actual Musselman Ditch north of 196th Street. We developed a project to reconstruct that and the cost was very high. As one might expect for sizing over a mile of reinforced concrete pipe of about 48 inches in diameter, it was very expensive. We met with the residents and they identified some concerns and we also met with the Board. If the Board recalls we had a meeting with the residents and the Board directed the Surveyor to identify alternate options for ways to bring some relief to this area. Subsequent to that we did develop about seven options and we presented those to the homeowners. After that meeting the Surveyor and I talked about it and moved forward with pursuing the least cost option. The one that would cost the least. That includes, per this exhibit, what is in light blue here is a detention area that would more or less pond water where it does today, but in a little bit more of an engineered fashion where we could control the capacity. We would use the existing tile as the outlet and that area is going to fill up all the time, but at least it might be filled up where we want it to versus where it does today. Also, lower how high the water can get compared to today which is kind of an unrestricted condition by design, control the height and then release it as the downstream system can take it. We did look at with detention you can put in as big as a pond as you want, it’s just how much land you want to buy. What we looked at was why don’t we put a detention pond on the land where it stands today and for the most part is in the existing easement so we don’t have to acquire as much land as we might otherwise need because one of my designs included more or less a detention area, about ten acres. A very large detention area. What we did was we solicited a proposal from VS Engineering who’s the engineer of record on the overall improvement reconstruction project and asked them for a proposal to do this design. We have that in hand and is in the amount of $21,100.00 for them to design this option. As I recall I believe this option was somewhere between $300,000.00 and $400,000.00 compared to I think we were close to $1.5 million with the overall reconstruction. So, a significant deduction. Of course, with a reduced scope in terms of the design its not as effective as increasing the size of the tile, but at least we could limit how high the water gets before it releases downstream. In light of the estimated construction costs the fee is good, the fee is in line with what I’d expect at $21,100.00. That also includes additional survey that would be needed. When we first surveyed to design a reconstruction of the tile the survey wasn’t as extensive, so they need to go out and survey the area in blue and also do some deed research to confirm easement. 

Altman asked does this take out any improved property or is this vacant land? 

Duncan stated it is agriculture field presently.

Altman asked so it’s not taking out any houses? 

Duncan stated correct. 

Altman asked will this design keep water out of crawl spaces and basements in a 100-year flood? 

Duncan stated that is the intent. I have to have VS run the hydraulics, which is included in this, but that is the intent. It is to control how high the water gets by virtue of designing a conveyance downstream. 

Howard asked are downsizing or are we downsizing the pipe or are we going open ditch?

What are we doing? 

Duncan stated what it will entail is actually using the existing drain, so the existing tile is the outlet.

Howard stated if this ground would subsequently be developed is it going to require over detention? Substantially more detention than it would if we put the 48-inch pipe in? 

Duncan stated if this particular property were to develop, they’d be responsible to implement the overall plan to improve the downstream system, which is really the root of the discussions we’ve had with the property owners. They understand that with development the developers would be responsible to put in that 48-inch tile and bear that cost. 

Howard stated so we would want in our record that we are designing at a rural standard so no one; if somebody comes in later and says wait a minute, we’re trying to develop this land your predecessors in title agreed to this, which was less than.

Duncan stated we would need that to ensure they don’t feel that this system is adequate for any type of development.

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Heirbrandt asked how would this be looked at as maybe this is a phase 1 and you’d look at a phase 2 later on?  Is there duplication?

Duncan stated no this is...

Heirbrandt stated I don’t want to throw money for something that’s not going...

Duncan stated this would be a temporary fix.  This would be an interim fix not part of a phase really.  This wouldn’t have value for future development.  It would purely address the existing issue and provide some relief and remedy to these property owners.  The bigger solution is needed, the 48-inch tile is what is necessary to; this would not offset any part of that project.

Heirbrandt asked why don’t you get Hazelwood’s thoughts on this, she lives over there.

Altman stated I think we need to have the engineering done.  The first phase is engineering with VS and they’ll do the hydraulics and then I think we set it for a hearing so the people who are going to pay for this thing understand how much we’re going to help.  Does that make sense?

Dillinger stated yes.

Altman stated at this point until we get it designed, I don’t think we have much to share with the landowners other than we may be able to keep water out in a 100-year flood and we don’t know that until we do the hydraulics.

The Surveyor stated and they need to know that this is the band-aid for the interim until that area starts developing.

Heirbrandt stated and then we can use developer money to get that done.

Howard stated I was going to use that term but decided not to.

Altman stated it really is a band-aid.  Its trying to keep water out of the crawl spaces and basements.

Heirbrandt stated we need to get them some relief over there.

Duncan stated Mrs. Hazelwood’s property is actually the design restriction.  It is her finish floor elevation that would be the driving force for designing the hydraulic grade line; more or less how high the water can get.  It will require upsizing; there is a tile or culvert under 191st Street that needs to be replaced and upsized to move the water under 191st Street through the property on the north side.  Really, Hazelwood’s property is the critical one.

Altman asked and you’ve worked with her?

Duncan stated yes.  We’ve been out to survey her property and we know what her finish floor elevation is and those types of things.

Dillinger made the motion to approve the Professional Services Agreement for the Burnau Arm, Amendment No. 2 with VS Engineering, Inc. in the amount of $21,100.00, seconded by Heirbrandt.

Hazelwood asked may I ask what the timeline would be on this?  I know we have to have all this other done, the preliminary.  We’ve been worried about this.  We were very fortunate in finding that culvert last November or December.  However, the culvert runs uphill.  It doesn’t take the water away and that’s probably why they had a big boulder in front of it.  I was wondering how or what kind of timeline are we looking at?  I understand we have to have all the hydraulics and all these; you’ve been out, and you’ve surveyed, and you’ve given the elevations and so forth.  What is there?

Altman asked the Surveyor what’s the timeline for the contract?

The Surveyor asked Duncan does it state the timeline?

Duncan stated it does not state the timeline in the contract.

Altman stated let’s go ahead and put parameters on it if they want the work we’ll get it done in how many days do you think is reasonable; 60?

Duncan stated 90 days.

Howard stated with the data you’ve got they bring it to ’x’ within 90 days?

Duncan stated I can confirm with them, but we generally don’t ask for or put restrictive timelines on these.

Heirbrandt stated given everybody is inundated right now.  Hazelwood stated you all have been great.  You’ve been really forth with us and we appreciate that.  People are asking me, what have you found out? We’ve been away so this is my first time here.  We are trying to save our home and other homes around us.
Altman stated we'll push them along as fast as we can and at that point, we'll know whether this will be affective or not and we can set it for hearing.

Hazelwood stated I will say this last rain we had water come up last Tuesday about to the drive in the morning, but by afternoon it was gone. Something is working.

The motion had been made and seconded to approve the professional services agreement conditioned upon it being done within 90 days and approved unanimously.

**Non-enforcements:**

Liston presented a non-enforcement request for the Long Branch Drain, Woods at Shelborne Arm filed by Jasnic Mudhar for parcel #17-09-32-00-08-018.000 for a fence. The Surveyor's Office recommends approval.

Heirbrandt stated the motion to approve the non-enforcement requested presented, seconded by Billinger and approved unanimously.

**Bellewood Drain - 13262 W. Letts Lane:**

Heirbrandt stated I have one that we all have been copied on by the name of Christopher Konow. I know somebody from the Drainage Board had been out there. I'm not sure exactly who it was, but I do want to commend Shane Booker, he went out there, coordinated getting sandbags to try to put against this gentleman's basement area. Unfortunately, there was so much water and the way the water is coming off the field we need to look at that. He's even hired a civil engineer to look at it from his standpoint, but really, we need to have somebody take a look at that.

The Surveyor asked was that an email?

Heirbrandt stated yes.

The Surveyor asked did I get copied on it?

Heirbrandt stated I don't think you were copied on it. It was addressed to the Commissioners, but I will forward all of that to you. It has some videos too. One thing that I did notice that I think when you go out to that property there's no creek over there. All the water is running off of a field, it's all surface water, but they have bermmed it right when it comes to the addition so that all the water comes off and goes right into that particular property.

The Surveyor asked did the farmer berm it?

Heirbrandt stated I don't know. I want you to pay attention to it because I noticed it and when I looked at some of the video too you could see that and when I went out to the property and met with him and walked it you could see where it was all berm'd up and it just channels right to his property.

Howard stated it sounds like someone channeled surface water.

Altman stated that's right, and I think in violation of the Common Enemy Rule. It may be civil, as I talked with Heirbrandt earlier, Konow may want to contact an attorney if it indeed is being funneled onto the property.

Howard stated it's probably the same water, it's just getting there a little more expeditiously.

Heirbrandt stated it is.

Howard stated the damages may be nil.

The Surveyor stated we had a similar item like that in Arcadia where a gentleman tiled the water onto the property owner. The Judge, I believe it was Barr, ordered it removed so the guy made an open ditch then. It went back to court and the Judge ordered that filled.

Howard stated it's channeled, channeled or concentrated.

Heirbrandt stated for the record I want to commend Shane Booker. He had nothing but positive things to say about him. He immediately came out to the site, helped him coordinate with the Fire Department to get sandbags. He said the guy did everything humanly possible to try to help him and he very much appreciated it.

**Westfield Farms Drain - 1142 Harvest Court:**

The other thing I wanted to mention too is given the fact of all the rain we've had and everybody at the Surveyor's Office has been inundated with calls. I wanted to thank Steve Baitz. I came in and was just lucky that I caught him. He was going over towards that area to address an issue for a gentleman by the name of Cory Keifer. There is some water that is coming back over the Monon Trail that we need to talk to Carmel about. They trimmed a bunch of trees along there and whoever the contractor was they left all the brush sitting there and when you look at the videos that he has its because of that. It's diverting and it is coming onto his property and filling that detention area. Steve (Baitz) was awesome, he got over there within an hour and was able to help open up that outlet drain and relieve him because it was getting close to coming to his property.

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Knapp Property - 16995 Mystic Road:
Dillinger stated Bob Davis has been out there and he’s talking about the road flooding so badly creating a hazard.

Altman stated it sheets over the road.

Dillinger stated we’ve sent Bob Davis out there numerous times since January.

Baitz stated this is the one Andy (Conover) has been out on several times. On the west side of Mystic Road between S.R. 38 and Middletown Avenue. Andy worked with E & B and also the others about putting a large open ditch swale behind this guys property to give a point for the water to go to. There is an issue of an old fence post, concrete post on the east side and the Highway is only able to do so much without removing that post. Andy has been there numerous times trying to work with the property owners and giving them an answer on how to fix that.

The Surveyor asked is this where the double is on the west side of the road?

Baitz stated I’m not sure. I know there’s a gentleman that had done some work, but he had actually done the work on the neighbor’s property and that created some issues. There are some personalities there to deal with also.

Dillinger asked what are we doing about it?

Baitz stated it’s not regulated drain, it’s a private issue. We’re trying to give them as much advice as we can.

Altman stated I think part of his allegation was the road was causing the problem.

Baitz stated I believe part of the issue is that the homes were built where the low area was where the water came originally. That’s where the water has always gone.

Heirbrandt asked who’s going to be able to respond to him?

Dillinger stated I don’t mind responding, but I don’t know what to say to him.

The Surveyor stated I can put something together.

Heirbrandt stated it would be good if you could talk to the Highway Department and you guys figure out who sends and copy all of us in.

The Surveyor stated that starts a swale that goes back behind Dan Wease’s house and then over there across by the cemetery and on over into IMI.

Baitz stated Andy has worked with IMI and also the substation on creating a swale to give a point to go to.

The Surveyor stated I believe when this went through rezone we heard about that.

Howard asked when IMI went through rezone?

The Surveyor stated yes. I think that came up.

Heirbrandt stated if you could look at that and have someone address it and copy us on that. We told him we would get back with him.

Clara Knotts Drain:
The Surveyor asked do you need some dates from me as far as getting a meeting together?

Altman stated I’m waiting to get a response from Jeremy (Kashman). Let’s see what I get back this week. I know he’s inundated with a thousand and ten projects they have going there, but we have to address that.

Rainfall Data:
The Surveyor stated that Duncan went through and got some rainfall data for the Board. When you look at some of those our design standards can’t touch it.

Altman stated I had probably an inch and a half in 20 minutes at my house.

The Surveyor stated the one that hit Noblesville was three inches in 20 minutes.

Heirbrandt stated those people that had called and said that they had lived there for 40 years and never seen water puddle in areas like what they’ve seen.

The Surveyor stated I’ve got a video showing Conner Street and its water sidewalk to sidewalk.

Heirbrandt stated we got more rain there and if northern Indiana would have gotten the rain that we did can you imagine it coming down here; it would have been so much worse.
Surety Acceptance:
Liston stated that at this afternoon’s Commissioners meeting the Board would be accepting the following sureties: Performance Bond No. 999005803 in the amount of $159,588.41 for the Benton Hinesley Drain, Grass Waterway; Payment Bond No. 999005803 in the amount of $159,588.41 for Benton Hinesley Drain, Grass Waterway; Irrevocable Letter of Credit No. 1357WVRMS in the amount of $59,415.71 for Woods of Vermillion Section 5, erosion control; Irrevocable Letter of Credit No. 1356WVRMS in the amount of $380,816.70 for Woods of Vermillion Section 5, storm sewers.

Construction Updates:
Thorpe Creek Drainage Area, Martha Ford Arm Relocation - Liston stated he has no update on this project due to weather.

Thorpe Creek Drainage Area, John Underwood Arm Reconstruction - Liston stated there has been very little work on this project due to weather.

Windemere Pond Reconstruction (Pending Final Report) - Cline stated he was waiting on the recorded document to finish his final report.

The Surveyor asked Howard if there was any update on that?

Howard stated I was preparing for a jury trial that was to start today so no.

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

Christine Altman - President

Lynette Mosbaugh
Executive Secretary