

SURVEYOR'S OFFICE
Hamilton County

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Surveyor of Hamilton County
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Suite 188
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October 2, 2012

To: Hamilton County Drainage Board

Re: Mud Creek/Sand Creek Drainage Area

In 1997 Christopher B. Burke Engineering presented the initial Watershed Master Plan for the Mud Creek Drainage Shed which includes Sand Creek. The study was expanded on in 2002 and 2004. These studies outlined several recommendations which deal with flooding and other drainage problems. Currently, Sand Creek is listed in my 2012 Drain Classification Report, as #1 for reconstruction.

In order to fund the implementation of the recommendations set out in the Burke Study, I recommended to the Board that the term for maintenance collections be increased from four years to eight years as per IC 36-9-27-43. On October 22, 2007 this was attempted, but due to the problems with my report to the Board and incorrect mapping at the hearing the matter was continued and re-noticed (see Hamilton County Drainage Board Minutes Book 10, pages 463 – 467).

At the new hearing on January 25, 2008, the Board tabled the matter until all of the Mud Creek/Sand Creek Drainage Shed was regulated and placed on maintenance (see Hamilton County Drainage Board Minutes Book 11, pages 13 – 18). At this time this has been accomplished. Not only is the remaining drainage shed on maintenance, but all of the subsequent hearings to do so, set the period of collections for eight years. Currently there are two sections of the drainage shed. The shed which is collecting for four years which represents 8,606.91 acres and 4,276 lots and the portion of the shed which is collecting for eight years which represents 7,883.66 acres and 6,720 lots.

At this time the clearing and dredging project on Sand Creek is complete from 146th Street to Prairie Baptist Road. This work was done utilizing maintenance funds. The tile replacement from State Road 38 to Prairie Baptist has had a work order issued and will also be done under maintenance. Work needed on the Sand Creek section downstream of 146th Street includes clearing and bank stabilization.

Many log jams, beaver dams and erosion areas have been addressed since the first hearing in 2007. Beaver dams will continue to be a problem which needs to be addressed in the future. Along with this will be the continued maintenance of the tiles in the drainage area along with the storm sewer systems which are part of the overall drainage infrastructure. Both waterways will continue to require tree and debris removal along with the restoration of eroded banks. Continual O & M support of the USGS gaging station at Cumberland Road will be a cost which will be ongoing. Along with this will be two (2) more proposed stations upstream, one (1) on Sand Creek and the other on Mud Creek.

During the course of the studies on the drainage area by Burke Engineering many recommendations were made. Some of these have been addressed or continue to be addressed. Of those which still need to be addressed are the following:

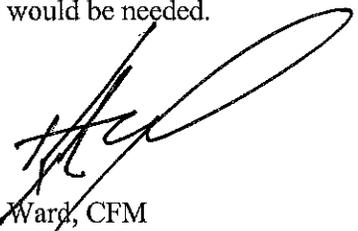
- 1) Field survey of each of the 121 residences identified in the floodplain.
- 2) Create regional detention ponds.
- 3) Continue to update water quality data.
- 4) Complete a detailed analysis of each of the detention ponds along both waterways and retrofit if needed.
- 5) Identify and implement flood control mitigation projects to protect those properties within the floodplain.

At this time Burke Engineering is in the process of engineering two (2) flood control mitigation projects. These are being done in cooperation with the Town of Fishers. The cost estimate for the project on Cumberland Road north of 106th Street is \$1,740,000.00 with the Town of Fishers portion being \$170,000.00, County Highway portion \$650,000.00 and the Drainage Board portion \$920,000.00. The project on Cumberland Road south of 106th Street is too early in the planning stage for a cost estimate.

These are two (2) of the projects which the Board will be facing within the drainage area in the future. Regional detention will be an expensive item for the Board to do. The price tag for these basins will be in the \$1 to \$2 million plus area and there will be at least two (2), possibly three (3) depending on size and location. These, along with continual maintenance and completion of the other recommendations in the study, create a need for a well-funded drain fund.

At this time I recommend to the Board that the continuance of the January 28, 2008 hearing be set for November 26, 2012. Per the above referenced minutes, only the four individuals who attended the hearing are to be noticed. Also, since this is a continuance the 30 day notice is not required and only a 10 day notice would be needed.

Sincerely,



Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll

Mud Crk/Sand Crk #347

Continued hearing from 01/28/08.

The January 28th hearing was tabled until all of Mud Creek/Sand Creek drainage shed is placed on maintenance. The purpose of the hearing is for the Board to increase the amount of the maximum unencumbered amount of the maintenance fund for the Mud Creek/Sand Creek Drainage Area #347 from 4 times the estimated annual cost of periodic maintenance of the drain to 8 times the estimated annual cost of period maintenance.

Continued Hearing Date: 11/26/12

Owner	Address	City
Gatewood Farms Inc	15012 Olio Rd	Noblesville, IN 46060
Green, Charles S & Carla S Jtrs	PO Box 127	Fortville, IN 46040
Landis, Linda L Trustee of Linda L Landis	15002 Cynthianne Rd	Noblesville, IN 46060
Mushrush, Vera Lucille	14869 Cynthianne Rd	Noblesville, IN 46060
Lerman, Benjamin M & Christie J	10047 126th St E	Fishers, IN 46038
Wenning, Victor H & Virginia M	10701 121st St E	Fishers, IN 46037
King, Gregor W & Dolores P	9912 Herald Sq	Fishers, IN 46038
Fesler, Robert L 1/4 int & Judy A Fesler 3/4 int T/C	11490 Lake Stonebridge Ln	Fishers, IN 46037
Farrell, Gregory A & Sandra L	11385 Mainsail Ct	Fishers, IN 46037

10/22/07

Holt asked if Schyler notified his County Surveyor that he was diverting the water into another drain?

Schyler stated that Madison County knows that.

Holt asked if Madison County changed his assessment on the other drain?

Schyler stated that he wasn't sure about that.

Holt asked the Surveyor if it would make sense to get with the Surveyor over in Madison County and find out if Mr. Schyler is being double charged?

The Surveyor stated that it would make sense to check that.

Altman stated that he may be in the wrong shed.

Holt stated that it sounds like Schyler did this through self help, which if that solved his problem made sense for Schyler, but he shouldn't be double charged.

Schyler stated that it doesn't seem fair the way it is.

Holt stated that the Surveyor has indicated that he will get with the Madison County Surveyor and see if that is in fact the case. Can we get written correspondence back to Mr. Schyler?

The Surveyor stated that he would let Mr. Schyler know in writing what he finds out.

Altman asked if anyone else cared to address the Board on this matter; seeing no one Altman closed the public hearing.

Holt made the motion to overrule Schyler's objection, seconded by Dillinger and approved unanimously.

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

Mud Creek/Sand Creek Drain:

There were no objections on file. Mr. Greg Farrell, Mr. Robert Fesler, Mr. Ben Lerman, Mr. Steve Finkel, Ms. Vera Mushrush and Mr. Veldon Laudes were present for this item.

The Surveyor presented his report to the Board for approval.

"August 8, 2007

To: Hamilton County Drainage Board

Re: Stony Creek Drain

Per the Board's request at its May 14, 2007 meeting, I have reviewed the future needs of the Stony Creek Drain. Upon doing so I believe that the period of collections should be extended from four years to eight years as per IC 36-9-27-43. At this time the total annual collection is \$5,877.04 and the current balance is \$0.00. Currently, the maintenance collection of the drain is omitted when the fund reaches \$23,508.16. If the time period for collections is extended the balance in the fund could be \$47,016.32 depending on maintenance work performed on the drain.

The additional funds will be needed in order to complete the recommendations as outlined in the watershed management plan completed by Burke. This will also provide for additional funding in the future for clearing, dredging and for possible future reconstruction.

I recommend that this proposal be set for hearing on October 22, 2007.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pl1"

Holt stated that the letter to us talks about future needs of Stony Creek Drainage Area. Is that a typo? Should this be Mud Creek/Sand Creek Drainage Area?

The Surveyor's stated that this is a typo.

Holt stated that the letter talks about the Hamilton County contribution and the Madison County contribution, is Madison County involved in this one?

The Surveyor stated that Madison County is involved.

Holt stated that again the display is not right because it doesn't show any of Madison County. The letter also talks about the Frank Keiser Arm, is that incorrect also?

The Surveyor stated that the Keiser Arm is part of this.

Holt asked if we were only talking about the Keiser Arm or are we talking about the drainage shed?

The Surveyor stated that we are talking about the entire drainage shed.

Holt asked if this shouldn't say Frank Keiser Arm?

The Surveyor stated that it should not say Frank Keiser.

Holt stated that likewise it says that on the agenda, is that incorrect as well?

The Surveyor stated that is incorrect as well.

Holt made the motion to modify the agenda to delete the Frank Keiser Arm, seconded by Dillinger and approved unanimously.

Holt stated that the letter that went out to the folks in the drainage shed, is it accurate?

The Surveyor stated that except for saying Stony Creek, it is accurate.

Holt asked if the property owner's letter said Stony Creek also?

The Surveyor stated that it did.

Altman stated that she believes this is a problem.

The Surveyor stated that the letter says Mud Creek/Sand Creek, but the first paragraph says Stony Creek when it should say Mud Creek/Sand Creek.

Holt asked if on the letter that went out it says Stony Creek instead of Mud Creek/Sand Creek?

The Surveyor stated that Holt was correct.

Holt asked Howard if we should re-notice this rather than go forward with a hearing this morning?

Howard stated that he believed we should re-notice. I believe there is enough ambiguity in the notice that we should start over. On the other hand, if there is someone here to speak on something that is germane we can incorporate that by reference, but I believe we should send out a more accurate notice.

Altman asked if she could open the public hearing and continue this till it's re-noticed?

Howard stated that Altman should open the public hearing and continue it until it is re-noticed.

Altman stated that since there are folks here that wanted to address the Board I believe that is only fair. I don't want to take their time twice. To clarify before we start the public meeting, our letters that went out to you, the Surveyor has requested that the Board increase the number of times that the Mud Creek/Sand Creek Drain collections occur from the current maximum of four years to eight years. The reason why we want to do this is that we have specific recommendations and a plan in place by an engineering firm, Christopher Burke. This is a substantial plan that will require substantial dollars to try to relieve the drainage issues we have in your area. Our only two choices to fix drainage is to put items under maintenance and try to collect a fund and then fix them or to try to fix them without funds in place through an assessment to all the property owners. What this is attempting to do is complete the fix with the current assessment system, what you are currently paying now, just over a longer period of time. The letter you received had an error in it. The error was that the letter said we were going to take care of the Stony Creek Drainage Area, no we're not, the funds collected from the Mud Creek/Sand Creek Drain will be isolated and only used for the Mud Creek/Sand Creek Area and for that project or any other maintenance projects that we need during the term. That being said and hopefully clarifying where we are on this I'll open the matter for public hearing should anyone care to address the Board who is in the drainage shed and then I will continue it till we send out a corrected notice.

Altman opened the public hearing.

Holt stated that since this is overflowing with development right now, why wouldn't the Surveyor do a reconstruction and have the developers pay for it?

The Surveyor stated that the developers are paying for portions of that work. There are, however, some issues that are beyond what we can get from the developers that is outlined in the management report. Once the development is done we do have some areas that are in the previously developed areas that need to be addressed. Those developers have already gone on and we now have some problems in that area. Those areas are in the management report.

Farrell stated that he has lived here for fourteen years in this particular location. Has the drain always been assessed at a four times rate in that period of time?

The Surveyor stated that Mud Creek/Sand Creek has always been assessed at a four times rate.

Farrell asked what was prompting the doubling to eight years?

The Surveyor stated that the eight years is to address the issues that have been brought up in the Watershed Master Plan.

Farrell stated that this is essentially new development related as I understand from Holt, is that correct?

The Surveyor stated that some of it is new development related, but is also previous development.

Farrell asked what would be new versus previous?

The Surveyor stated that as far as work needing to be done about half of the watershed is involved.

Farrell stated that this is talking about an increase to \$600,000.00 in unencumbered funds, is that correct?

The Surveyor stated that Farrell is correct.

Farrell stated that as a homeowner I guess I would think, having lived there for that period of time, wouldn't it be fairer to the residents, rather than reserve for that and hitting everybody proportionately, if the real problem is new development or at least half of that problem is new development, hit those people as it comes up for actual repair work?

The Surveyor stated that the developers that we have coming into the drainage area we do hit up for those repairs.

Farrell stated that his understanding from his response to Holt was not entirely, is that correct.

The Surveyor stated that some of the development has already occurred. We've now realized that there are some problems that was caused by that development that we need to go back and retrofit.

Farrell asked if it was necessary to apply a universal rate across that area or are you able to kind of tweak by subdivision?

The Surveyor stated that we usually don't tweak by subdivision, it's usually a universal rate across the board.

Farrell stated that if the Surveyor did not go from four to eight years you then could target that to people specifically in that area or would that be across that whole drainage.

The Surveyor stated that it would be across the whole drainage.

Altman stated that to clarify if you have a house there, your developer has built to the standards we had at that time. We have reviewed those standards given the drainage issues that we have and we have increased the standards. Essentially, if you have a home in that area your costs were lower because of the fact that we had lower standards on water retention so you all indirectly received a benefit at that time. We're trying to raise the bar because obviously we have an issue of drainage in that area that needs to be corrected.

Holt stated that just so this doesn't appear as though this is entirely a Drainage Board faux pas isn't this the area where the FEMA maps were incorrect?

The Surveyor stated that Holt was correct.

Holt stated that the Federal Maps were incorrect on what the 100-year flood did so everyone was required to comply with a certain standard based on those Federal maps and the maps were in error. Folks were flooding out that built in accordance with what the FEMA map said. It wasn't their fault; they built where they were told it was okay to build. The maps were in error and that's why a higher detention rate is being required now than was previously. On pre-existing subdivisions and commercial they did what was requested of them, but it was based on erroneous information.

The Surveyor stated that Holt was correct.

Gatewood stated that we've addressed this from a housing standpoint, but not from a farming standpoint. As of yesterday I was fifty and lived on the same farm all my life and can think back forty years of my fifty years of experience being on the same farm. We've not had any drainage issues. You go to the ASCS Office and I have one acre out of the total acres I own that they say is a problem. What is the Surveyor going to do for me? He's not done anything for me in the last forty years that I'm aware of. I and Jim Harger of Harger Farms are the only ones that keep Sand Creek, that's my portion of the drain, clean. Nobody else has kept it clean. I don't understand where the need for this extra money that is being asked for; nobody is giving any specific ideas or uses of what this money is going to be used for. You just keep talking about needing this money to do things with. What kind of things? Define the word things. What are you going to do for me? What am I going to see? The development is in the area and we have a problem with all the retention ponds and things being put in that are already causing some problems in other areas. Define the word things that you're going to use this money for.

The Surveyor asked Gatewood if he has looked at the Drainage Master Plan that's on line?

Gatewood stated that he came into the Surveyor's Office last week and nobody could show me a drainage map. They acted like I had no involvement in it and I have a letter. I showed them my letter and nobody could show me anything on it. It's like the blind leading the blind so I guess I need to be brought up to speed on what all is going on here because I do not comprehend all of it.

The Surveyor stated that if Gatewood looked at the report it shows that the Sand Creek Arm needs to be reconstructed and it is on the reconstruction list.

Gatewood asked for what purpose does it need to be reconstructed? We've never had any flooding issues with that.

The Surveyor stated that the purpose of the reconstruction is to increase the flow through Sand Creek to get it into Mud Creek before the Mud Creek base flow hits and get that water in and out.

Gatewood asked if the Surveyor was talking about areas way to the south of him.

The Surveyor stated that Gatewood is correct, but this involves the entire drainage shed.

Gatewood stated that he was not aware of what the drain looks like down there. I'd like to see the maps.

Holt stated that since we're not going to finish this, this morning, because we're going to send another notice, why don't we get Gatewood a copy of the report before he leaves and he can take a look at it and call the Surveyor with any questions. We'll have a second hearing and if we need to chew on it some more then we can do that as well. Holt asked if someone could get him a copy of that report?

Altman asked if someone could get our website and the link.

The Surveyor stated that he would put the link in the letter.

Altman stated that we would re-notice this and in the letter of re-notice we will send the link to our website that has this report posted so you will be able to review that. If you don't have internet access I know all public libraries have.

Howard asked if we knew the date of the new hearing for these people?

Altman asked if the Surveyor wanted to do this hearing in January?

The Surveyor stated that we could do it in November as well.

Howard stated that we need time to get amended notices out.

The Surveyor stated that we have until Friday.

Dillinger asked what the rush was. Why would we not do it in January?

The Surveyor stated that we can do it in January.

Altman stated that this hearing will be continued to January 28, 2008.

Fesler stated that his concern is the reverse of what he's been hearing. We're on the lake and we experience quite a decrease in the water level. We're down maybe three feet and Mud Creek is our watershed. Our concern is as a lake resident, was if there was a possibility that we could have our water level stabilized through Mud Creek? Bring the water level up rather than reducing water level.

Altman asked the Surveyor to address our control over the lake levels.

The Surveyor stated that the County repaired the dam facility on that last year. The dam controls the lake level. We can't increase the lake level from what the spillway is.

Fesler asked if it was possible for the county to increase the lake level.

The Surveyor stated that the County cannot increase the lake level.

Howard stated that the reason the lake is down is because there is no water anywhere. If in fact there was a way to design your lake to capture water during peak flows that would be the case, but it flows over the dam in peak flows so when you want water everyone else in the County wants water. When you don't want water and you want it to go over the dam everybody has too much water too.

Fesler asked if it would be possible in peak flows to divert some of the peak into the lake?

Howard stated that the water will still flow over the dam.

The Surveyor stated that the water is still going to flow over the dam.

Altman stated that it may be helpful to sit down with the maps and go over this with you so we know specifically what your concerns are and see if there is anything we can do. Who would the Surveyor suggest to sit down with Fesler?

The Surveyor asked Liston to sit down with Fesler and go over that issue?

Liston stated that he would meet Fesler.

Dillinger asked if it would make sense, since we put this hearing off until January that the specific concerns of these folks that have come in meet directly with the Surveyor's Office over that period of time to get those specific things dealt with. They are hard for us to handle in this meeting.

Altman stated that if there are specific things, yes, but not if people care to object. If you have specific concerns why don't we see if we can work it out in between our hearings?

Altman asked if anyone else cared to address the Board.

Henderson asked if the Mud Creek Drain ran into the John Underwood Drain?

The Surveyor stated that the Underwood Drain flows into Mud Creek. This map is incorrect. The map should have been the entire drainage shed instead of just this arm.

Howard asked if Henderson's assessment was part of the Mud Creek capture?

Henderson stated that it was Thorpe Creek.

The Surveyor asked Henderson which letter she received?

Henderson stated that her letter says Thorpe Creek.

The Surveyor stated that Henderson was next on the agenda.

Henderson stated that seeing the map here and where I live, it almost looks like I'm on Mud Creek.

The Surveyor stated that Thorpe Creek and Mud Creek Drainage Sheds are next to each other. Thorpe Creek is further south.

Altman stated that at this time she would continue the public hearing until January 28, 2008.

1/28/08

"FINDINGS AND ORDER

CONCERNING THE PARTIAL VACATION OF THE

William Lehr Drain, L N Joseph & Eli Brooks Arm
Sta. 0 to Sta. 0+30

On this 28th day of January 2008, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the William Lehr Drain, L N Joseph & Eli Brooks Arm, Sta. 0 to Sta. 0+30.

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 William Lehr Drain, L N Joseph & Eli Brooks Arm.

HAMILTON COUNTY DRAINAGE BOARD

Steven A. Holt
President

Steven C. Dillinger
Member

Christine Altman
Member

Attest: Lynette Mosbaugh "

Mud Creek/Sand Creek Drainage Area:

There was one objection on file. Mr. Victor Wenning, Mr. Gregor King, Mr. Wilson Gatewood and Mr. Charles Green were present for this item.

The Surveyor presented his report to the Board for approval.

December 4, 2007

To: Hamilton County Drainage Board

Re: Mud Creek / Sand Creek Drain

Per the Board's request at its May 14, 2007 meeting, I have reviewed the future needs of the Mud Creek / Sand Creek Drainage Area. Upon doing so I believe that the period of collections should be extended from 4 years to 8 years as per IC 36-9-27-43. At this time the total annual collection is \$199,996.96 for Hamilton County and \$862.18 for Madison County and the current balance is \$29,192.67. Currently, the maintenance collection of the drain is omitted when the fund reaches \$803,436.56. If the time period for collections is extended the balance in the fund could be \$1,606,873.12 depending on maintenance work performed on the drain.

The additional funds will be needed in order to complete the recommendations as outlined in the watershed management plan completed by Burke. This will also provide for additional funding in the future for clearing, dredging and for possible future reconstruction.

I recommend that this proposal be set for hearing on January 28, 2008.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pl1"

Holt opened the public hearing.

King asked what this was about.

The Surveyor stated that in order to get enough money in the drain fund to complete the projects that were outlined in the Drainage Study done by Christopher Burke and Associates; such things as identifying detention basin sites and purchasing those sites for the future in order to help with flooding on the downstream areas within Fishers. There is also a need for some work on Sand Creek in order to clear and reconstruct a portion of Sand Creek. The purpose of the reconstruction is to get the water flowing through Sand Creek to get the water to Mud Creek before the upper section of Mud Creek hits in order to reduce flooding downstream. There are several things outlined in the report. In your notice there was a website listed that directed you to where this study is. Did you by chance go to that website?

King stated that he did not have access to a computer. Where can I get a full copy of that report?

The Surveyor stated that the report is two volumes about two inches thick.

King asked where he could get a copy.

The Surveyor stated that King could view this report in our office or if King would like copies of portions of the report they could make those copies or King could go to the library and look at the entire report on the website.

King asked if the costs the Surveyor came up with in the letter dated December 4, 2007 were based on that report?

The Surveyor stated that the costs are based on the study. The report has several things listed that are going to be quite costly especially when you start looking at the flood proofing and the detention sites. We're going to have to purchase properties for the detention sites and Hamilton County property is costly anymore. The sites are going to have to be obtained and we will have to pay the landowners because we will actually be condemning those pieces of ground in order to create those detention basins.

King asked if the land that the County proposes to take would be obtained for floodplain purposes only or is there some other purpose?

The Surveyor stated that the land would be purchased for floodplain purposes only.

King asked if the report would list the projects that Burke proposes?

The Surveyor stated that the Burke report gives a generality to those projects in areas that we need to look at for obtaining that property. The report doesn't give site specific areas. We are going to have to study further and determine which areas make the most sense. Right now we have areas that may be a mile in length that somewhere in that section is where this should be sited and now we're going to have to go in and actually identify those sites.

King asked if there was a lot more proposal or survey work to be done?

The Surveyor stated that King was correct.

King asked when the County proposed to have that finished?

The Surveyor stated that he would like to have it finished at the end of next year so we can start the project.

King asked if the Surveyor was referring to the end of 2009?

The Surveyor stated that King was correct.

King asked what the purpose of today was?

The Surveyor stated that today's purpose is to approve the additional collections necessary to fund these projects in the future.

King stated that perhaps this should be delayed until the landowners have a chance to review the project itself. Right now this is the first I've heard of it. This letter doesn't tell me a thing about it except that you want more money.

The Surveyor stated that the notice did refer back to the website which gave the entire report.

King stated that he didn't have computer access.

The Surveyor stated that computer access is available at the library.

Altman stated that we could make the report available here.

King asked if the Surveyor had already determined what the amount was that the County will need? Is it based on what you propose to do to this area?

The Surveyor stated that this is money that we will need in the future in order to accomplish the fix for the flooding downstream. The reason that this was not accomplished when those houses were built was because those houses were built using flood data from the Federal Government that was incorrect. When the new flood mapping from 2003 was approved by the Federal Government new information was obtained at that time and we have approximately 161 homes that are now in the floodplain that was not before because of the incorrect flood data. This is data from the federal government that we have to use.

King asked when the Surveyor refers to the Federal Government is he talking about the U. S. Army Corps of Engineers?

The Surveyor stated that he was referring to FEMA.

King asked if this involves other agencies of the State such as IDNR.

The Surveyor stated that this would also involve IDNR.

King asked if it would involve IDEM?

The Surveyor stated that it would not involve IDEM as much. The flood information is also derived using the Department of Natural Resources.

Holt stated that he suspicions that there are other people who would like to address the Board. King has made it clear that this be delayed for him to have more time to study the report and that's duly noted, but I don't think we're going to entertain a motion to table until we hear other folks out this morning.

King stated that he would like to request that this be tabled until we have a chance to look at the report fully.

Gatewood stated that he checked with a lot of his neighbors and there are a lot of his neighbors that don't know about this. I didn't come in to be third grade tattle tail on them, but they said they didn't know anything about this. The only person that knows anything about this besides Mr. King is Jim Harger. I've checked with other people on the Mud Creek side of this and they said they didn't know anything about what I was talking about. I don't believe everyone has been notified from talking to my neighbors and showing them the letter. Why is it okay that some of us pay it, but not all of us pay it?

The Surveyor stated that everyone within the drainage shed for Mud Creek and Sand Creek would be paying this.

Gatewood stated that he knew people where Mud Creek is going right through their farms and they didn't get a notice. I took the letter and showed it to some of them. I don't think it's fair that some of us pay it and not all of us pay it. I still don't understand all of it.

Holt asked the Surveyor if the notice was certified or first class?

The Surveyor stated that the notice was first class.

Holt asked if someone could have Mud Creek running through their property and not be on the mailing list?

The Surveyor stated that they would receive a mailing if they are on the assessment right now. There are sections of Mud Creek that are not on maintenance yet.

Holt stated to Gatewood that there are people that aren't in the assessment area apparently.

Gatewood asked why that was. If you're involved in the drainage issue of it I'd think we'd all need to pay on it wouldn't we; if it's going through your property.

The Surveyor stated that right now there are three sections of Mud Creek that aren't regulated. This year we've have on the board to create those areas as regulated drain so we can get those areas on as regulated drain and assess those people. We did four sections last year and we have three more left.

Altman asked if at the end of this year all this territory would be ratably assessed?

The Surveyor stated that this is the plan.

Gatewood asked what the County's goal of dollar figure was when you get done with this? Do you have any idea yet? How much money do you need for this project?

The Surveyor stated that from the report, the fund balance of \$1.6 million at the end of eight years is not going to be enough when we start putting these projects together. We're looking at a job right now in Tipton County that is a four or five mile overbank excavation that doesn't involve detention and we're looking at \$2.7 million.

Altman stated that this is a concept of why we're trying to extend collections to try to build the fund so we can be more active and do more complete jobs, longer jobs and get it done without special assessments. That's the intent.

The Surveyor stated that we are trying to be proactive so that the Board can take up to 75% of the maintenance fund, call it surplus and use it to offset reconstruction costs. That's what we're trying to accomplish. You would be paying over a period of years, but its maintenance. We're trying to collect that money in the fund and when we do reconstructions we're really trying to use it out of the maintenance fund in the future rather than have a separate reconstruction cost.

Howard stated that land acquisition costs are not going down in that area.

Green stated that Mud Creek starts at his farm. I've been there for over 20 years and I used to be able to step across Mud Creek, but then Madison County started developing. Most of the housing subdivisions, the church at S R 13 and S R 38 and Don Smocks Auction Place dumps into Mud Creek. What we will be doing is paying for Madison County water to come down through there. We've talked about this in the past. I don't know whether you have the powers to stop Madison County from dumping their water through there or not, but that's all we're doing is taking Madison County water because they can't control the water or don't want to control the water. I received this letter and opened it up and thought it was a typo. There is no way the County is going to raise the assessment eight times because if you raise it eight times, in most cases, the drainage assessment is going to be more than the real estate taxes.

Dillinger stated that is not what's happening. We're extending the collection period from four years maximum to eight years. We're not raising the assessment eight times.

Green asked if the County was going to extend the assessments out an additional period?

Dillinger stated that Green is not paying any more. It would be the same thing if they had to do it in an emergency, take what was there and then bond the rest of it. You'd still be paying that. All we're doing is extending the assessment out.

Green stated that Madison County came in and dredged our creek out from Atlantic Road about fifteen years ago a good six feet and then walked away and were supposed to put a culvert pipe in for me so I could get to the back field. They walked away and I ended up putting the pipe in and some other things. We have so much water coming down through there right now it's pathetic. It's not because the creek is clogged up down at 146th Street, but Madison County keeps dumping more and more water on us and now they're talking about a new subdivision at S R 13 and S R 38 and I know where that's going to go; it's going right into that drainage ditch. I'm under the impression that the sewer line is going to be 146th Street and just to the east of Prairie Baptist Road in the next few weeks or months. It looks like development is coming out there. I've had developers talk to us about buying our land, but the sewer and water is the main issue. We do have water, but not the sewer at this time. It's going to be an additional four years instead of eight times the assessment, right?

The Surveyor stated that Green was correct.

Green asked if something could be done about Madison County? Don Smock's forty acres has a half acre leach pond in it that leaches off into this tile that goes to Mud Creek, but it keeps getting worse and worse each year. You get ten to twelve feet of water coming down through there in the spring time. This is really getting to be a serious problem. Is there something that can be done?

Howard stated that there could be a Joint Board, which would take the consent of everyone. This may be something that the Board would want to talk about with the Madison County Commissioners. Is there no detention requirement?

The Surveyor stated that he didn't recall Madison County. Tipton County just adopted our rules for Big Cicero.

Green stated that he put a ten foot culvert pipe in, a three foot pipe next to the ten foot to take care of the overflow and now it looks like I'm going to have to put another four foot pipe in to take care of that. Madison County is dumping a lot of water down that creek.

The Surveyor stated that he wasn't sure what Madison County does as far as their regulations for storm water.

Altman asked the Surveyor to find out.

The Surveyor stated that Tipton County has just adopted our regulations for Big Cicero Creek. I'm supposed to be meeting with Brad Newman this week or next.

Howard stated that we require new development to detain the additional runoff caused by the creation of new impervious surface so it's discharge at a uniform rate rather than this onslaught. We need to check in and see what kind of detention requirements Madison County imposes.

Green stated that he's picked up insulation out of the creek, 2x4's and even boats occasionally.

Holt asked if anyone else cared to speak; seeing no one else Holt closed the public hearing.

Dillinger made the motion to table this item, seconded by Holt and approved. Altman abstained.

Holt asked the Surveyor if there would be some merit in showing Gatewood the list of who received mail just to see if any of those names on your list that you mailed to are the same people he talked to? It might also be helpful if the Surveyor could see what is regulated and unregulated. Can you show us the three sections that you plan on bringing in this year?

The Surveyor demonstrated on the map where the unregulated portions were located.

Altman asked if there were any pockets within that drainage shed that need to be addressed that aren't regulated?

The Surveyor stated that there are a few pockets that aren't regulated that need to be picked up.

Holt stated that it would appear to basically be unfair if you're studying a region and not asking everyone to pay for it, wouldn't it?

Altman stated that it is unfair.

The Surveyor stated that if the Board would like he could start picking those up. I'll write the reports and the Board can address those areas then.

Holt asked if the Surveyor could represent that in 2008 we would complete the shed in terms of having everyone be a payer?

The Surveyor stated that this is what he is hoping for.

Holt stated that this would make it more equitable than that we're saying we need eight years of collection rather than four if everyone is a contributor. Maybe we got the cart before the horse on this particular item.

Dillinger stated that he believes it would be beneficial if the Surveyor and his staff could hold a meeting with some of these gentlemen. They're not naive on drainage and they've all been involved in it. They are kind of the leaders out there and could help explain this so everyone understands what you're trying to do before it comes back here. A lot of this is just a matter of lack of understanding.

Holt stated that on the Christopher Burke Report, if the report is an inch and a half thick would it be possible to do a couple page executive summary that boils down what the vision is and what the importance of the vision is?

The Surveyor stated that he believes Burke gave us one.

Holt stated that if the Surveyor has that could he at least send it out to the people that signed in this morning?

Altman stated that the other issue is when we go back to ISS and GIS I really think we need a public access computer on the first floor here because we're relying more and more on internet availability and this may be more convenient and put it out where it is easily accessible. If you don't have internet and you're in the building you can pick up any report you want.

The Surveyor stated that he has a computer in the lobby of his office, but it's something not everyone knows about.

Altman stated that we could use it for other things like the building and directions; there's a multitude of uses why we should have that available.

The Surveyor asked Altman if she would put this on the ISS agenda for the next time?

Holt asked the Surveyor if he had a computer in his office?

The Surveyor stated that he did.

Holt asked why he would send people to the library if they can come in and look at his?

The Surveyor stated that they have to stand to look at it.

Howard asked if the Surveyor would find out where Madison County is and report back. We need to use some problem solving there and see if we can find out what the issues are and what kind of persuasion we can bring to bear because it's silly for our people to pay big money to detain a river.

Holt asked Mosbaugh if she would put this on the tickle list for the next meeting so we come back to that?

Altman stated that if need be we may want to meet with their Drainage Board.

Holt stated that we need to see what the Surveyor can find out when he meets the surveyor from Madison County.

The Surveyor stated that Mr. Richwine, president of Madison County Drainage Board, would like to meet with you and Brad and me.

Gatewood asked if the Board would be getting back with us on this?

Holt stated that the Surveyor is going to mail an executive summary of the Burke report to all of you. We're going to tackle the areas on the map that aren't players yet on the theory that everybody should be paying an assessment then we'll reschedule this. Could the Surveyor agree to send a card to everyone that signed in today on the new date when we look at the eight times again?

Howard stated that we wouldn't have to send it to the entire watershed; it would be just the people who spoke today.

Altman asked that they make sure they have their address on the sign in sheet for us.

Long Branch Drain - The Sanctuary at 116th Street Section 1 Arm:
There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"November 30, 2007

To: Hamilton County Drainage Board

Re: Long Branch Drain, The Sanctuary at 116th Street Section 1 Arm.

Attached is a petition filed by Platinum Properties, LLC along with a non-enforcement request, plans, calculations, quantity summary and assessment roll for The Sanctuary at 116th Street Section 1 Arm, Long Branch Drain to be located in Clay Township. I have reviewed the submittals and petition and have found each to be in proper form.

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

6" SSD	8,055 ft.	18" RCP	295 ft.	30" RCP	628 ft.
12" RCP	543 ft.	21" RCP	151 ft.	36" RCP	284 ft.
15" RCP	580 ft.	24" RCP	470 ft.	42" RCP	227 ft.
				Open Channel	34 ft.

The total length of the drain will be 11,267 feet.

The open channel listed above is between Structure 1742 and Structure 1743.

The retention pond (existing lake) located in Common Area Block "G" is to be considered part of the regulated drain. Pond maintenance shall include the inlet, outlet, sediment removal and erosion control along the banks as part of the regulated drain. The maintenance of the pond (existing lake) such as mowing and aquatic vegetation control will be the responsibility of the Homeowners Association. The Board will also retain jurisdiction for ensuring the storage volume for which the pond (existing lake) was designed will be retained, thereby, allowing no fill or easement encroachments.

The subsurface drains (SSD) to be part of the regulated drain are those located under the curbs and those main lines between lots or in rear yards. Only the main SSD lines, which are located within the easement and/or right of ways, are to be maintained as regulated drain. Laterals for individual lots will not be considered part of the regulated drain. The portion of the SSD which will be regulated other than those under curbs are as follows:

205 feet along the north property line of Lot 29, ending at Structure 1729.

I have reviewed the plans and believe the drain will benefit each lot equally. Therefore, I recommend each lot be assessed equally. I also believe that no damages will result to landowners by the construction of this drain. I recommend a maintenance assessment of \$10.00 per acre for common areas and platted lots, \$10.00 per acre for roadways, with a \$65.00 minimum. With this assessment the total annual assessment for this drain/this section will be \$3,352.80.

The petitioner has submitted surety for the proposed drain at this time. The sureties which are in the form of a Performance Bond are as follows:

Agent: Bond Safeguard Insurance Company
Date: September 4, 2007.
Number: 5029327
For: Storm Sewers
Amount: \$212,786.40

Agent: Bond Safeguard Insurance Company
Date: September 4, 2007
Number: 5029326
For: Subsurface Drains
Amount: \$50,413.20

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 is for the reduction of the regulated drain easement to those easement widths as shown on the secondary plat for The Sanctuary at 116th Street, Section 1 as recorded in the office of the Hamilton County Recorder.

I recommend the Board set a hearing for this proposed drain for January 28, 2008.

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pl1"

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

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

"FINDINGS AND ORDER

CONCERNING THE MAINTENANCE OF THE

Long Branch Drain, The Sanctuary at 116th Street Section 1 Arm

On this 28th day of January 2008, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the Long Branch Drain, The Sanctuary at 116th Street Section 3 Arm.

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

HAMILTON COUNTY DRAINAGE BOARD

Steven A. Holt
President

Steven C. Dillinger
Member

Christine Altman
Member

Attest: Lynette Mosbaugh "

Copy from Drainage Board Minutes 03/08/10.

Mud Creek/Sand Creek report needs revised before hearing is continued.

"Howard stated that this hearing is on the Mud Creek/Sand Creek Drainage Area and we probably need to make a record on that. I did review the minutes and I talked to the Surveyor's Office extensively. Back in January of 2008 we had a public hearing to move the Mud Creek/Sand Creek from four years to eight years. The public hearing was closed and there were four people that had commented at the public hearing and the Board elected to table until the entire watershed was complete. I did check with Janet (Hansen) this morning and all of the sections that have been added since January of 2008, not only placed them on for maintenance, but also had the eight year provision. The only people who are going to be affected by the eight year, four to eight, are the people that were noticed back in January of 2008 so we are going to publish notice in both the Madison and Hamilton County newspapers, but direct notice is only going to those four persons who spoke at the public hearing. The public hearing was closed so all the input was there so nobody is going to be damaged greater than they would have been back then.

Altman stated that since we had questions before it would be helpful; do we have estimates of the costs of work that we're trying to accumulate the funds for?

Howard stated that he believes in the January 2008 minutes the costs were there. Also, in the January minutes there was some substantial confusion of one of the people that spoke concerning how much more it was going to cost him and there were directions to the Surveyor's Office that they needed to meet with those people. I don't know if that meeting ever occurred. One of the property owners it won't make any difference how many times you meet with him, he isn't going to understand it, but some of the others maybe.

Altman stated that it would be helpful at the hearing to have what we're saving for so people can see how long it will take to build up that fund to get the work done.

Howard stated that may be a lot to do in fourteen days so we might want to look at that. We call it hearing request, but basically it's going to be coming off the table. I don't know if fourteen days is adequate that's up to the Board.

Altman asked if we could put Mud Creek/Sand Creek on for hearing on May 24, 2010 unless there's a reason to push it faster. We only have two scheduled.

Kallio stated that she has the construction plans complete for nearly two miles of the Sand Creek Drain from S. R. 38 to 146th Street so we will be doing that this spring on maintenance.

Howard asked if we will have enough money in the maintenance fund?

Kallio stated that we should have enough money existing in the maintenance fund for that portion of it.

Howard stated this makes the extension from four years to eight years less acute because you're going to suck it down below four years.

Altman stated that just having that information especially since we had questions on it before I think will be very helpful for the folks that pay into the drain. We pulled the hearing requests that need to be revised slightly."