MINUTES OF THE HAMILTON COUNTY DRAINAGE BOARD

October 28, 2019

The meeting was called to order Monday October 28, 2019 at 9:06 a.m.

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

Approve Minutes of October 14, 2019:
The minutes of October 14, 2019 were presented to the Board for approval.

Heirbrandt made the motion to approve the minutes of October 14, 2019, seconded by Altman and approved. Holt abstained.

Bid Opening - F. M. Musselman Drain, Burnau Arm:
Mr. David Martin, Mr. Eric Bonderman and Mr. Alfred Hazelwood were present for this item.

Howard stated the first bid packet is from Hoosier Pride Excavating with all required forms present and a base bid in the amount of $387,735.92. This appears to be all the bids on this project. Do any persons know of any other bids; none appearing I recommend the bid be referred to the Surveyor’s Office for review and recommendation on November 12, 2019.

Heirbrandt made the motion to refer the bid to the Surveyor’s Office for review and recommendation at the Board’s November 12th meeting, seconded by Holt and approved unanimously.

52 5 Hearing - Meridian Suburban Drain, Franciscan Orthopedic Center Relocation:
There were neither landowners present nor objections on file.

Clark presented the Surveyor’s report to the Board for approval.

"October 4, 2019

To: Hamilton County Drainage Board

Re: Meridian Suburban Drain-Franciscan Orthopedic Center Relocation

Attached is a petition and plans for the proposed relocation of the Franciscan Orthopedic Center Drain. The relocation is being proposed by Meridian Development services LLC. The proposal is to reconstruct and relocate a small portion of the Meridian Suburban Regulated drain. The relocation is as shown per plans by Cripe Engineers, having job No. 7382 and dated June 19, 2019 on sheets C5 and C7-1.

125 feet of existing regulated drain is to be removed for this project. The relocation begins 67 feet west of existing Str. 10 at Sta. 2+19 of the Meridian Suburban Drain and is marked by new Str. 769 per the Cripe plan. The existing pipe to be removed runs westward along the North property line for 100 feet before stopping at existing Str. 11 and is 15” in diameter. The pipe then runs northward for 25 feet to existing Str. 11A and is 12” in diameter.

The relocation shall begin at new Str. 769 on the existing Meridian Suburban Drain and then run 25 feet north with 15” RCP to new Str. 770 per the plans. Then, turning west, a total of 100 feet with 15” RCP connects to existing Str. 11A (existing structure 771 per cripe plan.)

The cost of the relocation is to be paid by Meridian Development Services LLC. Because the project is to be paid by the petitioner and is within the boundaries of the petitioner’s property, the project falls under the requirements as set out in IC 36-9-27-52.5. Therefore, a noticed hearing is not required for the petitioner.

The petitioner has provided the Performance Bond as follows:

   Bonding Company: Zurich American Insurance Company
   Bond Number: 9325442
   Bond Date: October 15th, 2019
   Bond Amount: $26,706

I recommend that upon approval of the above proposed drain that the Board also approve the attached non-enforcement request. The nonenforcement is for the altering of the regulated drain easement widths as shown in the above referenced plans by Cripe Engineers on sheet C5.5.

I recommend approval of the relocation by the Board at this time.
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 Holt and approved unanimously.

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the Williams Creek Drainage Area, Meridian Suburban Arm, Franciscan Orthopedic Center Relocation came before the Hamilton County Drainage Board for hearing on May 28, 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 Williams Creek Drainage Area, Meridian Suburban Arm, Franciscan Orthopedic Center 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

Christine Altman
PRESIDENT

Mark Heirbrandt
Member

Steven A. Holt
Alternate Member

ATTEST: Lynette Mosbaugh
Executive Secretary“
Exit Ten, Republic Arm – Deferred Assessment for Deer Creek Point Investments:
The Surveyor stated a second notice has been mailed to the developer for the Deer Creek
Point Investments. This is part of a project within the E.E. Bennett, Exit Ten Regulated
Drain. The drain is in the deferred assessment area for the Bennett Drain and the
defered assessment amounts to $3,330.52. As I said the notice has gone out twice now
and we’re asking the Board to put this on the Tax Statement for collection.

Heirbrandt made the motion to approve placing the deferred assessment in the amount of
$3,330.52 on the Tax Statement for collection, seconded by Holt and approved unanimously.

Bellewood Drain Petition – Glen Oaks Arm:
The Surveyor stated we received a petition from Mr. Konow from Glen Oaks Subdivision.
The petition is light on signatures. Konow’s signature amounted to 4.77% of the drainage
shed. Per Statute we need 10% so I have sent him a letter back along with the original
petition asking him to gain more signatures.

Altman asked and you gave him a list of the folks in the shed?
The Surveyor stated I did.

Altman asked did he know that going in?
The Surveyor stated I don’t know if he did.

Heirbrandt stated I think originally when I met with him at his house, we talked about
everything. He didn’t realize he was going to have to go through this process. I’ve seen
the emails, we’re copied on them, so he understands what he has to do. He doesn’t think
he’s probably going to get them, but he’s going to do everything he can to try.

The Surveyor stated I don’t think he knew that he needed 10%.

Duncan stated before he signed the petition, we communicated that to him. He may not
remember what the 10% was, we didn’t delineate the watershed for him, but he did know
10%

Heirbrandt asked this is just for our information?
The Surveyor stated yes.

Cottingham Estates – Storm Sewer Inlets:
The Surveyor stated I believe you have photographs along with the report.

Altman asked is this the one on Conner Prairie?
The Surveyor stated no, this is in Cottingham Estates. This is a request from Fishers;
and we get these all the time from the cities and towns and also the County Highway.
They have a tendency, the Street Departments and the Highway Departments, of not doing a
good job when it comes to paving up to inlets.

Altman asked should this have been milled and then repaved?
The Surveyor stated I think so or at least paved so that it didn’t have a drop to it.
There’s a five-inch drop on one of these. They’re complaining about the drop.

Heirbrandt asked who’s complaining about it?
The Surveyor stated it’s the homeowners and I think it goes back to the way that they’re
paved. I don’t see that this is a drainage issue.

Altman asked has anybody gone out to see whether it is just asphalt build up?
The Surveyor stated yes, these photos were taken by Steve Baitz.

Altman asked Baitz, it is just additional asphalt they’ve applied?
Baitz stated correct. The top of the castings still match the existing curb and the
flowline of the casting matches the concrete curb and gutter that was installed. Asphalt
has been built up above. They’ve paved over the gutter line.

Altman asked so what are we going to do here?
The Surveyor stated I think just communicate with the cities and towns and the County
Highway that when you pave up to these inlets and manholes that you do a proper job in
grading.

Heirbrandt asked did you respond back to Jason (Armour) on this? It says, “would the
county be okay with either one of those options”?
The Surveyor stated I told Jason that it was going to go to the Board today.

Altman asked do we want to authorize them to do repairs or not? Or ask that we do them.

Hamilton County Drainage Board
October 28, 2019
Heirbrandt stated I think the Surveyor gave them a couple of options.
The Surveyor stated I think it should just be milled.
Altman stated I know, but do we want to control the work or are we going to allow Fishers to do it on those inlets? That’s really the question. It will be their cost.
Heirbrandt stated they do it with us checking it after it’s complete.
Howard stated I think in the document from a liability standpoint, people walk along these neighborhood streets at night and ride bikes and there’s a five inch drop off in the middle of the gutter it sounds like. I’d like to make some edits to that letter because essentially to the extent we are in charge of the drainage there we want to make sure that we’re putting them on notice that; I think we want to basically say, “we don’t approve of your process and you need to understand that if there’s an injury that arises out of this, which might be dangerous, we’re going to be looking for you for indemnification”.
Altman asked should we send that same letter saying, “its come to our attention that this practice continues to exist in the county along our inlets” and give that to each jurisdiction?
Howard stated it probably wouldn’t hurt.
Altman stated they really ought to amend their paving contracts to require milling when they hit those.
Howard stated it’s a lot cheaper to put down two inches more surface than it is to mill and put it down two inch more surface. It’s their standard and they’re maintaining the streets.
Holt stated you say Highway is making the same request, would it make sense to run this by Brad (Davis) and see if he has an alternate suggestion for what goes in the letter if he’s one of the askers as well?
Heirbrandt stated yes.
Howard stated there probably aren’t too many county ones left, I would guess.
Holt stated but they’re doing specs for repaving where these exist, and he may have some thoughts.
Howard stated we’ll work on that.
Altman stated yes, because this really is an issue. Brad (Davis) might be helpful on a spec change with his contract.
Howard stated if we recommend a spec for him, we’re doing everything for them. All they have to do is put the spec in.
Altman stated it’s easier with sewers because they have other collars they can stack on top to match pavement. I don’t know how you fix this.
Howard stated you’ve got to have an inlet.
The Surveyor stated one of the things that Steve (Baizt) observed is items like this you raise that inlet and then you’ve got a hump in the grass because the back of the inlet is going to come up with it.
Heirbrandt made the motion to have the Surveyor and Howard coordinate with Brad Davis to write a letter to each one of the cities and towns regarding the sewer outlets and what needs to be completed for proper drainage, seconded by Holt and approved unanimously.
Altman stated sooner rather than later because that is an issue.
Howard stated it’s at the end of paving season, but we’re in design for next year.
Altman stated people are using those streets.

**Clara Knotts Drain – Pipelining Discussion:**
Ms. Aimee Jacobsen was present for this item.

Jacobsen stated I came this morning, I wanted to apologize, it was my office’s responsibility to perform the environmental review as part of the federal requirements for the funding. Although there is Community Development Block Grant Funds that are allocated for the Clara Knotts Drain and other storm drainage improvements the funds are not available until the environmental review is completed. It came to my attention just last week that the environmental review had not been completed. It’s my responsibility, I’m sorry. Those funds are still available. Between 2018 and 2019 funds there’s a total of $634,344.00 available and once the environmental review process is completed the funds will be available for additional projects as long as they’re in eligible areas. The
environmental review process takes about 60 days and I will make sure that is done in the future. I’m very sorry to delay this project.

Altman asked can this project move forward without that being done with reimbursement?

Jacobsen stated no, the environmental review has to be first.

Heirbrandt stated if it’s done right now there’s an extra cost to heat up the paving material.

Howard stated I talked to the Surveyor about this and having been involved with our friends in Chicago, HUD, on a separate issue we deal everyday with bureaucracies up the food chain not being sympathetic to implementation issues and I think we could possibly put a lot of our funding in peril. I don’t think we have any alternative, but to wait on it to come and then we bid it. You talk about the price going up with heating, we may have a dewatering problem in the spring. It’s a project that really needs to go now, but I don’t think we have any choice.

Altman stated we don’t have the funding to do it otherwise, it’s not been allocated. Have we talked with the contractor?

The Surveyor stated that Baitz has been in communication with the contractor.

Baitz stated they’re just in a holding pattern right now until we have some decisions.

Altman stated I don’t think we have a choice, but to defer.

Howard asked could we get a commitment from them to hold that bid? See if we can get that commitment so when the funding does become available, we know whether or not we need to return back to pre-bid and whether or not we can proceed accordingly.

The Surveyor stated I think we’ve been holding this bid since May.

Howard stated if he says “no” we need to know sooner rather than later.

Altman stated I’d like to extend it before it expires.

The Surveyor stated there is another method. Go ahead and do the work and call it an emergency because I think we are working on borrowed time at this point. I don’t want to see anything happen like we had in July of 2017 where we had the collapse. That’s the same type of pipe that we’ve got in this 200-feet that we’re looking at doing. We were lucky last time.

Heirbrandt stated that was a major catastrophe.

Altman stated it was such a disruption and expense.

Howard asked where would we get the money? I think the problem is if the work is being done it taints and we’re going to have to find another funding source.

The Surveyor stated the idea I have is call it an emergency, do it on GDIF, turn around in January and then assess the people $241.00 per lot and $723.00 per acre for the commercial and replace the money in GDIF that way.

Howard stated so you would basically do it through a reconstruction, leave the federal money intact and find another way to spend it another day. That’s a Board call. That would satisfy the problem, we’d just put another project as a place saver for that money. That would work wouldn’t it?

Jacobsen stated yes.

Altman asked how are we going to get it done without going through the process of public hearing? We’ll be back behind the 60 days regardless. Did you go ahead and initiate the environmental last week?

Jacobsen stated it will be completed by tomorrow, the process of sending out the letters and everything.

Altman stated so you’ll officially start it tomorrow if we move forward.

Heirbrandt stated I don’t think we have a choice but to wait right now. I’m with you, I don’t want to wait either.

The Surveyor stated I thought I’d float it.

Altman asked is that still our intersection or is it Carmel’s?

The Surveyor stated its Carmel’s intersection.

Altman stated unless Carmel wants to advance funds and stretch out the assessment period so we’re not doing such a hit, but we’re still going to have to. I think with an emergency we don’t wait for the process of public hearing, would we?
The Surveyor stated this would be thinking outside the box and the first time we’ve done this.

Heirbrandt stated that opens a whole can of worms.

Howard stated you’d basically be doing GDIF. I’d have to look at that. The emergency provision I don’t think is in the Drainage Board, it is in the non-bid...

The Surveyor stated it’s not.

Howard stated it’s in the non-bid section.

Altman stated we need to roll the dice, but we need to inform Carmel of that. If we can get the contractor to cooperate, I think we ask Carmel to see if they can plan this and get it done, but we just don’t have available funds to do it within the next 60 or so days.

Howard stated see if they will send the contract and we would put the grant in line for another project. Once we start on that site before the funding gets the final blessing, we tainted that funding for this project.

**Anchorage Drain. Reconstruction of a Portion of Section 1 – Certificate of Assessment:**

The Surveyor presented the Certificate of Assessments for the Reconstruction of a Portion of Section 1 of the Anchorage Drain to the Board for signatures.

**Big Cicero Creek Joint Drainage Board – Minutes of September 25, 2019:**

The Surveyor presented the minutes of the Big Cicero Creek Joint Drainage Board of September 25, 2019 to the Board for their information.

Altman asked can the Joint Drainage Board acquire land?

Holt stated I don’t think there’s a problem.

Heirbrandt asked Howard what do you think?

Howard stated I think you can provide information.

Heirbrandt stated there are a couple of them up there that are going nuts. They say you cannot purchase land, but I think they’re speaking to someone that doesn’t understand.

Holt stated they spoke to a gal on the State Board of Accounts.

Altman stated they have a remedy should you go forward and purchase.

Holt stated and they pointed out that remedy and assured us that it will be exercised. I don’t see anything in the Drainage Statute that prohibits it.

Altman stated they’re taking the position it wasn’t theirs so you can’t. Is that their position?

Holt stated that’s right and, in most counties, land is taken in the name of the Board of Commissioners. In Hamilton County Drainage we would take an acquisition in the name of the Commissioners, but we’re certainly not going to take it in the name of the Tipton County Commissioners.

Altman asked what happened to your canoe float; did you get your canoe float in?

The Surveyor stated we didn’t want to drag the canoe downstream.

Howard stated if there is hope it’s in the eminent domain statute, whether or not you are an entity that has the power. In 36-1 I think you’re not a unit.

Altman stated they are a utility; utilities can.

Howard stated expressly, yes, but I’ve never read the Drainage Code for eminent domain or eminent domain for drainage because we’ve always done it Board of Commissioners. It’s in 36-1.4 I think is where it would be. I think it says, “a unit having the power of eminent domain may exercise the provisions of this chapter”. I’m guessing that’s what it says.

Altman stated I’d be going utility. If you do get your canoe float in, let me know because I’d love to take that one. I’ve always been curious about Big Cicero Creek.

**Elwood Wilson Drain, W. Hare & Sons Arm Reconstruction – Sue Dillon Issue:**

Howard stated the recommendation would essentially be as written that one of the conditions of the hearing and the Surveyor’s report be in agreement with the landowners as we discussed. I think this satisfies our issues especially in this situation where the reconstruction is really not being done in place. The reconstruction is being done to eliminate the circuitous path through land that has not become more development land than farm ground and so the landowners are motivated to do the reconstruction correctly and I would recommend that the Surveyor be instructed to include in the report those terms which have been provided. All three landowners and the Drainage Board enter into an agreement to
authorize the reconstruction as per the plans which have been submitted to the Surveyor’s Office. That agreement would include the following:

- None of the existing drain will be abandoned until all of the new drain is constructed by the landowners and inspected and recommended for acceptance by the Surveyor’s Office.
- All costs of the reconstruction project shall be paid by the landowners.
- The landowners shall dedicate a drainage easement across their properties acceptable to the Surveyor’s Office.
- Upon Completion of all of the above, the Board will approve vacation of the previous drainage easements and structures.

Heirbrandt made the motion to approve the attorney’s recommendation on the Elwood Wilson Drain Reconstruction as an alternate to the traditional bonding or letter of credit, seconded by Holt and approved unanimously.

Altman asked who’s going to communicate that to the three folks? Who’s been working on this one?

The Surveyor stated Steve Cash will communicate with the landowners.

Altman asked can you provide the memo to the three entities involved?

Cash stated I can.

**William Krause Drain - INDOT Cooperative Agreement:**

The Surveyor stated this is the agreement that was presented at the last meeting.

Altman stated as requested the Surveyor’s Office has deleted the items that are inconsistent with Indiana Drainage Law.

Heirbrandt made the motion to approve the agreement with the revisions to the agreement, seconded by Holt.

Howard stated I would also suggest not only inconsistent with Indiana Drainage Law, but most of them were inconsistent with ever getting a project completed because you couldn’t, even after the project starts, INDOT would be required to be involved and probably a minimum of three and a maximum of seven or eight approvals. Those would each take 90 days. Their road would probably be cut for up to a year. It’s just unworkable and indicative of a staff that doesn’t understand what happens out in the field. I think our staff should be commended for thinking through that and making those recommendations.

The motion had been made and seconded to approve the agreement with the revisions to the agreement and approved unanimously.

**Ellis Barker Drain Reconstruction - Award Contract:**

Duncan presented his report to the Board for approval.

"October 25, 2019

Hamilton County Drainage Board

RE: Ellis Barker Drain Reconstruction

Dear Board Members:

At the June 24, 2019 meeting of the Drainage Board three bids were received for the reconstruction of the Ellis Barker Drain. The bid included a Base Bid and an Alternate Bid with a 90-day hold on the bids that expired on September 22, 2019.

The bids received were as follows:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Base Bid Amount</th>
<th>Alternate Bid Amount</th>
<th>Total Bid</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hoosier Pride Excavating, Inc.</td>
<td>$ 532,442.43</td>
<td>$685,617.16</td>
<td>$1,218,060.00</td>
</tr>
<tr>
<td>Millennium Contractors, LLC</td>
<td>$ 500,000.00</td>
<td>$935,000.00</td>
<td>$1,435,000.00</td>
</tr>
<tr>
<td>Morphey Construction, Inc.</td>
<td>$ 348,000.00</td>
<td>$614,000.00</td>
<td>$962,000.00</td>
</tr>
</tbody>
</table>

The Engineer’s Estimate for the project was $1,349,266.24.

At the Board’s July 22, 2019 meeting the project was approved contingent upon receiving permits from the State and securing easements from the developers. The final easement and State permits were presented to the Board on September 23, 2019. Due to obtaining the easements and permits the award has been delayed until now.
The apparent low bidder is Morphey Construction and we would like to thank them for holding their bid for an additional month. The Hamilton County Surveyors Office reviewed the Morphey Construction bid submittal and found it to be complete with the exception of one item. The Bid Submittal did not acknowledge receipt of Addendum No. 1. Morphey Construction indicated via telephone that the Addendum was received and that the addendum did not affect the submitted bid pricing.

The office recommends the Board award the contract to Morphey Construction in the amount of $962,000.00 for the Base Bid and Alternate Bid.

Sincerely,

Gary R. Duncan, Jr., PE
Staff Engineer

Heirbrandt made the motion to award the bid for the Ellis Barker Drain Reconstruction to Morphey Construction in the amount of 962,000.00, seconded by Holt and approved unanimously.

Thistlewaite Drain, California Street Arm – Change Order No. 2:
Conover presented Change Order No. 2 to the Board for approval.

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>50 lineal feet of 20” stand up curb</td>
<td>$565.00 per foot</td>
</tr>
<tr>
<td>Contractor’s Bid</td>
<td>$192,568.90</td>
</tr>
<tr>
<td>Change Order #1 Total</td>
<td>$3,120.00</td>
</tr>
<tr>
<td>Change Order #2 Total</td>
<td>$11,565.00</td>
</tr>
<tr>
<td>Millennium Construction - Total Reconstruction Cost</td>
<td>$201,013.90</td>
</tr>
<tr>
<td>Approved Funding</td>
<td>$192,568.90</td>
</tr>
<tr>
<td>Difference</td>
<td>$8,445.00</td>
</tr>
</tbody>
</table>

Submitted By:

Andrew D. Conover
Inspector

Heirbrandt made the motion to approve Change Order No. 2.

Holt stated I need to abstain.

Altman seconded Heirbrandt’s motion to approve.

Altman asked does this finalize the project?

Conover stated yes.

Altman stated so this is the last change order. We’ve determined what will go against maintenance.

Conover stated yes.

The motion had been made and seconded to approve Change Order No. 2 for the California Street Arm and approved. Holt abstained.

Heirbrandt stated thank you Andy and Gary. I know that day we went out there I saw a lot of beads of sweat on your head and the Surveyor for working with the town. I’ve already gotten some calls from some of the Board members and some of the citizens that live on that street that are extremely happy to see this done. Thank you for your efforts on that.
Cool Creek Park Bank Restoration - Final Report:
Letter presented his report to the Board for approval.

"October 23, 2019
To: Hamilton County Drainage Board
Re: Cool Creek Park Bank Restoration
Final Inspection Report

FINAL REPORT

This is the inspector’s final report on the Cool Creek Park Bank Restoration, located in Section 18, Township 18 North, Range 4 East, in Washington Township in Hamilton County, Indiana.

The Hamilton County Drainage Board discussed a bank stabilization problem at its October 23, 2017 meeting. The bank failure had been discussed in a Commissioners meeting earlier and Clark Dietz had been contacted to investigate the problem. Their proposal to study the problem was $36,450. The Board accepted the Professional Services Agreement with Clark Dietz in that amount at the meeting. (Hamilton County Drainage Board Minute Book 17, Page 499)

At the July 9, 2018 meeting the Board approved a Professional Service Agreement for Clark Dietz to provide the construction plans for the bank stabilization project. The cost was not to exceed $64,670.

At the October 22, 2018 meeting the Surveyor informed the Board that it was going to be an expensive fix as the observation deck would need to be removed. Estimated cost was $225,000.
(Hamilton County Drainage Board Minute Book 18, Page 277)

At the November 13, 2018 meeting the Surveyor informed the Board that Clark Dietz went over their budget and there was an additional cost of $5,295. The Board approved the additional cost. The Board also set a bid date for the project of December 10, 2018.
(Hamilton County Drainage Board Minute Book 18, Page 279-280)

Bids were opened at the December 10, 2018 meeting and referred to the Surveyors Office for review. (Hamilton County Drainage Board Minute Book 18, Page 320)

The Board discussed the bids and the apparent low bidder Morphey Construction at the December 17, 2018 meeting. The Board asked the apparent low bidder to clarify their bid by the next meeting (Hamilton County Drainage Board Minute Book 18, Page 330)

The Board approved the bid by Morphey Construction in the amount of $150,657 at the January 14, 2019 meeting. (Hamilton County Drainage Board Minute Book 18, Pages 337-338)

The Board accepted and awarded a Professional Services Agreement with Clark Dietz in the amount of $9,760 for construction staking and asbuilts at the February 11, 2019 Meeting. (Hamilton County Drainage Board Minute Book 18, Page 361)

The Hamilton County Drainage Board accepted the surety for Cool Creek Park Bank Stabilization from Morphey Construction in the amount of $180,788.40 at its February 25, 2019 meeting. (Hamilton County Drainage Board Minute Book 18, Page 373)

There was one change order issued on this project. The Change Order was for strengthening of the construction entrance in the amount of $1,692 was approved at the September 9, 2019 meeting. (Hamilton County Drainage Board Minute Book 18, Page 579)

A letter from Clark Dietz stating the Partial Pay Requests for this project submitted and paid as allowed in IC 36-9-27-81 are as follows:

<table>
<thead>
<tr>
<th>Pay Request #</th>
<th>Paid Date</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pay Request #1</td>
<td>3/26/19</td>
<td>$95,918.25</td>
</tr>
<tr>
<td>Pay Request #2</td>
<td>5/14/19</td>
<td>$10,925.05</td>
</tr>
<tr>
<td>Pay Request #3</td>
<td>5/29/19</td>
<td>$26,668.75</td>
</tr>
<tr>
<td>Pay Request #4</td>
<td>10/29/19</td>
<td>$18,835.95</td>
</tr>
<tr>
<td>Total Construction Costs - Morphey Construction</td>
<td></td>
<td>$152,348.00</td>
</tr>
</tbody>
</table>

The Final Construction Costs for the Reconstruction are as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Engineer’s Construction Estimate</td>
<td>$225,000.00</td>
</tr>
<tr>
<td>Morphey Construction Costs</td>
<td>$152,348.00</td>
</tr>
<tr>
<td>Difference</td>
<td>$72,652.00</td>
</tr>
</tbody>
</table>

Total Cost for the Cool Creek Bank Stabilization Project:

Hamilton County Drainage Board
October 26, 2019
Engineering Costs - Clark Dietz:

Cool Creek Park Bank Review ------------------------------- $ 36,450.00
Construction Plans -------------------------------------- $ 64,670.00
Additional Services for Slope Grading Options ----------- $ 5,295.00
Construction Staking and Asbuilts ---------------------- $ 9,760.00
Total Engineering Costs paid to Clark Dietz -------------- $116,175.00
Total Costs for Engineering ------------------------------- $116,175.00
Total Construction Costs ------------------------------- $152,348.00
Total Project Cost to Cool Creek Fund ------------------ $268,523.00

Form E-1 stating that all expenses for labor & materials has been paid as required by IC 36-5-27-82(a) has been received and the retainage withheld was released October 29, 2019.

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

All costs paid from the Cool Creek Maintenance Fund.

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

Respectfully

Luther M. Cline
Inspector
Hamilton County Surveyor’s Office

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

Non-enforcements:
Ms. Grace Muroski and Mr. Michael Muroski were present for this item.

Clark presented a non-enforcement request for the Williams Creek Drain, Wilshire Arm filed by Michael and Grace Muroski for parcel #08-09-10-00-15-009.000 for a fence.

Muroski (Michael) stated we have a utility easement for a regulated drain in the back of our yard which is for 30 feet. The fence was approved to come within six feet of the regulated drain and we would like consideration for being able to go completely over the drain due to the drain being only two years old and it being high density polyethylene which has a typical design life of fifty years. We would like to be able to utilize all of our backyard. It would cut off approximately one-third of our backyard where it currently stands.

Altman asked how deep is that pipe?

Clark stated it’s about six feet deep.

Altman asked is it removable panel fence that you’re proposing?

Muroski (Michael) stated it is a wrought iron fence.

Muroski (Grace) stated we would say if something happened and you’d have to remove pipe we would responsible at our expense to remove the fence and put it back in.

Heirbrandt stated it looks like this has been recommended for approval.

Heirbrandt made the motion to approve the non-enforcement as requested, seconded by Holt.

Altman asked what are the other fences in the neighborhood?

Clark stated there are several properties up to the north that did not acquire a non-enforcement.

Altman asked that went clear back to the property line?

Clark stated actually, no, they are just inside of the pipe itself. I imagine the HOA (Homeowners Association) probably told them that they would need to be inside of the pipe, but they didn’t mention the non-enforcement process.

Altman asked Muroski’s, what are requesting? Is that consistent with the neighbor’s fencing?

Clark stated there are several properties to the north that are inside of the drain as opposed to what they’re asking for.

Altman asked how many feet? What are we talking about?

Hamilton County Drainage Board
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Clark stated it’s about a couple of feet.

Altman stated I think if we allow it, we ought to be consistent with alignments that are already there.

The Surveyor stated those alignments, those folks did not get a non-enforcement. However, evidently the HOA told them to back it off.

Howard stated the new fences are inside where the drainage easement is.

The Surveyor stated the drain is outside of the fence.

Altman stated it’s only a matter of a couple of feet.

Howard stated and Muroski’s are asking to go to the back of their property.

Altman asked what makes your lot different than the other neighbor’s?

Muroski (Michael) stated ours is a little bit different in the fact that it kind of goes in an angle. I didn’t research the other lots as much, but just the fact it is approximately one-third of our backyard that would be cut off and we simply would like to utilize as much as possible.

Muroski (Grace) stated when we picked this lot, we paid extra money to get a big lot to have a big backyard so it would be disappointing if we can’t do that.

Altman stated you would have gotten a plat and you would have seen where the setbacks were.

Howard stated let me guess, your realtor told you it would not be a problem.

Altman stated what I’m suggesting is, instead of the six feet we would align with the other fences to be consistent with that property. That would not pull you back all six feet, but it would be in alignment with the other fences.

Holt asked how many lots away are the other fences?

Muroski (Grace) stated on either side of our property there’s not a fence. It’s about two lots away on one side and the other side doesn’t have any fences.

Heirbrandt asked is the Surveyor’s Office fine with this?

Altman stated Muroski’s wouldn’t be here talking if the office was fine with it, I presume.

Heirbrandt stated it was approved.

Altman stated approved at six feet. Muroski’s are asking for the six feet to be eliminated.

Muroski (Michael) stated the Surveyor’s Office approved it within a little bit of the easement ranging from one to five feet I believe within the easement, the 30-foot easement. We want to basically go three feet from the edge of our backyard.

Altman stated I’m not inclined to go the full six feet for consistency because the other neighbor’s very well may be in here asking for forgiveness and I don’t want everyone coming in with that same request to be honest with you. That’s my concern. It may not be shared by the Board.

Howard stated again, for the benefit of the property owners this is not an important issue until it’s important and then our contractor has to tear down all the fences, remove them and reconstruct them and there’s gnashing of teeth and whaling.

The Surveyor stated we don’t reconstruct fences.

Howard stated we don’t reconstruct fences; we leave them in your backyard.

The Surveyor stated we neatly pile them.

Muroski (Grace) stated we know we would be responsible for any expense for the fence.

Howard asked what about your successors in title?

Muroski (Grace) stated we could put something that if we move, we would either move the fence...

The motion had been made and seconded to approve the full encroachment of the Muroski fence and approved. Altman opposed.
Clark presented a non-enforcement request for the Little Eagle Creek Drain, Maple Village Arm filed by Scott Sharp and Bridget Sullivan for parcel #08-09-03-02-23-047.000 for a fence with removable panels. The Surveyor’s Office recommends approval.

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

Clark presented a non-enforcement request for the Williams Creek Drain, Meridian Suburban Arm filed by Meridian Development Services, LLC for parcel #17-13-02-00-00-023.000 for driveways, water, communication line, storm and sanitary sewer. The Surveyor’s Office recommends approval.

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

Clark presented a non-enforcement request for the Williams Creek Drain, Wilshire Arm filed by James Acklin for parcel #08-09-10-00-19-014.000 for a fence. The Surveyor’s Office recommends approval.

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

Clark presented a non-enforcement request for the Little Eagle Creek Drain, West Rail at the Station Arm filed by Bryan Monroe for parcel #08-09-10-00-20-004.000 for a fence. The Surveyor’s Office recommends approval.

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

Clark presented a non-enforcement request for the Williams Creek Drain, Ponds West Arm filed by Kevin and Leslie Messmer for parcel #17-09-22-00-02-023.000 for a fence. The Surveyor’s Office recommends approval.

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

Clark presented a non-enforcement Request for the Little Eagle Creek Drain, Overbrooke Farms Arm filed by Pradip Sinha and Radhika Mathur for parcel #17-09-19-00-00-007.000 for a fence. The Surveyor’s Office recommends approval.

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

Cash presented a non-enforcement request for the Mud Creek/Sand Creek Drain, Springdale Estates Extension filed by the 116th Stations Fishers IN LLC for parcel #15-15-06-00-002.011 for parking, curbs, driveways and utility infrastructure. The Surveyor’s Office recommends approval.

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

Liston presented a non-enforcement request for the Vermillion Drain, Village at Flat Fork Arm filed by Bradley and Lauren Steinbach for parcel #13-16-05-00-01-015.000 for a fence. The Surveyor’s Office recommends approval.

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

**Violations:**

Wheeler & Wheeler Drain, Arbor Grove Arm – Liston stated we have individuals dumping grass clippings and other debris along the open ditch. The notice was sent to the HOA (Homeowners Association) because they own the ground. We copied all the property owners where we think the grass is coming from.

F. N. Musselman Drain – Liston stated there is fill in the floodplain at a location off of Promise Road. It looks like someone is creating a motor cross track. The owner has dumped truck loads and truck loads of dirt in there.

Altman stated that will be fun to remove. When will that come back before the Board if it’s not corrected?

Liston stated the notices went out last Thursday. We’ll wait for the green cards to come back. We should see something in about 10 to 15 days.

The Surveyor stated probably at the next meeting.

**Surety Acceptance:**

Liston stated that at this afternoon’s Commissioners meeting the Board would be accepting the following surety: Subdivision Performance Bond No. 9325442 in the amount of $26,706.00 for Franciscan Orthopedic Center of Excellence, Reconstruction of a portion of the Meridian Suburban Drain.
**Surety Release:**
Liston stated that at this afternoon’s Commissioners meeting the Board would be releasing the following surety: Performance Bond No. 3018773 in the amount of $8,769.00 for Retreat at Mill Grove Section 2, Sly Run Drain Reconstruction.

**Construction Updates:**
- **Thorpe Creek Drain, John Underwood Arm Reconstruction** - Liston stated I have done my walk through with the contractor. The contractor is working on the punch list items.
- **Anchorage Drain, Reconstruction of a Portion of Section 1** - Liston stated the staff has been out to do staking and I have spoken with the contractor and he hopes to mobilize into Anchorage Wednesday to start the project.
- **William Krause Drain Reconstruction Phase 3** - Conover stated this project is underway. The contractor is installing reinforced concrete pipe on the west side of S.R. 38. We’re still waiting to hear back from INDOT on an issue on an open crossing on S.R. 47.
- **Benton Hinesley Drain, Grass Waterway** - Conover stated this project is under construction and is moving right along.
- **William Krause Drain, Reconstruction Phase 1 (Pending Asbuilts)** - Conover stated this project is completed and we should be getting a final report on that soon. We’re waiting on a sign off on the property owner where the church had been on the parking lot. I spoke to the property owner and he says he’s good with the work by the contractor on paving the parking lot, but I’ve requested that in writing.
- **William Krause Drain, Reconstruction Phase 2 (Pending Asbuilts)** - Conover stated this project is the detention pond on the north side of Sheridan. The contractor has just finished that up in the last week or so.
- **Thistlewaite Drain, California Street Arm (Pending Asbuilts)** - Conover stated the last issue we had there was the curbing.
- **Thorpe Creek Drainage Area, Martha Ford Arm Relocation (Pending Asbuilts)** - Liston stated we are working with VS Engineering to get the asbuilts. The initial submittal on asbuilts weren’t up to our standards.

**Items Pending:**
- **Ream Creek Reconstruction** - The Surveyor stated I had an email late on Friday. Burke is doing the plan for the pipe underneath the pipeline. We are going to need four easements for the work. These are the two houses that we’re going in between to get over to Orchard Drive and then we need two easements on either side of the property line on the north side of Orchard Drive in order to put the manhole in.

Altman asked can we tighten those easements?

The Surveyor stated we’re doing 15-foot which is the statutory.

Altman stated I know but look at where it is compared to the improvements.

The Surveyor stated it misses the house.

Altman asked what absolutely do you need to construct that? I’m forecasting that we’re going to have some real acquisition issues. When people see that they’ll have the same reaction I’ve got.

The Surveyor stated I was just going by the statutory easement.

Altman stated I’d rather get the easement without a lot consternation personally. Can you do it on 10-feet on each side?

The Surveyor stated it’s about five or six feet because it has to go deep to get under the drain on the pipeline.

Heirbrandt asked do you have approval?

The Surveyor stated we’re working on approval with the pipeline.

Altman asked where’s the pipeline that we’re avoiding? You could taper back.

The Surveyor stated we’ve got to get it under the open ditch also.

Altman stated yes. I’m just suggesting that on some of those properties or part of it I think it would go a long way if you showed the homeowner you’re taking as little easement area as we have to have to get this thing accomplished. What does the rest of the Board think?

Heirbrandt stated I think you should make every effort to at least say you tried.

Howard asked are there basements under these houses?

The Surveyor stated no, they’re slab. The Board would rather go 10-feet?
Altman stated as little as you can get away with and safely construct it because we're going into an existing area that didn't have that platted easement.

Holt asked are you purchasing the easement?

The Surveyor stated yes.

Holt stated some people might rather have the money than the acquiescence.

Altman stated but then they don't have a backyard.

Howard stated I would guess the difference of 10-feet probably isn't going to affect the money as much as it is the perception of.

Holt stated but if you relent after you got the complaint you might be more of a hero than doing it today.

Altman stated I don't feel comfortable with that. I would just rather say we had the discussion, we tried to mitigate the effect to your house as much as possible, if you want to give us more you can.

Howard stated I think the statement by Statute it should be 30-feet instead of 20-feet, but the Drainage Board maybe in the offer letter.

Altman stated I don't mind giving them the option if you want to give square footage we'd love to have it, but we'll work with you as much as we can to reduce it to where we can safely construct it and try to mitigate against your backyard.

The Surveyor asked is that an approval to go forward with the acquisition?

Heirbrandt made the motion to move forward with the easement acquisition with the option to work with the property owner as much as possible to reduce the easement where we can safely construct the drain, seconded by Holt and approved unanimously.

November 12, 2019 Drainage Board Meeting:
Howard stated your next meeting is Tuesday November 12th.

Heirbrandt stated I will not be here.

Howard stated you and I both.

Altman asked Heirbrandt, where are you going to be?

Heirbrandt stated we got a grant to go to one of only two counties in the country that got a grant to go to Erie County, New York to look at what they're doing for Opioid and Mental Health Treatment Programs with Kelly Gunn, Monica Grear and people from the county to see what they've got.

Taylor Creek Reconstruction Petition:
The Surveyor stated after consideration Mrs. Hartley has decided to move forward with the petition and I expect it at any time.

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

Christine Altman - President

Lynette Mosbaugh
Executive Secretary