MINUTES OF THE HAMILTON COUNTY DRAINAGE BOARD

September 23, 2019

The meeting was called to order Monday September 23, 2019 at 9:02 a.m.

The members of the Board present were Ms. Christine Altman-President, Mr. Mark Heirbrandt-Vice President and Steven C. Dillinger-Member. 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. Andy Conover, Mr. Reuben Arvin, Mr. Jerry Liston, Mr. Gary Duncan, Ms. Suzanne Mills and Mr. Brian Rayl.

Approve Minutes of September 9, 2019:

The minutes of September 9, 2019 were presented to the Board for approval.

Dillinger made the motion to approve the minutes of September 9, 2019, seconded by Heirbrandt and approved unanimously.

Williams Creek Drain – Jackson’s Grant Section 6 Arm:

There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"June 10, 2019

TO: Hamilton County Drainage Board
RE: Williams Creek Drain, Jackson’s Grant Section 6 Arm

Attached is a petition filled by Jackson’s Grant Real Estate Company, LLC., along with a non-enforcement request, plans, calculations, quantity summary and assessment roll for Jackson’s Grant Section 6 Arm, Williams Creek Drain to be located in Clay Township. I have reviewed the submittals and petition and have found each to be in proper form.

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

12" RCP – 1,153 Feet
6" SSD – 3,419 Feet
Open Drain – 1,184 Feet

The total length of the drain will be 7,610 Feet.

The dry detention basins (BMPs) located as listed below are not to be considered part of the regulated drain. Basin maintenance assumed by the Drainage Board shall only include the inlets and out as part of the regulated drain. The maintenance of the dry detention basins (BMPs) such as sediment removal and erosion control along the banks, mowing, aquatic vegetation maintenance and control, and anything required per the Storm Water Quality Maintenance and Operations Manual will be the responsibility of the Homeowners Association. The Board will also retain jurisdiction for ensuring the storage volume for which the detention basins (BMPs) were designed will be retained. Thereby, allowing no fill or easement encroachments.

<table>
<thead>
<tr>
<th>Basin</th>
<th>Location</th>
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<tbody>
<tr>
<td>BMP 13D</td>
<td>Common Area # 27</td>
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<tr>
<td>BMP 13A</td>
<td>Common Area # 27</td>
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<tr>
<td>BMP 13B</td>
<td>Common Area # 27</td>
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<td>BMP 15C</td>
<td>Common Area # 29</td>
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<tr>
<td>BMP 14C</td>
<td>Common Area # 29</td>
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<tr>
<td>BMP 14B</td>
<td>Common Area # 29</td>
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The subsurface drains (SSD) to be part of the regulated drain are those located under the curbs, those main lines in front/rear yards, and those in common areas. Only the main SSD lines as described below, which are located within the easement or right of way are to be maintained as regulated drain. Laterals for individual lots will not be considered part of the regulated drain. The portions of the SSD which will be regulated and maintained are as follows:
Curbline SSD in Streets:  Front/Rear Yard SSDs:
Northvale Blvd.  Front of Yard Lots 307 to 309 from Structure 673 running East to riser.
Almond Creek Drive  Rear Yard Lots 312 to 315 from Structure 693 running East to riser.
Mendenhall Drive  Rear Yard Lots 315 to 316 from Structure 691 running West to riser.
SSD through BMP 14B and 14C.
SSD through BMP 15C.
SSD through BMP 13D.
SSD through BMP 13A and 13B.

I have reviewed the plans and believe the drain will benefit each lot equally. Therefore, I recommend each lot be assessed equally. I also believe that no damages will result to landowners by the construction of the drain. I recommend a maintenance assessment of $65.00 per lot, $10.00 per acre for common areas, with $65.00 minimum, and $10.00 per acre for roadways. With this assessment the total annual assessment for this drain will be $1,060.10.

The petitioner has submitted surety for the proposed drain at this time. The sureties which are in the form of an Irrevocable Letter of Credit are as follows:
Agent: Standard Financial Corporation
Date: April 30, 2019
Number: 1354JG6
For: Installation of Storm Sewers in Jackson’s Grant Section 6
Amount: $199,243.80

Agent: Standard Financial Corporation
Date: April 30, 2019
Number: 1355JG6
For: Monumentation in Jackson’s Grant Section 6
Amount: $4,248.00

I believe this proposed drain meets the requirements for Urban Drain Classification as set in IC 36-9-27-67 to 69. Therefore, this drain shall be designated as an Urban Drain.

I recommend that upon approval of the above proposed drain that the Board also approve the attached non-enforcement request. The request will be for the reduction of the regulated drain easement to those easement widths as shown on the secondary plat for Jackson’s Grant Section 6 as recorded in the office of the Hamilton County Recorder.

I recommend the Board set a hearing for this proposed drain for September 23, 2019.

Kenton C. Ward
Hamilton County Surveyor

KCW/jll "

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

Heirbrandt made the motion to approve the Surveyor’s report along with the non-enforcement request for Jackson’s Grant Section 6, seconded by Dillinger and approved unanimously.

"FINDINGS AND ORDER
CONCERNING THE MAINTENANCE OF THE
Williams Creek Drain,
Jackson’s Grant Section 6 Arm

On this 23rd day of September, 2019, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the Williams Creek Drain, Jackson’s Grant Section 6 Arm.

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.
To: Hamilton County Drainage Board

Re: Sly Run Drain, Mill Grove Sec. 1 Offsite Arm, Retreat at Mill Grove Sec. 2 Reconstruction

Attached are petition and plans for the proposed reconstruction of a portion of the Sly Run Drain, Mill Grove Sec. 1 Offsite Arm as part of the Retreat at Mill Grove, Sec. 2 project. This project is being paid for by Retreat at Mill Grove Developer, LLC. The proposal is to reconstruct the existing drain that serves as the outflow pipe from existing Lake #5 per construction plans by Stoepelwerth & Associates, revision date 11/20/2018. This reconstruction is part of the plan to expand the detention area designed to accommodate the next phase of this development.

Per the plans by Stoepelwerth & Associates, the reconstructed drain route will be as follows: The upstream end of this relocation will begin at Str 833 at Lake #5 and drain northeast to Str 832.

This reconstruction will consist of the following:

70’ of 21” RCP

The new drain involves the lengths of drain between the following structures per the construction plans: 832 & 833.

The newly installed drain will have a length of 70’.

Regarding the existing regulated drain, this project will replace 67’ of existing 12” RCP drain at that location.

This proposal will add 3’ of footage to the Sly Run drain’s total length.

The Sly Run Drain, Mill Grove Section 1 Offsite Arm was established by the Drainage Board at hearing on May 24, 2010 per my report dated February 19, 2010. See Drainage Board Minutes Book 12, pages 550 - 552.

The cost of the project is to be paid by Retreat at Mill Grove Developer, LLC. Surety has been posted in the form of performance bond as follows:

Agent: Great American Insurance Co.
Date: April 25, 2019
Number: 2018773
For: Retreat at Mill Grove, Section 2 - Legal Drain Reconstruction
Amount: $8,769.00
HCDB-2019-00023

Regarding easement, this project is located within existing easement as per the recorded secondary plat for Retreat at Mill Grove, Sec. 1 Common Area #3 (Parcel 11-06-27-00-16-035.000, owned by Retreat at Mill Grove Homeowners Association, Inc.), and State Road 38 right-of-way, owned by the State of Indiana.
I recommend the Board set a hearing date for September 23, 2019.

Sincerely,

Kenton C. Ward
Hamilton County Surveyor

KCW/stc

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

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

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

IN THE MATTER OF THE
RECONSTRUCTION OF THE
Sly Run Drain, Mill Grove Section 1 Offsite Arm, Retreat at Mill Grove Section 2 Reconstruction

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the Sly Run Drain, Mill Grove Section 1 Offsite Arm, Retreat at Mill Grove Section 2 Reconstruction came before the Hamilton County Drainage Board for hearing on September 23, 2019, on the Reconstruction Report consisting of the report and the Schedule of Damages and Assessments. The Board also received and considered the written objection of an owner of certain lands affected by the proposed Reconstruction, said owner being:

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

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

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

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

Wherefore, it is ORDERED, that the proposed Reconstruction of the Sly Run Drain, Mill Grove Section 1 Offsite Arm, Retreat at Mill Grove Section 2 Reconstruction be and is hereby declared established.

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

HAMILTON COUNTY DRAINAGE BOARD

Christine Altman
PRESIDENT

Mark Heirbrandt
Member

Steven C. Dillinger
Member

ATTEST: Lynette Mosbaugh
Executive Secretary
Hinkle Creek Drain – 236th Street Reconstruction:
There were neither landowners present nor objections on file.
The Surveyor presented his report to the Board for approval.

"August 6, 2019

To: Hamilton County Drainage Board
Re: Hinkle Creek Drain, 236th Street Extension

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

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

Open Ditch 31 ft.
The total length of the drain will be 31 feet.
The extension will begin at the existing north right of way line of 236th Street and extend across to the south right of way line of 236th Street.
The rates for the Hinkle Creek Drain have been set at $25.00 per acre for roads. The annual maintenance collection for this extension will be $60.00.
The nature of maintenance work required is as follows:
1. Bank erosion protection and/or seeding as might be required;
2. Removal of debris and/or blockages from existing open drain;
3. Removal of beaver dams;
4. Any other repairs necessary to restore proper flow to the open ditch.
The frequency with which maintenance work should be performed is annually as required by the condition of the drain.
The easements for the drain should be set at 75’ from top of bank as set out in IC 36-9-27-33.

I recommend that the Board set a hearing for this proposal for September 23, 2019.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor
KCW/pll

Altman opened the public hearing; seeing no one present Altman closed the public hearing.
Heirbrandt made the motion to approve the Surveyor’s report, seconded by Dillinger and approved unanimously.

"FINDINGS AND ORDER
CONCERNING THE MAINTENANCE OF THE
Hinkle Creek Drain, 236th Street Extension

On this 23rd day of September, 2019, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the Hinkle Creek Drain, 236th Street Extension.

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

Hamilton County Drainage Board
September 23, 2019
FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the Hinkle Creek Drain, 236th Street Extension came before the Hamilton County Drainage Board for hearing on September 23, 2019, on the Reconstruction Report consisting of the report and the Schedule of Damages and Assessments. The Board also received and considered the written objection of an owner of certain lands affected by the proposed Reconstruction, said owner being:

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

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

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

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

Wherefore, it is ORDERED, that the proposed Reconstruction of the Hinkle Creek Drain, 236th Street Extension be and is hereby declared established.

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

HAMILTON COUNTY DRAINAGE BOARD

Christine Altman
President

Mark Heirbrandt
Member

Steven C. Dillinger
Member

ATTEST: Lynette Mosbaugh
Executive Secretary
Hinkle Creek Drain – 216th Street Extension:
There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"August 6, 2019

To: Hamilton County Drainage Board
Re: Hinkle Creek Drain, 216th Street Extension

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

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

Open Ditch 116 ft.
The total length of the drain will be 116 feet.
The extension will begin at the existing north right of way line of 216th Street and extend across to the south right of way line of 216th Street.
The rates for the Hinkle Creek Drain have been set at $25.00 per acre for roads. The annual maintenance collection for this extension will be $127.50.
The nature of maintenance work required is as follows:
1. Bank erosion protection and/or seeding as might be required;
2. Removal of debris and/or blockages from existing open drain;
3. Removal of beaver dams;
4. Any other repairs necessary to restore proper flow to the open ditch.
The frequency with which maintenance work should be performed is annually as required by the condition of the drain.
The easements for the drain should be set at 75’ from top of bank as set out in IC 36-9-27-33.

I recommend that the Board set a hearing for this proposal for September 23, 2019.

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

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

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

"FINDINGS AND ORDER
CONCERNING THE MAINTENANCE OF THE
Hinkle Creek Drain, 216th Street Extension

On this 23rd day of September, 2019, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the Hinkle Creek Drain, 216th Street Extension.

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

The matter of the proposed Reconstruction of the Hinkle Creek Drain, 216th Street Extension came before the Hamilton County Drainage Board for hearing on September 23, 2019, on the Reconstruction Report consisting of the report and the Schedule of Damages and Assessments. The Board also received and considered the written objection of an owner of certain lands affected by the proposed Reconstruction, said owner being:

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

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

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

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

Wherefore, it is ORDERED, that the proposed Reconstruction of the Hinkle Creek Drain, 216th Street Extension be and is hereby declared established.

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

HAMILTON COUNTY DRAINAGE BOARD

Christine Altman
President

Mark Heirbrandt
Member

Steven C. Dillinger
Member

ATTEST: Lynette Mosbaugh
Executive Secretary
Taylor Creek Drain – 266th Street Extension:

There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"August 6, 2019

To: Hamilton County Drainage Board
Re: Taylor Creek Drain, 266th Street Extension

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

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

Open Ditch 92 ft.

The total length of the drain will be 92 feet.

The extension will begin at the existing north right of way line of 266th Street and extend across to the south right of way line of 266th Street.

The current rates for the Taylor Creek Drain are $10.00 per acre for roads. The annual maintenance collection for this extension will be $27.00.

The nature of maintenance work required is as follows:

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

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

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

I recommend that the Board set a hearing for this proposal for September 26, 2019.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll"

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

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

"FINDINGS AND ORDER

CONCERNING THE MAINTENANCE OF THE

Taylor Creek Drain, 266th Street Extension

On this 23rd day of September, 2019, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the Taylor Creek Drain, 266th Street Extension.

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

Hamilton County Drainage Board
September 23, 2019
FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the Taylor Creek Drain, 266th Street Extension came before the Hamilton County Drainage Board for hearing on September 23, 2019, on the Reconstruction Report consisting of the report and the Schedule of Damages and Assessments. The Board also received and considered the written objection of an owner of certain lands affected by the proposed Reconstruction, said owner being:

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

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

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

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

Wherefore, it is ORDERED, that the proposed Reconstruction of the Taylor Creek Drain, 266th Street Extension be and is hereby declared established.

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

HAMILTON COUNTY DRAINAGE BOARD

Christine Altman
PRESIDENT

Mark Heirbrandt
Member

Steven C. Dillinger
Member

ATTEST: Lynette Mosbaugh
Executive Secretary
E. O. Michaels Drain – Wayne Township Arm:
There were neither landowners present nor objections on file.
Altman recused herself from this item.
The Surveyor presented his report to the Board for approval.
"August 7, 2019
To: Hamilton County Drainage Board
Re: E. O. Michaels Drain, Wayne Township Arm

Attached is a petition filed on July 29, 2019 by Township Board and Township
Trustee of Wayne Township, Hamilton County Indiana along with plans, calculations and
quantity summary for an arm to the E. O. Michaels Drain to be located in Wayne Township.
I have reviewed the submittals and petition and have found each to be in proper form.

I have made a personal inspection of the land described in the petition. Upon
doing so, I believe that the drain is practicable, will improve the public health,
benefit a public highway, and be of public utility and that the costs, damages and
expenditures described in the petition will probably be less than the benefits accruing to the
owners of land likely to be benefited. As per the plans for the “Wayne Town eat Volunteer
Fire Dept. #15” by Elements Engineering, Project No. 18-71-001 the drain will consist of
the following:

15° RCP 1,527 feet

The total length of the drain will be 1,527 feet.

The main line from Structure 706, the outlet for the detention facility, to
Structure 700, the outlet of the arm into the E.O. Michael Drain is accepted and
maintained as regulated drain. The internal storm drains and subsurface drains within
the project site and the detention facility are not to be part of the regulated drain.

The Township, through it’s general contractor Design & Build Corp., has contracted
with Filson Earthwork Company, Inc. for the construction of the proposed arm. The cost
for this work is $114,867.00.

The cost of the construction for the project will be paid by the Township Board and
Township Trustee of Wayne Township, Hamilton County Indiana. The completed arm will
become part of the E.O. Michael Drain and will fall under the maintenance program for the
Stony Creek Drainage Area of which the Michaels drain is an arm of.

Since this is a public project no bonds or sureties are required for the
construction of this arm.

A 30-foot-wide drainage easement will be established along the west and north
perimeter of the tract owned by Harry & Joyce A. Wiggins, parcel number 12-07-36-00-00-00
2 acres, more or less. The description for this easement is as follows: A part of the northwest
quarter of Section 36, Township 19 North, Range 5 East, in Wayne Township, Hamilton County,
Indiana described as follows. A strip of land 30 feet in even width, lying 15 feet on
each side of the following described centerline. Commencing at the northeast corner the
northwest quarter of Section 36, Township 19 North, Range 5 East, Thence south 89 degrees
27 minutes 21 seconds west 40.00 feet along the north line of said northwest quarter, to
the point of beginning of this descriptions; said point also being north 89 degrees 27
minutes 21 seconds east from the northwest corner of a tract of land described in
Instrument number 200500072106 records of Hamilton County, Indiana; thence south 00
degrees 21 minutes 58 seconds east 35.00 feet parallel with the east line of said quarter
section; thence south 89 degrees 27 minutes 21 seconds west 343.13 feet parallel with the
north line of said quarter section; thence south 00 degrees 24 minutes 38 seconds east
453.56 feet parallel with the west line and to the south line of said tract to the point of
terminus of this easement description, the side lines of said description to be
shortened or lengthened to meet angle points 15 feet measured at right angles from the
described centerline, containing 0.572 acres, more or less.

A second easement to be established is a 30-foot-wide drainage easement into the
Wayne Township property, parcel number 12-07-36-00-00-002.001. This will extend into the
tract from the tracts west and north corner to cover the new drain from Structure 705 to
Structure 706 as shown on the above referenced plans. The description for this easement is as follows: A part of the Northwest Quarter of Section 36, Township 19 North, Range 5 East, in Wayne Township, Hamilton County, Indiana described as follows. A strip of land 30 feet in even width, lying 15 feet on each side of the following described centerline. Commencing at the northeast corner of the northwest quarter of Section 36, Township 19 North, Range 5 East, Thence south 00 degrees 21 minutes 58 seconds east 496.08 feet along the
east line of said Northwest Quarter to the northeast corner of a tract of land
described in Instrument Number 2019013193 Records of Hamilton County, Indiana; Thence north 89 degrees 24 minutes 11 seconds west 382.83 feet along the north line of said
tract to the point of beginning of this description; said point also being North 89
degrees 25 minutes 11 seconds east 15.00 feet from the northwest corner of said tract; thence south 00 degrees 24 minutes 38 seconds east 10.85 feet parallel with the west line

Hamilton County Drainage Board
September 23, 2019
of said tract; Thence south 58 degrees 07 minutes 35 seconds east 57.08 feet to the point of terminus of this easement description, the side lines of said description to be shortened or lengthened to meet angle points 15 feet measured at right angles from the described centerline, containing 0.047 acres, more or less.

A third easement will be established along the east line of the property owned by Harry & Ruth Revis Life Estate, parcel number 12-07-25-00-00-0016.000. This 30-foot-wide easement will extend from 186th Street on the south to the arm's outlet into the E.O. Michaels Drain on the north. The easement will run adjacent to the 16.5-foot apparent right of way for Durbin Road. The description for this easement is as follows: A part of the Southwest Quarter of Section 25, Township 19 North, Range 5 East, in Wayne Township, Hamilton County, Indiana described as follows. A strip of land 30 feet in even width, lying 15 feet on each side of the following described centerline. Commencing at the southeast corner of the southwest quarter of Section 25, Township 19 North, Range 5 East, thence south 89 degrees 27 minutes 21 seconds west 40.00 feet along the south line of said southwest quarter, to the point of beginning of this description; Thence north 00 degrees 32 minutes 03 seconds west 628.86 feet parallel with the east line of said quarter section; to the point of terminus of this easement description, the side lines of said description to be shortened or lengthened to meet angle points 15 feet measured at right angles from the described centerline, containing 0.433 acres, more or less. Permission to use this easement for construction has been provided to the Wayne Township Trustee from Marcia & Jim Hudson dated May 16, 2019.

(Exhibits, Exhibits A,B,C,D,E and F for the easements are as prepared by Brian K. Rayl are attached.)

I recommend the Board set a hearing for this proposed arm for September 23, 2019.

Kenton C. Ward, CFM
Hamilton County Surveyor
KCW/pll7"

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 Heirbrandt and approved unanimously.

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

IN THE MATTER OF THE
RECONSTRUCTION OF THE
E. O. Michaels Drain, Wayne Township Arm

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the E. O. Michaels Drain, Wayne Township Arm came before the Hamilton County Drainage Board for hearing on September 23, 2019, on the Reconstruction Report consisting of the report and the Schedule of Damages and Assessments. The Board also received and considered the written objection of an owner of certain lands affected by the proposed Reconstruction, said owner being:

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

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

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

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

Wherefore, it is ORDERED, that the proposed Reconstruction of the E. O. Michaels Drain, Wayne Township Arm 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

PRESIDENT

Mark Heirbrandt

Vice President

Steven C. Dillinger

Member

ATTEST: Lynette Mosbaugh

Executive Secretary

Anchorage Drain – Reconstruction of a Portion of Section 1 (Continued):

Mr. Drew Allen, Ms. Michelle Bortenschlager and Ms. Erin Mohabab were present for this item.

Heirbrandt stated during our last meeting I had proposed a potential solution to help fund some of these improvements. The motion I had made was to propose an assessment of $1,000.00 per lot of the nine lots that are affected by this drainage issue. This would be spread out over a four-year period so each lot would pay a total of $4,000.00 for this reconstruction. I have looked over the project cost of this reconstruction and there is a $49,500.00 grant that Fishers has offered to help with the funding for this project, which would take the balance down to somewhere around $70,500.00. With the assessment of $1,000.00 on each one of these nine lots over the next four years that would generate another $36,000.00 with a balance of about $34,000.00 to $35,000.00 coming from maintenance with no interest. The balance would be paid as funds become available. I do understand there is a negative balance in this fund. This whole process was developed in probably about a two-hour meeting that I had with Howard trying to look for any type of solution we could possibly find to help get these improvements done. I have had conversations with some of the property owners. I noticed that some of the property owners are here today and I think we have an agreement. I know there’s been a lot of conversation about how this would be done. Again, my thoughts are it’s not every time that you’re going to be able to get a grant for $49,500.00 as well as a bid like we received for $77,000.00 to get this done. That is still my motion for this project.

Altman stated I think that we asked the homeowners to talk with the Homeowners Association because if this doesn’t pay out in a reasonable manner the Board won’t have any choice but to increase the assessments across the whole watershed. Where are we with that?

Dillinger stated before we do that shouldn’t we have a second to Heirbrandt’s motion?

Altman stated I think this is tabled. Did we not table?

Heirbrandt stated we did table it.

Howard stated I don’t know if we tabled it before the motion was made and seconded or not. It may be redundant, but it would be prudent to go ahead...

Dillinger stated procedurally, why don’t we take this item off the table if it were on the table and then Heirbrandt can make his motion and I’ll second it.

Heirbrandt made the motion to take this item off the table, seconded by Dillinger and approved unanimously.

Heirbrandt made the motion to approve the project with an assessment of $1,000.00 per lot for four years on the nine property owners affected by this project, seconded by Dillinger.

Altman asked where are you with the Homeowners Association?

Heirbrandt stated we have several of the homeowners here and willing to speak today. I think that was one of the requests of the Board they wanted to hear from some of the homeowners to make sure where they stood with this.

The Surveyor stated and the Homeowners Association.

Heirbrandt stated and their discussions with the Homeowners Association.

Altman stated it’s really the Homeowners Association because that’s where the fallback will be.
Howard stated that’s the fallback position if the maintenance continues to run in the 
red.

Heirbrandt stated I will tell you I have had conversation and there is no assessment in 
my motion on this in regards for the whole watershed, but I have been very clear in my 
discussions that if something would come up later on that needed attention that there’s a 
strong possibility we would have to do that.

Howard asked so your motion to approve is to approve a reconstruction assessment of 
$4,800.00 per lot payable in $500.00 semi-annual payments for a period of four years with 
the balance to be funded by General Drain Improvement Fund to be subsequently reimbursed 
from maintenance.

Heirbrandt stated yes.

Dillinger asked do you want to hear from the homeowners?

Altman stated yes, because we pushed it back to make sure that you all were in sync with 
the Homeowners Association so if anyone has had those discussions that would be good 
information to have.

Allen stated I am one of the nine lots affected. This process has been about getting, 
not only each of the nine homeowners on the same page, but the Homeowners Association as 
well. We do have a majority if not all nine votes in agreement, but I do understand the 
importance of the Homeowners Association. The Homeowners Association has set a new 
meeting for October 8th. I hate to push this back more, but we would be happy to 
continue. The nine of us all got together and all agreed on it, but we would be happy to 
work with the Homeowners Association and get final approval and anything else needed.

Howard asked the Surveyor where are we on our bid hold?

Heirbrandt stated personally I’d like to get this done and if the Homeowners Association 
agrees to put something in.

Altman stated it’s really not the issue whether they put it in, they’re the people that 
represent all the homeowners in the subdivision and that’s what we need to have clarified 
that all the homeowners in the subdivision or at least their representatives understand 
that should we have major problems on this drain and we’re going further in the red we 
won’t have a choice but to increase everyone in that subdivision’s drainage fees.

Allen stated understood. To be honest I can’t say here today that I have that from the 
Homeowners Association. The best I could do is at the October 8th meeting I’m working 
with them daily or weekly, but the October 8th meeting.

Dillinger asked the Surveyor did you answer Howard’s question on the bid hold?

The Surveyor stated no, I haven’t yet. At the last meeting the contractor agreed to a 
30-day extension and that was September 9th. We’re going to be behind.

Howard asked the extension was until September 9th or the start of the 30-days was 
September 9th?

The Surveyor stated the start was September 9th.

Dillinger stated I certainly concur with Commissioner Altman’s concerns. However, from 
what I’ve been able to understand on this project there were some questions about how 
this was put in originally and approved by Fishers and maybe us; I don’t know who, which 
was not these folks fault and because of that I think this deems that it probably should 
be an exception in my opinion. I know we’re taking the chance of having to assess 
everyone if things go badly, but like I say, it wasn’t these folks’ fault that it was 
approved wrongly, right?

The Surveyor stated the construction standards at that time were followed.

Altman stated we’re going to find that on a lot of other subdivisions.

The Surveyor stated my gut feeling is that we’re going to have the neighborhood in here 
at some point in time in the future.

Heirbrandt stated I understand that and let’s take for example Drew (Allen) here, he 
moved in six years ago. Did you see any flooding or indication of any flooding or know 
of any flooding at all that was occurring in that area during the time when you were 
looking to purchase the property?

Allen stated there wasn’t and that’s the frustration. Not to place blame on anyone, but 
it’s naturally as it’s gotten worse it’s deteriorated more which has led to more 
flooding, which has led to more trees falling so there’s less roots to hold the water, 
there are mosquito issues. Not to pass blame anywhere, but just to get all the groups 
together and say “can you contribute” and what can we do and be on the same page with 
the Homeowners Association. This isn’t really our strength or our background, but we’d 
just like to see a resolution if possible.
Altman stated no one questions this needs to be done. The question is “whose pocket does it come out of” and Drainage Code pretty well directs it to come out of your pockets unless there are some exceptions.

Howard stated the strict application would be that because I think there’s a little bit of difficulty finding general benefit to the watershed. Of course, it’s my understanding there was a lot of maintenance done two years ago that probably wasn’t a direct benefit to these people. We have gotten perilously closer to the line I think in the past on other issues as we are now. Closer to the line that we are now. I believe it would withstand remonstrance.

Dillinger asked is there anyone here from the Homeowners Association?

Altman stated that was the request.

Allen stated I was out of the last meeting and it has been a struggle with the Homeowners Association because they’ve been wanting to know what the Drainage Board is going to do with the back and forth.

Dillinger asked were they advised of this meeting?

Allen stated yes, on the email thread that’s been going around and the meeting.

The Surveyor stated a letter was sent to the Homeowners Association.

Allen stated the nine of us are fighting for a small pocket of maybe 80 homes, I think. I’m more than happy to meet with the Homeowners Association today and if there’s any way possible to get another 30 days on the bid.

Altman stated we’ve extended the bid twice.

Dillinger stated it’s disturbing to me, you say that they’re concerned about it, but yet they’re not concerned enough to be here when we’re trying to make a fair decision on it, but I’ll bet you they’ll be here whenever we have to increase that assessment if we have to do that in the future. That’s disturbing to me.

Allen stated I agree with you. Quite frankly, it’s frustrating to me that we don’t have more support from the Homeowners Association.

Dillinger stated I don’t even care whether it was support. I would just like for them to have their input.

Howard asked the Homeowners Association has received written notice?

The Surveyor stated yes.

Altman stated I’m a longtime homeowner and in support of the Homeowners Association as Allen has so elegantly said we can’t blame our Homeowners Association right now because he’s been in contact, he’s done a wonderful job of contacting the Homeowners Association and everything. They’re not here because our annual meeting is October 8th and every year they elect a new Board so there’s going to be a new Board elected and new Board members and new president, so I don’t think it would behoove them to come here today and be here knowing that everybody’s going to be elected and we’re passing new ballots for October 8th.

Dillinger stated I disagree with you because we have a deadline and that’s the reason we insisted everyone was notified so everyone could have their input today. I’m not blaming anyone I just wanted to hear their input.

Altman stated to blame the Homeowners Association is just...

Dillinger stated I’m not blaming them.

Heirbranndt stated I think they were notified.

Howard stated if they received notice the problem is that we’ve got bids that are going to expire before our meeting after the 8th of October. The problem is if that Homeowners Association, because I can just hear it “well, we’re all new Board members and need time to look at this”. We’re going to lose our bid and if we lose this bid the cost will go up 30% to 40%.

Altman stated I think what Drew (Allen) was saying was that we’re a small pot of nine trying to complete with 80 homes in the big pot and it may not be possible to get funding from them. That’s why we’re relying on you. Michelle (Bortenschlager) and I are original homeowners and this problem has been going on in our homes since the very beginning and it’s been getting worse the past five to six years. We’re very frustrated and it’s not our fault that it was done, the law was passed, or it was done incorrectly. We’re having problems and it doesn’t matter if it was approved or whatever our homes have been affected adversely. It doesn’t matter who approved it, it was approved; your people approved it, it doesn’t matter if they’re not here anymore, it was done incorrectly. We’re just hoping you can help us out.

Hamilton County Drainage Board
September 23, 2019
Dillinger stated understand what alternatives we have today. Because of the deadline on
the bid we need to make a decision today. It seems to be like the options that we have
to make is to approve Commissioner Heibrandt’s motion with the risk of everyone in the
drainage shed ultimately having to increase their maintenance fee or increase the
assessment of the $4,000.00 for you folks or do nothing. Those are our choices. I don’t
know what other choice we could have. Do you know of any?

Howard stated we could wait on their meeting and hope the contractor holds his bid.

Heibrandt stated there’s always a chance that each one of these watersheds, no matter
what it is, throughout our whole county are going to be increased depending on what
happens.

Altman stated we routinely increase.

Heibrandt stated we do, and we did this one in 2016 to all 70 lots. It was all
increased at that time. There’s always that potential possibility. There’s a lot of ifs
in this and my thought is the Homeowners Association was notified and I understand the
predicament that they’re in, switching new board members, but they were notified. They
were on some of the correspondence. This is our deadline, this is what we’re faced with
and if something does come up in the future that we have to make some decisions on as I
had said to Drew (Allen) there could be potential assessment increases just like there
are on everyone of them that we have in Hamilton County.

Howard stated just throwing out a suggestion. Right now, you have a contingency for an
increase in maintenance assessment in the event there are problems with the maintenance
fund for the whole watershed. Would it be a possibility to an amendment to the motion
that in the event the watershed would be in the red at the end of four years the Board
would not only have the right to reserve to increase maintenance assessments in the area,
but increase the reconstruction assessment to “x”. That way the risk partner is not only
the entire watershed but could in fact be the nine lots. I understand these people need
immediate relief and the drainage code is not totally that flexible. This is advertised
as a reconstruction assessment, it would have to be with notice because the notice you
have out now is insufficient, but so would the reconstruction assessment. I’m trying to
be a problem solver.

Altman asked but with our current advertising could we do as you suggested?

Howard stated with our current advertising we would have to re-advertise to increase the
maintenance so it’s as broad as it is long.

Dillinger stated so that gets back into the bid.

Altman stated let’s dice that again. Really what I think you suggested is instead of
just saying it all comes out of maintenance there’s a contingent it all comes out of
maintenance provided that maintenance comes up to 0 or above within a period of time.

Howard stated because I don’t believe you’ve got an increase in maintenance as part of
your notice for this hearing, so it would be a future, subject to notice and hearing.

Altman stated so I don’t think we need notice the whole thing to do as you suggest if we
say we’re taking out of maintenance provided that maintenance recovers to at least a 0
balance within a period of years. I don’t think four years is realistic to be honest
with you. We’re probably looking at six years at a minimum. What did you calculate?

The Surveyor stated I didn’t, but you do have the Option 2 which is $1,000.00 for six
years and after four years to review that and if the fund is sustainable to eliminate or
reduce the $1,000.00 per lot on the last two years.

Howard stated that would be the way it’s noticed.

The Surveyor stated that was what the options were. There were two options. You kept
saying three, but the only other one I saw was do nothing.

Dillinger stated that was the third one.

Allen stated one more thing that I think is important to mention we had this set up for
discussion with the Homeowners Association and the earliest they could do is with a
private meeting on October 2nd and that’s still in balance with the bid date. If we could
come to an agreement with the Homeowners Association which I agree is very important for
not only us, but you.

Dillinger stated they’re not going to agree with you. If I were them, I wouldn’t agree
with you and I think if you were them you probably wouldn’t agree with you.

Howard stated and if the bids expire, they go up 40%. Whatever the problems are now they
just grew exponentially.

The Surveyor stated we’ve held this bid since May and the contractor has been very, very
good. The other thing is the next meeting is October 14th.

Hamilton County Drainage Board
September 23, 2019
Dillinger stated I’m not willing to postpone the decision. We need to make a decision today. Did your nine-house group discuss what the Surveyor just explained about the six years?

Allen stated we did not. The group of nine ultimately on Heirbrandt’s motion we talked about the $4,000.00 being $1,000.00 per year over four years, the grant from Fishers and the remainder with Hamilton County and that’s where we got yes votes. We did not discuss the six-year option.

Howard stated there is no remaining from Hamilton County, it comes from the watershed. This is a user fee, it’s not a general tax. The remaining comes from the entire watershed.

Dillinger asked did you understand what his alternative suggestion was that the $1,000.00 in the notice that it could be extended to six years and then when we got to the last two years if we hadn’t had a maintenance problem that we could decrease the six years back to four years?

Allen stated I do understand that, and I do think that’s fair. I do not have the votes at this point from the nine homeowners.

Altman stated I don’t want to be cruel, but it’s really not a voting; we’re charged with assessing somebody. We would like it to be smooth with everybody in concurrence, but you’re asking if you say I don’t have the votes for that, you’re asking us to put the whole risk on the watershed and truly it is not their water.

Allen stated I agree with that. All I can do is speak for the nine people I’ve tried to get on the same page and that’s all I can do. I completely understand you guys are in a box, I totally understand, but that’s the best I can do.

Heirbrandt stated I think we talked about it at the last meeting and I had said I couldn’t go along with it only because my discussions have always been the four years. Are you saying after the four years that there’s an option that it’s still in the red that…?

Altman stated it goes on another two years. We can say four years or five years. Anytime it comes out of the red I’m good with it.

The Surveyor stated those were the two options that I sent in the letter for today’s meeting to the Homeowners Association and to the nine people.

Altman asked do you think your letter was clear to the Homeowners Association that if it’s a problem everybody gets reassessed? That’s my concern because usually that brings out the pitchforks and torches. I’m just being honest.

Allen stated I don’t disagree with that at all.

Dillinger stated it sounds like a good compromise to me.

Allen stated I would not disagree. All I can say is the eight other homeowners that pledged to me said they would be in for the $4,000.00 deal. I just can’t speak for them.

Dillinger stated as Commissioner Altman said this really isn’t a vote thing, we’re just trying to be fair and equitable with everybody that we can.

Altman stated it’s really all or nothing folks so you might want to take a poll. Why don’t we go on with the rest of the meeting? You talk with the folks that are here and decide what you’re comfortable with.

Howard stated 0 is an option.

Altman stated yes, but that’s not a good option.

Howard stated I reviewed the letter that the Surveyor sent and as stated there’s enough there to allow the six years.

Dillinger stated if we were to do that would we be doing it on the four years and then extend two more years or do it for six years and reduce the last two years?

The Surveyor stated it would be the latter.

Howard stated that’s the way the letter to the Homeowners Association says.
George Symonds Drain – USACE Assistance Program:
The Surveyor stated I believe I found a sponsor for the bank failure on the Symonds Drain just south of Boxley. At the INAFSM Conference the Corps was there and I found out about the emergency streambank and shoreline stabilization under Section 14 of the 1946 Flood Control Act. That is where cost sharing from the Corps is used to repair such things as what we have. I sent an email to the presenter at the Corps that was there at the conference and he said it looks like a viable project to him and sent me a copy of the letter to massage and have signed and sent back to the Corps to ask for the assistance. That is what we’re asking the Board to do today. The assistance is up to 50% cost share to 50% federal.

Heirbrandt made the motion to approve the letter to the Corps for the cost share assistance program, seconded by Dillinger and approved unanimously.

Approved Revised Drainage Easement Form:
The Surveyor stated the section that was revised was I extended a line “here”; it had instrument number just hanging out there and its mainly just cosmetic changes. This had “see Exhibits”.

Altman stated you put a place to write the name so we wouldn’t forget.

The Surveyor stated it had “A” and “B” and sometimes we only have “A” and sometimes we have “C”.

Howard asked do you have the prepared redaction? I thought that was on your previous form.

The Surveyor stated on the Grantor it just had one line without any so I put a signed and printed on it.

Dillinger made the motion to approve the revised drainage easement form, seconded by Heirbrandt.

The Surveyor stated on the front of the form it says, “convey to the Board of Commissioners”, should that be Commissioners or Drainage Board? On the last page it says the undersigned Hamilton County Drainage Board does hereby accept the dedicated easement.

Howard stated I believe we hold all property as Board of Commissioners.

Altman stated we could add convey to the Board of Commissioners for use by the Hamilton County Drainage Board.

Howard stated that would be much more accurate.

The Surveyor asked on Page 3 the undersigned Hamilton County Drainage Board or Board of Commissioners?

Altman stated it probably should be both because the acceptance is really on behalf of Hamilton County. We’re accepting it because we’re going to have to deal with it as a Drainage Board.

Howard stated it should be signed by both. It’s technically a recommended by, accepted by, but put both on there and it will cover any potential land review.

Heirbrandt made the motion to approve the revised Drainage Easement Form as revised, seconded by Dillinger and approved unanimously.

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

“To: Hamilton County Drainage Board August 20, 2019
Re: Cool Creek Drain: Mary Kreag Drain – Maple Ridge Sec. 3 & 4 Relocation

Attached are as-built, certificate of completion & compliance, and other information for Maple Ridge Section 3 & 4 Relocation. 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 July 12, 2017. The report was approved by the Board at the hearing held August 28, 2017. (See Drainage Board Minutes Book 17, Pages 443-445)

The changes are as follows: the 60’ RCP was shortened from 107 feet to 105 feet. The open ditch was shortened from 403 feet to 374 feet. The length of the drain due to the changes described above is now 479 feet. It should be noted that 446 feet of the original Mary Kreag tile was vacated with this project.

The non-enforcement was approved by the Board at its meeting on August 28, 2017 and recorded under instrument # 2019004670.
The infrastructure was paid for by the developer. No sureties were submitted for this project.

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

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor

"To: Hamilton County Drainage Board
August 20, 2019

Re: Cool Creek Drain: Mary Kreag Drain – Maple Ridge Sec. 1 Relocation

Attached are as-built, certificate of completion & compliance, and other information for Maple Ridge Section 1 Relocation. 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 August 29, 2016. The report was approved by the Board at the hearing held October 24, 2016. (See Drainage Board Minutes Book 17, Pages 167-169)

The changes are as follows: the 24" RCP was shortened from 312 feet to 223 feet. The length of the drain due to the changes described above is now 598 feet. It should be noted that 1247 feet of the original Mary Kreag tile was vacated with this project.

The non-enforcements were approved by the Board at its meeting on October 24, 2016 and November 14, 2016. Both documents were recorded under instrument #’s 2017013934 and 2017013935.

The infrastructure was paid for by the developer. No sureties were submitted for this project.

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 reports presented, seconded by Dillinger and approved unanimously.

Cheswick Place Drain – Sanitary Sewer Repair:
The Surveyor stated we have a request from TRICO, the Clay Regional Waste District is now TRICO Regional Sewer Utility.

Heirbrandt asked this is just for information?
The Surveyor stated no, this is something you’re going to have to act on.
Altman recused herself from this item.

Howard stated did they change their name?
Altman stated they changed their name. It’s the old Clay Waste.

Howard stated it’s still a municipal corporation vis-à-vis because private sewer utilities aren’t working anymore because of the gross up on income tax. The day you dedicate an interceptor it becomes income to the utility that day.

Altman stated that’s interesting with Fishers and all their private stuff.

Howard stated their private extends into Wayne Township and there are negotiations as we speak.

Heirbrandt asked what is the Surveyor’s recommendation?
The Surveyor stated my recommendation is we tell them thank you, but it falls under Drainage Code under Section 48 all utility work is at the utilities expense.

Howard stated let me see the document. They’re just changing their name aren’t they?

The Surveyor stated no, they’re asking for $2,750.00 to repair a damaged storm sewer which was probably damaged when it was first put in during the construction of the subdivision.

Howard stated when you changed the name that’s not really what this does. It obligates us to pay for something with no proof that we caused the damage.
The Surveyor stated correct. I’m relying on Sections 33 and 48 of the Drainage Code to tell them thank you, but no thank you.

Howard stated the motion would be to instruct the Surveyor to send it back as denied for the reasons just stated by you.

Dillinger made the motion to deny the request from TRICO for a repair cost of $2,750.00 stating Sections 33 and 48 of the State Drainage Code, seconded by Heirbrandt and approved unanimously.

Altman stated to Howard we might want to check the validity and when you’ve got concurring in a subdivision. That was there first kind of question in terms of easements.

Howard asked it’s the old DUE (Drainage & Utility Easement)?

Altman stated yes. We need a written opinion on that.

Waters of the U.S. Rule Repeal (News Article 09/13/2019):
The Surveyor stated the Waters of the U.S. Rule will be changed in November. This is an article reminding of us that.

Altman stated it’s really weird the way the papers have picked up on it because it says it only affects the western states. Apparently, they weren’t under the stay. We’ve been under the Court stay.

Service Advisory Board (Citizens Energy Group):
The Surveyor presented the minutes of the Service Advisory Board of August 20, 2019 to the Board for their information.

Ellis Barker Drain - M/I Homes Drainage Easement:
Duncan stated two remaining items prior to approval of the contract to reconstruct the drain was an easement from M/I Homes as part of the Scofield Farms Development. We have secured that easement and I have the documents for the Board to accept.

Heirbrandt made the motion to accept the easement from M/I Homes, seconded by Dillinger and approved unanimously.

Altman stated we probably ought to carry that forward after our discussion to the Commissioner’s meeting today. Could you prepare an attachment to it?

The Surveyor stated yes.

Ellis Barker Drain - Army Corps Letter/IDEM Notice:
Duncan stated the remaining items are the permits from the State of Indiana, IDEM as well as the Army Corps of Engineers. We do have approval from the Army Corps of Engineers dated September 17, 2019 which leaves IDEM. The public notice period for that permit expires on October 8, 2019. Hopefully, barring any unforeseen issues we will have a permit in hand from them not too soon after that.

William McKinstray Drain - Lake Stoneridge Repair Update:
Duncan stated we have been waiting about a year for this repair. One panel of additional sheet piling driven into the embankment. Like the last one that they did on the east side it took them so little time by the time we got down there they were already done. This was no different. This is on the west side of the area where the dam is, right adjacent to the boat ramp. They are done, that is complete.

Altman asked that’s going to be the end product?

The Surveyor stated what you see is what we get. The next phase is to take the concrete out away from the pipe from the repair that was done previously and to reform a new concrete base funneling all that into the pipes under Spyglass.

Altman asked with the same contractor or hopefully a different contractor?

The Surveyor stated a different contractor. We’ll be using one of our contractors.

Benton Hinesley Drain, Grass Waterway - Change Order No. 4:
Conover presented Change Order No. 4 to the Board for approval.

"To: Hamilton County Drainage Board September 16, 2019

Re: Benton Hinesley - Grass Waterway Project Change Order #4

Change Order #4 is for replacement of the existing clay tile with HDPE pipe where it crosses under the new grass waterway."
### Change Order #4

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<tr>
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<th>Cost</th>
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<tr>
<td>30 feet 24” HDPE @ $25.29</td>
<td>$758.70</td>
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<tr>
<td>5 hours Excavator @ $146.00</td>
<td>$730.00</td>
</tr>
<tr>
<td>2 Bobcat @ $76.00</td>
<td>$152.00</td>
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<tr>
<td>7 hours Operator @ $34.00</td>
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<td>15 hours labor @ $28.00</td>
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<tr>
<td>3 tons #8 stone @ $29.00</td>
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<tr>
<td>400 sq. feet straw mat @ $0.10</td>
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</tr>
<tr>
<td>Concrete mix 2 bags @ $8.00</td>
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Cost by Van Horn Excavating of Change Order #4: $2,441.70

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<th>Description</th>
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<td>Change Order #2 Total</td>
<td>$8,296.66</td>
</tr>
<tr>
<td>Change Order #3 Total</td>
<td>$2,670.00</td>
</tr>
<tr>
<td>Change Order #4 Total</td>
<td>$2,441.70</td>
</tr>
</tbody>
</table>

Van Horn Excavating - Total Reconstruction Cost: $149,638.12

Engineer’s Estimate: $165,062.95

Van Horn Excavating - Total Reconstruction Cost: $149,638.32

Difference: $15,424.83

Submitted By: Andrew D. Conover
Inspector

Heirbrandt made the motion to approve Change Order No. 4, seconded by Dillinger and approved unanimously.

### Non-enforcements:

- **Clark presented a non-enforcement request for the Little Eagle Creek Drain, West Rail at the Station Arm filed by Beazer Homes for parcel #08-09-10-00-20-006.000 for a fence with removable panels. The Surveyor’s Office recommends approval.**
  - Heirbrandt made the motion to approve the non-enforcement request presented, seconded by Dillinger and approved unanimously.

- **Clark presented a non-enforcement request for the Crooked Creek Drain, Weston Ridge Arm filed by Jeffrey and Elizabeth Steele for parcel #17-13-06-00-04-023.000 for a fence with removable panels. The Surveyor’s Office recommends approval.**
  - Heirbrandt made the motion to approve the non-enforcement request presented, seconded by Dillinger and approved unanimously.

- **Clark presented a non-enforcement request for the Crooked Creek Drain, Weston Ridge Arm filed by David and Jessica Henning for parcel #17-13-06-00-09-023.000 for a fence. The Surveyor’s Office recommends approval.**
  - Heirbrandt made the motion to approve the non-enforcement request presented, seconded by Dillinger and approved unanimously.

- **Clark presented a non-enforcement request for the Williams Creek Drain, Springmill Ponds Arm filed by Dennis and Lindsey Hecht for parcel #17-09-23-01-03-043.000 for a fence with removable panels. The Surveyor’s Office recommends approval.**
  - Heirbrandt made the motion to approve the non-enforcement request presented, seconded by Dillinger and approved unanimously.

- **Clark presented a non-enforcement request for the Village of West Clay Drain filed by Brett and Hollie Hoy for parcel #17-09-33-00-15-015.000 for a fence with removable panels. The Surveyor’s Office recommends approval.**
  - Heirbrandt made the motion to approve the non-enforcement request presented, seconded by Dillinger and approved unanimously.

- **Clark presented a non-enforcement request for the Albert Shaw Drain filed by Grant and Mary Lindley for parcel #17-09-30-00-09-047.000 for a fence. The Surveyor’s Office recommends approval.**
  - Heirbrandt made the motion to approve the non-enforcement request presented, seconded by Dillinger and approved unanimously.

- **Liston presented a non-enforcement request for the Vermillion Drain, Heritage at Vermillion Arm filed by Paul and Debrah Reith for parcel #13-16-08-00-08-004.000 for a concrete patio. The Surveyor’s Office recommends approval.**
  - Heirbrandt made the motion to approve the non-enforcement request presented, seconded by Dillinger and approved unanimously.

Hamilton County Drainage Board
September 29, 2019
Anchorage Drain – Reconstruction of a Portion of Arm 1 Continued:

Allen stated as much as I wish I could say I could represent the other homeowners or even the Homeowners Association, I can’t. I don’t see a path for as far as I don’t have that power. I’m sorry, I wish we had more backup from the Homeowners Association. The only thing I see possible, I know you have to make a decision, would be an opportunity for a meeting on the 2nd and the 8th of October with a 30-day bid extension, but I understand that may not be a possibility.

Altman stated were you able to contact anyone?

Altman stated at this point we didn’t even try. We just know that the other nine homeowners have gone on record saying they won’t do more than the four years. We know it’s not a vote, so it kind of stops there unfortunately.

Altman stated unfortunately our choice is do nothing. I cannot support putting this over the whole Homeowners Association without the revision.

Howard stated I want you to take back to your people that you would not have a stronger or emphatic backing than you’ve had from Drainage Board Member Heirbrandt, but right now having set in this chair for 30 years with a Board of three you’ve got to count to two. You now have yes, no and maybe. You can report to your people whatever the vote is that is the way it came down. Whether you voted or not the notice that went not only to you and to the Homeowners Association encompasses all of the potential solutions which may be included in the motion, the amendment to the motion or the denial. Whatever happens if you get anything other than nothing from this vote it’s a lot more than you had when you started this journey a long time ago. On behalf of the State Legislature sorry the Statutes and the processes are so cumbersome, but they are.

Allen stated I actually agree with everything you said, and I’d like to second that Heirbrandt has been instrumentally; he’s been fantastic and we definitely appreciate that.

Heirbrandt stated I still have a motion on the table.

Altman asked are you calling for the question?

Heirbrandt stated yes.

Bortenschlager stated it has been a journey. I’ve been there for 25 years, an original owner and this has been probably the most frustrating and disappointing as a homeowner living in Hamilton County, watching it grow, Fishers, everything, this has been extremely disappointing especially because it was never our fault. We’ve tried to notify people for ten, maybe fifteen years of what has slowly been happening and now my backyard is literally a swamp. It is a swamp. The ducks live there, the kids come and play in the mud in there, I have no trees, I have no grass, I can’t fix it because as soon as it rains again it’s bad. Trees are going to start falling on people’s houses. I know that’s not going to help anything now, but I hope you know the enormity of this situation. It has been none of our fault. Nobody has altered their land, nobody’s done a darn thing except live there and enjoy the beautiful neighborhood that it is. It’s very disappointing to me that; I appreciate everything you’ve done, but it’s still is extremely disappointing to me that something more concrete can’t be done because I’ll tell you, at least me, it’s so far up to my house now that it’s going to cost me at least double or triple what we’re going to have to be paying, the $4,000.00 or $6,000.00, to get my yard; Drew (Allen) keeps a pail outside of his house because you should see the lake. I hope you know the enormity of it and the frustration and the disappointment that we’ve had with none of us at fault.

Altman asked is it your preference that you pay up to $6,000.00 to get this completed?

Bortenschlager stated I can’t speak for everybody because we had a group commitment for the $4,000.00 so for me to say what I would do I can’t say that.

Altman stated it’s important for me to know what you would want to do. I’m not asking for the group.

Bortenschlager stated that’s a hard question because you get to the point where how much is it really going to cost and where’s it going to cap off? Is it even going to help me; how far it’s come up to my house? Part of me says yes, the $6,000.00 is probably worth it.

Altman stated if you don’t care to share that’s fine. I just asked a direct question.

Howard stated the Surveyor and I just conferred the motion as stated is the $4,000.00 with the rest to maintenance. There has been no amendment to either extend to the $6,000.00 with the right to reduce or to initially at $4,000.00 with the right to increase and if that is a motion one way or the other it would be appropriate to put that on the record.

Dillinger asked to extend to $6,000.00 that doesn’t cover the cost either does it?

Altman stated no, we’re still supplementing, how much?
The Surveyor stated $17,000.00 is what I think it goes down to.

Howard stated the shortfall is $17,000.00 as opposed to $35,000.00. There’s still going to be a shortfall that will have to be picked up by the maintenance fund.

Altman stated but it’s more likely that it will be covered without an increase.

Howard stated right.

Altman stated so the motion as it stands is on the table. Is there a motion to amend before I call for the question?

Heirbrandt stated I’m going to stand with what I agreed to with the homeowners and have been working on for some time. I’m going to stand with that and I’m going to stand with these homeowners. Like she said it’s not their fault. It’s a mosquito haven, it’s a health issue too. I just don’t think it’s right so I’m standing with these homeowners.

Howard stated and if the motion fails you can always state a new motion.

Dillinger stated I’m uncomfortable with it because I’m not sure exactly what is right here. As I said before I know it’s not these folks’ fault that it’s this way, but it’s not our fault either quite honestly. Somebody has to pay that bill. It’s just the way the Drainage Law is structured, but I know Heirbrandt has put a lot effort and he has been the inside person on this particular thing, so I’ll go along with his motion.

Altman stated yes, yes, I abstain; it passes.

The Surveyor stated with that being said and the motion being passed, can we approve an accept the bid at this time?

Dillinger made the motion to accept the quote from Agricon in the amount of $120,577.50, seconded by Heirbrandt and approved unanimously.

**Spills:**

W. R. Fertig Drain - Arvin stated a semi-truck trailer with a container leaking hydroxy phosphonate acetone spilled approximately 60 gallons and approximately 15 gallons entered the private storm sewer system. Indiana Spill Response vacuumed out the two inlets and no material was evident downstream of the inlet. The contractor poured sand ash into one of the inlets that had a higher Ph to neutralize remnants of the product.

Williams Creek Drain - Arvin stated a semi overturned at a roundabout at 116th Street & US 31. The right saddle tank ruptured and approximately 50 gallons of gasoline leaked into the City of Carmel storm sewer inlet. Indiana Spill Response vacuumed out the gasoline in the inlet and place absorbent material in the drains farther downstream.

Williams Creek Drain - Arvin stated a refueling truck leaked gasoline due to an improper connection to the underground storage tank at the GetGo Gas Station in Carmel. Approximately 70 to 90 gallons of gasoline leaked into the storm water inlet. There is an onsite aqua swirl with hydrocarbon filter and the spill was contained on site. HEPACO vacuumed the inlet and aqua swirl and cleaned the pavement.

**Construction Updates:**

Thorpe Creek Drain, John Underwood Arm Reconstruction - Liston stated we are still working on finishing this project. We’re doing some re-staking of the easement so we can level spoils.

Thistlewaite Drain, California Street Arm Extension - Conover stated this project is essentially completed.

William Krause Drain Reconstruction Phase 3 - Conover stated the contractor is putting storm drain in the ground.

Benton Hinesley Drain, Grass Waterway - Conover stated this project is under construction.

William Krause Phase 1 (Pending Asbuiltts) - Conover stated this project is essentially completed. We’re waiting on forms from the contractor so we can release the surety and retainage.

**William Krause Phase 2 - Change Order No. 6:**

Conover presented Change Order No. 6 to the Board for approval.

"To: Hamilton County Drainage Board

Re: Wm Krause Drain Phase II Reconstruction Project

Change Order #6

Change Order #6 is to address some additional work needed on the Fox Property.

**Change Order #6**
Regrating with dozer ----------------------------------------------- $ 10,225.00
Seed cover crop ----------------------------------------------- $ 1,400.00
Erosion blanket (Warranty work) -------------------------------- $ 0.00
Field tile install ----------------------------------------------- $ 13,450.00
Cost for additional work on Fox Property - Change Order #6 ------------------ $ 25,075.00
Contractor’s Bid ----------------------------------------------- $ 659,819.20
Change Order #1 Total ------------------------------------------ ($ 17,838.88)
Change Order #2 Total ------------------------------------------ $ 725.00
Change Order #3 Total ------------------------------------------ $ 559.36
Change Order # 4 Total ------------------------------------------ $ 9,516.00
Change Order # 5 Total ------------------------------------------ ($ 7,166.57)
Change Order #6 Total ------------------------------------------ $ 25,075.00
Rust Construction - Total Reconstruction Cost ------------------------- $ 670,689.11
Engineer’s Estimate --------------------------------------------- $,011,017.60
Rust Construction - Total Reconstruction Cost ------------------------- $ 670,689.11
Easements & Associated Costs ------------------------------------- $ 367,450.00
Total Reconstruction Cost ---------------------------------------- $1,388,139.11
Difference -------------------------------------------------------- ($$ 27,121.51)

Submitted By:

Andrew D. Conover
Inspector

Altman asked where are we on engineer estimate?

Conover stated we’re over the engineer’s estimate, but we’ve got Phase 1, Phase 2 and Phase 3 overall for the funding for the entire project we have enough funding to cover this change order.

Howard stated in the contingency.

Conover stated yes.

Heirbrandt made the motion to approve Change Order No. 6 for the Williams Krause Phase 2 Reconstruction Project, seconded by Altman and approved unanimously.

Construction Updates Continued:

Thorpe Creek Drainage Area, Martha Ford Arm Relocation (Pending Asbuilts) – Liston stated I’m still working with VS Engineering for the asbuilts.

F. M. Musselman Drain – Burnau Arm:

Mr. Brian Stephens-Hotopp, Ms. Joe Vangampler, Ms. Kim Mace, Mr. Jerry Mace, Mr. Kevin Burrow, Mr. Don Goodwin, Mr. Eric Bonderman and Ms. Carol Hazelwood were present for this item.

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

Duncan stated my objection was to provide an update to the Board regarding this project. We had asked to have plans completed by today for the redesign in an effort to reduce the cost of the project. Those plans have been completed and we have them in hand. The plan incorporates a small detention area behind the homes at a lower elevation than the water stands today. The pond itself is not as big as it needs to be by any current design standards due to land that would otherwise be needed to reduce the cost so we simply made the pond as big as we possibly could with the land that we have. The project also includes some tile over to the Ogle and Wethington property on the east side of Mallery Road because they’re one of the property owners that have significant flooding issues and an outlet under 191st Street. We did find the old culvert that was there. It had been buried for we don’t know really how long, but there is a culvert under 191st Street that ultimately provided relief to this area so our intent would be to enlarge that and redirect the water as intended. The cost estimate for the project as currently designed is $308,919.44, $74,689.89 of which would be paid by the Highway Department, which would leave approximately $233,929.55 to be funded. If you recall the original cost of the project was $1.5 million. A significant reduction in those costs. In terms of next steps, I don’t know with this design did we want to meet again with the residents and present the plan to them?

Altman asked is it designed to the point where you can take it to bid?

Duncan stated yes.

Altman stated I’d like to almost go concurrently and see what the true cost is.

Dillinger stated I would too.

Hamilton County Drainage Board
September 23, 2019
Heirbrandt stated yes.
Howard asked did we notice it and have a public hearing long ago at the higher rate?
The Surveyor stated yes.
Howard stated so that public hearing was tabled at that time.
The Surveyor stated correct.
Howard stated so as far as the statutory notice period we are still good.
The Surveyor stated we’re still good.
Howard stated if we go concurrently…
Altman stated let’s do a 90-day bid hold that way we’ve got time to work with it if you don’t think that will hurt pricing. This time of the year I think we’re probably…
The Surveyor stated that’s a crap shoot.
Altman asked do you think 65 is better? That gives us basically four meetings.
Howard stated if you put a 60 day hold on it and it hadn’t gone on the street yet so by the time you take the time it’s going to be on the street plus a 60-day hold…
Altman stated we have to advertise 30 days. We’re good, let’s do 60 days.
The Surveyor asked could we have a bid opening a month from today?
Dillinger stated yes, why wouldn’t we be able to?
Howard stated sure.
Dillinger made the motion to set a bid date for October 28, 2019, seconded by Heirbrandt and approved unanimously.
The Surveyor stated in the interim period we’ll get back with the property owners, go over the plan, we will revise the report based on input from the property owners and what the plan is.
Howard stated and that revised report will allocate the assessments.
The Surveyor stated yes. As you stated we’ll be working concurrently with the bids being out on the street and then we should be able to get something constructed.
Howard stated when you say a month from today you mean five weeks. September has a fifth Monday in it so it would be five weeks.
Hazelwood asked could you reiterate that, I couldn’t hear.
Altman stated we have revised plans with a net cost after Highway’s contribution of $234,000.00 which is significantly lower. We’re going to put it out to bid to make sure we’re good on those numbers. We’ve had some surprises recently and everybody needs to know what the number is before we go down that path.
Hazelwood asked will the homeowners be advised?
Altman stated that’s what’s next. While we’re having bids out there, we’ll be talking to you so you can see how the revisions are.
Dillinger stated all we’re doing is fast tracking.
Howard stated when you say will everyone be advised, you will not receive personal notice, but there will be a homeowners meeting and to the extent; we will not publish notice and go through all that procedure because that would be another 30 day delay.
Hazelwood asked how will we know as homeowners to have this meeting?
Howard stated whoever your contact is, the Surveyor or Duncan will notify you as you have been notified in the past.
Hazelwood stated that’s me.
Howard stated the grapevine is sometimes much quicker and efficient than the United States Postal Service.
Altman stated we can post it on the website too.
Howard stated it will be on the agenda and it will be on the website.
Altman stated the hope is you’re able to meet with the Surveyor’s Office before it hits the agenda because you’ll have more time to review. We’re not going to review it at this meeting. Let’s put it on the website, watch the website, whenever you pick the meeting.

Heirbrandt stated it’s either that or you can give your phone number or email contact to the Surveyor and he’ll reach out to you.

Mace/Burrow asked how many acres did you add on to the east? You said something about you added acreage to the east of this.

Duncan stated that acreage has always been on there. Our original plan included survey.

Goodwin asked where on the website would we look for this homeowners meeting?

Altman stated let’s put it on the front page.

The Surveyor stated that’s where we usually put it, is on the front page.

Altman stated as soon as you open up the website it should appear on new business.

The Surveyor stated it’s the County Website, front page.

Howard stated five weeks from today will be the bid opening.

Goodwin stated is this something we can expect in the next couple of weeks or is it going to be farther on?

The Surveyor stated we’ll try to get it within the month.

Goodwin asked the month of September or sometime mid-October?

The Surveyor stated within 30 days.

Anna Kendall Drain:
The Surveyor stated I had required the developer to dredge the ditch between Oak Ridge Road and S.R. 32. They put that on their plans, and they were also going to be doing a two-stage ditch in order to have that as part of their detention which we’ve allowed in the past. They got a deficiency notice from IDNR stating that they would have to get a 401, 402 permit.

Altman asked is this a drainage ditch or a creek?

The Surveyor stated it’s a drainage ditch. I’m going to ask IDNR, George Bowman, if it is still an exemption for County Regulated Drains under the Flood Control Act, if they’re less than ten miles in length, they’re exempt from the IDNR Flood Control Act, which they’re citing. If he says yes, I would like to send out a work order to dredge that and back charge the developer.

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

Christine Altman – President

Lynette Mosbaugh
Executive Secretary