

MINUTES OF THE HAMILTON COUNTY DRAINAGE BOARD

June 8, 2020

The meeting was called to order Monday, June 8, 2020 at 12:11 p.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. Jerry Liston, Mr. Gary Duncan, Mr. Reuben Arvin, Mr. Steve Baitz, Mr. Steve Cash, Mr. Andy Conover, Mr. Luther Cline and Mr. Sam Clark.

Waltz, Warman, Booth & Dickover Drain - License Agreement:

Mr. Sonny Beck was present for this item.

Howard stated at your last meeting you discussed this drainage shed and granting to Beck's Hybrids a license to construction/reconstruct in the drain right of way. Under the terms of that they would provide asbuilts at the end of any additional construction. They would not be required to receive permits. There are certain terms which this could be terminated in Section 7 "Upon 30-day notice and a hearing before the Drainage Board". As far as the discharge rate it was not in your prior document, but the conversations would be .3 cubic feet per second per acre for the 100-year storm. There was talk about a 10-year storm, but I'll let the Surveyor address those issues if he desires. Mr. Beck is here to answer any questions that you might have.

The Surveyor stated on Sections 2 and 7 (b) I would ask the Board to consider putting the 10-year storm rate of 0.1 CFS per acre which is the County Ordinance in those areas. Also, on item No. 5 what would be the timeline for the asbuilts being submitted.

Heirbrandt asked what's a reasonable time?

The Surveyor stated I would think 30 to 60 days would be reasonable.

Heirbrandt asked Beck, do you have any objections with either one of those? Can you state again what those items are?

The Surveyor stated in paragraph 2 and paragraph 7 (b), the addition of the 0.1 cfs per acre for a 10-year storm which is the standard for the county per the ordinance. Also, in paragraph 5, on the asbuilts, I asked the Board about a time period for the submittal of the asbuilts. The question from Heirbrandt was, what would be a reasonable time, and I told him I would think 30 to 60 days for that time period.

Beck stated we had no time date on that. The project we're on right now is a three-year project. There will be parts done before that, but I would assume you mean when we finish the project that we're on within probably 60 to 90 days. By the time, what you call finished, finished would be, in my opinion, occupancy.

Howard stated we're talking about the asbuilts of any improvements you make within the drainage easement, not your buildings. Is that what you're talking about?

The Surveyor stated Beck is talking about the buildings, which would be part of the overall project.

Howard stated you'd want to keep the impervious records.

The Surveyor stated right.

Howard asked 60 days?

Beck stated 60 days on the improvements we make to the drainage, yes.

Howard asked what do you want from the buildings, his runoff calculations?

The Surveyor stated right, it says asbuilts including the calculations.

Howard stated so it would be the calculations of the runoff plus any; so, for example, when you're building after occupancy you would have 60 days to provide the calculations and then anything you do within the drainage easement, any additional pipes or anything like that you would provide those within the same period of time.

Beck stated I believe that would be reasonable. The other one was not in our initial contract, we agreed on just doing the 100-year storm and whatever the State Engineer used, which was the County Standard I think, but it was to be only the 100-year storm.

Howard stated in Section 5, we would add there that within 60 days of completion.

Beck stated whatever the Board wants, that would be fine.

Altman asked what do our permits normally require, timewise?

The Surveyor stated on permits we normally don't require an asbuilt for the detention ponds. That would be permitted as approval of the plan, but on the asbuilts for the reconstruction or any reconstruction of the pipe itself, that would probably be a 90-day period.

Altman asked 90? Why don't we put a 90-day period on this?

The Surveyor stated okay.

Altman stated it's different on construction because you've got a contractor that want's his payment.

Howard stated I've got that and then the issue of the 10-year storm calculation versus just the 100-year storm.

Beck stated what we agreed to was the 100-year storm and make agreement that go license instead of a complete vacation so it may have been a give and take thing here, but that's what we agreed on. Yes, stay with that.

Dillinger made the motion to approve the agreement with the revision on the asbuilts, seconded by Altman and approved unanimously.

Beck stated we will certainly continue to keep that drain in the best shape it can be and will continue to improve it because it's our land and it's our place and we're going to do the right thing to not release. I mentioned before we built retention on ground not even being used yet and we've done some work on the slopes into the creek and so forth. We're going to do what's right for the release because we have to all be more and more conscious of that particularly as all the development moves our way and increase more problems like we'll do our part up on the other end.

Emily Vestal Drain - Survey Services Quotes:

The Surveyor presented his recommendation to the Board for approval.

"June 5, 2020

TO: Hamilton County Drainage Board

RE: Emily Vestal Drain

At the May 11, 2020 Drainage Board meeting, the Board approved the request for quotes for survey services for the Emily Vestal Drain. Three requests were sent out to Banning Engineering, Weihe Engineers, and Miller Surveying. Three quotes were received. The result of the responses is as follows:

Banning Engineering -	\$20,000.00
Miller Surveying -	\$59,550.00
Weihe Engineers -	\$60,400.00

Upon review of the responses, this office recommends the Board award a contract for survey services to Banning Engineering.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pl1"

Altman made the motion to award the Survey Services on the Emily Vestal Drain to Banning Engineering in the amount of \$20,000.00, seconded by Dillinger and approved unanimously.

Hearing Requests:

The Surveyor asked the Board to set the following items for hearing on July 27, 2020: Little Eagle Creek Drain, Bear Creek South Sections 1A and 1B; R. J. Craig Drain, South Village Reconstruction.

Dillinger made the motion to set the items presented for hearing on July 27, 2020, seconded by Altman and approved unanimously.

Non-enforcements:

Mr. Ryan Lindner was present for this item.

Clark presented a non-enforcement request for the Shelborne Green Drain filed by Hila and Ryan Lindner for parcel #17-13-08-03-04-026.000 for a fence. There are two six-inch underdrains, one of which is parallel to their west property line and the other is parallel to their north property line. The office was initially going to allow for a 10-foot encroachment into their easement on their west property line. A full encroachment for a portion of it on their northwest property line and a 10-foot encroachment parallel to their north property line. Lindner is present to day to argue for a full encroachment.

Lindner stated I had a couple of comments on this. We want to build a fence, our family is growing and the ten feet that we're taking out, I was hoping we could negotiate that and maybe we could do a removable panel in that place and encroach further into the easement.

The Surveyor asked are those subsurface drains?

Clark stated those are subsurface drains.

Howard stated it's a subsurface drain. How deep is it and how big a pipe is it?

Clark stated it's about two to three feet deep. It's a six-inch subsurface drain.

Altman asked with the allowable ten-foot, what's your slope to get down to the pipe, 3:1?

Clark stated that's the standard.

Altman stated that's about all we would want to do. Even with a removable panel you're looking at a 3:1 slope with the encroachment allowed.

Howard stated for the property owner's information, everybody comes in and talks about removable panels like it's no big deal, but if the contractor has to go in there and remove all those panels and everybody's encroaching it substantially increases the cost of the project. That's why we have easements dedicated as part of your plat so that if there is a need for repair and we hope that there isn't, but if there's a need for repair that the access will be easily attained and cut the cost to the project. We're not taking, we're giving back because that easement is there, protected.

Lindner stated ten feet makes a big difference in terms of our yard and if we ever did want to sell the house it makes the yard look smaller just with the 10-feet. Even if we get five more feet into the easement.

Howard stated when you bought the house the easement was there and when the next guy buys the house the easement will be there for the use of the drainage and/or utilities. We're not taking anything from you, you're asking to have something returned. Just clarification so we're not thinking about...

Lindner stated here's what I understand, is that this is my property line.

Howard stated yes.

Lindner stated so when I bought the property, I was under the assumption that I bought the entire property, not just to here.

Howard stated go back and get your plat and get your title policy. The plat will show the easement and the title policy will say "subject to easements and restrictions of record". Your assumption was that you did buy the property, but there is a use easement that supersedes your desire to put in a fence.

Lindner asked the fence moving out to here is what they got to do to spend more to get to the drain?

Howard stated somebody's got to remove the panels and you have to pay them.

Altman stated I'm not inclined to allow additional variance so if you'd like to withdraw it that's fine, or you can allow us to approve it as submitted by the Surveyor's Office. It's really your choice.

Lindner stated okay. That happens right now?

Clark stated I'll get you the signed copy sometime today.

Lindner stated I'm not sure I want to build it with these dimensions.

Altman stated if you want to withdraw it, that's fine, but before we act I'd suggest you withdraw the petition for the variance.

Lindner stated in order to get this signed I had to sign a contract with Lowe's to actually build the fence. I hope that will be...

Altman stated I'm just offering you the opportunity to withdraw the variance request or let us approve it as you submitted it or as approved by the Surveyor's Office.

Lindner stated it doesn't sound like there's any wiggle room so that's fine with me.

Altman asked so you want us to grant the variance as approved by the Surveyor's Office?

Lindner stated yes.

Dillinger made the motion to approve the non-enforcement request as approved by the Surveyor's Office, seconded by Altman and approved unanimously.

Clark presented a non-enforcement request for the Williams Creek Drain, John Osborn Arm filed by Dennis and Laura Carafiol for parcel #17-13-05-00-08-005.000 for an electrical line. The Surveyor's Office recommends approval.

Altman made a motion to approve the nonenforcement request presented, seconded by Dillinger and approved unanimously.

Clark presented a non-enforcement request for the Williams Creek Drain, Centennial Arm filed by Steven Smith for parcel #08-09-15-00-06-025.000 for a fence. The Surveyor's Office recommends approval.

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

Clark presented a non-enforcement request for the Little Eagle Creek Drain, Maple Village Arm filed by Chanda Jordan for parcel #08-09-03-00-16-005.000 for a fence. The Surveyor's Office recommends approval.

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

Clark presented a non-enforcement request for the Towne Lake Drain filed by Mark and Lori Van Meter for parcel #17-13-08-00-01-033.000 for a fence. The Surveyor's Office recommends approval.

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

Clark presented a non-enforcement request for the Long Branch Drain, Hayden Run Arm filed by Brianna Richardson for parcel #17-09-29-00-02-017.000 for a fence. The Surveyor's Office recommends approval.

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

Clark presented a non-enforcement request for the Little Eagle Creek Drain, Maple Village Arm filed by Zachary Majors for parcel #08-09-03-00-04-063.000 for a fence. The Surveyor's Office recommends approval.

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

Liston presented a non-enforcement request for the Vermillion Drain, Enclave at Vermillion Arm filed by Tyler and Lindsay Roberts for parcel #13-16-08-00-19-025.000 for a fence. The Surveyor's Office recommends approval.

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

Liston presented a non-enforcement request for the Vermillion Drain, Heritage at Vermillion Arm filed by Clay and Victoria Hensley for parcel #13-16-08-00-18-009.000 for a fence. The Surveyor's Office recommends approval.

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

Construction Updates:

Burnau Arm Reconstruction - Liston stated Hoosier Pride is in the last phases of that project. Today they were out there cleaning, moving dirt around to try to get it dried out. All the pipe is in over to the Ogle property. I think he'll probably be done mid-week on this project. There was a culvert pipe underneath Mallery Road, a 30-inch culvert pipe that the contract called to come out and be reinstalled, but it was all rusted out, so the Highway Department brought out a new culvert pipe.

Anchorage Drain Reconstruction - Liston stated we've started the process to release the retainage on that. People are mowing their yards down there. The big complaint now is they have to go through some wooded areas to mow additional yard that they didn't have prior to the project. Chad Wilson with Agricon did a nice job on that project.

Heirbrandt stated he did a great job. What about the drainage box issue? It's an older box that doesn't fit the pipe correctly.

The Surveyor stated we talked about that earlier and I was told that there was barely enough room to pass a marble through those four corners. I don't see a reason to spend any more time or money on that if that's all the bigger those holes are. Mr. Miramonti sent an email last week saying evidently, it's okay with him.

Liston stated Heirbrandt should have received a courtesy copy of the email that I sent around the office along with the Surveyor and Gary (Duncan) about what it would take to do that work. There is also some landscaping compromised with that work. He came back and said it's been that way for 25-years, I'm okay with it.

Altman asked what's his first name?

Heirbrandt stated Bob. Everyone I talked to there said it's been working great and they can't believe how fast the grass grew back there.

Ellis Barker Drain Reconstruction - Cline stated we're still working with Frontier on the fiber optic line that is in the way of taking the pipe across the northwest corner of Grassy Branch Road and 196th Street. I sent Frontier an email last week but haven't heard anything back yet as to how much they can move it with what slack they have in the line right now. I was out there two to three weeks ago looking at the final grading on the project, but it was so wet out there, there were places we couldn't get to. It needs to dry out some more before they can get in and finish the grading, mostly on Mr. Johnson. On Lindley Run everything's pretty well done.

William Krause Drain Phase 3 - Conover stated the status hasn't changed from the last meeting. The contractor thought he'd move in by mid-June and we could get started on finishing that up.

Crawford Wetland Mitigation - Conover stated this project is completed.

Clara Knotts Drain, Pipe Lining - Baitz stated the pipe lining is complete as far as the lining inside the pipe. There is a little bit of work to do yet as far as where the pumping around was. They have to pave the street and are coordinating now with the contractor at this time.

Pending Asbuilts:

Thistlewaite Drain, California Street Arm - Conover stated the status has remained the same on this project.

Pending Final Reports:

William Krause Drain, Phase 1 - Conover stated the status has remained the same on this project.

William Krause Drain, Phase 2 - Conover stated the status has remained the same on this project.

Benton Hinesley Drain, Grass Waterway - Conover stated the status has remained the same on this project.

Thorpe Creek Drainage Area, Martha Ford Arm Relocation - Liston stated the final report has been written and waiting on review.

Budget & Permit Update:

The Surveyor presented the budget and permit update to the Board for their information. He asked if there were any questions.

There were no questions.

Pending Items (Drainage Board Attorney):

William Krause Drain Phase 2 Reconstruction (Ogle Sign Off) - Howard stated we gave Mr. Ogle until today to sign the release. We haven't received that from him. I would recommend that at our next meeting that you determine that we've completed our obligation to restore the soil and I will have a signature for the temporary release of the easement back to him.

Vermillion Drain (Rivas Fence) - The Surveyor asked Howard, where are we on Rivas?

Howard stated we sent Rivas a request for admissions and as far as the authenticity of the property owners and their attorney we've put things on hold, us preparing a record, etc. until the first week in July at which time we'll be going in asking for a summary judgement and we've also put them on notice of a claim for fees beginning that day for frivolous litigation. The admissions asked him the authenticity of the permit and whether they've had any permit from anyone else other than the conditional permit from the Property Owners Association. They're attorney said they didn't want to answer to those.

Bellewood Drain, Glen Oaks Arm:

Heirbrandt asked where are we on the Chris Konow issue? We were hoping to get something to this meeting. It didn't seem to work out.

Duncan stated we couldn't find a time. Joe (Miller) wanted to review what he's preparing for the Board. Joe wanted to review his draft report to the Board with the Surveyor and I before he does that. We just haven't found a time to get together.

Heirbrandt stated I definitely want to have it on the next Board meeting. It needs to get done.

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

Mark Heirbrandt - President

Lynette Mosbaugh
Executive Secretary