The meeting was called to order Monday August 12, 2019 at 12:03 p.m.

The members of the Board present were Ms. Christine Altman-President and Mr. Mark Heirbrandt-Vice President. Also present was the Hamilton County Surveyor, Kenton C. Ward and members of his staff: Mr. Steve Baitz, Mr. Sam Clark, Mr. Steven Cash, Mr. Luther Cline, Mr. Andy Conover, Mr. Gary Duncan and Mr. Reuben Arvin.

Approve Minutes of July 22, 2019:
The minutes of July 22, 2019 were presented to the Board for approval.

Heirbrandt made the motion to approve the minutes of July 22, 2019, seconded by Altman and approved unanimously.

Bid Opening – Clara Knotts Drain, 96th & College Reconstruction:
The Surveyor stated we received no bids for this project.

Altman asked is this the lining project? Who normally does lining?

The Surveyor stated I don’t know why the individuals didn’t bid.

Altman stated let’s contact them and find out if there’s an issue with the specs or timing or what.

Ellis Barker Drain Reconstruction – Orders:
Mr. Jeff Pape, Mr. Mick Scheetz, Ms. Tammy Haney and Mr. Julie Elliott were present for this item.

Duncan stated that this is a continuation from several Board meetings regarding reconstruction of the Ellis Barker Drain located at Moontown Road and 196th Street. At the last meeting we discussed cost sharing and Howard has prepared some findings and orders regarding the deferred assessments for that.

Howard stated I emailed to you later in the week a draft of the order approving the report of the Ellis Barker Drain and designate it as an Urban Drain. There have been a few minor tweaks to that since it went to you, but essentially the Statute requires a finding that the land is presently drained at a standard, which would be adequate for a rural drain and would not be able to be developed without a reconstruction as an Urban Drain under the Urban Drain Statute. We are required to defer the assessment until the land is converted to urban use (i.e. through dedication of roads, rights of way, acquisition of road easements by imminent domain and/or platted). The findings or the order I have prepared for you has the requisite findings in there. We have set the initial assessment at the higher rate, which was the rate that was advertised for the reconstruction, which was $4,289.61 per acre. We got very good bids and that assessment will go down when we actually complete the project. After this order we will be recording a notice of the assessment so it will be recorded in the chain of title of the appropriate parcels and will be picked up as they move forward so we’ll collect the assessment. We will amend that notice of assessment to reflect the final numbers when we know what those numbers are and then that assessment will be a lien in title, collectable at those times and we’ll do a partial release of whatever acreage is paid.

Altman asked how long will it be between the knowledge of the exact amount and the project construction? Are you waiting until the contingencies are all satisfied?

Howard stated yes.

Altman stated what I would like to do is a notice at this time in case we run into construction delays, so something gets picked up of title with an exact amount to follow.

Howard stated we would do that in the notice of assessment and have in there that the assessment will be reduced when we know the actual cost.

Altman stated actually spend the money for the recording just in case in the interim something flips.

Howard stated if something would flip, we could probably give them an estimate, or we’d have to work through that.

Altman stated we could get a deposit to release the lien with a refund agreement.

Howard stated very good and I would ask for a motion to approve the order except the copy I have doesn’t have a couple of changes from this morning. I’ll have one for you to sign before the end of this week.

Heirbrandt made the motion to approve the order presented, seconded by Altman and approved unanimously.

The Surveyor stated we also have for you the findings for reconstruction and finding for vacation for the Board to approve.

Hamilton County Drainage Board
August 12, 2019
Heirbrandt made the motion to approve the Findings and Order for Reconstruction and the Findings and Order for Vacation and approved unanimously.

**Ellis Barker Drain Reconstruction – Drainage Easements:**
The Surveyor stated also to approve at this time are easements for Lindley Run. It’s a little different actually the seller that still retains title on some of the property and then the buyer has signed some of these also. The first one is an easement from Thomas Goins for the Board’s approval.

Heirbrandt made the motion to approve the Goins Drainage Easement.

Altman stated before we start going through these, we have all the necessary easements to assure that this drain will work as designed?

The Surveyor stated across Lindley Run, yes. We’re still working with M/I Homes. It’s like half an acre.

Duncan stated actually one quarter of an acre.

Altman asked are we holding all processes until we get that?

Duncan stated we can do that, yes. They haven’t brought forth a secondary plat for the next section, but we do have the ability to do that. M/I Homes have been great to work with, it’s just a matter of timing.

Howard stated M/I Homes is actually excluded from this reconstruction because there’s a separate agreement with them. They will construct and dedicate part of this so they’re not included in the Urban Assessment nor are they going to be required to pay the fee.

Altman seconded Heirbrandt’s motion to approve the Goins Drainage Easement with the condition that everything is on hold until that easement is acquired.

The Surveyor stated M/I Homes still has to get an outlet permit from us.

The motion had been made and seconded to approve the Goins Easement with the condition that everything is on hold until the easement with M/I Homes is acquired and approved unanimously.

The Surveyor stated the next easement is from Lindley Run Development, LLC for the Board’s approval.

Heirbrandt made the motion to approve the Lindley Run Development, LLC easement with the condition that everything is on hold until the easement with M/I Homes is acquired, seconded by Altman and approved unanimously.

The Surveyor stated the next easement is also from Lindley Run Development LLC for the Board’s approval.

Heirbrandt made the motion to approve the Lindley Run Development, LLC easement with the condition that everything is on hold until the easement with M/I Homes is acquired, seconded by Altman and approved unanimously.

The Surveyor stated the next one is a temporary construction easement agreement with Lindley Run LLC for the Board’s approval.

Heirbrandt made the motion to approve the Lindley Run, LLC temporary construction easement with the condition that everything is on hold until the easement with M/I Homes is acquired, seconded by Altman and approved unanimously.

**Hortonville Drain – Drainage Improvements:**
The Surveyor stated I wanted to let the Board know, I think you’ve been involved with the emails going around with Chris Allen on the Hortonville Drainage Project looking at Community Development Block Grants for those improvements. I wanted to remind the Board of that and I’m trying to get everything lined up ahead of time.

**Clara Knotts Drain, 96th & College Pipe Lining – MOU:**
Howard stated I talked to the Surveyor about the interlocal agreement that you will enter into as Drainage Board with you as Commissioners and we’ll have that at your next meeting.

The Surveyor stated I would go ahead and have it ready.

Howard stated we’ll have it at the next meeting for the Board to sign and have it ready for when we get the bids and get them submitted.

The Surveyor stated I will have to get with Chris Allen and see with the federal procedures where to go next and if we can just get a quote if that’s acceptable.

Altman asked what was the estimate?

The Surveyor stated approximately $297,000.00.
R. J. Craig Drain - Bank Washout:
The Surveyor stated that this is a proposed project. I’ve been talking to Fishers about doing some work on the bank of the R. J. Craig Drain alongside 106th Street. Right now, the top of bank is the edge of pavement. The guardrail is kind of hanging. We did go in and try to stabilize things temporarily, but keep in mind this is a temporary fix. The way to fix it is to move it off the road and move it onto the property owner that is doing a development. My stance is that the developer should foot that bill.

Altman asked is this really a reconstruction?
The Surveyor stated it would be a reconstruction of the regulated drain since we’re moving it. I wanted to verify with the Board that this is a reconstruction that should be handled by the developer.

Howard asked is this in a dedicated easement or dedicated right of way or both?
The Surveyor stated both. I want it out of the right of way, and I had hoped to get this done for years.

Heirbrandt asked what kind of cost is associated with this?
The Surveyor stated I don’t know yet. This is something that we’re just now talking about. We have to get permits through IDEM and probably Corps.

Heirbrandt asked Howard would that be your recommendation too?
Howard asked where is the development? What stage are they in?
The Surveyor stated they are in the planning stage right now.

Altman asked do they have primary plat approval?
Cash stated they went through a preliminary plan.

Howard asked like a preliminary development plan, but they haven’t actually platted the property yet?
Cash stated correct. The final plat has not been approved yet.

Altman asked what jurisdiction are we in?
The Surveyor stated Fishers.

Howard asked this is within our 150-foot preexisting easement?
The Surveyor stated yes. We’d stay within the easement; we’d just move it about 15 to 20 feet.

Altman stated it looks like they’re trying to encroach on the area anyway with their development plan. Have you looked at this with the overlay?
Cash stated yes, the plan for their proposed area is an assisted living center, which is up on a hill. The area where the relocation would occur is down below. I don’t believe that there would be any issue with the moving of the drain that would affect their project at all.

Howard stated but in trying to ascertain the ability to exact the construction cost it would seem to me that if it’s in our preexisting easement that easement is 150-feet wide, right?
The Surveyor stated correct.

Howard stated then they’re probably going to want to encroach in that easement, aren’t they?
The Surveyor stated they have been asking for that.

Altman stated that’s with parking.

Howard stated I’m thinking if we’re going to grant an encroachment and narrow that through the area then that would be a good time to put up a collection booth. Does that make sense?
The Surveyor stated I’m behind you all the way.

Altman asked is this annexed?
The Surveyor stated this is annexed.

Altman stated so this is really Fishers road correct?
The Surveyor stated correct.
Altman asked what’s Fishers position? I think we ought to be having discussions with Fishers on this because they’re the ones that are going to lose the road.

Cash stated Fishers would like for the drain to be moved away from the road as well.

Howard stated “like for it” could also turn into a financial contribution. We’re looking for financial partners.

Altman stated they probably can get away without encroaching on this easement, is my guess.

Heirbrandt stated especially if they get away from a bill for a reconstruction.

Altman stated it’s going to be substantial.

Heirbrandt stated that’s what I’m thinking. That’s why I asked the question. Is there a way to maybe look at a percentage that might be fair with the developer? I’m just trying to be fair about it.

Howard stated if the drain doesn’t get moved Fishers road is in peril, the developer wants to narrow that easement from 150-feet in order to get more developable ground.

Altman stated looking at the topography it’s going to be limited encroachment. I don’t have the regulated drain overlay, that would be helpful.

Heirbrandt stated it doesn’t look like much and if I was tasked with what the reconstruction was going to be and it was a big amount I’d say “maybe we don’t need that”.

Altman stated and there may be a more direct route if they wanted to put pipe in.

Howard asked is there a more direct route for the water?

The Surveyor stated the trouble with that is you’d be cutting off the existing open ditch and IDEM frowns on that. If it was years ago, we would have done that, but that ship has sailed.

Howard asked who’s the developer?

Cash stated off the top of my head I don’t remember.

The Surveyor stated Ritchie Reserve is the name of the development.

Altman stated I’m just trying to think this through. Probably the road is in the regulated drain.

The Surveyor stated yes.

Cash stated the top of bank is the edge of pavement.

Altman asked is it really our fight other than we’re trying to cooperate with everybody?

In theory the creek is going to take its own course. I really think it’s Fishers that ought to be taking the lead on this.

Howard asked what was there first? Did we move the creek?

The Surveyor stated the drain has been there since settlement.

Altman stated I’m just thinking this through as to really who ought to take the lead on this whole project and I really think it’s on Fishers plate with our cooperation.

Howard stated again the first rule of complex problem solving “who’s problem is it”.

Altman stated certainly we’re here to cooperate, but this is really going to be difficult on a lot of fronts.

Heirbrandt stated I think there needs to be more discussion with Fishers.

Altman stated I think this Board could do a preliminary that we are open to moving the drain for everyone’s cooperation.

Heirbrandt made a motion that this Board could do a preliminary agreement that the Drainage Board is open to moving the drain, but Fishers needs to take the lead on this for their road, seconded by Altman and approved unanimously.

Altman stated they know we’ll work with them and we’ll do what we can.
Big Cicero Creek Joint Drainage Board:
The Surveyor presented the minutes of the Big Cicero Creek Joint Drainage Board meeting of June 26, 2019.

Heirbrandt stated nothing more to report.

Altman stated I assume that court case was...

Heirbrandt stated there was an appeal.

Altman asked is it all over?

Howard stated that was a nice appeal; that was a nice decision.

Heirbrandt stated we won on all cases, but then somebody appealed on one of the cases.

Hearing Requests:
The Surveyor asked the Board to set the following items for hearing for September 23, 2019: Williams Creek Drain, Jackson’s Grant Section 6 Arm; Sly Run Drain, Mill Creek Grove Section 1 Offsite Arm, Retreat at Mill Grove Section 2 Arm; Hinkle Creek Drain, 216th Street Extension; Hinkle Creek Drain, 236th Street Extension; Taylor Creek drain, 266th Street Extension; and E. O. Michaels Drain, Wayne Township Arm.

Heirbrandt made the motion to approve the requests for hearing presented.

Altman stated she has a conflict on Wayne Township, but this is just to set it for hearing so I feel comfortable moving forward.

Altman seconded Heirbrandt’s motion to set these items for hearing and approved unanimously.

Altman asked do you have what you need on all of these?

The Surveyor stated we still need the offsite easements for Wayne Township.

Altman stated but that’s still working.

The Surveyor stated right, but I need the description for the other.

Altman stated okay.

Final Reports:
The Surveyor presented the following final report to the Board for approval.

“To: Hamilton County Drainage Board
Re: Vermillion Drain – Vermillion Amenities Area Arm

June 26, 2019

Attached are as-built, certificate of completion & compliance, and other information for Vermillion Drain. An inspection of the drainage facilities for this section has been made and the facilities were found to be complete and acceptable.

During construction, changes were made to the drain, which will alter the plans submitted with my report for this drain dated February 7, 2017. The report was approved by the Board at the hearing held March 27, 2017. (See Drainage Board Minutes Book 17, Pages 314-315)

The changes are as follows: the 12” RCP was shortened from 245 feet to 244 feet.

The length of the drain due to the changes described above is now 244 feet.

The non-enforcement was approved by the Board at its meeting on March 27th, 2017 and recorded under instrument #2017030078. The following sureties were guaranteed by Standard Financial Corporation and released by the Board on its May 13, 2016 meeting.

Bond-LC No: 1237WVRM, 1238WVRM
Amount: $13,395.60, $12,958.44
For: Storm Sewers, Erosion Control & Monuments
Issue Date: September 28, 2017

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

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor

Heirbrandt made the motion to approve the final report presented, seconded by Altman and approved unanimously.
Anchorage Drain Reconstruction - Update:
Mr. Steve Iden, Mr. Jo Ann Iden and Mr. Erik Krauter were present for this item.

Duncan presented his report to the Board.

"August 6, 2019

Hamilton County Drainage Board

RE: Anchorage Drain Reconstruction Update

Dear Board Members:

Since the last meeting, the conditions that exist on the Moheban property were investigated further. While the Moheban property is located near the break of the watershed/basin that drains to the rear of the yards, portions of the property are affected by the water that stands at the rear of the lots; specifically the water that stands at the rear of Lots 69, 68, and 60.

On June 10, 2019, one quote was received for the project in the amount of $75,625.00. On July 22, 2019, a quote for the additional work associated with the arm to the south was received in the amount of $29,225.00. Including a 15% contingency, the total cost of the project will be $120,577.50.

On August 2, 2019, the City of Fishers confirmed by email that through their Grant Program, the City of Fishers can contribute $49,500.00 to help fund the project. The balance of the maintenance fund for this Drain is -$8,040.53. The maintenance fund collects $4,878.96 annually.

With a $49,500 grant from the City of Fishers, the remaining project balance to be funded is $71,077.50.

Funding this balance through GDIF with repayment from the annual maintenance fund would result in the maintenance fund being in a deficit for a period of 22-years assuming that 75% of the yearly maintenance assessment can be used to repay the fund.

Funding this balance through GDIF with repayment from an assessment for the 9-lots that petitioned for the drain reconstruction results in a total cost to each lot as outlined in Table 1 on the second page of this report. These numbers would be adjusted for any interest that is charged dependent upon the interest rate and the repayment term.

The Surveyor believes that no damages will result to the landowners as existing easements will be utilized. Damages are set at zero (0).

Table I Total Cost Per Lot

<table>
<thead>
<tr>
<th>Lot</th>
<th>Lot Size (acres)</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>69</td>
<td>0.66</td>
<td>$ 9,515.44</td>
</tr>
<tr>
<td>68; Pt 67</td>
<td>0.50</td>
<td>$ 9,208.68</td>
</tr>
<tr>
<td>Pt 67</td>
<td>0.54</td>
<td>$ 7,785.36</td>
</tr>
<tr>
<td>65</td>
<td>0.50</td>
<td>$ 7,208.68</td>
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</table>

The Surveyor recommends that the Board accept the monetary contribution by the City of Fishers in the amount of $49,500.00 and then fund the remainder of the project, $71,077.50, through assessment of the 9-lots that petitioned for the Drain reconstruction.

The continuation of the hearing for this matter has been set by the Board for August 26, 2019.

Sincerely,

Gary R. Duncan, Jr., PE
Staff Engineer"

Howard asked when you were listing the cost there was the bid cost and then there were some additions that I think was $29,000.00, who requested those additions? Were those recommended by us?

Duncan stated we had discussion on that in a meeting. The Moheban property, which is at the western most limit of the project, were included on the petition and Mrs. Moheban was at the hearing and indicated that she does have some drainage issues. At the last meeting we presented the design to address those issues. Altman had asked about the watershed that drains through the Moheban property and I did look at that a little bit more. At the last meeting I had indicated she was really only getting water from her own property, but really it’s so flat in this area I think if you look at it there’s about five properties...
that would benefit from this equally with the arm that would go down to her property because the water just fills up, it’s like a bathtub and it affects all the soil and whatnot. It’s kind of contrary to what I presented at the last meeting.

Howard stated I was just looking to see if there were disproportionate benefits that might help skew some of the assessments to those that don’t have as big a problem.

Duncan stated really the water in that area is just like a bathtub.

Heirbrandt stated let me ask you this, when we just did the reconstruction a couple of years ago along the road with coordination with the City of Fishers that didn’t benefit everybody in that watershed. Did that benefit everybody?

Duncan stated no.

Heirbrandt asked what’s the difference between this and that? We had talked about this and Altman brought it up when the project was being discussed. What’s really the difference between that project and this project to that extent? My thought is if it was maintenance funds that were being used, 75% on that particular project, then why wouldn’t we do the same for these people too? I just think it’s right. Even though we are in deficit to that extent. Just so you all know, according to the statute, on a reconstruction project we can only fund 75% of what that balance is that’s left. That would leave whatever that existing balance is to be split up between; it wouldn’t be very much money from what I’m looking at, but you would have some skin in the game as we had talked in those original meetings and this project could move forward. We just have to figure out what that is.

The Surveyor stated but, in this case, there are no funds available in maintenance. 75% of 0 is 0.

Howard stated that’s what Duncan is talking about the 22-year payback if we use the maintenance funds.

Altman asked has this rate been adjusted at any time?

The Surveyor stated it was not adjusted at that hearing for the Brook School Road project, but it definitely should be looked at. To what extent does the Board want to adjust it is going to be the question. Do you want to pay it off in 10 years versus 22 years?

Altman asked Duncan, when you look at this the 22 years was based on the $71,000.00.

Duncan stated no.

Altman stated it seems to me that we ought to have a blend that there be a partial assessment, partial out of maintenance and then look at adjusting the rate in the shed. How much of the water is going through other than what we’re fixing here in the prior fix that we did by the road?

The Surveyor stated most of the water from the last fix on Brook School Road was coming from Brook School Road. If I remember right Fishers put a bigger chunk in to offset that cost. This one is more of a bowl through that central group of lots.

Altman stated part of the difference is it’s coming from the lots versus the road. Is that what you’re saying?

The Surveyor stated correct.

Howard stated so you’re probably looking at a reconstruction assessment plus an increase in maintenance for the whole watershed.

The Surveyor stated if we’re going to pay anything from maintenance, we have to increase the maintenance.

Howard stated right.

The Surveyor stated but you’re kind of like charging for that anyway. Heirbrandt stated you’re charging them double.

Howard stated the reason we’re charging them double is because the cost of the fix is big. We can’t pay for it charging them single. That’s the thing, we can’t fund this with bake sales and car washes we have to fund it through assessments. Is Fishers a participant?

Heirbrandt stated yes.

Altman stated they’re almost $50,000.00.

Howard stated well, that helps.

Heirbrandt stated I’d really like to get a couple of different options to be able to present to these folks to try to figure out what we need to do to get this thing moving.
Altman stated let’s apply for the grant, let’s look at the whole watershed because I can’t remember how many properties are in it.

Duncan stated that was something you had mentioned at the last meeting that assessing the entire watershed if the infrastructure had been installed initially we know that they would have paid for that through the cost of their lot so that was something that was proposed. They don’t see it, but they would have paid for in the cost of their lot.

Howard stated we might be able to do a mix. I think with the bowl theory there’s probably a portion of the cost that is more readily accessible to the lots. The problem is there’s not that many lots. What will the market bear? Obviously, they’re all going to be better off if they don’t have standing water in their lots. Maybe we look at three funding sources, maintenance, some maintenance assessment, some special reconstruction assessment because it will be easier to find a greater benefit to the immediate contiguous properties, then the grant and then maybe we have a little GDIF (General Drain Improvement Fund) we can put in.

Krauter stated I believe the Moheban’s, the Iden’s, and myself and Cefali really bear the brunt of...

Iden stated it was originally defined in the last meeting that I think there were kind of two separate issues, and it was all based on the elevation of that area and how you had it positioned, the drainage. The first project that was in the $75,000.00 scope was addressed by one drain that was heading toward the lake then there was a second project that would encompass the Moheban addition and probably a couple of other lots upon that side that would be serviced by a drain going a different direction.

Duncan stated it’s the same drain, they’re connected, its all going to go the same way.

Iden stated that is not how it was presented in the last meeting. We understood that the furthest that drain could go that there would be another drain required to drain that other area in the neighborhood.

Duncan stated not to argue, but the exhibit showed a stub coming off the drain. That wasn’t included in the $75,000.00.

Iden asked why would an additional stub add 50% of the original cost?

Duncan stated that’s the price we got from the contractor when we put it out for quote.

Iden asked and it didn’t change the flow of that property? It didn’t change where that water is going to? It’s different than it was originally defined by you all to us in a prior meeting. I remember distinctly when they showed the drawings and the maps.

Duncan stated correct, this was added at one of the last two meetings. That stub is south, but it’s connected to the same drain.

Altman stated to Duncan, to be clear, the current design has one arm feeding into this other fix for all the properties.

Duncan stated correct.

Altman stated it doesn’t matter what was perceived that’s how we got it designed.

Duncan stated it’s that same drain farther up into the same bowl, is really what it is.

Iden asked and it just affects that one property, or does it encumber the other properties in that same area?

Duncan stated it would benefit directly two properties, Moheban and the property to the east and then there would be another inlet in the really acute drain problem area that would then benefit four properties.

Altman stated its all basically proportion. I went through those numbers.

Krauter asked are the Moheban’s included in the nine?

Altman stated yes.

Krauter stated I think there’s 11 properties around. From going out and writing a check for this we’re ready to write the check, but I don’t know if the other seven guys are yet. It’s encouraging to hear that the number might potentially go down, but I can tell you from Iden and my experience we initiated this phone call six to seven years ago just because on deluges that drain would fill up back there. Now, it doesn’t matter it’s always full so my guess is that drain is full of roots and things that haven’t been maintenance. The problem is it’s grown into Moheban’s yard. Their backyard is a lake and mine where I’m not using it is pretty much a lake too, but it’s not grass; it’s turned my grass into pretty much fungus and moss. I don’t have a backyard, my next-door neighbor, Cefali, doesn’t have a backyard, Iden doesn’t have a backyard and the Moheban’s no longer have pretty much a side yard.
Altman stated I’m looking at these numbers and I know you’re talking equity, but as a landowner myself if I can solve a problem and increase the marketability of my house with a check for...

Krauter stated yes, nobody is going to be able to sell their house with a mosquito pit in the backyard.

Altman stated it needs to be done and quite honestly the value we brought was bringing almost $50,000.00 from Fishers to help with the cost.

Krauter stated that’s tremendous.

Iden stated that’s very helpful. I just question the scope of the project as it has been redefined.

Altman stated I had that concern at the last meeting that’s why I asked Duncan to look at it and find out whether it was just one property that was causing an additional $29,000.00 and from his analysis he indicates it’s probably three or four so everything is proportionate.

Iden stated it does seem somewhat excessive relative to you extending 50 feet at 50% more.

Altman stated the contractor probably figured out the situation.

Duncan stated in the defense of the contractor they used the line item prices for the addition.

Heirbrandt asked they were consistent?

Duncan stated they were consistent.

Howard asked it wasn’t marked up?

Duncan stated correct.

Altman stated they just extended out the original quote.

Heirbrandt stated the hearing is on the 26th of August. I’d really like to see some options. I’d like to talk about what those options might be prior to that meeting if we can.

The Surveyor stated sure.

Windemere Pond Reconstruction - Final Report:
Cline presented his final report to the Board for approval.

"August 8, 2019

To: Hamilton County Drainage Board
Re: Windemere Subdivision Pond Reconstruction
Final Inspection Report

FINAL REPORT

This is the inspector’s final report on the Windemere Subdivision Pond Reconstruction, located in Section 11, Township 18 North, Range 3 East, in Washington Township in Hamilton County, Indiana.

The Hamilton County Drainage Board opened RFPs for the Windemere Pond at its February 24, 2014 meeting. There were ten proposals and they were referred to the Surveyor’s Office for review. (Hamilton County Drainage Record Book 15, Page 349) The Board awarded the contract in the amount of $14, 835 for pond review to Banning Engineering at its March 10, 2014 meeting. (Hamilton County Drainage Record Book 15, Page 360) and the contract was signed at the March 24, 2014 meeting. (Hamilton County Drainage Record Book 15, Page 376)

Mr. Joe Miller of Banning Engineering presented the Board with Banning’s presentation and recommendations at the July 28, 2014 meeting. (Hamilton County Drainage Board Minute Book 15, Pages 485-491)

A Professional Services Agreement with a fixed fee of $17,250.00 (Task Order 1) was approved at the February 17, 2015 meeting. Task Order 1 is for the design and fix of Windemere Pond. (Hamilton County Drainage Board Minute Book 16, Pages 100-101)

The Board approved the Professional Services Agreement with Banning Engineering at the May 8, 2017 meeting for construction inspection, construction staking and asbuilts in the amount not to exceed $29,750. (Task Order 2) (Hamilton County Drainage Board Minute Book 17, Pages 340-341)
Total engineering costs adds up to $57,835. Billing from Banning resulted in a cost of $37,593.75 with a difference of $20,241.25 not billed. In an email to and response from Joe Miller of Banning Engineering he stated that all billing was complete and there was no outstanding balance.

The Board approved a Cost Sharing Agreement with the City of Carmel at the May 22, 2017 meeting. The agreement provided for the Williams Creek fund paying for the outlet and City of Carmel paying for the redressing of the bank. (Minute Book 17, Pages 369-371)

The Surveyor’s Report for the Windemere Subdivision Pond Reconstruction dated May 5, 2017 was presented to the Drainage Board and approved at hearing on June 26, 2017. (Hamilton County Drainage Board Minute Book 17, Pages 391-396) The Engineer’s Estimate was $116,834.25. ($80,666.75 for outlet and $36,167.50 for redressing the bank.)

The Board took bids for the project at the July 24, 2017 meeting (Hamilton County Drainage Board Minute Book 17, Page 421) and the August 28, 2017 meeting. (Hamilton County Drainage Board Minute Book 17, Pages 441-442) No Bids were received.

In a letter to the Board dated October 20, 2017 Gary Duncan, the Surveyor’s Office described the problems with getting a bid for the project. After contacting several companies directly, only one company expressed any interest in the project. Elevation Excavation was interested in doing the piping and spillway work only and would not submit a bid for the redress of the banks. This problem had been discussed at the August 28, 2017 meeting. (Hamilton County Drainage Board Minute Book 17, Pages 441-442)

A revised bid tab (Dated 10/5/17) which did not include the bank redress and the casing under the brick wall along 106th Street was issued to Elevation Excavation. Elevation Excavation then submitted a quote for the work on October 18, 2017 for $85,813.75.

The Board awarded the contract for the piping and spillway reconstruction of the Windemere Subdivision Pond Reconstruction to Elevation Excavation on October 23, 2017 for the amount of $85,813.75. (Minute Book 17, Pages 519-520)

Banning’s recommended lowering of Lake 1 normal pool to an elevation of 853.0 was objected to by the surrounding landowners. Although it provided the additional storm water storage recommended the objection was that it would have exposed too much bare land around the lake. After numerous discussions with the landowners the Board agreed to raise the reduced normal pool to 854.62 feet. The Board will consider this per a notice approved by the Board at its meeting of March 11, 2019. This notice as recorded in the office of the Hamilton County Recorder on June 27, 2019 as instrument number 2019027867. The notice was mailed by certified mail on July 25, 2019 to the Windemere Homeowners Association. The certified letter was signed for on July 29, 2019 and the return receipt was delivered on August 7, 2019.

An email was received from Janet Daniels, President of the Windemere Homeowners Association on October 31, 2018 stating that the HOA Board agreed that the bank redressing around the pond is not necessary and considers the project completed as installed.

I recommend that the Board of Public Works & Safety of the City of Carmel be released from their obligations from the Cost Sharing Agreement signed and dated by Carmel April 19, 2017 and signed by the Board May 22, 2017. (Minute Book 17, Pages 369-371) The Agreement was for the City of Carmel to pay $36,167.50 for bank redressing as a part of the reconstruction of the Windemere detention pond.

There were no change orders issued on this project. There were no changes to the original Surveyor’s Report dated May 5, 2017. (Hamilton County Drainage Board Minute Book 17, Pages 391-396)

Partial Pay Requests for this project submitted and paid as allowed in IC 36-9-27-81 are as follows:

<table>
<thead>
<tr>
<th>Pay Request</th>
<th>Paid Date</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>#1</td>
<td>4/10/18</td>
<td>$39,920.90</td>
</tr>
<tr>
<td>#2</td>
<td>6/12/18</td>
<td>$24,255.57</td>
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<tr>
<td>#3</td>
<td>7/10/18</td>
<td>$8,765.22</td>
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<tr>
<td>#4 Retainage Released</td>
<td>9/11/18</td>
<td>$12,872.06</td>
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Total Construction Costs - Elevation Excavation $85,813.75

The Final Costs for the Reconstruction are as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Engineer’s Construction Estimate</td>
<td>$80,666.75</td>
</tr>
<tr>
<td>Elevation Excavation Reconstruction Costs</td>
<td>$85,813.75</td>
</tr>
<tr>
<td>Difference</td>
<td>-$5,174.00</td>
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</table>

Total Cost for the Windemere Project:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>Windemere Pond Review by Banning Engineering</td>
<td>$14,835.00</td>
</tr>
<tr>
<td>Construction Plans by Banning Engineering</td>
<td>$17,250.00</td>
</tr>
<tr>
<td>Construction Staking by Banning Engineering</td>
<td>$1,508.75</td>
</tr>
<tr>
<td>Asbults by Banning Engineering</td>
<td>$4,000.00</td>
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<tr>
<td>Total Costs Banning Engineering</td>
<td>$37,993.75</td>
</tr>
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</table>
The newly constructed pond outlet consists of the following:

A 3’x3’ concrete box outlet structure, 41 feet of 12 inch RCP to a 2’x2’ concrete box structure, 104 feet of 15 inch RCP to a 2’x3’ concrete box structure, and 8 feet of 18 inch RCP with end section at the outlet. The existing outlet of the pond was tied into the 2’x3’ box also.

Form E-1 stating that all expenses for labor & materials has been paid as required by IC 36-9-27-82(b) has been received and retainage withheld was released September 11, 2018.

As of the date of this report, I hereby attest to and agree that the reconstruction was completed according to the specified plans. All inspections have been completed. Construction staking was performed by and asbuiltts were prepared by Banning Engineering. Asbuilt plans have been submitted and approved.

All costs paid from the Williams Creek Maintenance Fund.

I recommend the Board approve the drain’s reconstruction as complete and acceptable.

Respectfully

Luther M. Cline
Inspector
Hamilton County Surveyor’s Office

Howard stated I did receive a call from a resident there who was an engineer and was involved in the fix. Finally we got the right address for the POA and it got forwarded to him and after going through; if you remember we recorded a notice. Our engineering approved a lower level of the pond, but the property owners wanted the pond level higher and that was not the recommended solution. We went through the why and I explained it and he says "I don't think that’s ever going to make any difference" and I said if it doesn’t make a difference it won’t make a difference, but if somebody comes in and says "why did you put the pond level at this higher level" and I also explained to him and he disagreed that if they wanted the pond level taken down to the recommended level the structure was there and adaptable to do that. He said, "with all that explanation", 45 minutes later, “I don’t think we have a problem” and I said good.

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

**Non-enforcements:**

Conover presented a non-enforcement request for the Paulsel, Vance & Paulsel Drain filed by Kerry Sawyer for parcel #10-10-14-00-01-004.000 for a fence. The Surveyor’s Office recommends approval.

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

Conover presented a non-enforcement request for the Little Eagle Creek Drain, Maple Village Arm filed by Kristen Carrasco for parcel #08-09-03-00-12-049.000 for a fence. The Surveyor’s Office recommends approval.

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

Conover presented a non-enforcement request for the Timber Heights Drain, Walden Pond Arm filed by Peyton and Susan Townes for parcel #17-14-07-01-11-022.000 for a fence. The Surveyor’s Office recommends approval.

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

Conover presented a non-enforcement request for the Little Eagle Creek Drain, Albany Place Arm filed by James and Kerri Ban for parcel #17-09-20-00-23-013.000 for a fence. The Surveyor’s Office recommends approval.

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

Conover presented a non-enforcement request for the Little Eagle Creek Drain, Preserve at Bear Creek Arm filed by Charles Nakar for parcel #17-09-19-00-10-003.000 for a fence. The Surveyor’s Office recommends approval.

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

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Hamilton County Drainage Board
August 12, 2019
Conover presented a non-enforcement request for the Williams Creek Drain, Centennial Arm filed by David and Melanie Lockhart for parcel #08-09-15-00-16-006.000 for a fence. The Surveyor's Office recommends approval.

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

Cash presented a non-enforcement request for the Vermillion Drain, Woods at Vermillion Section 3, Lot 326 filed by North Connecticut Development Corporation for parcel #13-16-08-00-20-016.000 for a driveway. The Surveyor’s Office recommends approval.

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

Cash presented a non-enforcement request for the Vermillion Drain, Woods at Vermillion Section 3, Lot 327 filed by North Connecticut Development Corporation for parcel #13-16-08-00-20-015.000 for a driveway. The Surveyor's Office recommends approval.

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

Clark presented a non-enforcement request for the Cool Creek Drain, Anna Kendall Arm filed by Citizens Energy Group for parcel #08-09-02-00-00-001.000 for a new gas main. The Surveyor’s Office recommends approval.

Altman asked is this a small pipeline? What’s going on because we always run into pipeline issues when we want to do what we want to do with our drain.

Clark stated the proposed gas main is going to be 15-feet to the south of the centerline of the Anna Kendall Drain. I think our primary concern was whether it was going to be level with the Anna Kendall Drain and Cline determined that the drain itself is elevated and where they plan on installing the gas main 15-feet to the south is about six feet below the drain.

Altman asked it won’t get involved in slope or anything else when we’re having to service that drain?

Clark stated I don’t believe so.

Altman asked should we put in our permission that they will bear all costs associated with or all additional costs associated with their pipeline in...

Howard stated in the event it would become necessary.

Altman stated yes.

Howard stated because anybody who has pipelines, they have collective amnesia.

The Surveyor asked do you want to pull that one then?

Altman stated yes. Are they ready to go on their project?

Clark stated yes.

The Surveyor asked do you have language somewhere else you’re looking at?

Altman stated I think maybe we pull the same language as we put in when we get variances in the floodway.

Howard stated in the event Citizens’ would alter their line which would subsequently cause a problem.

Altman stated no, just maintaining. I just want to make sure that we’re not having to bear extra cost in the watershed because we allowed them to put that gas line in there.

Howard stated so you would want the language in the event it would subsequently become necessary for them to relocate because of our project.

Altman stated or special construction techniques on our project to dredge or reconstruct. Those are the two things I think we need.

Heirbrandt made the motion to approve the non-enforcement for Citizens Energy Group with the condition that should the Drainage Board need to work, reconstruct or relocate the Anna Kendall Drain that Citizens’ would bear all costs for their pipeline relocation, seconded by Altman and approved unanimously.

**Violation - Vermillion Drain:**

Cash stated in the Heritage at Vermillion Section 2 at the address of 16575 Stableview Drive liston observed a fence being installed at the rear of the property. A notice of violation was sent to them on the 7th of August.

Altman asked where did they actually put the fence?
The Surveyor asked wasn’t there already a non-enforcement on this and the property owner put the fence in the wrong spot? Is this the one?

Cash stated I believe that’s the one. I didn’t personally work on this one so I’m not entirely sure.

The Surveyor stated it’s like the fellow in the Village of West Clay they got the non-enforcement for “x” and then went “x+2”.

Cash stated from what I understand they put the fence right on the property line.

**Surety Acceptance:**
Cash stated that at this afternoon’s Commissioners meeting the Board would be accepting the following surety: Irrevocable Standby Letter of Credit No. 16791078 in the amount of $117,079.00 for Mid Indiana Marine Dealership, retention pond (Miller-Carson & Whisler-Brenner Regulated Drain).

**Spills:**
Shoemaker Drain (Unnamed Tributary) - Arvin stated that this was a dye testing material. Fishes YMCA staff member saw the bright green material northwest of the YMCA. The office investigated it and saw a greenish tent, which was pretty mild at that point. It was the opinion of the Surveyor’s Office that it was consistent with dye testing material to trace the flow of sanitary lines.

Heirbrandt asked did they test it for glycol? A lot of glycol is typically a green dye.

Conover stated the amount of glycol that would have to have been in that ditch in order to stay that bright green would have to be in the 10’s of thousands of gallons, the bright green is the exact stuff that the Health Department uses.

Heirbrandt asked so it was just a faint green?

Duncan stated by the time I had gotten there you could still see it, but it was very faint.

Arvin stated I believe Duncan checked the inlets around there and didn’t see anything.

William Lehr Drain (Deer Path Subdivision) - Arvin stated there were about 200 to 500 dead fish at the Deer Path Subdivision in Noblesville.

Heirbrandt asked so they just overfed copper sulfate?

Arvin stated I believe so, yes.

The Surveyor stated when you do that, and you have the low DO (dissolved oxygen) because of the heat you’re going to have dead fish.

Arvin stated ASAP Aquatics treated the pond and it was five days after a homeowner saw the dead fish. ASAP Aquatics worked with IDEM and removed the fish later that day.

William Lehr Drain (Noble East & Flagstone Arm) - Arvin stated this was at Turnberry Park Subdivision in Noblesville. Approximately 25 gallons of gasoline was spilled. Hamilton County Emergency Management went out on this spill. Paddock’s was the spill contractor and IDEM was notified. Paddocks revisited the site the following day to make sure IDEM was satisfied.

Geist Reservoir - Conover stated this involved a boat that had sank while hooked to a dock. Gas started coming out of the boat. EMA notified the office of that. The area was boomed off to catch all the fuel that was leaking out of the boat.

**Benton Hinesley Drain, Grass Waterway – Change Order No. 1:**
Conover presented Change Order No. 1 to the Board for approval.

“To: Hamilton County Drainage Board August 7, 2019
Re: Benton Hinesley - Grass Waterway Project
Change Order #1

Change Order #1 is for dredging of the open ditch downstream of the grass waterway project, additional rip rap needed for the outlet of the grass waterway and for private tiles encountered during the installation of the subsurface drain.

**Change Order #1**

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Quantity</th>
<th>Unit</th>
<th>Price</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>19.94 tons riprap @ $48.00</td>
<td></td>
<td></td>
<td></td>
<td>957.12</td>
</tr>
<tr>
<td>2.5-yard excavator 7.5 hours @ $195.00</td>
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<td></td>
<td>1,462.50</td>
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<tr>
<td>4&quot; tile connection 10 @ $100.00</td>
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<td></td>
<td></td>
<td>1,000.00</td>
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<tr>
<td>6&quot; tile connections 60 @ $120.00</td>
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<td></td>
<td></td>
<td>7,200.00</td>
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<tr>
<td>Cost by Van Horn Excavating of Change Order # 1</td>
<td></td>
<td></td>
<td></td>
<td>1,539.62</td>
</tr>
</tbody>
</table>

Hamilton County Drainage Board
August 12, 2019
Contractor’s Bid ---------------------------------------- $132,990.34
Change Order #1 Total ---------------------------------- $ 3,239.62
Van Horn Excavating - Total Reconstruction Cost ----------- $136,229.96

Engineer’s Estimate -------------------------------------- $165,062.95
Van Horn Excavating - Total Reconstruction Cost ----------- $136,229.96
Difference --------------------------------------------- $ 28,832.99

Submitted By: 
Andrew D. Conover
Inspector

Heirbrandt made the motion to approve Change Order No. 1 for the Benton Hinesley Drain, Grass Waterway project, seconded by Altman.

Altman asked is this the last on this project? Is it pretty well complete or how far do you have to go?

Conover stated we’re just starting. This is the outlet. This is just the beginning of the project.

Altman stated so we still have $28,000.00 to $29,000.00 pushing on the estimate?

Conover stated we still have $28,832.99 between engineer’s estimate and the reconstruction cost.

The motion had been made and seconded to approve Change Order No. 1 and approved unanimously.

Construction Updates:
Thistlewaite Drain, California Street Arm Extension - Conover stated Duncan is still possibly looking at curbing on this project and another inlet that we can put a concrete structure around that will kind of limit the ability to put any curbing in.

Duncan stated yes; I am going to look at that. I started looking at it at the end of last week.

William Krause Drain Reconstruction Phase 3 - Conover stated the bore the contractor was doing under S.R. 38 has been completed.

Benton Hinesley Drain, Grass Waterway - Conover stated this project is under construction. The subsurface drain is in and they’re starting in on the surface drain.

William Krause Phase 1 (Pending Asbuilts) - Conover stated the parking lot was paved, but we do have a couple of issues with the inlets. Midwest Paving paved over the inlets so we can’t take the castings off that. We’re still looking at a solution on that.

William Krause Phase 2 (Pending Asbuilts) - Conover stated the contractor is going to get back up here to do some minor clean up in the next month or so.

Cool Creek Streambank (Pending Final Report) - Cline stated the work has been completed and Clark Dietz was out last week to look it over. In an email Clark Dietz said they were good with everything and will supply a letter stating that and we will get the final claim from Morphay Construction. There will probably be a change order with that final claim for importing some topsoil on the project. There wasn’t very much topsoil on the site when they cleared it.

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

There were no questions.

Thistlewaite Drain - California Street Arm:
The Surveyor asked the Board to consider striping the edge of the street.

Heirbrandt stated we could. That was one of the things we talked about.

The Surveyor stated we’re going to spend a couple of thousand on striping, if that much.

Heirbrandt stated we talked about this with David (Kinkead).

The Surveyor stated I’m afraid we’re going to put a curb in and it’s going to block water and then the next phone call we get from Sheridan will be there’s water standing on your project and on our street. Striping is cheaper and lets them know where that edge is.

Heirbrandt asked what kind of striping will it be?

The Surveyor stated white stripe.
Heirbrandt stated just not painted though.
Altman stated we’ll get the recommendation from Highway. We put a superior one in on Highway.
The Surveyor stated it’s a cheaper solution, it’s a better solution; I don’t want to block water.
Altman asked and Sheridan is okay with that?
The Surveyor stated I haven’t talked to them. Heirbrandt and Duncan has been talking to them.
Heirbrandt stated we should propose this to Sheridan.
Altman asked did we spec it with curb?
The Surveyor stated we spec’d it with curb replacement, but there’s really no curbs to speak of. The tallest is about half an inch.
Altman asked why don’t you go through the pro’s and con’s with Sheridan.
Heirbrandt stated there was really only two places he said he wanted it and that was it. We talked about the striping too. We can propose it to them.

Martha Darrah Drain – Chance Property:
The Surveyor stated the office surveyed the Chance property and if you start Station 12+81 on the survey (east end of Chance Driveway culvert) and go down to Station 18+00 on the survey (Garlick east property line) you can see that we can get the water to move. You have about an 18” cut in the roadside ditch that’s what is holding the water back on Chance and that would take care of it and get the water gone. All you’re looking for is somewhere for the water to go. This gives them somewhere for the water to go.

Heirbrandt stated they sent me an email and told me they could not be here this morning, but this looks good.
Heirbrandt stated you have capacity issues.
The Surveyor stated capacity issues on the Darrah itself, but that’s going to move the surface water or least give it a place to go. All you have to do is start at their culvert. Do you want me to give this to Highway?
Heirbrandt stated yes.

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

Christine Altman – President

Lynette Mosbaugh
Executive Secretary