

MINUTES OF THE HAMILTON COUNTY DRAINAGE BOARD

April 27, 2020

The meeting was called to order Monday April 27, 2020 at 9:01 A.M.

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

Williams Creek Drainage Area, Springmill Run - The Estates at Towne Meadow Arm

There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

March 20, 2020,

To: Hamilton County Drainage Board

Re: Williams Creek Drainage Area, Spring Mill Run Drain, The Estates at Towne Meadow Arm:

Attached is a petition by PLP UHS Properties LLC, along with a non-enforcement request, plans, calculations, quantity summary and assessment roll for The Estates at Towne Meadow Arm, Williams Creek Drain located in Clay Township. I have reviewed the submittals 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.

12" RCP	1,016 LF	30" RCP	735 LF
15" RCP	1,921 LF	36" RCP	178 LF
18" RCP	843 LF	6" SSD	4,425 LF
21" RCP	410 LF		
24" RCP	484 LF		

The total length of the drain will be 10,112 feet.

This project will reconstruct a portion of the Spring Mill Run Drain - University High School Arm (2002). The existing open ditch will flow through the new developments detentions ponds constructed in Common Areas "2" and "3". The construction through the development will enclose 89 feet of existing open ditch with dual 36" RCP pipes between Structure 624 and 623. It will remove 23' of 12" plastic pipe at existing Structure B1 and extend the existing 24" RCP at existing Structure 27 by an additional 26 feet. These changes are outlined on the plans on Sheet C2.3 and detailed on Sheet C6.6.

The site is split by the Spring Mill Run Regulated Drain which runs through the property from the north to south. The Three (3) detention basins located in Common Area C.A. "B" will be considered part of the regulated drain. Basin maintenance assumed by the Drainage Board shall only include the inlets and outlet as part of the regulated drain. The maintenance of the detention basins such as sediment removal and erosion control along the banks, mowing, aquatic vegetation maintenance control, and anything required per the Storm Water Quality Maintenance and Operations Manual will be the responsibility of the Homeowners Association. The Board will also retain jurisdiction for ensuring the storage volume for which the pond was designed will be retained. Thereby, allowing no fill or easement encroachments.

The subsurface drains (SSD) under curbs in the Estates at Towne Meadows are not to be part of the regulated drain due to the requirement of street trees by the City of Carmel. The subsurface drains (SSD) to be part of the regulated drain are those main lines in front/rear yards, and those in common areas. Only the main SSD lines as described below, which are located within these areas are to be maintained as regulated drain. Laterals for individual lots will not be considered part of the regulated drain. The portions of the SSD which will be regulated and maintained are as follows:

Front/Rear Yard SSD:

Side Yard Lot 1 from Str. 604 North to SSD Riser
Rear Yard Lots 1-3 from Str. 604 West to Str. 604A
Rear Lot 3 from Str. 604A West to SSD Riser
Common Area "F" from Str. 608 West to SSD Riser
Rear Yard Lot 4 from Str. 605 East to SSD Riser
Rear Yard Lots 5-6 from Str. 605 West to SSD Riser
Rear Yard Lots 41-44 from Str. 617 to Str. 609
Rear Yard Lots 39-40 from Str. 618 to Str. 61
Rear Yard Lots 7-11 from SSD Risers to Str. 651

Rear Yard Lots 37-38 from Str. 601 to Str. 618
Rear Yard Lots 35-36 from Str. 630 East to SSD Riser
Rear Yard Lots 33-34 from Str. 630 West to Str. 649
Rear Yard Lots 31-32 from Str. 649 SW to Str. 648
Rear Yard Lots 27-30 from Str. 640 North to Str. 648
Rear Yard Lot 17 from Str. 634 West to SSD Riser
Rear Yard Lots 18-20 from Str. 634 East to Str. 635
Rear Yard Lot 21 from Str. 635 East to SSD Riser
Rear Yard Lots 25-26 from Str. 644 West to SSD Riser
Rear Yard Lots 22-24 from Str. 644 East to Str. 645

The plans for The Estates at Towne Meadow show 11 BMP storm structures with sumps and snouts. The sumps will be maintained as part of the regulated drain facilities and cleaned annually or as needed after the drainage facilities are accepted as part of the County's regulated drain system. Those structures are as follows: Str. 603, Str. 606, Str. 611, 616, Str. 621, Str. 626, Str. 629, Str. 633, Str. 636, Str. 639 and Str. 643.

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. The area is assessed for the Williams Creek Drainage shed at this time. The current rates are as follows: \$65.00 per lot, \$10.00 per acre for common areas, with \$65.00 minimum, and \$10.00 per acre for roadways. With this assessment the total annual assessment for this drain will be \$3,499.70.

In accordance with IC 36-7-4-709, the petitioner did not submit surety for the proposed drain prior to construction commencing. If the petitioner/developer wants to submit final secondary plat for recording prior to the final inspection and approved as-built drawings, a bond will be required at that time.

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

Attached is an easement (Recorder's Office Instrument #2020005589) granted by University High School of Indiana, Inc. conveying to the Board of Commissioners of Hamilton County a non-exclusive perpetual easement through, upon, over, along and across parcel 17-13-05-00-00-003.000. The easement is granted for providing overland or subsurface paths and courses for the construction, maintenance and preservation of storm drainage facilities which are part of this proposed regulated drain.

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

I recommend the Board set a hearing for this proposed drain for April 27, 2020.

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll

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

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

The Surveyor presented the non-enforcement request for the Estates at Towne Meadow to the Board for approval.

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

FINDINGS AND ORDER

CONCERNING THE MAINTENANCE OF THE

Williams Creek Drain, Springmill Run Arm, The Estates at Towne Meadow

On this **27th day of April, 2020**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Williams Creek Drain, Springmill Run Arm, The Estates at Towne Meadow**.

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

HAMILTON COUNTY DRAINAGE BOARD

Mark Heirbrandt
President

Christine Altman
Member

Steven Dillinger
Member

Attest: Pamela Louks
Acting Executive Secretary

R.J. Craig, George White Arm 2 - Jaycee Street Partial Vacation:

There were neither landowners present nor objections on file.

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

"March 6, 2020

To: Hamilton County Drainage Board

Re: RJ Craig Drain, George White Arm 2 - Jaycee Street Partial Vacation

Attached is a petition to vacate a portion of the RJ Craig Drain, George White Arm 2 by the City of Fishers to facilitate the construction of a parking garage at Nickel Plate Station. The proposal is to vacate a portion of the existing George White Arm 2 that is located along Jaycee Street, north of 116th, and also extends to the south side of the 116th right-of-way. This affects the following parcels in Nickel Plate Station: 15-10-36-04-03-004.000 (Lot 7A-I), 15-10-36-04-03-003.000 (Lot 1), 15-10-36-04-02-004.000 (Lot 6), 15-10-36-04-02-005.000 (Lot 2) which are owned by Nickel Plate North Associates LLC, and the 116th street right-of-way owned by the City of Fishers. Lot numbers above are per the secondary plat for Nickel Plate Station recorded on 2/19/2020, Instr. No: 2020008670.

The portion of the George White Arm 2 to be vacated will be 120' of 8" tile installed in 1916 between existing stations 0 and 1+20. Also, to be vacated is 94' of 24" RCP installed in 1997 as part of the 116th Reconstruction, from Str 177A to Str 178.

This request will remove 214 feet of existing drain from the drain's total length.

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

The original RJ Craig Drain was established per Commissioner's Court records dated November 1, 1899 (CR12, page 195). The original George White drain was constructed in 1916. In 1997, the George White Arm 2 was reconstructed by the 116th Reconstruction which was approved by the Board on November 24, 1997. See minutes book 4 page 482 for more information. A portion of the drain installed in 1997 known as the 116th Reconstruction is currently being reconstructed south of 116th street as part of the Nickel Plate - South Street Reconstruction, approved by the Board on July 8, 2019. See minutes book 18, pages 502 - 504 for more information.

Upon review of the request, I believe the above portion of the drain meets the requirements for vacation as set out in IC-36-9-27-34(d). In my opinion, the vacation will not adversely affect other property owners within the drainage shed. I recommend the Board set a hearing date for April 27, 2020.

Sincerely,

Kenton C. Ward
Hamilton County Surveyor

KCW/stc"

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

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

FINDINGS AND ORDER

CONCERNING THE PARTIAL VACATION OF THE

R.J. Craig, George White Arm 2, Jaycee Street Partial Abandonment

Station 0 to Station 1+20 & From Structure 177A to Structure 178

On this 27th day of April, 2020, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the R.J. Craig, George White Arm 2, Jaycee Street Partial Abandonment (Station 0 to Station 1+20 & from Structure 177A to Structure 178).

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 R.J. Craig, George White Arm 2, Jaycee Street Partial Abandonment (Station 0 to Station 1+20 & from Structure 177A to Structure 178).

HAMILTON COUNTY DRAINAGE BOARD

Mark Heirbrandt
President

Christine Altman
Member

Steven C. Dillinger
Member

Attest: Pamela Louks
Acting Executive Secretary

John Underwood Drain - Deferred Assessment Certification:

The Surveyor stated at the last meeting the Board signed this document. However, since it had a line through it the Auditor wanted a new document. This is a resigning of the same document.

Hearing Request:

The Surveyor presented the following items to the Board to set for hearing on June 22, 2020: B. F. Lamberson Drain, State Road 37 Extension and Harriett Sheward Drain, Craig Ave Extension.

Dillinger made a motion to set the items for hearing for June 22, 2020, seconded by Altman and approved unanimously.

Altman asked what happened to Little Eagle Creek? I'm comparing agendas.

The Surveyor stated you should have an updated agenda.

Altman stated I know, but it doesn't show it coming off.

Rauch stated it's on the variances on the second agenda.

Little Eagle Creek Drain - Lancaster Subdivision (Preliminary Variance Request):

Clark stated following is a request from Ed Fleming with Platinum Properties, LLC and Brian Robinson of Stoepfelwerth and Associates requesting a defined amount of fill to be permitted within the floodplain of the Little Eagle Drain for the Lancaster Residential project. The proposed subdivision is a residential development between 186th Street & 193rd Street and east of Casey Road. The proposed design is intended to remove a number of lots from the floodway fringe. The recommendation is to grant preliminary approval, set mitigation rate to 3:1 and require review by our watershed consultants for Little Eagle Creek which is Clark Dietz.

Altman stated we didn't get this in our packet, at least I did not. How much of the fill material is in the building pad or proposed building pads?

Clark stated the fill ratio is 8,907 cubic yards of fill and the cut ratio is 34,535 cubic yards.

Altman stated I'm just asking specifically is it a situation where we're going to have building pads affected because of fill? It looks like long distance it does.

Clark stated the purpose of the fill is to remove lots from..

Altman stated I would think that if we granted anything it's going to have to have the same disclosures.

The Surveyor stated that would be with the final approval.

Altman stated but they need to understand they're going to have to mark their plats and sales disclosures.

Howard stated bring that plat over and let's look at it real close to make sure they're; are there covenants for the plat?

The Surveyor stated this is preliminary right now.

Howard stated it's preliminary, but when they come in let's look at that. We've had some issues with covenants and plats recently.

Altman stated long term this is probably...the Board agrees to allow the developer to proceed with the appropriate restrictions and disclosures that homebuyers are going to find out that fill has been placed.

Stony Creek Drain - Stony Bluffs Subdivision (Preliminary Variance Request):

Mr. James Pence from was present for this item.

Cash stated this project is with the Stony Bluffs Subdivision. Triad Group is introducing their proposal. They are seeking preliminary concurrence and will come back for final approval at a later date.

Pence stated we are looking to introduce this project. We are doing a 27-lot subdivision. We've got about 550 cubic yards of fill in the floodplain and are proposing to do about 2,700 cubic yards of cut in the floodplain and floodway to provide the 3:1 compensatory storage. We have submitted to DNR and this week the Army Corp of Engineers and IDEM 4144 will be submitted for work in the floodway and the floodplain.

Altman stated again, I didn't get the plat in my packet. I get pictures of beautiful floodways and no plat. Are you proposing to fill in sellable lots?

Pence stated yes. We've got partially on two lots only at the north end of the cul-de-sac on the right. The green area on Lot 15 and 16, that's where the majority of the fill is being placed.

Altman asked and you heard the discussion about plat disclosures and sales disclosures?

Pence stated yes, we were involved in the Gristmill Project, so we'll make sure that we copy that over to the Stony Bluffs plat as well.

Altman asked is there a consensus to allow them to move forward?

Heirbrandt stated yes.

Dillinger stated yes.

Non-enforcements

Phyllis Wilson was present for this item.

The Surveyor presented a non-enforcement request for the Harry Herr Drain filed by Beck's Hybrid for parcel #01-01-15-00-00-007.000 & 01-01-15-00-00-007.001 for a 12" and 6" tile within the drainage easement. The Surveyor's Office recommends approval.

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

The Surveyor presented a non-enforcement request for the Springs of Cambridge Drain filed by Mitford Homes for parcel #13-15-11-00-18-035.000 for a driveway. The Surveyor's Office recommends approval.

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

The Surveyor presented a non-enforcement request for the Vermillion Drain, Enclave at Vermillion Arm filed by Ryan & Lydia Abbott for parcel #13-16-08-00-19-013.000 for a fence. The Surveyor's Office recommends approval.

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

The Surveyor presented a non-enforcement request for the Williams Creek Drain, High Grove Arm filed by Nathaniel & Katherine Miller for parcel #17-09-33-00-11-003.000 for a fence. The Surveyor's Office recommends approval.

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

The Surveyor presented a non-enforcement requested for the Williams Creek Drain, Springmill Ponds Arm filed by Joseph & Jill Dusina for parcel #17-09-23-01-08-022.000 for a fence with removable panels. The Surveyor's Office recommends approval.

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

The Surveyor presented a non-enforcement request for the Little Eagle Creek Drain, West Rail at the Station Arm filed by Adam & Michelle Prester for parcel #08-09-10-00-17-026.000 for a fence. The Surveyor's Office recommends approval.

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

The Surveyor presented a non-enforcement request for the Williams Creek Drain, Jackson's Grant Arm filed by Wedgewood Building Company for parcel #17-09-34-00-09-003.000 for a fence. The Surveyor's Office recommends approval.

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

The Surveyor presented a non-enforcement request for the Cool Creek Drain, Springmill Villas Arm filed by John & Anna Laughlin for parcel #08-09-11-00-02-018.000 for a fence. The Surveyor's Office recommends approval.

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

The Surveyor presented a non-enforcement request for Williams Creek Drain, Springmill Streams Arm filed by Brad & Danielle Miller for parcel #17-09-27-00-07-012.000 for a fence. The Surveyor's Office recommends approval.

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

Clark presented a non-enforcement request for the Timber Heights Drain filed by Phyllis Wilson for parcel #17-14-07-01-11-061.000 for an 11'x14' deck and pergola which would encroach into the 15-foot easement located on the east side of her property by 11 feet, at the closest. A 12" drain runs diagonally across the east side of Wilson's yard within the 15-foot easement located on her property. The drain runs within the 15-foot easement at five to six feet off the eastern property line. The drain itself has been laid 3¼ feet below the surface. With her proposed deck and pergola this would give us insufficient access to the drain and for that reason the Surveyor's Office recommends denial of the proposed addition.

Wilson stated I bought this home and proposed to have a deck on the east side with a pergola so I can sit out there in the morning for breakfast or whatever. You can see there is access to the street especially in these times with the social distancing I can talk to my neighbors. My proposal is with 11 feet coming off of my home, my post would be about 3 feet from the actual drain because there's 10 feet from my neighbor's house to the drain. I would be 3 feet away from the drain on one corner and 6 feet away from the drain on the northeast corner. This way I would be able to enjoy my property. Before I found out about the drain, I already put in about a \$4,500.00 slider with a transom for the purpose of having a deck out there. I feel like the 10 feet on the one side of the drain gives them plenty of access so they'd actually have 13 feet from the neighbor's house, have access on the one corner and 16 feet on the farthest corner to have access to that drain. There is a big utility box at the street closer to the sidewalk and other utilities that are covered up. I feel like those would probably be harder to work with than my actual post because we're not talking about that big of an area. I would be happy to agree that in the future if you had to do something, the construction would be with deck screws so things could be removed except for the 6x6 post unless it had to be removed and then replaced later. I'm hoping that you will approve my request.

Howard asked is that easement pure drainage or is it D.U.E. on the plat?

Clark stated I believe it's D.U.E.

Howard stated it sounds like your problem has just started.

Dillinger stated you might explain to her what you mean.

Howard stated if on the plat the easement is shown as a D.E., that's a drainage easement, solely for the drainage. If it's a D.U.E. it's drainage and utility easement. So, the utilities have a property right in that easement also that your encroachment would interfere with. It's not only the Drainage Board. The question is, is there electrical, is there telephone, is there gas, what's in there? You're going to need to figure all of that out. This is just step one.

Wilson stated I can answer that. They came out and marked for a tree removal and the utilities run across the front of the property and none ran to the back. They were all within, I'd say, 10 to 12 feet from the sidewalk of where they go across the front of the property.

Dillinger asked what happens if they decide to put in something, assuming what you're saying is correct, what happens if one of those utilities decide they want to put something in that easement?

Wilson stated I don't know why they would because there's no other property behind me, there's water behind me to the south side. There are no other homes in that area.

Howard stated from a property law standpoint if the easement is granted for a specific purpose and the people that have the right to go in there, just because they're not here today doesn't mean they might not be there. It may be a low probability, but every utility has the right to put something in that easement if they so desire. For example, next to my house they just put an electric line in an easement that did not have one before to go down to the pond and put in a bubbler. Those easements were there when the land was platted and when you bought your ground and your title policy says subject to easements of record. All of the easements have a right to be in there. My thought would be you may want to angle that edge of your deck because if somebody decides to put something in there and you never know what's going to happen, but they have a property right; they have ownership of that easement, they have more ownership of it than you do.

Altman stated the other problem you have is its way outside your building setback line.

Wilson stated when I lived up the street I had a deck that was started and approved by the Homeowner's Association and then as the carpenter started and got the post in the ground then it was determined that there was a drain there. So, what the Board did at that time, about 3 years ago, you had me sign an encroachment agreement where, in the future I might have to remove it.

The Surveyor stated from that experience you should have known better than to put a slider in the side of the house expecting the Board to waive its rights. The other item is that you have a 15-foot easement on your property. Within that easement is the drain and that drain runs anywhere from five feet to six feet off the property line. That would put this deck on top of the drain.

Wilson stated I'd like to point out that it really doesn't.

Altman stated that's okay, I don't know if we need more discussion.

Wilson stated one post is three feet from the drain. My house is at a diagonal, it's not parallel with the drain. So, my southeast post would be within three feet of the drain and then the northeast post would be six feet away from the drain, but you have ten feet from the neighbor's house to the drain in order to; that gives you more space to work and it's a 12 inch drain. When I got the property, I did not know there was a drain there. It wasn't until I got an approval from the HOA that I got a plot plan and that's when I found out.

The Surveyor stated and this is the same story that we heard before, that you didn't know there was a drain there in spite of having an outlet in the pond behind your house and in spite of having inlets in the curb that capture the water. What made you believe that we would do this again?

Wilson stated I did not know that the drain was there until after I got the plot plan and had already had the slider put in.

Altman stated the other problem you have is your variance is not just from the Homeowner's Association on the building set back line. You have to go through the City of Carmel and get a BZA approval to get into that building line. This is not just drainage. The time to look at your plot plan is before you purchase a property. At this point I'm not inclined to make a motion to approve this variance. I'd put it up to the rest of the Members.

Wilson stated I would like to add that with that extra space from the neighbor's side that with it being a 12 inch drain that the equipment wouldn't have to be that big in order to get to the drain and the depth of it, Metro, when they put in the lines across the fronts of properties they hand dug a lot of those.

Altman stated you're asking us to put the total burden of repairing that drain on your neighbor's property because you want a pergola and that is not fair either. Why is that fair? They're not affected by this easement. It is your property that bears the burden of the easement, not your neighbors.

Wilson stated it showed it on the plot plan that five feet of their house was part of the easement because I got a copy of their plot plan too.

Altman stated yes and that's five feet and your asking to use the whole...

Wilson stated so that's a total of ten feet to the drain.

Altman stated I already stated my opinion. I'd like to move on.

Heirbrandt asked Dillinger his thoughts.

Dillinger stated I don't think I can make a motion for it.

Heirbrandt stated we'd really to be able to help you, but under these circumstances; this Board follows the law. Unfortunately, there's a lot of things that need to happen. You can't be in this easement area.

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

Wilson asked do you have any other avenue to try to be able to have some kind of deck out there?

Altman stated you can appeal to the courts on this decision if you so choose.

Wilson asked can you say that louder.

Altman stated you can appeal our decision; I believe it goes to Circuit.

Howard stated in a court of jurisdiction and it has to be a total abusive discretion.

Heirbrandt asked what advice can we give her?

Howard stated that outside wall may not be square to the world to your house. It may have to have a little bend in there. I own a building over here that has a crooked wall for the railroad right of way that's been there for 120 years, it's not a problem. You move that post, as we look at it, to our left, get it more parallel then you might be in there a foot or two and who knows what might happen.

Wilson asked you're saying I might be within a foot or two?

Howard stated I don't know. It's your building you're designing, but I'm saying if you move that wall from an angle to square it up with the property line as opposed to your house you may be able to fit it in there. You might want to look at that.

The Surveyor stated or you might want to do pavers.

Altman stated right. Just do a paver deck area. Instead of a wood deck, put in pavers, and don't put a covering over it. I know it doesn't accomplish what you want, but you may do an awning that extends and retracts. It just cannot be a permanent structure.

Wilson stated it's only a 6x6 post.

Altman stated you've got the post, you've got the deck, you've got the roof. It's not just a post.

Howard stated when you go in there with equipment and try to repair it a 6x6 post might as well be solid steel because it's in the way. It's going to cost more money to tear down your deck, which if they have to do that to maintain it, it's going to cost more money for the contractor to do that than it is to fix whatever is wrong with the pipe. That's why we have easements, so it doesn't cost everybody lots of money to fix things.

Spills:

Mud Creek/Sand Creek Drain, Russell Johnson Arm - Liston stated the incident happened about a week and half ago in the Fishers area on the Russell Johnson Drain. A garbage truck was making it's rounds and a CNG tank overheated and exploded on the truck creating a nice little fireball. During the suppression of that fire the foam from Fishers Fire Department got into the regulated drain. It was cleaned up. There was an obstruction in the ditch that actually stopped everything, and they were able to clean it up.

Nancy Kimberlain Drain (HSE Spill Continued from 04/13/20) - Duncan stated at the last Board meeting the Board had asked for a better explanation of the overflow that occurred into Mud Creek out of Hamilton Southeastern utilities sanitary sewage system. I put together a graphic that roughly explains what I believe happened. I'm still trying to obtain mapping of their system. With the known lift stations in the area I have made a reasonable estimate of exactly what would have happened. On your graphic in the very lower right-hand corner at the intersection of 106th Street & Cumberland Road there is a lift station. At that lift station there is a manhole where several sewers converge as well as the 20-inch force main that failed. When the 20-inch force main failed, so that is sewage that is being pumped under pressure towards the lift station.

Altman asked can you back up one second? The failure occurred in a gravity line or force main line?

Duncan stated a force main line.

Altman stated because before the explanation, I thought, it was just gravity.

Duncan stated correct, that's what you had asked me to do. It was, indeed, in a force main. It was in that structure just upstream of the main lift station at Cumberland Road & 106th Street. Generally, what happens with sewer systems is gravity goes to a point, it has to be lifted up and it goes back down again and then you lift it again. So, this was just upstream of where it needed to be lifted again. Again, it was being pumped so with a failure in that line, they indicated that they have diverted the flow. So, the diversion of that flow in that force main would necessitate shutting off lift stations upstream of that. The two nearest lift stations upstream of where the failure occurred are indicated by the large red arrows on that graphic. It could be either of those were shut off or both of them were shut off. So, as such, the sewage going to those had to go somewhere and they have indicated that they diverted the flow into either of those lift stations or both up to the lift station at 116th Street which is indicated by the large green arrow. So, if you can envision all the sewage going to the two lift stations at the red arrows all now having to be diverted up to another lift station the lift station simply couldn't handle it so that is why it overflowed there.

Howard stated it overflowed in a gravity because the gravity had more capacity than the lift station could pump.

Duncan stated correct, limited by the capacity of that lift station. You had more coming in that could be pumped out, so it had to overflow.

Altman asked was it like a relief valve or it came out of the manhole?

Duncan stated it came out of the manhole, yes.

Altman stated it had to go somewhere.

Duncan stated and the fact that whether it's by gravity or if it's being pumped, being pumped is a little bit more so of an issue because that is even under more pressure. It has to go somewhere. So, that's my understanding of what happened. We are also interested in how much of the force main was replaced, that ductal iron force main. Again, if you could look at the lower right-hand corner there's a green line that's approximately 600 feet, they indicated that they had fixed 600 feet of force main. Right after this occurred, we had witnessed some construction going on in that area, so that had to be the force main that was being fixed. I still do not know, I'm trying to find out, how much of this, what the length of this 20-inch duct line force main is. What I was able to find, the easement in which it is located is 1993 so, it's really not that old in the grand scheme of things assuming that easement was in place specifically for the installation of that force main. Really, in terms of the condition of the overall force main I'm still working on that. I'm in contact with Hamilton Southeastern Utilities.

Altman stated so they indicated that the corrosion in the line was from surface water above.

Duncan stated no, they just simply stated corrosion of the force main.

Altman asked is there some industrial user that's pumping weird stuff in?

Duncan stated there shouldn't be, that's all residential. Ductile iron is not an uncommon material for force mains. They do tend to last quite a long time.

Howard asked what did IDEM think about this? Was there a filing required?

Duncan stated there was a report made to IDEM and we actually got a reply from IDEM. We had asked them some questions about their policies for such spills and to kind of summarize it was like "we understand these happen and we'll only pursue people who do it a lot or people that don't respond".

Howard stated with what HSE charges developers to put in their standards for infrastructure its pretty hard to believe.

Altman stated it's a private utility. I wonder where that money goes.

Duncan stated at the first meeting there's a summary of our records for Hamilton Southeastern Utility overflows back thru 2006 was the earliest one I could find. Our records of various overflows and the reasons for those generally, and I think this is actually a very common thing, has to do with the systems at the lift stations themselves usually fail. There's a lot of mechanical parts in those.

Altman stated most of them have dual systems and I believe this utility does not; back up pumps.

Duncan stated I don't know about their system or if they have backup generators at each lift station. But usually it is electrical, usually that's what fails or the pumps themselves fail. As you can see, we really only have two force main failures on record. I can go through and look at the IDEM database.

Altman stated no, at this point...

Heirbrandt stated I'm satisfied with the explanation.

Altman stated the explanation that we received in writing from the utility didn't match up to what the report said and that was my concern is it just didn't line up.

Surety Release:

Liston stated that at this afternoon's Commissioners meeting the Board would be releasing the following surety: Letter of Credit #1105 in the amount of \$18,000.00 for O'Reilly Auto Parts, Elwood Wilson Drain, Floodplain Compensatory Storage Area; Irrevocable Standby Letter of Credit #16791078 in the amount of \$117,079.00 for Mid Indiana Marine Dealership, Miller-Carson & Whisler-Brenner Drain Retention Pond.

Construction Updates:

F. M. Musselman Drain, W. S. Burnau Reconstruction - Liston stated we're still working with Duke Energy to get the pole relocated.

Duncan stated I need to call them today. I got indication last week that there is a box next to the pole that is the start of an underground conduit for the power for each of the homes on each side. The pole where that cone is needs to move about 5 feet to the east, which would be left, looking at the photo. I'm going to call them today. The indication in an email was they don't have enough easement to move the pole. I don't quite know yet if that's valid. I think that's all right of way there, but I'm going to follow up on that. But if not, if Duke does have easement, we have a work order for it and hopefully they should be able to move that.

Altman asked was this a regulated drain?

Duncan stated this is a regulated drain easement, yes.

Altman asked so they're in our regulated drain easement?

Duncan stated correct. What they're saying is they don't have an easement to move to.

Altman stated that would be their problem.

Duncan stated that would be their problem and I do agree with that, the problem is if they've got to get easement it's going to take them that much longer to move it.

Howard stated is our easement wide enough we could give them an encroachment and still move it back as far as we need it moved back?

Duncan stated if we could do that it would be great. I'm going to call them and find out the specifics. I think it's right-of-way, but I'm going to find out.

Altman stated go back to the base regulated drain information to see the width and the location.

Duncan stated from a regulated drain standpoint we have plenty of room for them to move within.

Howard stated if they're in our easement, because they are not afraid to ask somebody to pay and pay a lot if you ask them to move a pole. So, if they're already in our easement and they don't have an easement then we can give them an encroachment back to the left and still be better off than we are today, I would guess.

The Surveyor stated but that's a departure from what we've told people in the past on utilities, that that's strictly for drainage and they have to get their own easement.

Howard stated if we could put them right at the edge maybe it would be worth it to get them out of the way sooner rather than later.

Duncan stated there's a platted utility easement at the rear of the lots, that's what this pole line is in. I haven't looked at it in great detail to see how much room they have. I'm just really going off the brief review of the email where they indicated they don't have an easement. Again, I think it's right-of-way, but I'm going to confirm that and find out.

The Surveyor stated I believe there's platted right-of-way there.

Duncan stated I believe so, yes, I just can't confirm it.

The Surveyor stated surely, they can move it forward and be in the county right of way.

Duncan stated that's what I think.

Altman asked are we keeping track of costs?

Liston stated yes, we haven't had any change orders yet, but at the next meeting we will probably have a couple of change orders.

Altman stated if we're going to have to delay the project to get them out to finish; is that the case or not the case?

Liston stated no, it is not delaying the project. They're still working to the south, but it's going to get to the point where the contractor will want to be able to finish this.

Altman stated then we probably ought to put them on notice that they have how many days to figure this out because then we are going to have to start incurring because it shouldn't go on the people in the regulated drain, the extra expense.

Duncan stated they haven't indicated that they are. At this point they've developed a work plan to move the pole, they know it's at their cost because they're within the regulated drain. Really, it's just a matter of the effect on time.

Altman stated yes, but they need to understand that it shouldn't be our rate payers that are...

Duncan stated right. I'm going to continue to work on that. I'm going to call Duke Energy today and talk through the easement issue. If there's not an issue, then they are moving forward with moving the pole. We met with them onsite two weeks ago, so it's in process.

Liston stated the other utilities that we've had to deal with, Comcast has worked great with us. They've actually sent their workers out and were able to do splices around the box culvert. It enabled us to get that in underneath the road.

Anchorage Drain, Reconstruction of a Portion of Section 1 - Liston stated last week Agricon was able to do the final grading. It's all been seeded and mulched. The four homeowners have tied in.

Heirbrandt stated I talked to them last week and I was happy to hear that Chad (Wilson) went out there and seeded. It made a lot of people happy seeing him finally get out there to seed that. I also let some of the homeowners know too in that wooded area, I know that Chad had picked up a lot of leaves in there and they were damp underneath. I let them know that they wanted to keep the trees and that there could be some puddling inside those trees because of that and we tried to grade it out the best we could, but I was encouraged to hear that three of those homeowners did tie in.

Liston stated all four of them did.

Heirbrandt stated all four of them did, that's awesome. That will help.

Altman stated that's the only way it was going to help.

Liston stated the area where Chad went in and put those lateral drains in, there was probably about four to five inches of leaves that had decayed, and underneath was just mud. They need to go out and clean those areas.

Duncan stated that Chad did grade, as you can see on that exhibit, he really graded all the way to the easement limits to help the situation. My design in an attempt to minimize the footprint of the project did not have the grading of that swale out so far so he went the extra step to grade the entire swale, the entire limit of the easement to get as much positive drainage in that area as possible.

Heirbrandt stated the homeowners really like Chad. They thought that he did go above and beyond. We all know how upset those people were that are in that area. I got to see it firsthand because I had to out and meet with all of them.

Liston stated we may have some irrigation issues out there. There's a lot of irrigation piping. We think we've got it all repaired, but we won't know until those systems are activated and they pop the heads.

Heirbrandt asked is there any way we can send out an email to that group to let them know of any other further issues that they need to be aware of such as those leaves, we would recommend somebody clean those leaves up, as well as, the irrigation issues, just a follow up so we have it in writing. I think that will save a lot of headaches in the future if we just put stuff in the correspondence on what other things that we see to be helpful to help them in that area. If we could get that email out to all of them. Please copy me on that email, too.

Howard stated I assume you mean emphasizing what they need to do to help themselves.

Heirbrandt stated that is correct. We have done everything that we could do.

Liston stated I'm just waiting for the big rain to make sure; we know it will go away because it did during the...

The Surveyor stated let's hope there's grass first. These quarter and half inch rains are perfect for that.

Ellis Barker Drain Reconstruction - Cline stated the Ellis Barker is substantially complete. The main drain has been put in. There is a problem with a fiber optic cable that was found on the west side of Grassy Branch that, as of last week, nobody was owning up to whose it was. We're still trying to solve that problem. Morphey needs to come back and do some; they have a portion of the old tile that needs to be taken out and done away with because when they first came through their main intention was to make sure they got the new drain in and completed before they destroyed the old and then they have to come back and do the final grading and seeding. They didn't work last week, and I don't believe they worked the week before. I'm going to contact Steve Milbourne with Morphey to see when they're going to come back and start with the final grading.

Altman asked what did they run into?

Cline stated a fiber optic cable that was nine feet in the ground.

The Surveyor stated there were two of them, one on top of the other by six feet. This was fine because they came out and rerouted it. It was the one that was on the bottom that no one is owning up to. I told them to cut it and we'll find out, but no one is fessing up. We've contacted everyone that we know.

Altman asked Metronet? They're the ones that go out there and slather them in.

Duncan stated there are markers for Verizon and our understanding is that Verizon, at least the fiber lines were purchased by Frontier because the person I talked to with Verizon has indicated they are now trying to get up into Hamilton County with different facilities, but I've talked to our contact with Frontier and he claims that that's not their line. It's interesting, nobody is owning up to it. We'll keep trying.

Altman asked did you check with the City of Westfield? They were doing some entrepreneurial fiber work.

Duncan stated in a roundabout way I have checked with Westfield.

Altman stated let's check with Westfield, let's check with the northern schools. I just can't imagine we put in any UASI (Urban Area Security Initiative) money.

Conover stated MISO (Midcontinent Independent System Operator) put in their own line. They did a big boot from Carmel to Sheridan and then back down to Noblesville. I'm wondering if it could be that line because he ran into that same line on S.R. 47.

Altman stated yes, because they've got a backup site in the middle of nowhere.

Heirbrandt asked can you give us an update on that, just follow up on that.

Altman stated MISO is the best bet.

William Krause Drain Reconstruction Phase 3 - Conover stated around January the contractor had to stop to allow Vectren to move the gas line. The gas line has been relocated, but about the time they got relocated is when the whole Covid thing had hit. They have not been back on that project. The project is 90 percent complete. They have less than 100 feet of pipe and a few structures to set. I've contacted them and haven't heard back as to when they're planning on coming back. I don't know if the whole company is down or what's going on.

Heirbrandt stated please keep us updated.

Crawford Wetland Mitigation Project - Conover stated I was out there Friday morning and the contractor was about down to grade with the grading. This week they're planning on getting the project done.

Clara Knotts Pipe Lining - Baitz stated we had a brief pre-construction meeting on the 16th of April on the Clara Knotts project. All the contractors were there and they're working toward getting the road cut permits, their materials lined out and those type things. As soon as they get all of that they'll move forward.

Pending Asbuilts:

Thistlewaite Drain, California Street Arm Extension - Duncan stated I did look at the asbuilts and I need to get back with the surveyor, Brian Rayl, with our office on how he wants to show the curbing on the asbuilt drawing and that is the only thing left to do. I will talk to him today about that.

Pending Final Reports:

William Krause Drain, Reconstruction Phase 1 & 2 - Conover stated the final report is done and I'm making sure all the mapping lines up with that.

Benton Hinesley Drain, Grass Waterway - Conover stated the final report is done and I'm making sure all the mapping lines up with that.

Thorpe Creek Drainage Area, Martha Ford Arm Relocation - Liston stated the final report is written and on the Surveyor's table for review.

Thorpe Creek Drainage Area, John Underwood Arm Reconstruction - Liston stated the final report is written and on the Surveyor's table for review.

The Surveyor stated on the Krause projects we're still waiting for Ogle to sign the agreement and he has now refused to sign it until he's got more additional grading and so forth. This just keeps going on and on and on. Can you contact his attorney and maybe get some push there?

Howard stated yes.

Drainage Board Attorney (Pending items)

Heirbrandt asked Howard, if you could look at some of these pending items.

Howard stated I'll try to get on those.

Altman stated work on our substitutes, that's probably the most critical.

Heirbrandt stated they've been on here for a while and we need to get these things addressed.

The Surveyor asked we don't have the alternates yet?

Altman stated I saw it on the agenda.

Howard stated I thought those had been approved.

Altman stated they may have, I don't know, I just saw it.

Howard stated I'll check because I file those, and Judge Felix sends them back. I'll get those and I'll try to get a couple more off.

Heirbrandt stated if you could see what you could do to address some of those.

Bellewood Drain, Glen Oaks Arm:

Heirbrandt stated also, I know Chris Konow, you sent an email out. If you could, for the record, what's going on over there right now.

Duncan stated I sent an email to Mr. Konow on Friday as a status update. I talked with Joe Miller from Banning Thursday or Friday, the survey is complete and is being processed in house. The design of the improvements, Joe (Miller) had indicated those are scheduled for some time in May, so it is moving forward.

Centennial Drain:

Heirbrandt stated I forwarded over a couple of emails from Kate (Chirico). She does understand about the landscape. I did get her in touch with a couple of people that could help her on that at her expense. The other concern she had was there one person behind her that was pumping water. We said we'd address that, but there's another neighbor where she sent some pictures of what seems like a pump, maybe it's a bubbler, I don't know what it is, but there's something coming out of that side yard.

The Surveyor asked Baitz, do you know which one this is?

Altman asked is it a sump pump?

Baitz stated I know what she has indicated, but I I've stayed within the regulated drain easement. I haven't gone up in the personal property.

Heirbrandt asked if you could check on that, I think once we address that particular issue and we get the tie-in put in and stop the guy in the back I think that we'll be done. She knows what her responsibilities in regard to what she has to pay to get it tied in.

Altman asked does the city have a regulation on tying in your sumps?

Heirbrandt stated I think they worked that out with Wes (Rood) already.

The Surveyor stated I thought they did.

Altman stated if something's bubbling out of the backyard its typically a sump pump discharge.

Howard stated most municipalities don't want sump pumps because it cost just as much to treat a gallon of that sump water as it does sewage.

The Surveyor stated I think this is about work from the downspouts where they put pipe in the ground and come over a way and then it pops up.

Howard stated kind of like a backwards French Drain.

Altman asked what's wrong with that?

Heirbrandt stated what's happening though is it will come up and then goes onto her property and then it puddles her whole backyard.

Altman stated that would be common enemy, wouldn't it?

Howard stated your channeling, when you're bringing it from the downspouts your channeling and funneling.

Heirbrandt stated and to her credit she's taken all kinds of pictures of it coming out of the ground and coming onto her property. I think those are the issues that we need to try to resolve.

Altman asked is that a Drainage Board problem, is that in regulated drain? If it's not in regulated drain, it's not Drainage Board.

Heirbrandt stated I understand. I think we need to communicate that with Wes (Rood) at Westfield.

Canal Place Drain:

The Surveyor stated I just got today the final items I was waiting for on Canal Place Drain on Strongbow Gate Arm. There seems to be a problem with the pond on the south side of 104th Street. This is located roughly at 104th Street & Olio Road. The drain that goes through the pond is the Canal Place Drain which is the old Thomas West Drain, but something is happening with those ponds and it's flooding 104th Street. I've been talking with Jason Armour with Fishers and they have DLZ on retainer. Fishers told them it would be for a study of that. It would be \$9,200.00 for the study and Fishers has asked if we would pay half. They would retain DLZ under their scope.

Altman asked do we have money in the drainage fund?

The Surveyor stated about \$141,000.00.

Altman stated yes, we could probably do half.

Altman made a motion to approve funding \$4,600.00 from the Canal Place Drainage Fund for a study by DLZ retained by the City of Fishers for the 104th Street & Olio Road flooding problem, seconded by Dillinger and approve unanimously.

Waltz, Warman, Booth & Dickover Drain:

Heirbrandt stated to keep the Board informed I met with Sonny Beck. He still wants to have this drain vacated. I called Howard after I left there about 6:30 p.m. on Friday. I know you're going to reach out to Sonny on a couple of different potential options.

Howard stated I think vacation is probably not the idea, it would be more of a license agreement to do work in there.

Altman stated it's what we talked about to give him more flexibility.

Howard stated I thought what I might do is prepare the outline of the license agreement and let them fill in the blanks from where to where, to how much, all technical stuff.

Heirbrandt stated we drove that whole area and he's doing a lot of stuff himself. He's spending a lot of money himself, but he's making it better up there.

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

Mark Heirbrandt - President

Pamela Louks
Acting Executive Secretary