

MINUTES OF THE HAMILTON COUNTY DRAINAGE BOARD

September 27, 2021

The meeting was called to order Monday, September 27, 2021 at 9:01 a.m.

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

Approval of Minutes of September 13, 2021:

The minutes of September 13, 2021 were presented to the Board for approval.

Heirbrandt made the motion to approve the minutes of September 13, 2021, seconded by Altman and approved unanimously.

Bid Opening - George Symonds Two Stage Ditch:

Mr. Dave Gwaltney, Mr. John Simpson, Mr. Jason Umcauf, Mr. Nathan Winslow and Mr. Dave Martin were present for this item.

Howard stated the first bid packet is from Hoosier Pride Excavating with all required forms present and a bid of \$488,752.45 and an alternate bid of \$350,000.00; the next bid is from Morphey Construction with all required forms present and a base bid of \$710,000.00 and alternate bid of \$205,000.00; the next bid packet is from F & K Construction with all required forms present and a base bid of \$334,610.00 and alternate bid of \$519,000.00.

Dillinger asked are you sure you have that right? All the rest of them have been reversed. Why is that higher?

Howard stated I'm just reading it; I didn't prepare it. They said the base bid is \$334,610.00 and..

Dillinger stated and the alternate is \$519,000.00.

Howard stated \$519,000.00. The base bid is based on a list of line items.

Heirbrandt stated it looks like it's reversed.

Altman stated I think it is. We need to check it to be fair.

Howard stated the next bid packet is from Monroe, LLC with all required forms present and a base bid of \$407,000.00 and alternate bid of \$537,000.00. This appears to be all the bids on this project. Do any persons know of any other bids; none appearing, I recommend the bids be referred to the Surveyor's Office for review and recommendation on October 11, 2021.

Altman made the motion to refer the bids to the Surveyor's Office for review and recommendation on October 11, 2021, seconded by Heirbrandt.

Altman stated my only thing is look over F & K Construction closely to make sure that we're not..

Dillinger stated yes, but the same thing happened with Monroe's bid.

Altman stated unless the Alternate Bid is repugnant.

The motion had been made and seconded to refer the bids to the Surveyor's Office for review and recommendation on October 11, 2021 and approved unanimously.

Mary Nagle Drain - Auburn Estates Section 1 Relocation:

There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"August 6, 2021

To: Hamilton County Drainage Board

Re: Mary Nagle Drain, Auburn Estates Section 1 Relocation

Attached is a petition filed by Lennar Homes of Indiana Inc. along with a non-enforcement request, plans, calculations and assessment roll for the Auburn Estates Section 1 Subdivision to be located in Jackson Township, Hamilton County Indiana. 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 expenses of the proposed drain will probably be less than the benefits accruing to the owners of land likely to be benefited. As per the plans by Weihe Engineer, Project No. W-200412-1 dated January 13, 2021, the drain will consist of the following:

12" RCP	77 ft
18" RCP	266 ft.
21" RCP	158 ft.
24" RCP	970 ft.
30" RCP	921 ft.
36" RCP	804 ft
Open	735 ft.

The total length of the drain will be 3,931 feet.

The sections of drain that is to become part of the regulated drain system with this hearing is briefly described as follows. The new drain begins at STR #468 then continues to STR #469 to STR #451 where it accepts the upstream portion of the existing 12-inch Mary Nagle Drain at approximate station 29+04 and continues to STR #450, STR #449, #448 which is the outlet into Pond 2 located in Common Area #2 in Auburn Estates Section 1. The drain then continues through Pond 2 to STR #548, STR #438 to STR #420, to STR #419 which is the outlet to Pond 1. The drain then continues through Pond 1 to STR #545 to STR #544, STR #543 where it intersects a 12-inch RCP which is the outlet for the Mary Nagle Arm 3 Drain. The drain then continues to STR #542 to STR #541 to STR #540 which is the outlet of the tiled drain. This outlet is at approximate Station 51+78 of the Mary Nagle Drain.

Also included as regulated drain is the section of drain from STR #550 to STR #543. STR #550 intercepts the Mary Nagle Drain Arm #3 at Station #15+30.

An additional section of drain will be regulated is that portion which begins at STR #408 then continues to STR #405, STR #404, STR #403, STR #402, STR #401 which outlets into Pond 1.

Mary Nagle Regulated Drain will be relocated and removed from Station 28+37 to Station 52 main drain. Also removed is a portion of arm 3 from station 15+20 to station 15+90.

The retention pond (Pond #1) located in Common Area #2 of Auburn Estates Section 1 is not to be considered part of the regulated drain. The maintenance shall include the inlets and outlet at the pond (Structures #401, #448, and #545) as part of the regulated drain. The maintenance of the pond such as sediment removal, and erosion control along the banks, mowing and aquatic vegetation control will be the responsibility of the Auburn Estates Homeowners Association or the Town of Cicero. The Board will also retain jurisdiction for ensuring the storage volume for which the pond was designed will be retained, thereby, allowing no fill or easement encroachments. Auburn Estates Section 1 drains as described above will be part of the Mary Nagle Drain. Maintenance of the remaining drainage facilities within Auburn Estates Section 1 Subdivision shall be under the Town of Cicero and or the Auburn Estates Section 1 Homeowners Association. Maintenance of the BMPs within Auburn Estates Section 1 Subdivision shall also be under the Town of Cicero and or the Auburn Estates Section 1 Homeowners Association.

I have reviewed the plans and believe the drain will benefit each lot equally. Therefore, I recommend each lot be assessed equally at the unregulated subdivision rate as established for the Mary Nagle Drain. I also believe that no damages will result to landowners by the construction of this drain. I recommend a maintenance assessment of \$35.00 per platted lot, \$5.00 per acre for common areas, with a \$35.00 minimum, and \$10.00 per acre for roadways. With this assessment the total annual assessment for this drain will be \$2,460.30.

The petitioner has submitted surety for the proposed drain at this time. The amount of the bond is \$402,762.00 which exceeds the required 120% of the Engineer's Estimate of \$316,412.00. The surety which is in the form of a Performance Bond is as follows:

Agent: The Hartford
Date: 6-11-2021
Bond Number: 72BSBIP4331
For: Storm Sewers
Amount: \$402,762.00

I believe this proposed drain meets the requirements for Urban Drain Classification as set out 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 plats for Auburn Estates Section 1 as recorded in the office of the Hamilton County Recorder.

I recommend the Board set a hearing for this proposed drain for September 27, 2021.

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/ac"

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

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

The Surveyor presented a non-enforcement request for Auburn Estates Section 1 to the Board for approval.

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

"FINDINGS AND ORDER

CONCERNING THE MAINTENANCE OF THE

Mary Nagle Drain, Auburn Estates Section 1

On this **27th day of September, 2021**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Mary Nagle Drain, Auburn Estates Section 1**.

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

HAMILTON COUNTY DRAINAGE BOARD

Steven C. Dillinger
President

Christine Altman
Member

Mark Heirbrandt
Member

Attest: Lynette Mosbaugh
Executive Secretary"

"FINDINGS AND ORDER

CONCERNING THE PARTIAL VACATION OF THE

Mary Nagle Drain, Auburn Estates Section 1 Relocation

**Station 28+37 to Station 52 (Main Drain)
Station 15+20 to Station 15+90 (Arm 3)**

On this **27th day of September, 2021**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Mary Nagle Drain, Auburn Estates Section 1 Relocation (Station 28+37 to Station 52 of Main Drain and Station 15+20 to Station 15+90 of Arm 3)**.

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 **Mary Nagle Drain, Auburn Estates Section 1 Relocation (Station 28+37 to Station 52 of Main Drain and Station 15+20 to Station 15+90 of Arm 3)**.

HAMILTON COUNTY DRAINAGE BOARD

Steven C. Dillinger
President

Christine Altman
Member

Mark Heirbrandt
Member

Attest: Lynette Mosbaugh "

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

IN THE MATTER OF THE
RECONSTRUCTION OF THE
Mary Nagle Drain, Auburn Estates Section 1 Relocation

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the **Mary Nagle Drain, Auburn Estates Section 1 Relocation** came before the Hamilton County Drainage Board for hearing **on September 27, 2021**, 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 **Mary Nagle Drain, Auburn Estates Section 1 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

Steven C. Dillinger
PRESIDENT

Christine Altman
Member

Mark Heirbrandt
Member

ATTEST: Lynette Mosbaugh
Executive Secretary"

Little Eagle Creek Drain, Stephens & Clark Arm - Atwater:

There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"August 5, 2021

TO: Hamilton County Drainage Board

RE: Little Eagle Creek, Stephens and Clark Drain-Atwater

Attached is a petition and plans for the proposed reconstruction of the Stephens and Clark Drain. The reconstruction is being proposed by Olthoff Homes. The proposal is one part of a three-part plan to reconstruct the Alva Osborn, George Coverdale and Stephens and Clark as a part of the master plan for the Atwater Subdivision. The reconstruction is per plans by HWC Engineering, having Job No. 2019-157-A and dated January 3, 2020.

The new system described in this report will intercept the Stephens and Clark Drain in the form of reinforced concrete pipe running south, east and south again along the southwest corner of the subdivision before running offsite into a channel on the Emory Trace Subdivision as shown on Sheets C1.1 and C1.1A of the above referenced plans. The offsite portion of the Stephens and Clark Regulated Drain is currently subject to reconstruction and was approved on February 24, 2020.

The reconstruction of the Stephens and Clark Drain shall begin in the southwest corner of the subdivision at Station 73+21 per the drains original 1915 description and new Structure 107 per the plans. The drain runs for 47 feet with 60" RCP to new Structure 106 then runs south for 282 feet with 60" RCP to new Structure 105 per the plans. The drain then turns east and runs for 203 feet with 60" RCP to new Structure 104 per the plans. The drain continues east for 202 feet with 60" RCP to new Structure 103 per the plans. The drain then turns south and runs for 94 feet with 60" RCP to Structure 102 per the plans.

The drain then turns southeast and crosses under 193rd Street running for 229 feet with 60" RCP to Structure 101 per the plans. The drain continues southeast for 233 feet with 48x76" RCP to end section Structure 100 and outlets into the existing channel constructed with the Emory Trace Subdivision at Station 82+55 per the drains original description. Plan and profile of the new regulated drain can be found on Sheets C6.0 and C6.0A of the afore mentioned plans.

The reconstructed drain shall consist of the following:

60" RCP	1,057 feet
48"x76" RCP	233 feet

The total length of the reconstructed drain will be 1,290 feet. The existing Stephens and Clark Drain will be removed from Station 73+21 to Station 82+55 per the drain's original description. The proposal will increase the length of regulated drain by 356 feet.

The overall cost of reconstruction will be paid by Olthoff Homes.

The petitioner has provided the Performance Bond as follows:

Storm Sewers

Bonding Company: Lexon Insurance Com
Bond Number: LICX1196190
Bond Date: October 27, 2020
Bond Amount: \$586,964.40

Erosion Control

Bonding Company: Lexon Insurance Com
Bond Number: LICX1196191
Bond Date: October 27, 2020
Bond Amount: \$84,689.00

I recommend that upon approval of the above proposed drain that the Board also approve the attached non-enforcement request for Atwater Section 1. The non-enforcement is for the altering of the regulated drain easement widths as shown in the above referenced plans and secondary plat prepared by Kimley Horn and Associates Inc.

I recommend that the Board set a hearing for this proposed drain for September 27, 2021.

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll"

Hamilton County Drainage Board
September 27, 2021

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

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

The Surveyor presented a non-enforcement request for the Stephens & Clark Drain, Atwater Arm to the Board for approval.

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

"FINDINGS AND ORDER

CONCERNING THE PARTIAL VACATION OF THE

Little Eagle Creek Drain, Stephens & Clark Arm, Atwater

Station 73+21 to Station 82+55

On this **27th day of September, 2021**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Little Eagle Creek Drain, Stephens & Clark Arm, Atwater (Station 73+21 to Station 82+55)**.

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, Stephens & Clark Arm, Atwater (Station 73+21 to Station 82+55)**.

HAMILTON COUNTY DRAINAGE BOARD

Steven C. Dillinger
President

Christine Altman
Member

Mark Heirbrandt
Member

Attest: Lynette Mosbaugh "

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

IN THE MATTER OF THE
RECONSTRUCTION OF THE
Little Eagle Creek Drain, Stephens & Clark Arm, Atwater

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the **Little Eagle Creek Drain, Stephens & Clark Arm, Atwater** came before the Hamilton County Drainage Board for hearing **on September 27, 2021**, 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, Stephens & Clark Arm, Atwater** 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

Steven C. Dillinger
PRESIDENT

Christine Altman
Member

Mark Heirbrandt
Member

ATTEST: Lynette Mosbaugh
Executive Secretary "

Little Eagle Creek Drain, Alva Osborn Arm - Atwater:

There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"August 6, 2021

TO: Hamilton County Drainage Board

RE: Little Eagle Creek, Alva Osborn Drain-Atwater

Attached is a petition and plans for the proposed reconstruction of the Alva Osborn Drain. The reconstruction is being proposed by Olthoff Homes. The proposal is one part of a three part plan to reconstruct the Alva Osborne, George Coverdale and Stephens and Clark Drains as a part of the master plan for the Atwater Subdivision. The reconstructions are per plans by HWC Engineering, having Job No. 2019-157-A and dated January 3, 2020.

The new system described in this report will intercept the George Coverdale and Alva Osborn Drains in the form of a new open ditch running from west to east and then south along the north and east limits of the Atwater Subdivision. An overview of the new ditch can be found on Sheet C1.16 labeled Emergency Flood Route.

The Reconstruction of the Alva Osborn Drain shall begin at the northern limits of the subdivision at Station 85+53 per the drains original 1914 description and at the proposed Structure 289 as shown on Sheets C1.18 and C6.5 in the above referenced plans. The drain then runs south for 26 feet with 60" RCP before outletting into the new open ditch at Structure 288 per the plans. This is located at Station 20+45 per the profile on Sheet C1.18 of the plans. The new open ditch then runs east for 255 feet before turning south at Station 23+00 of the profile and running for 666 feet before outletting into a box culvert at Station 29+66 which runs for 94 feet to Station 30+60 thence continuing as an open ditch another 334 feet before outletting into a culvert which will run beneath Six Points Road for 95 feet before outletting into the existing Alva Osborn Open Ditch as shown on Sheet C1.19 of the plans. The existing tile for the Alva Osborn Drain will be removed from Station 85+53 to Station 97+93 per the original 1914 Alva Osborn description. The entirety of the 1978/2002 SCS Outlet Reconstruction Arm at Six Points Road beginning at approximately Station 96+93 per the Alva Osborn original description and running south for 80 feet before emptying into an aluminum drop structure will also be reconstructed as part of this project.

The reconstructed drain shall consist of the following:

60" RCP	26 feet
72"x60" Box Culvert	94 feet
96"x72" Box Culvert	95 feet
Open Ditch	1,361 feet

The total length of the reconstructed drain was 1,576 feet. The proposal will increase the length of regulated drain by 436 feet.

The overall cost of reconstruction will be paid by Olthoff Homes.

The petitioner has provided the Performance Bond as follows:

Storm Sewers

Bonding Company: Lexon Insurance Com
Bond Number: LICX1196190
Bond Date: October 27, 2020
Bond Amount: \$586,964.40

Erosion Control

Bonding Company: Lexon Insurance Com
Bond Number: LICX1196191
Bond Date: October 27, 2020
Bond Amount: \$84,689.00

Two offsite easements have been granted with the reconstruction of the Alva Osborn Drain and are located on two separate parcels, parcel 08-05-22-00-00-020.000 owned by Carey & Son's, Inc. and parcel 08-05-22-00-00-020.001 owned by Steven M. & Linda L. Osborne. Prior to the hearing, the easement grants have been reviewed approved and Recorded Instrument Numbers 2021035342 and 2021035253 respectively.

I recommend that upon approval of the above proposed drain that the Board also approve the attached non-enforcement request. The non-enforcement is for the altering of the regulated drain easement widths as shown in the above referenced plans and secondary plat for Atwater.

I recommend that the Board set a hearing for this proposed drain for September 27, 2021.

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll"

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

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

The Surveyor presented a non-enforcement request for the Alva Osborn Drain, Atwater Arm to the Board for approval.

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

"FINDINGS AND ORDER

CONCERNING THE PARTIAL VACATION OF THE

Little Eagle Creek Drain, Alva Osborn Arm, Atwater

Station 85+53 to Station 97+93

On this **27th day of September, 2021**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Little Eagle Creek Drain, Alva Osborn Arm, Atwater (Station 85+53 to Station 97+93)**.

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, Alva Osborn Arm, Atwater (Station 85+53 to Station 97+93)**.

HAMILTON COUNTY DRAINAGE BOARD

Steven C. Dillinger
President

Christine Altman
Member

Mark Heirbrandt
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, Alva Osborn Arm, Atwater

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the **Little Eagle Creek Drain, Alva Osborn Arm, Atwater** came before the Hamilton County Drainage Board for hearing **on September 27, 2021**, 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, Alva Osborn Arm, Atwater** 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

Steven C. Dillinger
PRESIDENT

Christine Altman
Member

Mark Heirbrandt
Member

ATTEST: Lynette Mosbaugh
Executive Secretary "

Little Eagle Creek Drain, George Coverdale Arm - Atwater:

There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"August 9, 2021

TO: Hamilton County Drainage Board

RE: Little Eagle Creek, George Coverdale Drain-Atwater

Attached is a petition and plans for the proposed reconstruction of the George Coverdale Drain. The reconstruction is being proposed by Olthoff Homes. The proposal is one part of a three-part plan to reconstruct Alva Osborne, George Coverdale and Stephens & Clark Regulated Drains as a part of the master plan for the Atwater Subdivision. The reconstructions are per plans by HWC Engineering, having Job No. 2019-157-A and dated January 3, 2020.

The new system described in this report will intercept the George Coverdale Drain in the form of a new open ditch running from west to east and entering the reconstructed Alva Osborne Drain at Station 20+45 of the new open ditch as described in my report for the Little Eagle Creek, Alva Osborne Drain - Atwater dated August 6, 2021.

The reconstruction of the George Coverdale Drain shall begin at the northern limits of the subdivision at Station 13+14 per the drain's original 1914 description and at proposed Structure 291 as shown in the plans. The drain then runs south for 19 feet with 42" RCP before outletting into the new open ditch at Structure 290 per the plans which is at Station 12+01 per the profile on Sheet C1.17 of the plans. The bypass swale then runs east for 845 feet before merging with the Alva Osborne Drain at existing Station 85+53 per the Alva Osborne Drain's original description and Station 20+45 per the profile on Sheet C1.18 of the plans.

The reconstructed drain shall consist of the following:

Open Ditch	845 feet
42" RCP	19 feet

The total length of the new reconstructed drain will be 864 feet. The 95 feet of the original drain from Station 13+14 to Station 14+09 is to be removed and vacated. The original drain and associated easement from Station 14+09 to Station 19+76 is to remain until a later phase of development. The 1,024 feet of the George Coverdale Drain between Station 19+76 and Station 30+00 is to be vacated with the development of Atwater Section 1. The proposal will reduce the overall length of regulated drain by 255 feet.

The overall cost of reconstruction will be paid by Olthoff Homes.

The petitioner has provided the Performance Bond as follows:

Storm Sewers

Bonding Company: Lexon Insurance Com
Bond Number: LICX1196190
Bond Date: October 27, 2020
Bond Amount: \$586,964.40

Erosion Control

Bonding Company: Lexon Insurance Com
Bond Number: LICX1196191
Bond Date: October 27, 2020
Bond Amount: \$84,689.00

I recommend that upon approval of the above proposed drain that the Board also approve the attached non-enforcement request for Atwater Section 1. The non-enforcement is for the altering of the regulated drain easement widths as shown in the above referenced plans and secondary plat designed by Kimley Horn and Associates Inc.

An offsite easement has been granted with the reconstruction of the George Coverdale Drain and is located on the following parcel number 08-05-22-00-00-020.000 owned by Carey & Sons, Inc. Prior to the hearing, the easement grant has been reviewed, approved and recorded as Instrument Number: 2021035342.

I recommend that the board set a hearing for this proposed drain for September 27,, 2021.

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll"

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

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

The Surveyor presented a non-enforcement request for the George Coverdale Drain, Atwater Arm to the Board for approval.

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

"FINDINGS AND ORDER

CONCERNING THE PARTIAL VACATION OF THE

Little Eagle Creek Drain, George Coverdale Arm, Atwater

Station 13+14 to Station 14+09 & Station 19+76 to Station 30+00

On this **27th day of September, 2021**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Little Eagle Creek Drain, George Coverdale Arm, Atwater (Station 13+14 to Station 14+09 and Station 19+76 to Station 30+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 **Little Eagle Creek Drain, George Coverdale Arm, Atwater (Station 13+14 to Station 14+09 and Station 19+76 to Station 30+00)**.

HAMILTON COUNTY DRAINAGE BOARD

Steven C. Dillinger
President

Christine Altman
Member

Mark Heirbrandt
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, George Coverdale Arm, Atwater

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the **Little Eagle Creek Drain, George Coverdale Arm, Atwater** came before the Hamilton County Drainage Board for hearing **on September 27, 2021**, 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, George Coverdale Arm, Atwater** 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

Steven C. Dillinger
PRESIDENT

Christine Altman
Member

Mark Heirbrandt
Member

ATTEST: Lynette Mosbaugh
Executive Secretary

”

McMahon-Overdorf Drain - Washington Business Park Partial Vacation:

There were no objections on file. Mr. Andrew Greenwood was present for this item.

The Surveyor presented his report to the Board for approval.

“August 4, 2021

TO: Hamilton County Drainage Board

RE: McMahon-Overdorf Drain, Washington Business Park Partial Vacation

Attached is a petition to vacate a portion of the McMahon-Overdorf Drain by Andrew Greenwood of Patch Development, LLC to facilitate the construction of Washington Business Park. The proposal is to vacate a portion of the existing drain that is located in the southwest part of the project site, east of SR37. This affects the following existing parcels: 10-11-18-00-00-010.000 and 10-11-18-00-00-010.001 owned by Patch McNally LLC. Instr. No: 2021-41899.

The portion of the McMahon-Overdorf Drain to be vacated will be 973' of 15" tile installed in 1912 between existing stations 24+50 and 34+23.

This request will remove 973 feet of existing drain from the drain's total length.

The vacation of this part of the drain will not change the assessment. The parcels affected by this vacation will continue to drain within the watershed of the McMahon-Overdorf Drain.

Previously, in 2004, a portion of the drain was relocated on parcel 10-11-18-00-00-010.000 and is known as the McMahon-Overdorf Drain, Noblesville Business Park Reconstruction, which was approved by the Board on June 28, 2004 as per my letter dated February 10, 2003 (See Hamilton County Drainage Board Minutes Book 7, pages 5 - 8 for more information).

The original McMahon-Overdorf Drain was established per Commissioner's Court records dated November 20, 1912 (O.B. No. 23, page 324). This included the reconstruction of the JR Christian Drain which was previously established per Commissioner's Court records dated October 3, 1882.

Upon review of the request, I believe the above portion of the drain meets the requirements for vacation as set out in IC-36-9-27-34(d). In my opinion, the vacation will not adversely affect other property owners within the drainage shed. I recommend the Board set a hearing date for September 27, 2021.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/stc”

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

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

Hamilton County Drainage Board
September 27, 2021

Altman asked is there no reconstruction on this?

The Surveyor stated no.

Altman asked could you explain why?

The Surveyor stated the drain along S.R. 37 will not be touched. The arm that is being vacated goes up to the pond between S.R. 37.

Altman asked so they're going to capture the water there and use the other drainage?

The Surveyor stated yes, it's already basically cut off, but we wanted to keep it until it was developed not knowing what was going to happen.

The motion had been made and seconded to approve the partial vacation and approved unanimously.

"FINDINGS AND ORDER

CONCERNING THE PARTIAL VACATION OF THE

McMahon-Overdorf Drain, Washington Business Park Partial Vacation

Station 24+50 to Station 34+23

On this **27th day of September, 2021**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **McMahon-Overdorf Drain, Washington Business Park Partial Vacation (Station 24+50 to Station 34+23)**.

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 **McMahon-Overdorf Drain, Washington Business Park Partial Vacation (Station 24+50 to Station 34+23)**.

HAMILTON COUNTY DRAINAGE BOARD

Steven C. Dillinger

President

Christine Altman

Member

Mark Heirbrandt

Member

Attest: Lynette Mosbaugh "

Professional Services Agreement - Mary Wilson Drain/Oak Park Drain:

The Surveyor presented a Professional Services Agreement from Banning Engineering for the Mary Wilson Drain/Oak Park Drain in the amount of \$28,017.00 for survey work.

Heirbrandt made the motion to approve the Professional Services Agreement with Banning Engineering for the Mary Wilson Drain/Oak Park Drain in the amount of \$28,017.00 for survey work, seconded by Altman and approved unanimously.

Professional Services Agreement - J. S. McCarty Drain Phase 2:

The Surveyor presented a Professional Services Agreement from Banning Engineering for the J. S. McCarty Drain Phase 2 in the amount of \$15,000.00 for survey work.

Heirbrandt made the motion to approve the Professional Services Agreement with Banning Engineering for the J. S. McCarty Drain Phase 2 in the amount of \$15,000.00 for survey work, seconded by Altman and approved unanimously.

Professional Services Agreement - J. S. McCarty Drain Phase 3:

The Surveyor presented a Professional Services Agreement from Banning Engineering for the J. S. McCarty Drain Phase 3 in the amount of \$21,000.00 for survey work.

Heirbrandt made the motion to approve the Professional Services Agreement with Banning Engineering for the J. S. McCarty Drain Phase 3 in the amount of \$21,000.00 for survey work, seconded by Altman and approved unanimously.

Professional Services Agreement - Martha Darrah Drain:

The Surveyor presented a Professional Services Agreement from Banning Engineering for the Martha Darrah Drain in the amount of \$20,306.00 for survey work.

Heirbrandt made the motion to approve the Professional Services Agreement with Banning Engineering for the Martha Darrah Drain in the amount of \$20,306.00 for survey work, seconded by Altman and approved unanimously.

Professional Services Agreement - Jacob Yansel:

The Surveyor presented a Professional Services Agreement from Banning Engineering for the Jacob Yansel Drain in the amount of \$17,150.00 for survey work.

Heirbrandt made the motion to approve the Professional Services Agreement with Banning Engineering for the Jacob Yansel Drain in the amount of \$17,150.00 for survey work, seconded by Altman and approved unanimously.

Elizabeth Lynch/Wilson-Nagle Drain - Hydraulic Study:

The Surveyor stated you have the executive summary of the study on the Elizabeth Lynch, Mary Wilson Drain by VS Engineering.

Altman asked is there a picture depicting the alternatives at all?

The Surveyor stated there is, but it's for each one. If you would like those, I can have them printed off for you.

Altman asked what's your recommendation? Do they all function substantially the same so we can look at cost? That's what we're missing when we get a four-page summary.

The Surveyor stated they're all kind of different. We have submitted that to the group for the Arcadia Study that we've put together. Commonwealth is Arcadia's engineer and we've given the study to them also. We're meeting Thursday.

Altman stated so you'll go through all these alternatives, the pros, cons, what they look like and all that other stuff.

Heirbrandt stated we have a Committee together.

Altman stated so this is more for our information.

The Surveyor stated yes.

Hamilton County Water Availability Study - Invoice:

The Surveyor stated you have before you the first bill for INTERA, \$59,600.00 has been done so far. This is for the Board's information. This will be coming before the Commissioner's this afternoon.

Altman asked you're vetting everything on billing?

The Surveyor stated yes.

Heirbrandt stated we went through an email chain on how these invoices would be vetted.

Citizens Energy Group - Service Advisory Board Minutes of August 17, 2021:

The Surveyor presented the minutes of August 17, 2021 of the Service Advisory Board to the Board for their information. There is one thing I should point out on the second from the last page under other business and the question I asked.

Altman asked the Surveyor, will you follow up?

The Surveyor stated I have that on my calendar.

Final Reports:

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

"To: Hamilton County Drainage Board

September 17, 2021

Re: Vermillion Drain: The Enclave at Vermillion Sec. 5

Attached are as-built, certificate of completion & compliance, and other information for Enclave at Vermillion Sec. 5. 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 November 13, 2020. The report was approved by the Board at the hearing held December 14, 2020. (See Drainage Board Minutes Book 19, Pages 435-437)

The changes are as follows: the open ditch was lengthened from 877 feet to 944 feet. This is due to the open ditch from structure 106 to 936 being included in this final report and removed from the Enclave at Vermillion Section 4 final report. The 12" RCP was shortened from 781 feet to 774 feet. The 15" RCP was shortened from 302 feet to 300 feet. The 18" RCP was unchanged at 307 feet. The 21" RCP was shortened from 358 feet to 357 feet. The 24" RCP was lengthened from 79 feet to 86 feet. The 6" SSD was shortened from 4,918 feet to 4,820 feet.

The length of the drain due to the changes described above is now **7,588 feet**.

The non-enforcement was approved by the Board at its meeting on December 14, 2020 and recorded under instrument #2021060076.

The following sureties were guaranteed by Standard Financial Corp. and released by the Board on its September 13, 2021 meeting.

Bond-LC No: 1404ENC5
Amount: \$179,348.40
For: Storm Sewers
Issue Date: October 28, 2020

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

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor"

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

Award Contract - Canal Place Drain, Strongbow Gate Arm Reconstruction:

Duncan presented his recommendation to the Board for approval.

"September 24, 2021

Hamilton County Drainage Board

RE: Canal Place Drain Strongbow Gate Arm Reconstruction Bid Award Recommendation

Dear Board Members:

At the meeting of the Drainage Board on September 10, 2021 one bid was received for the Canal Place Drain Strongbow Gate Arm Reconstruction project.

The bid received was from Agricon, Inc. in the amount of \$106,750.00. The Engineer's Estimate, including a 30% contingency, was \$62,150.00.

The Hamilton County Surveyors Office reviewed the Agricon, Inc. bid submittal and found it to be complete.

At the July 26, 2021 Drainage Board meeting, the Board approved funding this project from the maintenance fund for this drain. The most current maintenance fund balance is \$157,102.97.

While the bid is more than the Engineer's Estimate, 75% of the balance of the maintenance fund is still enough to pay for the cost of the project. The Surveyor recommends that the contract be awarded to Agricon, Inc. in the amount of \$106,750.00.

Sincerely,

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

Altman asked is this an aberration currently like the lumber prices were or do we expect to have that inflation permanent?

The Surveyor stated I see this going into next year.

Altman asked what's the critical nature of this. That's a significant bite out of maintenance.

The Surveyor this will solve the problem at 104th Street just east of Olio Road flooding.

Hamilton County Drainage Board
September 27, 2021

Altman asked is most of it allocated to Highway then or to a municipality?

The Surveyor stated no, it's all on the regulated drain.

Altman stated to me if it's a short-term problem, it takes a long time to build up that maintenance fund and I hate to eat it up because of material costs unless it's critical and I can't judge that.

The Surveyor stated Fishers has been asking for us to fix the drain for about a year and a half now because they've been getting a lot of calls on it and I believe we have too.

Heirbrandt stated I think we need to fix it. I totally understand where you're coming from.

Altman stated if it's a problem with the road it seems like there ought to be an assessment of benefits to the municipality. I think maybe that discussion needs to be had as to the over run. I can't vote for this.

Duncan stated the pipe under the road is adequately sized. It's a matter of the water getting from the pond, which all the upstream watershed drains through to that pipe, so this project actually allows the water from the pond to get into the pipe under 104th Street. The pipe under the road is actually a large pipe.

The Surveyor stated I think it's a 30" pipe under the road.

Duncan stated I think it's larger than that.

Heirbrandt asked do you foresee any other future projects in that area that might deplete any maintenance funds?

The Surveyor stated I don't see any. Everything else seems to be working well until it gets to that junction.

Heirbrandt made the motion to award the contract for Canal Place Drain, Strongbow Gate Arm in the amount of \$106,750.00 to Agricon, Inc., seconded by Dillinger and approved. Altman opposed.

Non-enforcements:

Clark presented a non-enforcement request for the Johnson & Gardner Drain filed by Michael and Laura Murphy for parcel #08-05-29-00-00-027.001 for a garage and gravel driveway. The Surveyor's Office recommends approval.

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

Clark presented a non-enforcement request for the Cool Creek Drain, Springmill Ponds Arm filed by Jonathan Petruch for parcel #17-09-23-01-06-017.000 for a fence. The Surveyor's Office recommends approval.

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

Clark presented a non-enforcement request for the Cool Creek Drain filed by Citizens Wastewater of Westfield, LLC for parcel #08-05-25-00-00-56.000 for a sanitary lift station. The Surveyor's Office recommends approval.

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

Clark presented a non-enforcement request for the Village of West Clay Drain filed by Rajat Gupta for parcel #17-09-28-00-46-005.000 for a fence and firepit. The Surveyor's Office recommends approval.

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

Clark presented a non-enforcement request for the Elizabeth Warner Drain filed by Mahbod and Margaret Aziminia for parcel #17-10-23-00-11-015.000 for a fence. The Surveyor's Office recommends approval.

Heirbrandt 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, J. R. Collins #1 Arm filed by Christina Jesse and Austin Motz for parcel #16-09-26-00-01-007.000 for a fence. The Surveyor's Office recommends approval.

Heirbrandt 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, Westmont Arm filed by Hope Christine Traill for parcel #17-09-21-00-21-009.000 for a pergola over existing patio with support system. The Surveyor's Office recommends approval.

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

Liston presented a non-enforcement request for the Paulsel, Vance & Paulsel Drain filed by Victoria Howard and Jason Fried for parcel #10-10-14-00-07-004.000 for a fence. The Surveyor's Office recommends approval.

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

Liston presented a non-enforcement request for the Vermillion Drain, Enclave at Vermillion Arm filed by Tim and Sherry Dwyer for parcel #13-16-08-00-21-031.000 for a fence. The Surveyor's Office recommends approval.

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

Intracoastal at Geist Drain Reconstruction - Revised Quote:

Liston presented his report to the Board for approval.

"September 10, 2021

TO: Hamilton County Drainage Board

RE: Intracoastal Drain Reconstruction - Revised Quote

Attached is a revised quote from Agricon Inc. for the proposed Intracoastal Drain Reconstruction on hold due to utility conflicts.

The contracted cost for the reconstruction was for **\$100,148.30**. Agricon was awarded the contract on 11/23/2020 (HCDB Minutes Book 19, Page 422). The revised cost from Agricon is **\$106,881.40**, an increase of **\$6,733.10**.

The increase is due to price increase of materials and current pricing, availability, and shortages of materials due to related COVID 19 issues statewide.

Agricon has a performance surety on file for the reconstruction. If the project is delayed past February 2, 2022 additional cost increases may be incurred to the contract.

Using the bid figure rather than the figure of the engineer's estimate the cost of the project was as follows.

Construction Costs	\$100,148.30
15% Contingency	<u>\$ 15,022.25</u>
	\$115,170.55
Study	\$ 28,000.00
Engineering	<u>\$ 33,000.00</u>
	\$176,170.55

The Surveyor's report to the Board proposed the costs for the reconstruction be distributed as follows: (HCDB Minutes Book 19, Pages 417-418)

City of Fishers	\$ 44,000.00
Drain Maintenance Fund	\$ 48,119.09
General Drain Improvement Fund (GDIF)	<u>\$ 84,051.46</u>
	\$176,170.55

The GDIF would be paid back using 75% of future year's annual assessment. This would-be payments of \$8,874.08 per year over Ten (10) years.

Respectfully,

Jerry L. Liston
New Construction Inspection"

Heirbrandt made the motion to approve the revised quote for the Intracoastal at Geist Drain Reconstruction, seconded by Altman and approved unanimously.

The Surveyor stated Intracoastal is also the project that we're waiting on Duke Energy to get on the ball and move their lines. That would be a transformer. This is the one where they have to shut down the entire subdivision.

Howard stated they sent us a form that they use for INDOT. Gary (Duncan) provided some documentation that we denied signing that form before because it wasn't applicable, but I think we're dealing with structured people. We're still working on that. The Surveyor came back with a fairly terse response last week and we're waiting to hear back.

Heirbrandt stated we did get a response back from them.

The Surveyor stated we did, but it wasn't the response I wanted to hear. I am going to ask the Board today to consider holding Duke Energy permits until this is resolved. We've got to get their attention somehow.

Heirbrandt made the motion to hold all Duke Energy permits until the problem with Intracoastal at Geist is resolved, seconded by Altman and approved unanimously.

Altman asked should we do that also at the Commissioner level?

Howard stated at the Commissioner level and that was added expressly to the Drainage Easement as one of your remedies under the "may" so we probably want to pass the ordinance in final form before we go in there. A lot of wordsmithing on that ordinance was the term "easement, platted easement, dedicated easement and regulated easement" were all kind of generically in different places and we attempted to consolidate those all into one package. We do not differentiate on those.

Altman asked are we taking the position even on existing plats, that we're superior?

Howard stated and on a go forward basis we are requiring them to submit; if a developer has a DU&E and that's really our villain is combining those that we will look at those and specifically decide where they're going and where we're going so this problem; this is the text book of trusting utilities to pay attention, this Intracoastal thing.

Altman stated they're all done by contractors and they want to get in and out.

Howard stated yes.

Altman stated they're not long termers that are installing.

Howard stated not very responsive.

The Surveyor stated they've got gypsies all over the place doing this work.

Howard stated Connor (Sullivan) shared with me as we were walking over that the Government of Singapore is looking to buy a lot of Duke's, so we're not only going from decentralized locally to lack of responsiveness and it's not going to get any better. I think holding permits, that's the only way you can get the people's attention because all they know, they've got a checklist.

Altman asked has anybody brought that possible acquisition up to the attention of the General Assembly?

Sullivan stated I do believe the proper agencies are trying to...

Howard asked the IURC?

Altman stated that one is scary.

Sullivan stated I think they brought it up and they got hit pretty hard back and I don't know what they've done since about it.

Altman stated if you control the utilities you've got a stranglehold on a country.

The Surveyor stated I had three or four plats that I was holding onto because I wanted to have this done first so we could put the easement language on the plat and make sure that we don't run into this problem in the future. Howard was able to give us that language Friday.

Altman asked so you just went ahead and put it on the plat so you could move that project away?

The Surveyor stated we've told the engineers to do so.

Altman stated as long as you get it on the plat we should be okay because we'll still take 30 days publication before it's effective.

Howard stated as far as the penalty section. I believe the effectiveness as to the approval process can be made immediately. It's the publication of notice that's an issue.

Altman stated I just don't want to hold up developments. If they'll voluntarily put it on a plat, we've got it done.

Construction Updates:

Intracoastal at Geist Drain - Liston stated we just spoke about this project.

Mallery-Granger Drain Reconstruction - Liston stated I just completed my inspection with the contractor on Friday and I'm in the process of putting together my punch list letter.

Canal Place Drain, Strongbow Gate Arm - Liston stated we heard from an authority of the utilities and we're still waiting on a response from Comcast.

Duncan stated I met with NineStar on site and they potholed their utilities and we surveyed the elevation.

Liston stated there appears not to be any conflicts there.

Ellis Barker Drain Reconstruction - Cline stated Morphey is gearing up to finish the project next Monday so hopefully by the end of next week this project will be done.

Clara Knotts Drain, Park Broadway Arm - Cline stated I haven't heard anything from Carmel Water. That's the only hold up on this project.

Ream Creek Drain Reconstruction, Orchard Park Arm - Cline stated we're getting ready for a preconstruction meeting.

Altman asked who's on Carmel to get that done? Not hearing is not acceptable. We need to get them moved.

The Surveyor stated I'm meeting with Jeremy (Kashman) tomorrow.

Altman stated it's their jurisdiction, they're helping to pay for it, they need to get it done.

The Surveyor stated they've been asking when it's going to get done; we're waiting on you.

Duncan stated we've been emailing the utility, but also in the engineering department they have a utility coordinator position and we've been trying to have them push as well.

Drainage Board Attorney (Pending Items):

Milestone Easement - Howard stated at your last meeting one of the things you brought up was the situation with Milestone down along River Road. I did contact their attorney they evidently informed you that they'd sent an easement and she said "yes, we did send an easement and you've had the same one all along". The only entity in that easement that has any enforcement authority whatsoever is the Army Corps. There's nothing in there that mentions us, and I look to the Board and the Surveyor's Office for where you want to proceed accordingly.

Altman stated send our easement in proper form and say, "here it is", our documentation. That will solve a lot of problems and either they choose to do it or we're going to have conflict down the road.

The Surveyor stated we've done that at least twice.

Altman stated that needs to be the response to theirs. Do I have concurrence?

Howard stated we'll work with the Surveyor's Office and see what we can get done.

Altman stated you go back and forth 52 times unless you just draw the line and say, "here it is". Apparently, they're trying to do the same thing.

Dillinger asked the Surveyor, do you agree with that?

The Surveyor stated yes. It's our ordinance that we're defending.

Altman stated otherwise we'll have everybody and their brother trying to change language.

The Surveyor stated exactly.

Utility/Drainage Ordinance - The Surveyor asked Howard, is this on today's agenda?

Howard stated yes. We sent out some amendments on Friday and it would be appropriate for this Board to recommend the ordinance as amended to the Commissioners.

Altman made the motion to recommend the ordinance to the Commissioner's for approval at today's meeting, seconded by Heirbrandt and approved unanimously.

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

Steven C. Dillinger - President

Lynette Mosbaugh
Executive Secretary