

MINUTES OF THE HAMILTON COUNTY DRAINAGE BOARD

August 28, 2023

The meeting was called to order Monday, August 28, 2023 at 9:00 a.m.

The members of the Board present were Mr. Mark Heirbrandt-President, Mr. Steven C. Dillinger-Vice President and Ms. Christine Altman-Member. Also present were staff of the Hamilton County Surveyor's Office: Mr. Sam Clark, Mr. Reuben Arvin, Ms. Clara Furst, Mr. Steve Cash, Mr. John Campbell, Mr. Brian Rayl, Mr. Jerry Liston, Mr. Gary Duncan and Mr. Darren Wilson. The Board's attorney, Mr. Michael Howard, was also present.

**Approval of Minutes of August 14, 2023:**

The minutes of August 14, 2023 were presented to the Board for approval.

Dillinger made the motion to approve the minutes of August 14, 2023, seconded by Altman and approved unanimously.

**H. A. McMullen Drain:**

There were neither landowners present nor objections on file.

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

"May 5, 2023

TO: Hamilton County Drainage Board

RE: H.A. McMullen Drain

At this time, I recommend the Board increase the period of collections for the H.A. McMullen Drain Fund No. 118, from 4 years to 8 years as allowed under IC 36-9-27-43. Currently the drain collects \$3,357.70 annually and has a balance of \$8,069.60. The assessments for this fund were last revised in 2002.

With the costs of maintenance increasing one such breakdown could eliminate the balance within this fund. If this happens the fund shortfall would be made up through the General Drain Improvement Fund (GDIF) as per IC 36-9-27-73. Depending on the amount of such shortfall it could take years to pay off the needed funds back to the GDIF. I view this as a proactive way to avoid this situation without increasing assessment rates. Also, at some point in the future this drain will be a candidate for reconstruction. Increasing the period of collections will possibly provide some funds to use towards a reconstruction as allowed under IC 36-9-27-45.5.

I recommend the Board set this proposal for hearing for August 28, 2023.

Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/pll"

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

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

**"FINDINGS AND ORDER**

**CONCERNING THE MAINTENANCE OF THE**

**H. A. McMullen Drain**

On this **28<sup>th</sup> day of August, 2023**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **H. A. McMullen 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

Mark Heirbrandt  
President

Christine Altman  
Member

Steven C. Dillinger  
Member

Attest: Lynette Mosbaugh  
Executive Secretary"

**Rebecca Roberts Drain:**

There were neither landowners present nor objections on file.

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

"May 5, 2023

TO: Hamilton County Drainage Board

RE: Rebecca Roberts Drain

At this time, I recommend the Board increase the period of collections for the Rebecca Roberts Drain Fund No. 115, from 4 years to 8 years as allowed under IC 36-9-27-43. Currently the drain collects \$1,095.74 annually and has a balance of \$4,701.99. The assessments for this fund were last revised in 2006.

With the costs of maintenance increasing one such breakdown could eliminate the balance within this fund. If this happens the fund shortfall would be made up through the General Drain Improvement Fund (GDIF) as per IC 36-9-27-73. Depending on the amount of such shortfall it could take years to pay off the needed funds back to the GDIF. I view this as a proactive way to avoid this situation without increasing assessment rates. Also, at some point in the future this drain will be a candidate for reconstruction. Increasing the period of collections will possibly provide some funds to use towards a reconstruction as allowed under IC 36-9-27-45.5.

I recommend the Board set this proposal for hearing for August 28, 2023.

Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/pll"

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

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

**"FINDINGS AND ORDER**

**CONCERNING THE MAINTENANCE OF THE**

**Rebecca Roberts Drain**

On this **28<sup>th</sup> day of August, 2023**, 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

Mark Heirbrandt  
President

Christine Altman  
Member

Steven C. Dillinger  
Member

Attest: Lynette Mosbaugh  
Executive Secretary "

**Little Eagle Creek Drain, Cove Horney Arm - Carramore Section 1:**

There were neither landowners present nor objections on file.

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

"July 6, 2023

TO: Hamilton County Drainage Board

RE: Cove Horney Drain, Carramore Section 1

Attached is a petition and plans for the proposed reconstruction of the Cove Horney Regulated Drain in Westfield, Indiana as a part of Carramore Section 1. The proposal is part of a larger effort by multiple developers to convert farmland into residential subdivisions with a single regulated trunkline running through them consisting of in-line detention and reinforced concrete storm sewer pipe. The reconstruction is per plans by Stoepfelwerth and Associates having Job No. 90970DRE-S1.

The new system in this report will convey the water through Carramore Section 1 and offsite to the south and ultimately outletting into the Osborne Trails Subdivision whose reconstruction of the Cove Horney Drain was approved on May 11, 2020 (see Hamilton County Drainage Board Minutes Book 19, page 205).

The reconstruction begins at Str. 410 per the Monon Corner Section 1 plans which were approved on August 22nd, 2022 (see Hamilton County Drainage Board Minutes Book 20, page 510 to 512). The structure corresponds with Sta. 20+25 per the drain's 1903 description. The drain then runs through Inline detention Lake 2 in Common Area #3 for 490 feet in the form of open ditch before outletting at Str. 439 per the plans. The drain then continues for 227 feet with 54" RCP before stopping at Str. 438 per the plans, the drain then runs south through inline detention Lake 1 in Common Area #4 for 495 feet in the form of open ditch before stopping at Str. 440 per the plans. The drain then turns slightly southwest and runs for 59 feet with 42" RCP before stopping at Str. 192 per the plans. Finally, the drain then turns westward and continues for 184 feet with 42" RCP before terminating at Str. 191 per the plans and thence connecting to the offsite drainage system to the south in the existing temporary HDPE pipe. Structure 193, 192, and 191 are existing structures which were placed on the temporary HDPE pipe. The current plastic pipe shall be replaced with RCP as shown in the storm sewer plan and profiles on Sheet C601 of the above referenced plans. The temporary HDPE pipe south of Str. 191 shall be replaced by the future development of the tract south of Carramore Section 1.

The reconstructed drain shall consist of the following:

Open Ditch	985 feet
54" RCP	227 feet
42" RCP	243 feet

The total length of the new reconstructed drain was 1,455 feet. The existing regulated drain from Sta. 20+25 to Sta. 33+75 will be removed and abandoned. The proposal will increase the length of regulated drain by 105 feet.

The drain maintenance shall include the inlets, outlets, and reinforced concrete pipes that are listed as part of the new regulated drain. The maintenance of the detention ponds such as erosion control or mowing and the maintenance of the pond banks will be the responsibility of the Carramore HOA or the City of Westfield. The Board will also retain jurisdiction for ensuring the storage volume for which the ponds were designed will be retained. Thereby, allowing no fill or easement encroachments.

The petitioner has provided the performance bond as follows:

**Storm Sewers**

Bonding Company: Berkshire Hathaway Specialty Insurance Company  
Bond Number: 47SUR300214010528  
Bond Date: January 19, 2023  
Bond Amount: \$493,297.80

The cost of the reconstruction is to be paid by the developer. The entire platted subdivision will be assessed a maintenance assessment to the Little Eagle Drain.

I recommend that upon approval of the above proposed drain that the Board also approve the attached non-enforcement requests. The request will be for the alteration of the regulated drain easement to those easement widths as shown on the secondary plat for Carramore Section 1 which will be recorded in the office of the Hamilton County Recorder.

I recommend that the Board set a hearing for this proposed drain for August 28, 2023.

Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/pll"

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

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

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

"FINDINGS AND ORDER

CONCERNING THE PARTIAL VACATION OF THE

**Little Eagle Creek Drain, Cove Horney Arm  
Carramore Section 1**

**Station 20+25 to Station 33+75**

On this **28<sup>th</sup> day of August, 2023**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Little Eagle Creek Drain, Cove Horney Arm, Carramore Section 1 (Station 20+25 to Station 33+75)**.

Evidence has been heard. Objections were presented and considered. The Board then adopted an order of action. The Board now finds that the costs of continued maintenance to the portion of the above drain exceed the benefits to the real estate benefited by the portion of the drain to be abandoned and issues this order vacating the above section of the **Little Eagle Creek Drain, Cove Horney Arm, Carramore Section 1 (Station 20+25 to Station 33+75)**.

HAMILTON COUNTY DRAINAGE BOARD

Mark Heirbrandt  
\_\_\_\_\_  
President

Christine Altman  
\_\_\_\_\_  
Member

Steven C. Dillinger  
\_\_\_\_\_  
Member

Attest: Lynette Mosbaugh "

"STATE OF INDIANA )  
 ) ss:  
COUNTY OF HAMILTON )

BEFORE THE HAMILTON COUNTY  
DRAINAGE BOARD  
NOBLESVILLE, INDIANA

IN THE MATTER OF THE  
RECONSTRUCTION OF THE  
**Little Eagle Creek Drain, Cove Horney Arm, Carramore Section 1**

**FINDINGS AND ORDER FOR RECONSTRUCTION**

The matter of the proposed Reconstruction of the **Little Eagle Creek Drain, Cove Horney Arm, Carramore Section 1** came before the Hamilton County Drainage Board for hearing **on August 28, 2023**, on the Reconstruction Report consisting of the report and the Schedule of Damages and Assessments. The Board also received and considered the written objection of an owner of certain lands affected by the proposed Reconstruction, said owner being:

Evidence was heard on the Reconstruction Report and on the aforementioned objections.

The Board, having considered the evidence and objections, and, upon motion duly made, seconded and unanimously carried, did find and determine that the costs, damages and expenses of the proposed Reconstruction will be less than the benefits accruing to the owners of all land benefited by the Reconstruction.

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

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

Wherefore, it is ORDERED, that the proposed Reconstruction of the **Little Eagle Creek Drain, Cove Horney Arm, Carramore Section 1** 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

Mark Heirbrandt  
PRESIDENT

Christine Altman  
Member

Steven C. Dillinger  
Member

ATTEST: Lynette Mosbaugh  
Executive Secretary "

**Harriett Sheward Drain:**

There were neither landowners present nor objections on file.

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

"May 5, 2023

TO: Hamilton County Drainage Board

RE: Harriet Sheward Drain

At this time, I recommend the Board increase the period of collections for the Harriet Sheward Drain Fund No. 105, from 4 years to 8 years as allowed under IC 36-9-27-43. Currently the drain collects \$1,448.14 annually and has a balance of \$7,724.37. The assessments for this fund was last revised in 2006.

With the costs of maintenance increasing one such breakdown could eliminate the balance within this fund. If this happens the fund shortfall would be made up through the General Drain Improvement Fund (GDIF) as per IC 36-9-27-73. Depending on the amount of such shortfall it could take years to pay off the needed funds back to the GDIF. I view this as a proactive way to avoid this situation without increasing assessment rates. Also, at some point in the future this drain will be a candidate for reconstruction. Increasing the period of collections will possibly provide some funds to use towards a reconstruction as allowed under IC 36-9-27-45.5.

I recommend the Board set this proposal for hearing for August 28, 2023.

Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/pll"

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

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

**"FINDINGS AND ORDER**

**CONCERNING THE MAINTENANCE OF THE**

**Harriett Sheward Drain**

On this **28<sup>th</sup> day of August, 2023**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Harriett Sheward 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

Mark Heirbrandt  
President

Christine Altman  
Member

Steven C. Dillinger  
Member

Attest: Lynette Mosbaugh  
Executive Secretary"

**J. W. Wagner Drain:**

There were neither landowners present nor objections on file.

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

"May 5, 2023

TO: Hamilton County Drainage Board

RE: J.W. Wagner Drain

At this time, I recommend the Board increase the period of collections for the J.W. Wagner Drain Fund No. 113, from 4 years to 8 years as allowed under IC 36-9-27-43. Currently the drain collects \$4,401.06 annually and has a balance of \$7,218.69. The assessments for this fund were last revised in 2006.

With the costs of maintenance increasing one such breakdown could eliminate the balance within this fund. If this happens the fund shortfall would be made up through the General Drain Improvement Fund (GDIF) as per IC 36-9-27-73. Depending on the amount of such shortfall it could take years to pay off the needed funds back to the GDIF. I view this as a proactive way to avoid this situation without increasing assessment rates. Also, at some point in the future this drain will be a candidate for reconstruction. Increasing the period of collections will possibly provide some funds to use towards a reconstruction as allowed under IC 36-9-27-45.5.

I recommend the Board set this proposal for hearing for August 28, 2023.

Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/pll"

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

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

**"FINDINGS AND ORDER**

**CONCERNING THE MAINTENANCE OF THE**

**J. W. Wagner Drain**

On this **28<sup>th</sup> day of August, 2023**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **J. W. Wagner 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

Mark Heirbrandt  
President

Christine Altman  
Member

Steven C. Dillinger  
Member

Attest: Lynette Mosbaugh  
Executive Secretary"

**John Roe Drain:**

There were neither landowners present nor objections on file.

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

"May 5, 2023

TO: Hamilton County Drainage Board

RE: John Roe Drain

At this time, I recommend the Board increase the period of collections for the John Roe Drain Fund No. 137, from 4 years to 8 years as allowed under IC 36-9-27-43. Currently the drain collects \$782.92 annually and has a balance of \$3,407.36.

This drain has a chronic history of breakdowns, some of which have been very costly. With the costs of maintenance increasing one such breakdown could eliminate the balance within this fund. If this happens the fund shortfall would be made up through the General Drain Improvement Fund (GDIF) as per IC 36-9-27-73. Depending on the amount of such shortfall it could take years to pay off the needed funds back to the GDIF. I view this as a proactive way to avoid this situation without increasing assessment rates. Also, at some point in the future this drain will be a candidate for reconstruction. Increasing the period of collections will possibly provide some funds to use towards a reconstruction as allowed under IC 36-9-27-45.5.

I recommend the Board set this proposal for hearing for August 28, 2023.

Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/pll"

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

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

**"FINDINGS AND ORDER**

**CONCERNING THE MAINTENANCE OF THE**

**Joe Roe Drain**

On this **28<sup>th</sup> day of August, 2023**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **John Roe 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

Mark Heirbrandt  
President

Christine Altman  
Member

Steven C. Dillinger  
Member

Attest: Lynette Mosbaugh  
Executive Secretary"

**Morrow-Follett Drain, R. J. Follett Arm - 1<sup>st</sup> Street Relocation:**

There were no objections on file. Mr. Mike Timko was present for this item.

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

"July 19, 2023

TO: Hamilton County Drainage Board

RE: Morrow Follett; R.J Follett Arm- 1<sup>st</sup> Street Relocation

Attached is a petition and plans for the proposed reconstruction of the R.J Follett Arm of the Morrow Follett Regulated Drain. The reconstruction is being petitioned by 41 1<sup>st</sup> Street SW LLC. The proposal is to relocate a section of the existing 30" drain to allow for the redevelopment of 41 1<sup>st</sup> Street SW (parcel #: 16-09-25-16-03-001.000). The reconstruction is per plans by Kimley Horn, having Job No. 170403000 and dated April 2023.

The new system will intercept the Morrow Follett Drain in the form of a new 36 -inch RCP drain running north from the existing manhole on the south side of the alley then east to a new manhole and north into an existing manhole along the west property line of the aforementioned parcel before continuing north offsite.

Hamilton County Drainage Board  
August 28, 2023



The reconstruction of the Morrow Follett Drain shall begin at existing Str. 001, marked as Str. 1002 per the plans and Sta. 21+64 per the drains 1928 description. The drain then runs north for 28 feet with 36" RCP before stopping at Str. 1002A per the plans. The drain then continues north for 126 feet before stopping at Str. 1007 per the plans. The drain then turns eastward and runs for 8 feet with 36- inch RCP before stopping at Str. 1007A per the plans. Finally, the drain then runs for 9 feet with 36- inch RCP before stopping at existing Str. 1006 per the plans which is Sta. 23+00 per the drain's 1928 description.

The reconstructed drain shall consist of the following:

36" RCP	171 feet
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The total length of the reconstructed drain will be 171 feet. The existing RJ Follett Arm of the Morrow Follett Regulated Drain will be removed from Station 21+64 to Station 23+00 per the drains original 1928 description. The proposal will increase the length of regulated drain by 35 feet.

The overall cost of reconstruction will be paid by 41 1<sup>st</sup> Street SW LLC.

In accordance with IC 36-7-4-709, the petitioner did not submit surety for the proposed drain prior to the relocation's formal hearing. A construction bond will be required prior to the beginning of the reconstruction.

I recommend that upon approval of the above proposed reconstruction that the Board also approve the attached non-enforcement request. The non-enforcement is for the encroachment of the proposed structure within the existing 75- foot regulated drain easement as shown in the above referenced plans designed by Kimley Horn.

I recommend the Board set a hearing for this matter on August 28, 2023.

Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/pll"

Heirbrandt opened the public hearing; he asked if anyone cared to address the Board; seeing no one Heirbrandt closed the public hearing.

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

Altman stated we've had some issues with approvals through Carmel with regulated drains. Are you watching the detention requirements on this?

Clark stated there's substantial regional detention in downtown Carmel.

Altman asked is it going down to the decorative pond down by Carmel Drive?

Duncan stated no, I don't believe this does. This should go, if we're at 1<sup>st</sup> Street Northwest, this should drain north through; if I recall this drain is to the north and west. The city put on a...

Altman stated that's okay, I just want to make sure your eyes are on it because I know from client work there's been issues.

Duncan stated we need to follow up and double check.

Clark stated sure. There's a lot of regional detention in Downtown Carmel, but I will verify where it's going to.

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

Dillinger made the motion to approve the non-enforcement request for the 1<sup>st</sup> Street Relocation project, seconded by Altman and approved unanimously.

"FINDINGS AND ORDER

CONCERNING THE PARTIAL VACATION OF THE

**Morrow-Follett Drain, R. J. Follett Arm  
1<sup>st</sup> Street Relocation**

**Station 21+64 to Station 23+00**

On this **28<sup>th</sup> day of August, 2023**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Morrow-Follett Drain, R. J. Follett Arm, 1<sup>st</sup> Street Relocation (Station 21+64 to Station 23+00)**.

Evidence has been heard. Objections were presented and considered. The Board then adopted an order of action. The Board now finds that the costs of continued maintenance to the portion of the above drain exceed the benefits to the real estate benefited by the portion of the drain to be abandoned and issues this order vacating the above section of the **Morrow-Follett Drain, R. J. Follett Arm, 1<sup>st</sup> Street Relocation (Station 21+64 to Station 23+00)**.

HAMILTON COUNTY DRAINAGE BOARD

Mark Heirbrandt  
\_\_\_\_\_  
President

Christine Altman  
\_\_\_\_\_  
Member

Steven C. Dillinger  
\_\_\_\_\_  
Member

Attest: Lynette Mosbaugh "

"STATE OF INDIANA )  
 ) ss:  
COUNTY OF HAMILTON )

BEFORE THE HAMILTON COUNTY  
DRAINAGE BOARD  
NOBLESVILLE, INDIANA

IN THE MATTER OF THE  
RECONSTRUCTION OF THE  
**Morrow-Follett Drain, R. J. Follett Arm, 1<sup>st</sup> Street Relocation**

**FINDINGS AND ORDER FOR RECONSTRUCTION**

The matter of the proposed Reconstruction of the **Morrow-Follett Drain, R. J. Follett Arm, 1<sup>st</sup> Street Relocation** came before the Hamilton County Drainage Board for hearing **on August 28, 2023**, 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 **Morrow-Follett Drain, R. J. Follett Arm, 1<sup>st</sup> Street Relocation** 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

Mark Heirbrandt  
PRESIDENT

Christine Altman  
Member

Steven C. Dillinger  
Member

ATTEST: Lynette Mosbaugh  
Executive Secretary "

**Paulsel, Vance & Paulsel Drain:**

There were neither landowners present nor objections on file.

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

"May 5, 2023

TO: Hamilton County Drainage Board

RE: Paulsel -Vance-Paulsel Drain

At this time, I recommend the Board increase the period of collections for the Paulsel-Vance-Paulsel Drain Fund No. 109, from 4 years to 8 years as allowed under IC 36-9-27-43. Currently the drain collects \$6,887.30 annually and has a balance of \$30,239.54. The assessments for this fund were last revised in 2006.

With the costs of maintenance increasing one such breakdown could eliminate the balance within this fund. If this happens the fund shortfall would be made up through the General Drain Improvement Fund (GDIF) as per IC 36-9-27-73. Depending on the amount of such shortfall it could take years to pay off the needed funds back to the GDIF. I view this as a proactive way to avoid this situation without increasing assessment rates. Also, at some point in the future this drain will be a candidate for reconstruction. Increasing the period of collections will possibly provide some funds to use towards a reconstruction as allowed under IC 36-9-27-45.5.

I recommend the Board set this proposal for hearing for August 28, 2023.

Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/pll"

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

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

**"FINDINGS AND ORDER**

**CONCERNING THE MAINTENANCE OF THE**

**Paulsel, Vance & Paulsel Drain**

On this **28<sup>th</sup> day of August, 2023**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Paulsel, Vance & Paulsel 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

Mark Heirbrandt  
President

Christine Altman  
Member

Steven C. Dillinger  
Member

Attest: Lynette Mosbaugh  
Executive Secretary"

**Kreager & Hinshaw Drain:**

There were neither landowners present nor objections on file.

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

"May 5, 2023

TO: Hamilton County Drainage Board

RE: Kreager & Hinshaw Drain

At this time, I recommend the Board increase the period of collections for the Kreager & Hinshaw Drain Fund No. 108, from 4 years to 8 years as allowed under IC 36-9-27-43. Currently the drain collects \$3,200.30 annually and has a balance of \$18,634.86. The assessments for this fund were last revised in 2007.

With the costs of maintenance increasing one such breakdown could eliminate the balance within this fund. If this happens the fund shortfall would be made up through the General Drain Improvement Fund (GDIF) as per IC 36-9-27-73. Depending on the amount of such shortfall it could take years to pay off the needed funds back to the GDIF. I view this as a proactive way to avoid this situation without increasing assessment rates. Also, at some point in the future this drain will be a candidate for reconstruction. Increasing the period of collections will possibly provide some funds to use towards a reconstruction as allowed under IC 36-9-27-45.5.

I recommend the Board set this proposal for hearing for August 28, 2023.

Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/pll"

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

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

**"FINDINGS AND ORDER**

**CONCERNING THE MAINTENANCE OF THE**

**Kreager & Hinshaw Drain**

On this **28<sup>th</sup> day of August, 2023**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Kreager & Hinshaw 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

Mark Heirbrandt  
President

Christine Altman  
Member

Steven C. Dillinger  
Member

Attest: Lynette Mosbaugh  
Executive Secretary"

**Duck Creek Bank Repair - Request for Quotes**

Duncan stated the Surveyor has looked at a repair that is needed on Duck Creek on the very upper end of the drain near 296<sup>th</sup> Street and S.R. 37. There is substantial erosion that has occurred. This approval would be to request quotes and upon approval we will solicit quotes from interested engineering firms for the design.

Altman made the motion to allow the Surveyor's Office to solicit quotes for the design of the erosion repair on Duck Creek, seconded by Dillinger and approved unanimously.

**M. E. Scherer Drain - Professional Services Agreement:**

Duncan presented an agreement from Banning Engineering for the M. E. Scherer Drain Reconstruction. The proposed reconstruction goes underneath the existing railway that is currently operated by Hoosier Heritage Port Authority. This is to receive approval and get permitted to reconstruct the drain within the railroad easement. This would include permit paperwork and construction plans to meet the pipeline's requirements with a cost of \$4,800.00.

Altman made the motion to approve the Professional Services Agreement from Banning Engineering in the amount of \$4,800.00 for the M. E. Scherer Drain, seconded by Dillinger and approved unanimously.

**USGS Stream Gauge Agreement:**

Duncan presented the USGS Stream Gauge Agreement in the amount of \$45,440.00 to the Board for approval.

Altman made the motion to approve the USGS Stream Gauge Agreement in the amount of \$45,440.00, seconded by Dillinger and approved unanimously.

**Hearing requests:**

Duncan asked the Board to set for hearing the Little Eagle Creek Drain, Cove Horney Arm, Osborne Trails Section 10 for October 23, 2023.

Dillinger made the motion to set the item presented for hearing on October 23, 2023, seconded by Altman and approved unanimously.

**Capital Asset Notification:**

Duncan presented a Capital Asset Notification for the Morrow-Follett Drain to the Board for approval.

Altman made the motion to approve the Capital Asset Notification presented, seconded by Dillinger and approved unanimously.

**Big Cicero Creek Joint Drainage Board:**

Duncan presented the minutes of the Big Cicero Creek Joint Drainage Board of July 26, 2023 to the Board for their information. He asked if there were any questions.

There were no questions.

**Citizens Energy Group - Service Advisory Board:**

Duncan presented the minutes of the Service Advisory Board of July 18, 2023 to the Board for their information. He asked if there were any questions.

There were no questions.

**Hinshaw & Keys Drain - Kruse Letter:**

Howard stated I have received his most recent correspondence. I responded to Kruse earlier explaining to him that the drainage easements were not picked up in title policies and that was why he received notice of the public hearing. He did not appear at that hearing. I was going to check with Luther (Cline) and see where we are on construction. The last picture I saw they were about ready to fill in that ditch.

Duncan stated I can't say and Luther's not here today, but I know the construction was progressing.

Howard stated I will be getting a letter out to him this afternoon explaining and again reaffirming that number one, just because it wasn't in his title work, it's never in title work, they disclaim it, but that's why we give him notice. He's had notice and any litigation going forward would be frivolous and we'd seek attorney fees and costs under Section 53.

Altman asked, and this is on our website, this regulated drain clearly shows on our website?

Duncan stated yes.

Howard stated yes and I sent him a copy, two pages, showing two drains side by side.

Heirbrandt asked is this just for information today?

Howard stated yes, just for information.

Duncan stated this is a developer driven reconstruction and we are reconstructing the drain along the existing alignment. We're occupying the space it always had.

Howard stated it was a lot smaller tile.

**Variance Request - Cicero Creek (Pleasant St. Bridge Fill in the Floodplain):**

Ms. Alison Krupski was present for this item.

Cash presented his report to the Board for approval.

**"Staff Report**

August 9, 2023

To: Hamilton County Drainage Board

Re: Cicero Creek, Variance for Pleasant Street Bridge, DV-2023-00025, Parcel No. 10-10-02-00-00-021.001, Instrument No. 2014-35318

Attached is a request by the City of Noblesville requesting approval of a variance from the following ordinance and standard in connection with the Pleasant Street Phase 3 project - specifically the bridge over Cicero Creek (Hamilton County Bridge 313):

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

Summary:

As part of a new road construction project, the petitioner proposes to grade portions of the bridge approaches which results in new fill being placed in the floodplain.

Hamilton County Ordinance No. 09-26-16A states, "3. *Public Streets, bridges, and roadways, that have a crossing structure that is properly sized to convey the natural stream or watercourse and not raise the 100-year BFE, are exempt from the requirements I Article 9-27-17(f) of the Hamilton County Code and Ordinance 09-26-16-1 Section 2.*"

The design and constraints of this project results in the BFE being raised 0.09 feet above the existing Base Flood Elevation (BFE).

Due to the proposed construction in a floodway, a permit has been obtained from the Indiana Department of Natural Resources-Division of Water. See attached IDNR Certificate of Approval, Permit Amendment Approval, and DNR flood plain map. The proposed water elevation is within IDNR's requirements for construction in a floodway. IDNR allows up to 0.14 feet of elevation rise to the BFE for approval.

Jurisdictional notes - It should be noted that the east side of this site is annexed into the City of Noblesville, while the west side is not annexed. The entire site is located within Noblesville's planning and zoning jurisdiction. Regarding Hamilton County drain status, this portion of Cicero Creek is listed as a "natural stream" and is not a Regulated Drain. Hamilton County Ordinance applies to flood plains of all Regulated Drains and flood plains for other conveyances in unannexed areas. The Surveyor's Office has coordinated review efforts with the City of Noblesville Engineering Department and the Planning Department.

Staff Recommendations:

1. If this variance is approved by the Drainage Board, the Surveyor has recommended that as a condition of approval the following items be met:
  - a. Site inspection approval by Surveyor's Office.
  - b. Submittal of as-built drawings showing the cut and fill sections and dirt balances. As-built drawings are to be stamped and sealed by a professional engineer.

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

Sincerely,

Steven T. Cash  
Plan Reviewer

STC:stc"

Dillinger made the motion to approve the Variance Request presented, seconded by Altman and approved unanimously.

**Variance Request - Thorpe Creek Drain (Cyntheanne Woods) :**

Mr. Brett Huff was present for this item.

Cash presented his report to the Board for approval.

**"Staff Report**

August 23, 2023

To: Hamilton County Drainage Board

Re: Thorpe Creek Drainage Area, Variance for Cyntheanne Woods Subdivision, DV-2023-00014, Parcel No. 13-12-29-00-00-019.000

Attached is a request by Williams Tre Development, LLC requesting approval of a variance from the following ordinance and standard in connection with the Cyntheanne Woods project:

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

Summary:

As part of a new residential subdivision project, the petitioner proposes to grade portions of Cyntheanne Woods subdivision which results in new fill being placed in the floodplain. To comply with Hamilton County requirements to offset the fill, the project will excavate compensatory floodplain storage along Thorpe Creek. The construction will require placing 535.61 cubic yards of fill within the floodplain and removing 2,125.79 cubic yards from the floodplain. The cut/fill ratio meets the standard 3:1 ratio required for consideration of the variance with a proposed ratio of 3.96:1.

The proposed fill includes fill for the berm for the detention area, Meadow Frost Court cul-de-sac and portions of Lots 23 & 24.

This proposal received preliminary concurrence by the Drainage Board on May 22, 2023.

The engineering review has been conducted by Joe Miller of Banning Engineering. See attached approval memorandum dated August 15, 2023.

Staff Recommendations:

2. If this variance is approved by the Drainage Board, the Surveyor has recommended that as a condition of approval the following items be met:
  - a. Protection of floodplain compensatory area with dedicated easement. Easement to be in favor of the Hamilton County Drainage Board and Hamilton County Commissioners.
  - b. Surety to be posted to cover the construction costs of the flood plain compensatory storage area. The amount of the surety should be 120% of the engineer's estimate.
  - c. An engineer's estimate or copy of the contract for the storage area to be submitted along with the surety.

3. The Surveyor also requests the following conditions be met for release of surety:
  - c. Site inspection approval by Surveyor's Office.
  - d. Submittal of as-built drawings showing the cut and fill sections and dirt balances. As-built drawings are to be stamped and sealed by a professional engineer.
  - e. As-built drawings to be reviewed by Banning for compliance.
  - f. Fulfillment of developer financial responsibility for review fees incurred.
4. The following is to be placed on the secondary plat or recorded against the parcel: The maintenance of the floodplain compensatory area, including but not limited to sediment removal, erosion control along the banks, mowing and aquatic vegetation control will be the responsibility of the Homeowners Association or owner of record. The Board will retain jurisdiction to enforce the storage volume for which the floodplain compensatory area was designed will be retained, thereby, allowing no fill or easement encroachments. In the event that the owner, in the sole discretion of the Board, fails to adequately maintain the flood compensatory area, after 30 days written notice to the Homeowners Association or owner of record, the Board may perform the required maintenance and assess the cost thereof to the Homeowners Association or owner of record as a special assessment.
5. The following is to be placed on the secondary plat: Engineered fill has been placed on lots 23 & 24 to raise these lots out of the pre-developed flood plain of Thorpe Creek. Compensatory water storage volume has been provided within the platted drainage system per Hamilton County, Indiana, Ordinance Requirements. Maintenance of the storage area and the required compensatory water storage capacity thereof shall be provided by the lot owners, subject to the continued jurisdiction of and enforcement by the Hamilton County, Indiana, Drainage Board.

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

Sincerely,

Steven T. Cash  
Plan Reviewer

STC:stc"

Dillinger made the motion to approve the Variance Request presented, seconded by Altman and approved unanimously.

**Non-enforcements:**

Furst presented a non-enforcement request for the Fairfield Farms Drain filed by Derrick and Jessica Chambers for parcel #11-07-30-04-08-003.000 for a fence. The Surveyor's Office recommends approval.

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

Furst presented a non-enforcement request for the Little Eagle Creek Drain, Troy Estates Arm filed by Se na Lim and Min Sang Lee for parcel #17-09-19-00-15-004.000 for a fence. The Surveyor's Office recommends approval.

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

Furst presented a non-enforcement request for the Vermillion Drain, Bluffs at Flat Fork Arm filed by Brittany and David Harnois for parcel #13-16-05-00-10-004.000 for a fence. The Surveyor's Office recommends approval.

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

Furst presented a non-enforcement request for Vermillion Drain, Enclave at Vermillion Arm filed by Eric and Danielle Claussen for parcel #13-16-08-00-12-016.000 for a fence. The Surveyor's Office recommends approval.

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

Furst presented a non-enforcement request for the Vermillion Drain, Enclave at Vermillion Arm filed by Luis Cuatzo for parcel #13-16-08-00-29-019.000 for a fence. The Surveyor's Office recommends approval.

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



Furst presented a non-enforcement request for the Williams Creek Drain, Clay Corner Arm filed by Alison Robinson for parcel #17-09-27-00-20-056.000 for a fence. The Surveyor's Office recommends approval.

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

Furst presented a non-enforcement request for the Williams Creek Drain, Springmill Ponds Arm filed by Chelsea A. & Evan M. Skiles for parcel #17-09-23-01-08-041.000 for a fence. The Surveyor's Office recommends approval.

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

Clark presented a non-enforcement request for the Williams Creek Drain, Vernon Asher Arm filed by James R. McCarthy and Lisa K. Bunch for parcel #17-13-02-04-02-003.000 for a house and storage shed. The Surveyor's Office recommends approval.

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

**Violations:**

Furst presented her report to the Board for their information.

**"NOTICE OF VIOLATION**

**VIO-2023-00029 - Certified Mail 7021 0350 0000 0884 5799**

May 25, 2023

DePeal, Kenneth L. & Karen J.  
15682 Maybell Lane  
Westfield, IN 46074

Parcel ID#: 08-09-10-00-15-004.000

RE: Williams Creek Drain, Wilshire Section 1 Arm

Our office has been made aware of a fence encroachment on Lot 4 in Wilshire Section 1. The aluminum type fence encroaches into the regulated drain easements on the lot. The fence was installed without permission of the Hamilton County Drainage Board and is in violation of IC 36-9-27-33.

Upon receipt of this letter the property owner has ten (10) days in which to correct the violation according to the standards set forth by this office and the Hamilton County Drainage Board.

Please contact Mrs. Clara L. Furst at the Hamilton County Surveyor's Office upon receiving this violation letter to discuss what measures are needed to correct the situation. The number is 317-776-8495.

Sincerely,

Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/CLF

CC: City of Westfield- Wes Rood  
Wilshire HOA "

**Surety Release:**

Liston stated that at this afternoon's Commissioners meeting the Board would be releasing the following sureties: Bond No. 132177F in the amount of \$297,168.00 for Countryside Industrial Park Section 1, Storm Sewers and Detention Pond (Thistlewaite Drain); Bond No. 132810H in the amount of \$53,382.00 for Countryside Industrial Park Section 1, erosion control (Thistlewaite Drain); Bond No. 101197538 in the amount of \$576,676.80 for Midland Pointe Infrastructure, Russell Shugart Drain Reconstruction.

**Canal Place Drain, Strongbow Gate Arm - Final Report:**

Liston presented his report to the Board for approval.

"August 22, 2023

TO: Hamilton County Drainage Board

RE: Canal Place Drain, Strongbow Gate Arm Reconstruction - Final Report

This is the final report on the Canal Place Drain, Strongbow Gate Arm Reconstruction. The drain reconstruction work consisted of replacing an undersized pond outlet pipe in the Strongbow Gate Development located in Section 12, Township 17 North, Range 5 East in Fall Creek Township, Hamilton County, Indiana.

At the April 27, 2020 meeting of the Hamilton County Drainage Board the County Surveyor informed the Board of a drainage/flooding issue in the Strongbow Gate Development in Fishers. There existed a problem with the pond outlet located on the southside of 104<sup>th</sup> Street that caused the flooding of the road. The City of Fishers had DLZ on retainer to study the problem and asked the County to pay for half of the study. The cost of the study was \$9,200.00 and the County's share was \$4,600.00. The Board approved the \$4,600.00 to be taken from the drain fund. (Hamilton County Drainage Board Minutes Book 19, page 203).

During the June 14, 2021 meeting of the Hamilton County Drainage Board the Surveyor requested a hearing for July 26, 2021 for the Canal Place Drain, Strongbow Gate Arm Reconstruction. (Hamilton County Drainage Board Minutes Book 20, Page 56)

The July 26, 2021 meeting of the Hamilton County Drainage Board the Board heard the Surveyor's report for the Canal Place Drain, Strongbow Gate Arm Reconstruction. The engineers estimate for the reconstruction was \$62,150.00. (Hamilton County Drainage Board Minutes Book 20, pages 99-100).

At the August 9, 2021 meeting of the Hamilton County Drainage Board Liston informed the Board of potential utility conflicts on the proposed Canal Place Drain, Strongbow Gate Arm Reconstruction. (Hamilton County Drainage Board Minutes Book 20, page 127).

On August 18, 2021, a request for quote packets were mailed to Drainage Board Contractors John Ward Construction, Agricon Inc. and Elevation Excavation with a deadline to submit the quote by 12:00 noon on Monday, September 13, 2021.

The August 23, 2021 meeting of the Hamilton County Drainage Board the Surveyor informed the Board we are asking for quotes for the Canal Place Drain, Strongbow Gate Reconstruction to be opened at the September 13, 2021 meeting. (Hamilton County Drainage Board Minutes Book 20, Page 134)

The August 23, 2021 meeting of the Hamilton County Drainage Board Liston updated the Board of potential utility conflicts on the proposed the Canal Place Drain, Strongbow Gate Arm reconstruction. The most problematic being Ninestar Connect due to single primary electric feed for the development. Any disruption of the electric service would affect approximately 75 homes in the existing development. The office worked with the utility and the City of Fishers to resolve the issue. (Hamilton County Drainage Board Minutes Book 20, Page 142)

The September 13, 2021 meeting of the Hamilton County Drainage Board the Board received one (1) quote from Agricon Inc. for the Canal Place Drain, Strongbow Gate Arm Reconstruction. Agricon's quote was for \$106,750.00. The quote was referred to the office for review and recommendation at the September 27, 2021 Hamilton County Drainage Board meeting. (Hamilton County Drainage Board Minutes Book 20, Page 143)

The September 27, 2021 meeting of the Hamilton County Drainage Board the Board awarded the quote/bid for the Canal Place Drain, Strongbow Gate Arm reconstruction to Agricon Inc. in the amount of \$106,750.00. (Hamilton County Drainage Board Minutes Book 20, Pages 171-172)

The Pre-Construction Meeting was held on November 10, 2021 and the Notice to Proceed issued November 12, 2021 to Agricon, Inc.

Due to existing utility conflict with Ninestar Connect the reconstruction was delayed until the conflict was resolved and a new secondary electric facility installed by Ninestar. This installation allowed the primary electric feed to be de-energized and terminated to allow the new pipe installation. The office received notification from Ninestar on December 7, 2022 the utility relocation work and de-energizing of the primary feed had been completed.

The Canal Place Drain, Strongbow Gate Arm Reconstruction consisted of installing 77 feet of 30" pipe, setting new pond control 60" MH structure, installation of a new 60" MH structure, tree clearing, demolition work, regrading and restoration of area.

During the reconstruction there was a minor change made to the original design of DLZ. Per the original plan, the existing 15" pipe was proposed to be flow filled and left in place. The pipe was not flow filled or removed and was left in place due to existing utilities and irrigation facilities. A cleanout riser was installed on the upstream of the pipe and is depicted on the as-built drawings for the project.

Hamilton County Drainage Board  
August 28, 2023

The following are the installed lengths of 30" RCP pipes between storm structures.

Structures	Proposed	Actual	Pipe
Existing Structure - Structure ST-2	42 LF	40 LF	30"
Structure ST-2 - Pond Control Structure	35 LF	34 LF	30"
Total	77 LF	74 LF	

During the reconstruction there was One (1) Change Order.

Change Order #1 dated January 30, 2023 was taken to the Hamilton County Drainage Board at the February 13, 2023 meeting for discussion and approval of additional work and a deduction required for the project. (Hamilton County Drainage Board Minutes Book 21, Page 171).

The following is an additional to the Canal Place Drain, Strongbow Gate Arm Reconstruction contract.

1. 001 - Hydro Excavate Utility Conflict	<u>\$ 1,075.00</u>
Total Cost of additional on Change Order # 1	\$ 1,075.00

The following is a deduction from the Canal Place Drain, Strongbow Gate Arm Reconstruction contract.

Line 6 - Concrete Washout	<u>\$ -1,500.00</u>
Total Cost of Deduction from Change Order # 1	\$ -1,500.00
Agricon's Contract	\$106,750.00
Additional Cost with CO #1	<u>\$ 1,075.00</u>
Total	\$107,825.00
Deduction with CO #1	\$ (1,500.00)
Total	\$106,325.00

During the project there were three (3) pay applications.

Pay Application # 1 Total	\$ 98,225.00
Retainage	<u>\$ (14,733.75)</u>
Amount Paid to Agricon (02/28/23)	\$ 83,491.25
Pay Application # 2 Total	\$ 8,100.00
Retainage	<u>\$ (1,215.00)</u>
Amount Paid to Agricon (05/09/23)	\$ 6,885.00
Pay Application # 3 Total (Retainage)	\$ (15,948.75)
Amount released to Agricon (06/13/23)	<u>\$ 15,948.75</u>
Total Paid to Agricon	\$106,325.00
Contractors Quote	\$106,750.00
Total Addition of Change Order 1	<u>\$ 1,075.00</u>
	\$107,825.00
Deletion from Contract (Change Order 1)	<u>\$ (1,500.00)</u>
Total Paid to Agricon	\$106,325.00
Study & Engineering (Paid by City of Fishers)	<u>\$ 29,077.00</u>
Total Reconstruction Cost	\$135,402.00

The as-built drawings were completed by Brian Rayl, RLS, of the Hamilton County Surveyor's Office. The drawings were received on February 7, 2023 and reviewed by Jerry Liston on February 9, 2023.

The study and engineering for the project was paid by the City of Fishers and totaled \$29,077.00. The construction cost was paid from the Canal Place Drainage Fund and totaled \$106,325.00. The combined total is \$135,402.00. At the April 27, 2020 Drainage Board meeting the Board approved funding \$4,600 from the Canal Place Drainage Fund for a study by DLZ retained by the City of Fishers. (Hamilton County Drainage Board Minutes Book 19, Page 203). The \$4,600.00 was paid to the City of Fishers with check 2327438 dated 07/28/2020. To make the total project cost a 25%/75% match, the City of Fishers was billed \$9,373.50 to make their grand total \$33,850.50. The \$9,373.50 to be placed into the Canal Place Drainage Fund to make the grand total from the drainage fund \$101,551.00. The following is a breakdown of costs associated with the Canal Place Drain, Strongbow Gate Arm Reconstruction.

	Pd by Fishers	Pd by Drain Fund	Total
Study by DLZ	\$9,300.00	\$0.00	\$9,300.00
Engineering	\$19,777.00	\$0.00	\$19,777.00
Construction	\$0.00	\$106,325.00	\$106,325.00
Sub-Total:	\$29,077.00	\$106,325.00	\$135,402.00
County Reimbursed City 50% for DLZ contract	(\$4,600.00)	\$4,600.00	
Sub Totals:	\$24,477.00	\$110,925.00	
City reimburse County to make total project 25/75 match	\$9,373.50	(\$9,373.50)	
Grand total after City pays to make totals 25/75 match	\$33,850.50	\$101,551.50	\$135,402.00
	25% of Total	75% of Total	

The contractor's statement that all incurred expenses have been paid was signed by the contractor as required in IC-36-9-27-82(b) was received on April 14, 2023.

The reconstruction was awarded thru quotes, so bonds were not required.

As of June 28, 2023, I hereby attest to and agree that the Canal Place Drain, Strongbow Gate Arm Reconstruction was completed according to specified plans and have approved such work under IC-36-9-27-82(a). All inspections have been completed for the reconstruction.

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

Respectfully,

Jerry L. Liston  
Hamilton County Surveyor's Office"

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

**Mud Creek/Sand Creek Drainage Area - Ruoff Music Center:**

Altman asked Liston, did Andrew Newport from Ruoff give you a call last week? He contacted me and I wanted to take the temperature of the Board before they go much further. They were looking at possibly putting a temporary bridge over Sand Creek with the idea of trying to reutilize their property in a different manner. He asked what the process would be and I told him first you'd have to come to Drainage Board to get a variance. I suggested to him if they wanted to do that, it was more experimental to see how it worked that we would probably consider a variance if it was a removable structure that they could pull in the event of a rain event. Does anybody have huge concerns over that if that's possible? I don't personally.

Heirbrandt stated I don't.

Liston asked do you know where they want to place the bridge?

Altman stated no.

Liston stated they currently have the one coming from their west parking lot into the facility across the ditch. I know Andrew, but as far as I know he has not contacted me.

Altman stated I suggested he call you because he said he knew you.

Liston stated yes.

Duncan stated we have a process for it. It would be a crossing permit and some hydraulics.

Altman asked, can you go ahead and push those out to him?

Liston stated yes, I will reach out to him.

Altman stated then he can hand them to his engineer and see if that's possible.

**Construction Updates:**

Elwood Wilson Drain, E. M. Hare Arm Reconstruction - Liston stated the work continues on this drain. The contractor is currently starting at the lower end and working their way towards Promise Road.

William Lehr Drain, Joseph & Brooks Arm, 156<sup>th</sup> Street Reconstruction - Liston stated this work has not started yet. We anticipate it will shortly.

2022 Reconstruction of the W. S. Burnau Arm of the Musselman Drain - Liston stated tomorrow morning I have the initial inspection scheduled with the contractor to walk that drain.

William Lehr Drain, J. S. McCarty Arm Phase 1 Reconstruction - Liston stated we anticipate this project starting at the end of this week or the first of next week right after Labor Day.

Adam Ault Drain Reconstruction - Campbell stated we had the preconstruction meeting last Thursday. Indiana Earthworks has called in for the utility locations and we'll pothole those to check for any conflicts. Notice to owners has been sent out and the start date is September 11, 2023. Notice to Proceed was issued at the preconstruction meeting.

Clara Knotts Drain, Park Broadway Arm Phase 2 - Duncan stated we're still waiting for utilities to move. I know we were trying to get ahold of AT&T and I haven't heard the status of that. Centerpointe Energy, which is the gas utility in the area has moved the work order out to Miller Pipeline who does the construction work for that.

Heirbrandt asked Duncan, could you send me an email outlining the frustration with AT&T so I can get it to the president and our local contact person?

Duncan stated yes.

Altman stated I did transfer the information I received from the last meeting to Sue Finkam and clarified that Carmel is not helping us in this regard.

Ream Creek Drain, Orchard Park Arm (Pending Asbuilts) - Duncan stated I reviewed the asbuilt drawings and provided comment back to our consultant, which is Christopher Burke Engineering. They subbed out the survey work to Steven J. Christiansen, so those comments have been issued to both of those firms.

Jonas Rogers Drain, J. M. Gustin Arm Reconstruction (Pending Asbuilts) - Duncan stated these asbuilts are on my desk for review.

**Drainage Board Attorney (Pending Items):**

Elwood Wilson Drain, E. M. Hare Arm Reconstruction (Home Depot) - Howard stated I provided you last Thursday a communication with Home Depot concerning one of the largest change orders I've seen in a while. I was trying to explain how that much money could happen on just one culvert, but it was apparent that there was illegal construction of utilities back in 2001, which caused us having to relocate not only the domestic water line which flushes the toilets, etc., but more important the fire suppression. I appreciate all of Jerry's (Liston) help and given the size of the invoice we will be monitoring it weekly. The attorney for the company at corporate in Atlanta has already made contact with me and the letter was emailed to him Thursday the same time you got it. The requirement of maintaining fire suppression services 24 hours a day seven days a week made it extremely difficult to transition in that area. We'll keep you informed of that because that is a lot of money.

Altman stated you might share with them that the alternative was to close down their store.

Howard stated I think the important thing was the store manager was in most if not all of the meetings looking at these issues and there was no alternative.

Altman stated no, the alternative was to close down the store.

Howard stated even then you would have knocked \$50,000.00 or \$60,000.00 off the bill. It's still a major bill.

Duncan stated one thing you normally look at if there's a utility conflict, especially if we're underneath a utility is can we work under the utility; can we somehow suspend it or support that utility and in this case the two watermains, just the weight of the pipes themselves and they used concrete thrust blocks, which are these massive wedges of concrete that are poured in place to keep the watermain from moving; those prevented us from doing that so we looked at ways to not relocate it, but it just wasn't possible.

Fence Company Violation Letter - Howard stated I'm working on the draft of this fence issue. For an ordinance violation we are entitled to fine up to \$2,500.00 for a violation.

Altman asked total or is there anything per diem?

Howard stated sometimes there's a per diem, but we could look at that. One of the things that comes up when we have all these people up here you usually have relatively innocent homeowners and fencing companies that should know better. If the fine, and we're looking at putting things on the website, etc., but if the fine was levied against the fence company what would be your thoughts of having the discretion to suspend that fine if there was a substantial participation in the relocation cost by the fence company?

Altman stated I think we ought to have the alternate depending upon the culpable party and make that determination. It would be either or both. If you've got a landowner that says "forget that" put it in. Then they both should violate.

Howard stated but I think the idea would be...

Altman stated but the fines are discretionary anyway, correct?

Howard stated yes.

Altman stated I don't want to build things into an ordinance.

Howard stated it would be discretionary, but it would give you the ability to suspend especially in a situation where we've got a company that's a repeat offender.

Altman stated I just think you say it's discretionary on the Board based upon the circumstances and then we're not in a corner and they're not trying to micro-read it.

Howard stated and the Surveyor's Office is getting a list of all the fence companies that are in their index to send them actual notice of the ordinance.

Heirbrandt asked who's heading that in the Surveyor's Office.

Furst stated I have a master list of repeat offending fence companies and I just keep adding to it. I have my offender list and then I have my education list and we can distribute when it's time.

Altman stated you may want to put the big box stores on that because Menards usually has a list of contractors. They don't supply contractors, but we might want to request they post that in their fencing materials section.

Furst stated that came up with Lowes recently, so I got a whole list passed to me from a contractor that got sandwiched in the middle of the drama. We're accumulating those as well.

Howard stated we're also looking at putting a list on there of what are regulated subdivisions because there are subdivisions in the municipalities that we do not have jurisdiction over their easements, but we do have them over a lot of subdivisions in municipalities where that subdivision goes into our regulated system. In all fairness to the public out there, without that actually being on the website I don't know how anybody would; we know because we'd have to sign off on the subdivision sheets, but for the public to know whether they are a regulated subdivision.

Duncan stated our entire drainage system is mapped and is available on GIS. They need to be able to identify that this is my lot, and it is across. To some extent it requires them to understand the information that is presented to them, but it is on the website.

**Marion Blanton Drain:**

Heirbrandt asked what's going on with the Marion Blanton? We haven't heard anything at all.

Duncan stated at the last meeting we took cost proposals for wetland delineation and I'm still reviewing those. I meant to get that done for this meeting, but the next step would be to identify if there are any wetlands within the project limits and then decide what we need to do. If we're impacting them. We have to make a decision about that, but we figured we would start with identifying where they are and how we're impacting them if we are at all. That will dictate the permits that may be needed to move the project forward.

Heirbrandt asked what's the timeline looking like?

Duncan stated I will have them done for the next meeting.

Altman stated I would like from the attorney at least the current state of the law with wetlands, with the Supreme Court and the change in Indiana Statutory provisions like how does that work, in terms of normal wetland law. We've had a lot of movement.

Duncan stated just in looking at them and the way this drain is configured we do not believe there is actually connection, the nexus that they've always talked about. These wetlands, if they are indeed wetlands by definition in all the criteria, they're upstream of a regulated drain tile so this water drains through a tile before it gets to an open ditch so there really isn't a connection, at least that's how the Surveyor and I look at it, but we'd have to see. That would affect the Army Corps of Engineers.

Altman stated there's probably a flow chart about is it connected with Waters of the United States, not, what's the changes.

Howard stated I think as the northern part of the county and northwestern part develops with utilities up there, we're going to run into more of these issues because there's a lot of areas up there that nothing's happened for a long time.

Duncan stated but that will be the next step, lets identify the wetlands and then the impacts to them and then decide if we need permits. Barring that just saying that the outside chance that permits aren't needed then we stand ready to move the project forward.

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

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Mark Heirbrandt - President

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Lynette Mosbaugh  
Executive Secretary