

MINUTES OF THE HAMILTON COUNTY DRAINAGE BOARD

June 28, 2021

The meeting was called to order Monday, June 28, 2021 at 9:00 a.m.

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

Approval of Minutes of June 14, 2021:

The minutes of June 14, 2021 were presented to the Board for approval.

Heirbrandt made the motion to approve the minutes of June 14, 2021, seconded by Altman and approved unanimously.

George Beam Drain:

There were neither landowners present nor objections on file.

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

"April 23, 2021

To: Hamilton County Drainage Board

Re: George W. Beam Drain #322

At the July 13, 2015 Drainage Board meeting the bid for the George Beam reconstruction was awarded to VanHorn Excavating for \$70,457.00. This was \$24,213.58 more than the **\$46,243.42 to be collected from the reconstruction assessment roll**. The Board accepted the bid and approved to take the shortfall from GDIF to be paid back with future maintenance assessments. At that time there was \$2,270.70 in the maintenance fund and the annual collections brings in \$784.22 per year.

Since the approval of the reconstruction the cost increased an additional \$1,907.66 for Change Order #1 to provide outlets for private tiles that were encountered during the construction of the open ditch. The reconstruction collection period ran from 2016-2020. The current balance of the reconstruction fund is <\$21,817.95>.

No transfers of maintenance funds have been made to help pay back the shortfall because there have been nine (9) work orders equaling \$34,394.35 since the approval of the reconstruction. The current balance of the maintenance fund is <\$27,961.54>.

The total debt of the George Beam drainage shed **is \$49,779.49**. The drainage shed consist of 25 parcels and 214 acres. The current maintenance assessment is \$3.00 per acre with a \$15.00 minimum and \$10.00 per acre for roads. This brings in \$784.22. If no future work is done it would take over **63 years** to pay off the current debt. I recommend a special assessment of \$45.00 per acre and \$135.00 minimum to be collected for 5 years (2022-2026). The special assessment would bring in \$10,057.98 per year and would collect \$50,289.90 over 5 years. I also recommend that the regular maintenance assessment be increased to \$5.00 per acre with a \$25.00 minimum and roads be increased to \$25.00 per acre. This would increase the regular annual assessment from \$784.22 to \$1,354.52 per year. The special assessment and the regular annual maintenance assessment should run concurrently from 2022 to 2026. Together **\$57,062.50** will be collected over the five (5) year period.

I recommend the Board set a hearing for June 28, 2021 to consider this proposal.

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/jh"

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

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

Heirbrandt stated I looked at some of these assessments and I'm sure you went through these. There's a couple of them on there that are pretty significant.

Altman stated unfortunately that's probably the acreage that's being benefited the most.

Heirbrandt stated you're probably right.

Hamilton County Drainage Board
June 28, 2021

Altman stated if they want a deferral, we could allow a deferral according to Statute. I think they have an opportunity if they have an issue. We don't have a choice because it's not getting better and it's a long way to pay off.

Heirbrandt stated it's going in the wrong direction.

The motion had been made and seconded to approve the Surveyor's report and approved unanimously.

Altman stated this was a noticed hearing and no one came to talk. I guess they recognize the issue also.

**"FINDINGS AND ORDER
CONCERNING THE MAINTENANCE OF THE
George W. Beam Drain**

On this **28th day of June, 2021**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **George W. Beam 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

Steven C. Dillinger
President

Christine Altman
Member

Mark Heirbrandt
Member

Attest: Lynette Mosbaugh
Executive Secretary"

Iron Pointe - Discussion:

Mr. David Compton was present for this item.

Duncan stated I'm not sure exactly if there's any action that is necessary today. My understanding is...

Heirbrandt stated yes, we do need to take action on it. I know the easements have already been taken care of. Mr. Compton is here. I think he's been working with Cash on this and I think everything is in order to move forward.

Altman stated refresh our recollections on what's going on here.

Duncan stated Iron Pointe is a development at 106th Street and Mollenkopf Road. We're proposing to construct a new drain from the northwest corner of the development some distance west down 106th Street, up a common property line to reconstruct a section of a subsurface drain in a rear yard and discharge to the Hawthorne Hills Drain. To do that certain easements are needed. My understanding is those easements have been secured, but they have not been approved by the Board. I don't think we've had a chance to review those easements for width and proper form.

Dillinger asked Compton to come up and address this.

Compton stated we've been working on this for about 18 months. We've met on site two or three times, walked a couple of different routes and this finally become the route that we have done. We have been going back and forth on drainage width, location and size; diameter of pipe. We've submitted everything. We actually got the form of the easement from you, so I don't think there's a doubt that the form is good because we got the actual form from the Surveyor's Office. I think we're good in form. Today I have executed copies of the request for the petition for the legal drain and the three easements we need. I also have a copy of the three easements that each of the people signed on your form. We believe that we're ready to go subject to the final construction plans and having the I's dotted and the T's crossed. We can't move toward closing on the

real estate until we have the approval of the offsite drainage easement. We're anticipating closing in mid-July and I've been working diligently with the Surveyor's Office for the last year and a half to get where we are.

Dillinger asked Compton, why hasn't the Surveyor's Office been able to review the documents or our legal people?

Compton stated they gave us the documents, last week we finally got them for the drainage easements. It's your document.

Dillinger asked what was Duncan referring to you hadn't had a chance to review?

Duncan stated we still review it to make sure the instrument numbers are correct, and everything is correct in terms of references as well as the drainage widths, the widths of the easements themselves.

Altman asked Compton, did you go along with the suggestion; I assume we gave them guidance on width. Is that correct?

Compton stated yes, they did. We've been through TAC in Fishers. We've worked through this and I've got an email chain, I didn't bring it today.

Heirbrandt stated we have it.

Altman stated my questions is, you followed an easement width and length, the recommendations of the Surveyor's Office, correct?

Compton stated yes and they worked with us because there's an overlapping easement on 106th Street and the neighborhood is sensitive about trees. The discharge pipe is actually closer to 106th and then the water is separated by about ten feet which is what the Surveyor's Office wanted in regard to the width. Everyone's been very accommodating in working with us on it. We're willing to accept approval today subject to their final review, but I feel like we have followed all your direction.

Duncan stated in order for us to make a recommendation to the Board today this is the first time we've gotten these.

Altman asked does this need to be advertised as a public hearing?

Duncan stated yes, there's another aspect to this. In order to actually construct the drain, these are the easements that are required, but we still need to have a hearing. We haven't even noticed that yet.

Altman stated we have several steps Mr. Compton. I think we can give you tacit approval so you can close with some conditions, final review by the Surveyor's Office of the actual documents and approval after public hearing because we have to go through our steps of notifying the area and listening to their concerns or comments.

Compton stated usually my engineer handles this, so I'm going to play the ignorant card. Help me understand the process with the public hearing.

Altman stated we need to establish, I assume, a regulated drain, is that correct?

Duncan stated yes.

Altman stated it's the statutory process of establishing the regulated drain where we notice surrounding landowners and they are offered the opportunity to participate in a public hearing for their concerns, etc. because I assume there will be some type of assessment at some point imposed and I presume when we notice it that the easements, the regulated drain would be adjusted to the size of the easement procured, is that correct?

Duncan stated yes.

Altman made the motion to accept the easements subject to those conditions so you feel comfortable or your determination whether you choose to close in mid-July because there are some regulatory steps that we have to take yet, seconded by Heirbrandt and approved unanimously.

Professional Services Agreement - Beaver & Brooks Drain Reconstruction:

Duncan stated the Beaver & Brooks Drain is at Hoosier Road and 106th Street. That intersection is being improved by the City of Fishers to be a roundabout intersection and as part of their drainage outlet for that project they need to reconstruct the Beaver & Brooks Drain. GAI Consultants is presently under contract for the survey which is being completed right now. This is the next step, which would include the design services for the reconstruction of the drain.

Altman asked is this the cost of Fishers? Whose cost is it? I didn't recognize this project.

Duncan stated I'm not familiar with how the Surveyor intends to recoup these costs. The survey contract was paid through the Drainage Board. I believe he's talked about, if I remember right, this is on the list for potentially being included to be paid for by the ARP Funds, but I would need to confirm that.

Altman stated if it's a City of Fishers road project I'm not sure why drainage funds are handling it unless someone in the audience or staff knows that answer. Typically, I would assume we would include those costs as part of the project.

Duncan stated if I could, I will confirm that and come back at next meeting with that answer.

Altman stated okay, with reasons why if we're paying for it. I would hate to use our ARP funds for a Fishers project unless it's their ARP funds.

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

Agreement for Emergency Rental Assistance Program:

Altman asked why is this on here?

Dillinger stated I have no idea.

Mosbaugh stated the Surveyor wanted this confirmed in our records.

Altman asked but why do we care?

Mosbaugh stated because it's drainage funds.

Altman stated okay, the loan.

Heirbrandt made the motion to accept the agreement for the loan, seconded by Dillinger and approved. Altman abstained.

Altman stated hopefully we will start to get that repaid through the appropriate source.

Dillinger stated in the last email we received they said they were ready to repay part of it didn't they?

Heirbrandt stated yes.

Hearing Request:

Duncan asked the Board to set a hearing for the Mary Nagle Drain, Tamarck Section 4 Arm on July 26, 2021.

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

Citizens Energy Group - Service Advisory Board Minutes:

Duncan presented the minutes of May 18, 2021 of the Service Advisory Board to the Board for their information.

Surety Acceptance:

Liston stated that at this afternoon's Commissioners meeting the Board would be accepting the following sureties: Irrevocable Letter of Credit No. 1435WVRM4 in the amount of \$44,607.03 for Woods at Vermillion Section 4, Erosion Control; Irrevocable Letter of Credit No. 1436WVRM4 in the amount of \$106,842.90 for Woods at Vermillion Section 4, Storm Sewers; Irrevocable Letter of Credit No. 6177158-85 in the amount of \$45,898.56 for Pickett Facilities Expansion, H. A. McMullen Drain Arm 2 Reconstruction.

Construction Updates:

Intracoastal at Geist Drain - Liston stated we've heard from Duke Energy and Comcast and they have developed a relocation plan, but we don't know when those relocations will be done. In speaking with Duke Energy, the planned outage that will affect about 70 to 75 homes and it will be the responsibility of Duke Energy to notify those homeowners.

Altman asked what's the timing on that?

Liston stated we don't know. We've seen the plan so hopefully in the very near future. We've had a contractor under contract on this project since December of last year.

Altman asked are we going to follow up and press them for a date?

Duncan stated we can, yes.

Liston stated we do have a new person we're dealing with at Duke, Brenn Streeter has replaced Cindy Rowland. Cindy retired.

Heirbrandt stated Cindy was great, really good to deal with.

Mallery Granger Drain Reconstruction - Liston stated I've been out of the office for the past seven days, so I do not have an update for the Board this morning.

Ellis Barker Drain Reconstruction - Cline stated we're still waiting on Westfield to finish their road project. They have most of the roadway done and they're going to do the intersection of SR 38 now.

Clara Knotts Drain, Park Broadway Arm - Cline stated we're still waiting on AT&T to complete the moving of their lines that are in our way. Centerpointe and Vectren have been out and lowered their lines that were in conflict.

Overman-Harvey Drain, Village Farms, Adios Pass Reconstruction - Cline stated Clark Dietz is in the process of doing asbuilts. As soon as we get the asbuilts we'll have a final report to the Board on this project.

Drainage Board Attorney (Pending Items):

Ordinance on Utility/Drainage Standards - Duncan stated that Connor (Sullivan) has finished the draft ordinance and provided copies of that.

Sullivan stated it's the ordinance for the relocation of utility lines that are in our drainage easements. We have a draft completed and I hope to meet with Gary (Duncan) and the Surveyor this week to make sure it procedurally works with what they want and make it work as efficiently as possible. I believe I sent all three of you a copy of it yesterday too so any additional comments or concerns would be greatly appreciated. We'll get it in front of the Board for the first reading of it at your next meeting, first meeting of July.

Altman asked Sullivan, keep plugging away on those ordinance changes if you will.

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

Steven C. Dillinger - President

Lynette Mosbaugh
Executive Secretary