

MINUTES OF THE HAMILTON COUNTY DRAINAGE BOARD

July 13, 2020

The meeting was called to order Monday, July 13, 2020 at 12:00 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. Sam Clark and Mr. Darren Wilson.

Approval of Minutes of June 22, 2020:

The minutes of June 22, 2020 were presented to the Board for approval.

Dillinger made the motion to approve the minutes of June 22, 2020, seconded by Altman and approved unanimously.

Intracoastal at Geist Drain - Professional Services Agreement:

The Surveyor stated this is for the designing of the plans and also construction services for the fix at Intracoastal at Geist. We did meet with Fishers and settled on the first alternate as far as the fix. This is to get us moving towards a fix this year.

Altman made the motion to award the design and construction services for the Intracoastal at Geist Drain to Clark Dietz, Inc. in the amount not to exceed \$33,000.00, seconded by Dillinger and approved unanimously.

Altman stated the fund is only collecting four years, but the way we've got this scheduled it won't go off collection until we've paid it off, correct?

The Surveyor stated correct.

Elwood Wilson Drain, Gascho-County Farm Arm - Professional Services Agreement:

The Surveyor stated this is for the study on the Elwood Wilson Drain that we discussed previously. This is for the fix between S.R. 32 and the open ditch to the south with Cherry Street being in between.

Dillinger made the motion to award the hydrologic and hydraulic study on the Gascho-County Farm Arm of the Elwood Wilson Drain to Clark Dietz, Inc. in the lump sum amount of \$54,000.00, seconded by Altman and approved unanimously.

Cool Creek Drain, Anna Kendall Arm - Professional Services Agreement:

The Surveyor stated I received an agreement at 4:00 p.m. on Friday from the City of Westfield. We're looking at a CLOMR (Conditional Letter of Map Revision) for the Anna Kendall Drain. This is requested by the State of Indiana telling Westfield that there would be no more approvals or any further impacts on Anna Kendall until the CLOMR is done. This has evidently been handed down from FEMA.

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

The Surveyor stated Westfield is engaging Clark Dietz on this item. The total cost for the CLOMR is \$79,500.00 for the CLOMR. It has to be remodeled and that's why it's so expensive. Westfield is asking us if we would contribute to that cost.

Altman asked is this regulated?

The Surveyor stated it is regulated, it's part of the Cool Creek Drainage Area. We bring in \$426,343.12 per year.

Altman stated but that's over a huge watershed.

The Surveyor stated yes.

Heirbrandt asked what is the balance in the fund?

The Surveyor stated the balance in the fund is \$1,752,212.75 and it's over an eight-year period of collection.

Altman asked what is Westfield asking?

The Surveyor stated they're asking for anything we can give them.

Altman stated I would say 50% and then we'll look at what it will take to fix it.

Altman made the motion to cover 50% of the total cost of \$79,500.00 for the CLOMR on the Anna Kendall Drain, seconded by Dillinger and approved unanimously.

Altman stated the on-call services are getting up there in terms of cost. We might want to put it out and ask for proposals. These were both in the range of \$50,000.00 plus. I don't consider that on-call.

Howard asked the Surveyor, is the Anna Kendall the one that flooded?

The Surveyor stated it flooded a few years ago where the Fire Station was.

Altman asked there was a breach wasn't there?

The Surveyor stated not on that one.

Howard asked was that the Lions Club?

The Surveyor stated yes, the Lions Club and the foodbank there.

Altman stated they threatened to sue us as I recall.

Heirbrandt stated the Lions Club did.

Altman stated I thought there was actually a breach and the reason it flooded was because of work that had been done before that we didn't authorize.

Howard stated there was a house that was flooded, and Westfield acquired the property and tore it down.

The Surveyor stated that was the old railroad embankment that breached.

Altman stated yes.

Duck Creek Bank Stabilization Project - Panhandle Eastern Pipeline Letter:

The Surveyor stated this is part of the grant that we received. We have an agreement now from Panhandle Eastern on how it's going to be done as far as engineering and construction standards. I would recommend approval.

Dillinger made the motion to approve the agreement with Panhandle Eastern Pipeline for engineering and construction standards, seconded by Altman.

Altman asked Howard, have you looked at that?

Howard stated I just skimmed through it.

The motion had been made and seconded to approve the agreement with Panhandle Eastern Pipeline for engineering and construction standards and approved unanimously.

Saddlebrook at Shelborne - Erosion Control Landscaping Agreement:

The Surveyor stated this is from the Homeowners Association at Saddlebrook letting the Board know that there was a change in the services. The contractor is doing the work this fall instead of through the summer.

Hearing Requests:

The Surveyor asked the Board to set the following items for hearing on August 24, 2020: Intracoastal at Geist Drain and Sly Run Drain, Bliss Johnson Arm, Shafer Woods Partial Vacation.

Dillinger made the motion to set the items presented for hearing on August 24, 2020, seconded by Altman and approved unanimously.

Big Cicero Creek Joint Drainage Board:

The Surveyor presented the minutes of the Big Cicero Creek Joint Drainage Board of May 27, 2020 to the Board for their information.

Big Cicero Creek - Cover Crop Program:

The Surveyor stated this letter was sent out to all the landowners within the drainage shed in all four counties to plant cover crops. That went out to people with 100 acres or more.

Service Advisory Board (Citizens Energy):

The Surveyor presented the minutes of the Service Advisory Board for November 19, 2019, January 21, 2020 and February 18, 2020 to the Board for their information.

Heirbrandt stated on Page 5 of the November 19, 2019 minutes I noticed there is a 20-acre parcel near Morse Reservoir that had been purchased by Citizens for the disposal and dredging of materials from Big Cicero Creek.

The Surveyor stated that is on the south side of 236th Street west of Tollgate Road about a quarter mile. Citizens is hard pressed to find places to put the spoil, so they went out and bought a place to put it. They haven't designed how they're going to do anything. I think Cicero is aware of what's happening.

Final Reports:

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

"To: Hamilton County Drainage Board

June 22, 2020

Re: Elwood Wilson Drain: 2000 E. Conner St. Relocation

Attached are as-builts and other information for the 2000 E. Conner St. Relocation. An inspection of the drainage facilities for this section has been made and the facilities were found to be complete and acceptable.

During construction, changes were made to the drain, which will alter the plans submitted with my report for this drain-dated June 7, 2016. The report was approved by the Board at the hearing held July 25, 2016. (See Drainage Board Minutes Book 17, Pages 44-46)

The changes are as follows: the 21" RCP was shortened from 301 feet of 257 feet. The length of the drain due to the changes described above is now **257 feet**. This project removed 194 feet of existing 18" tile.

The drainage easement remains at 75 feet until such time a non-enforcement request is submitted, as outlined in the original surveyor's report. The following surety was guaranteed by The National Bank of Indianapolis and released by the Board on its July 10, 2017 meeting.

Bond-LC No: 420170301
Amount: \$59,356.00
For: Relocation of the Elwood Wilson Drain
Issue Date: May 19, 2017

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

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor"

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

Capital Asset Notification:

The Surveyor presented a Capital Asset Notification to the Board for approval for the Elwood Wilson Drain.

Altman made the motion to approve the Capital Asset Notification presented, seconded by Dillinger and approved unanimously.

J. C. Ringer Arm of the Elijah Jay Drainage Area - Investigation:

The Surveyor stated we have a property owner and his tenant farmer that is willing to do some work on the Ringer Drain to reconstruct it.

Heirbrandt stated this looks like a really good deal.

The Surveyor stated I've been trying to figure out how to make this happen. They have basically pledged \$19,573.00 to do the work. What they're doing is buying the tile. That's the tile cost. Mr. Viehe is an excavator and tile installer. He has the equipment to do it. The property owner, after the tile is installed, is willing to go in and Mr. Viehe is going to cut and establish a grass waterway alongside the tile.

Heirbrandt asked is that your recommendation?

The Surveyor stated this is a new one. I'm not sure how we can get this done.

Altman asked isn't it kind of like what we did with Harger Farms; that we'll vacate the regulated drain once they've completed it?

The Surveyor stated we would do that anyway because they're replacing the old drain, the old 16" with a new 18".

Altman asked what's their ask for our contribution, anything?

The Surveyor stated basically they're asking for the cost of the tile.

Heirbrandt stated I think it's a good deal.

Howard asked is there anybody upstream from them?

The Surveyor stated there are people upstream from them, yes.

Howard stated so if we vacate it...

The Surveyor stated it would have to be a reconstruction in order to make all this happen, but could we purchase the tile and let Mr. Viehe install it and have the check directly to the tile company?

Howard stated yes, we could do that, but I'm wondering are we vacating it just temporarily?

The Surveyor stated no, we're going to install the new tile and the new tile will become regulated, we'll vacate the old tile. Basically, it's a reconstruction.

Howard stated yes, we can do it either way. We don't have annual bids on that do we? Will we have to bid it?

The Surveyor stated Mr. Viehe is not one of our contractors, but my thought was we buy the tile, let him install it, Steve (Baitz) would inspect it through the installation and then once it's done we'd have the asbuilt drawings completed by the office, we'd come in and close it out just like a reconstruction, but we'd have to have a reconstruction hearing.

Howard stated yes, and there's money in the watershed to do that? There's not going to be an assessment.

The Surveyor stated right, we've got a balance in the fund right now of \$93,709.66.

Altman asked is Mr. Viehe incorporated? Does he have a business?

The Surveyor stated yes.

Altman stated I think we ought to contract with his business to do this, so we don't get into a worker's comp issue.

Howard stated and we most likely need a certificate of insurance for at least \$1,000,000.00 to \$2,000,000.00 and some liability. Who's designing this?

The Surveyor stated basically starting here and ending there and you keep your same grade.

Altman stated have the landowner sign off, have him show either he's incorporated, if he gets hurt it's the corporation we deal with. I'm looking at what's our liability and he and the landowner hold us harmless.

Howard asked is Mr. Viehe actually the guy that's doing the work or does he have employees, does he have subs or what do we do?

Baitz stated Mr. Viehe is a tiling contractor and has been in business for several years. He does quality work, we've inspected a lot of his tile ins. He's actually worked for me on the farm before. They have a trenching machine that has laser control so it will be put in with a laser guided trencher. He actually is the tenant farmer for this property owner, so it's his crops that are at risk and he understands that. He's a very reputable contractor throughout the area.

Howard stated so we need a consent from the landowner.

Baitz stated this is all within the Moore property so it's one owner we'd be dealing with.

Howard stated let's get the consent, I can prepare a consent, get the last deed of record, Mr. Moore doesn't mean anything, he and his wife, whatever, get the last deed of record. We'll get a consent to be on the property and we probably need a certificate of insurance for at least general liability from whoever the contract is with, if it's ABC company or whatever.

The Surveyor asked should we go ahead and set a hearing for reconstruction today?

Howard stated yes, I don't see any reason because it's going to be a month anyway. I'd go ahead and set it. Getting the landowners consent as long as I have a generic description of where it is.

The Surveyor stated Steve (Baitz) has been working with both Mr. Viehe and Mr. Moore.

Howard stated get the landowners consent, I think we do an agreement at least with his; a real short agreement, he's going to do this, this, this and this.

The Surveyor asked do you want to draft one up?

Howard stated yes, call me and give me the bullet points and we'll put something together and approve it at the next meeting, but you can go ahead and advertise.

Altman asked is this all within the easement?

Baitz stated yes.

Dillinger made the motion to set the J.C. Ringer Drain for hearing on August 24, 2020, seconded by Altman and approved unanimously.

The Surveyor stated I think this is a great opportunity. Basically, we're putting it in for the cost of the material.

Howard stated we need to talk about how you acquire that. You may have to get quotes. Is it reinforced concrete?

The Surveyor stated no, it's going to be double wall, smooth bore plastic.

Howard stated we have to find three people that make that and get some quotes.

Baitz stated I can tell you that I did some investigative work through the maintenance contracts that we currently have and the bid prices that our contractors have submitted.

Howard stated you don't have to do it right now. Do we have bid prices for this material?

Baitz stated we have bid prices per foot for the pipe only, not installed. Ward Construction is \$13.50, Elevation Excavation is \$13.75, Agricon is \$13.78, Redman is \$14.10.

Howard stated okay, you don't have to read all of it, we've got bids, we don't have to bid it. We've already bid the material.

Baitz stated and Van Horn's was about \$16.00 so he's putting it in for less than what our contractors can buy the material for.

Non-enforcements:

Mr. Derrick Johnston was present for this item.

Clark presented a non-enforcement request for the Cool Creek Drain, Overman-Harvey Arm filed by Michael Schroeder for parcel #08-09-14-02-13-012.000 for a pool. 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 Elliott Creek Drain, Village of West Clay Arm filed by Christian Meier and Stephanie McCauley for parcel #17-09-28-00-66-005.000 for a fence. 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, Jackson's Grant Arm filed by Old Towne Design Group for parcel #17-09-34-00-12-022.000 for a window well. 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 Masthead Drain filed by Joel Hakes for parcel #13-15-09-03-02-009.000 for Green Mountain Boxwood Landscape Material. 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 F. M. Musselman Drain, Burnau Arm filed by Leonardo Bonvino for parcel #10-07-28-00-00-025.000 for a fence and accessory building. 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 Wade Locklear for parcel #13-16-05-00-02-004.000 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 Daniel and Whitney Chacon for parcel #13-16-08-00-12-009.000 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.

Clark presented a non-enforcement request for the Williams Creek Drain, Jackson's Grant Arm filed by Randall and Helen Lewis for parcel #17-09-34-00-13-032.000 for a fence encroaching fully into our ten-foot easement on their south property line. The Surveyor's Office recommends denial.

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

Liston presented a non-enforcement request for the Vermillion Drain, Woods at Vermillion Arm filed by Derrick and Jill Johnston for parcel #13-16-08-00-11-002.000 for a fence. The Surveyor's Office recommends approval. This area is located where three sections of the development come together. When I sat down with the Surveyor last week to look this over, I misinformed the him. There is no easement across the south property line. The fifteen-foot easement is across the north property line. There is a fifteen foot per half down the property line to the south. When I spoke with Mr. Johnston last week there are landscape mounds. His neighbor to the south has already put a fence up, which they're within their right, they can come right up to that property line because there's no easement there. Mr. Johnston wants to put the corner of his fence close to the property line. There are two large landscape mounds. At first, I was told the developer put those in, but Mr. Johnston thinks maybe Lennar had done it.

Johnston stated those are the only two landscape areas that the builder did not do. The house looks right down the alley way of all the houses directly to the south. What we were trying to do is get behind those existing landscape mounds and mulch areas just to have those included in our backyard. I believe maybe allowing a 7.5-foot encroachment, which would have half and that would put us in front of all my landscape. The idea was I was going to ask for additional relief there to go closer to my property line so I can get behind the existing landscape area so I wouldn't have any moving of those. We don't have a real big backyard, but the purpose of the fence is just for our dogs. That's the only reason we're putting the fence up.

Altman asked what's in that easement area?

Johnston stated there's nothing there right now. I don't know from your standpoint there's probably a drainage tile I would imagine.

Liston stated there is no drainage infrastructure, it's just an access point to get through that easement and go south where there is some drainage. If we shut this off on the north end..

Altman asked does anybody have a plat of this thing?

Howard stated let's put the map back so we know where we are.

Johnston stated the access is at the rear of my property and goes to the south. That's the alleyway so to speak, it's all grassland, but that's where the two other streets kind of form an alley that I can look right off the back of my property right down the way and there's backyards that come into each other all the way down that street.

Howard asked Liston, the lots to the east and west, those easements are there.

Liston stated yes. I'm currently working with another property owner in this area to install a fence and I've told her 7.5-feet also. I thought there was an easement on the south side of the property line also and there is not.

Howard asked there's not a drainage easement on the south side of those lots where the line is?

Liston stated no. It's 15-feet on the north side of the property line and is 30-feet to the south.

Howard asked but there is a 15-foot easement across the both of them?

Liston stated yes.

Altman asked is there even a drain installed at the back of these lots?

Liston stated the closest drain is south of the properties.

Altman asked but they didn't do any type of backyard drainage system?

Liston stated there is a swale.

Altman stated it's just odd that they didn't make them put some kind of pipe in there.

Liston stated this would be our access point to get to the actual drain or you'd have to come in off of the street from the south and come all the way up through the backyards.

Howard asked how far is that if you come from the south?

Liston stated there's probably ten lots on either side.

Johnston stated there's probably eight lots on both sides and a few of the neighbors down the way have fences, but I don't know if they're within the restrictions or what have you, but there's an alleyway so to speak that you could gain access to that drainage tile without having to remove any of their existing fences as they are now. They may not have held back as far as they needed to go, but there is still plenty of area to get back in there.

Altman stated we need to have a copy of the plat, so we see all the easements in place. I can't tell.

Liston asked would the Board like to table this and let me bring this one back in two weeks?

Altman asked when does Johnston want to get his fence in?

Liston stated I'm sure he wants to build it tomorrow.

Johnston stated I'm still on their docket, so I haven't got notification from them yet on when we're coming up, they were behind several weeks.

Howard stated there's no easement on the east and west side of him going into his lot, is there or is there not?

Liston stated there are three sections of this subdivision that come together here. There is no easement along the south side of Johnston's property line. The easements are only on the north side of these property lines.

Howard stated so there are fifteen-foot easements on those lots.

Liston stated yes, to get to the regulated drain or you come from the south off of the street through the alleyway to the regulated drain.

Altman stated even going 7.5-feet, that's not enough; is that enough to get equipment in there? There's really not.

Liston stated it's not.

Altman stated so if we allow any variance, we're not going to use that way to get access, correct?

Liston stated and I can tell you that on the other sections we've looked at ten feet, but that was before I realized there was no easement across the south side.

Johnston stated I think one item we could address would be the other access to that drainage point from the south and if that's adequate maybe it's allowable to not have to uphold the drainage easement from the east and the west if you feel it's sufficient to be able to come in from the south.

Altman stated if we grant anything, quite honestly, we've voided the ability to come east and west, realistically, unless we only give five feet. Ten feet maybe we can get through.

Johnston stated you're not going to be able honestly to have access in any way because even ten feet is probably not enough.

Altman stated there's a reason there was fifteen feet.

The Surveyor asked Baitz, would you address that?

Baitz stated as far as being able to get down through there and turn if there's currently an existing fence, which I believe there is, it's going to be pretty tough. That fence that is there now, is that across the easement that goes the other way?

Liston stated I believe it is and we'll probably send them a letter.

Johnston stated and maybe a visual, even though they're over their easement there is still much more adequate space and room to maneuver materials if you needed to get down there coming from the south as opposed to the east or the west. It's very cluttered in that area.

Liston asked does the Board want to table this and let us look at this a little bit more and come back?

Altman asked does anybody have fences on that?

Liston stated yes.

Altman asked on the back sides of their properties?

Liston stated yes.

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

Altman asked and get a copy of the plat.

Liston stated I'll have to piece it together. There're three sections of this subdivision coming together.

Spills:

John Underwood Drain - Liston stated there was an accident on the John Underwood Drain last Wednesday, which occurred between 3:30 a.m. and 4:00 a.m. I spoke with David Cage with IDEM this morning. There is an impact point on the east bank of the John Underwood Drain that still needs to be scraped and contaminants removed. They tried to do that Sunday, but with the rain in the area the contractor said he couldn't get back there and do that work. A billboard was compromised, and we would like to see this moved off the top of bank because that caused us some issues with the reconstruction of the drain. I have started trying to track down the owner of the billboard. When we did the reconstruction, it was Fairway Outdoor Advertising in Indianapolis, which is now Reagan Outdoor Advertising. I was told on Friday that they no longer lease that board and the owner is out of Michigan called Haig Hart Outdoor Advertising. I was able to confirm that with the property owner who received the revenue from the lease of that. I left a message for them but haven't heard back. There are still measures in place on the drain. Early estimates were 30 gallons of diesel fuel, but when I got to the scene that had went to 130 gallons in the drain. The absorbent rolls that are put in the creek will pick up 18 gallons per roll and they had already deployed five that morning. The measures will not be removed until they decontaminate the impact point. Once that work is done, we will need to put one of our maintenance contractors out there to restore the area of the impact point. Insurance from the trucking company will pay for that.

Surety Acceptance:

Liston stated that at this afternoon's Commissioners meeting the Board would be accepting the following surety: Performance and Payment Bond No. Q90-6870343 in the amount of \$49,835.00 for 2020 Vegetation Control, spraying of regulated drains.

Surety Release:

Liston stated that at this afternoon's Commissioners meeting the Board would be releasing the following surety: Irrevocable Letter of Credit No. 1291ENC2 in the amount of \$174,322.50 for Enclave at Vermillion Section 2, storm sewers.

Construction Updates:

Ellis Barker Drain Reconstruction - Duncan stated the contractor is still doing finish grading. Once they're done with that they'll go back and remove sections of the existing tile. Frontier, who owns a facility that conflicts with the project at the intersection of 196th Street and Grassy Branch Road, are working up a plan to relocate that facility and then we will lay an extra 20 feet of pipe and one more structure.

Clara Knotts Drain, Pipe Lining - Baitz stated there are no new updates from the last meeting. The physical work is complete, we're just in the matter of the paperwork and payments.

William Krause Drain Phase 3 - Conover stated the contractors are back on site working. They have two more structures to set and they'll be completed with the extra pipe. Everything after that will be grading and paving. My understanding, from the owner of the company, they hadn't worked with the Covid-19 shutdown, when they came back to work, they lost a number of employees so they're kind of slow getting back in and getting the people to get everything done.

Thorpe Creek Drainage Area, Martha Ford Arm Relocation - Final Report:

Liston presented his final report to the Board for approval.

"July 20, 2020

TO: Hamilton County Drainage Board

RE: Thorpe Creek Drain, Martha Ford Arm Relocation Final Report

This is the Inspector's Final Report on the Thorpe Creek Drain, Martha Ford Arm Relocation located in Sections 20 and 29, Township 18 North, Range 6 East in Fall Creek Township, Hamilton County, Indiana.

The Surveyor's Report for the Thorpe Creek Drain, Martha Ford Arm Relocation dated December 13, 2017 was presented to the Drainage Board at the January 22, 2018 meeting. The hearing was tabled by the Board due to the possibility of future development on both sides of 136th Street in the area of the proposed relocation and the possibility of deferred assessments to undeveloped tracts. (HCDB Minute Book 18, Pages 10 - 13).

At the September 24, 2018 meeting of the Hamilton County Drainage Board re-opened the tabled hearing for the Thorpe Creek Drain, Martha Ford Arm Relocation and the Surveyor's Report dated December 13, 2017 was approved. (HCDB Minute Book 18, Pages 250 - 254).

At the October 08, 2018 meeting the Findings and Orders for the Thorpe Creek Drain, Martha Ford Arm Relocation was brought to the Board and were approved by the Board. (HCDB Minute Book 18, Page 262).

At the December 10, 2018 meeting of the Hamilton County Drainage Board the contract for the Thorpe Creek Drain, Martha Ford Arm Relocation was awarded to Hoosier Pride Excavating for \$150,438.00 (HCDB Minute Book 18, Page 320).

The cost estimate for the Thorpe Creek Drain, Martha Ford Arm Relocation was \$208,615.75.

Additional regulated drain easement was required due to the moving of the open ditch. Easements were acquired on the following parcels.

Pulte Homes of Indiana LLC, Parcel Number 13-12-29-00-00-007.002
Cost: \$0.00
Acres: 0.439
Recorded: October 2, 2017
Instrument Number: 2017048767

Underwood Family LP, Parcel Number 13-12-30-00-00-008.002
Cost: \$5,225.00
Acres: 0.188
Recorded: July 19, 2017
Instrument Number: 2017034390

The Thorpe Creek Drain, Martha Ford Arm Relocation consisted of approximately 1,040 feet of ditch reconstruction, implementation of erosion control measures and seeding.

During the reconstruction/relocation of the Martha Ford Drain changes were made to the original VS design of the drain. Existing culvert pipes under 136th Street and Atlantic Road at Stations 3+00, 4+25 and 8+50 were extended to the regulated drain. The extension at Station 8+50 required a 48" MH structure with Inlet grate be installed on the existing 18" culvert pipe under Atlantic Road to properly align and extend the new 80 feet of CMP pipe to the drain. The 3 culvert pipe extensions were done to provide additional area to level extra spoil generated from the new cuts of the proposed relocation of the drain away from existing public right-of-way of 136th Street and Atlantic Road. Additional rip rap was utilized along the relocated drain to stabilize the new drain from eroding.

There were two (2) change orders on this project for additional work or field revisions on the project as allowed by IC 36-9-27-80.5. Those change orders are as follows.

Change Order # 1 - Approved March 11, 2019 (HCDB Minute Book 18, Page385)
Extend Two 24"x35" CMPA Culvert Pipes to Drain
Install 48" Catch Basin w/ Beehive and 80 LF of 24" CMP
Clear Trees and Remove FL Obstruction just west of begin point
\$18,950.00

Change Order # 2 - Approved April 22, 2019 (HCDB Minute Book 18, Pages 418-419)
Additional 174 Ton of Rip Rap for Channel Stabilization
\$6,933.90

The following is a breakdown of all costs associated with the Thorpe Creek Drain, Martha Ford Reconstruction.

Pay Application # 1 Total	\$171,311.90
Retainage	\$ 25,696.79
Amount Paid to Hoosier Pride Excavating (05/15/19)	\$145,615.11
Pay Application # 2 Total	\$ 5,010.00
Retainage	\$ 751.50
Amount Paid to Hoosier Pride Excavating (09/24/19)	\$ 4,258.50
Pay Application # 3 Retainage (03/10/20)	\$ 26,448.29
3 Pay Applications	\$149,873.61
Retainage	\$ 26,448.29
Total Paid to Hoosier Pride Excavating	\$176,321.90
Engineering/Staking/As-builts	\$ 31,550.00
Easement Services	\$ 1,500.00
Easement Appraisal & Purchase (13-12-20-00-00-008.002)	\$ 5,825.00
Total Reconstruction Costs	\$215,196.90

The reconstruction of the Thorpe Creek Drain, Martha Ford Arm Relocation was paid from the Thorpe Creek Drain Fund.

The cost estimate was \$208,615.75. The actual cost estimate vs. cost is as follows:

	Proposed	Actual
Construction Cost	\$208,615.75	\$176,321.90
Construction Total:	\$208,615.75	\$176,321.90
Engineering, Staking & As-builts	\$ 31,550.00	\$ 31,550.00
Easement Services	\$ 1,500.00	\$ 1,500.00
Easement Appraisal & Purchase	\$ 5,825.00	\$ 5,825.00
Grand Total:	\$247,490.75	\$215,196.90

Statement of all Incurred Expenses Paid signed by the Contractor as required in IC 36-9-27-82(b) was received on September 9, 2019.

Engineering, Construction Staking and As-built Drawings were done by VS Engineering. As-built drawings were submitted by VS Engineering on January 31, 2020. Revised As-built drawings were approved February 24, 2020.

As of February 25, 2020, I hereby attest to and agree that the reconstruction was installed according to specified plans, change orders and inspections and have approved such work under IC 36-9-27-82(a). All inspections have been completed. Final inspection was on July 17, 2019.

I recommend the Board approve the drains reconstruction as complete and acceptable.

Respectfully,

Jerry L. Liston
New Construction Inspector
Hamilton County Surveyor's Office

JLL/jll"

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

Pending Asbuilts:

F. M. Musselman Drain, Burnau Arm Reconstruction - Liston stated I learned Friday that VS Engineering has completed the field work and that the field work has been submitted to the office.

Pending Final Reports:

Anchorage Drain, Reconstruction of a portion of Section 1 - Liston stated I have not started this final report but will be working on it for the next Board meeting.

William Krause Drain, Phase 1 - Conover stated the report is done and we're checking to make sure the work matches up with the asbuilts.

William Krause Drain, Phase 2 - Conover stated the report is done and we're checking to make sure the work matches up with the asbuilts.

Howard stated that letter went out to Ogle last week and notified him that the project is closed.

Benton Hinesley Drain, Grass Waterway - Conover stated the report is done and we're checking to make sure the work matches up with the asbuilts.

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.

Big Cicero Creek Drain - Spill:

The Surveyor stated Gary (Duncan) has been working on this spill.

Duncan stated we wanted an overview. I'm still gathering the information from David Cage at IDEM, but as far as we know there were two tanks on the school property in Tipton. The tanks themselves were fine, it was the pipes that interconnected the tanks that were leaking. Our understanding is that the school corporation did not document how much fuel was in the tanks so we may not know how much fuel leaked from the tanks. Testing for any residual fuel product is ongoing. My understanding is that they removed the tanks and they've removed most of the contaminated soil. They're waiting on results on any remaining residual product. IDEM will put together a formal final report, which I will share with the Board. In that interim we're hoping to talk to David Cage today to fill in some blanks and then I'll bring a fuller overview at the next meeting.

Liston stated one thing that David Cage told me was that when the school converted over from fuel oil to natural gas for the school heating system they abandoned those tanks, but then used the tanks for the backup generator.

Stony Creek Drain - USGS Stream Gauge Agreement:

The Surveyor stated I've been asked again by the City of Noblesville for a USGS Agreement on the Stony Creek Gauge. I told them they need to talk to their attorney.

Howard stated they have an inhouse attorney now that will handle that.

The Surveyor asked would you write that down and let them know?

Clara Knotts Drain Reconstruction - Contract:

The Surveyor stated I've been wrestling with the Knotts Reconstruction contract.

Howard stated the Clara Knotts Contract came in just after we adopted our initial requirements for certificates of insurance (COI). In the early stages contracts were going to my COI without any filter system. Now, if the COI does not meet the exact specs of our ordinance then there is a review committee, legal representative that reviews the process, but that was not in place at the time the Clara Knotts contract arose. The Clara Knotts was rejected and now our COI wants the insurance, but the project is over and complete. I'm going to recommend at Commissioners meeting this afternoon that you as Commissioners waive the COI requirement for that project because it's over. By the time it got through our bureaucracy it's over. You, as Commissioners, under the COI Policy have the right to waive or modify any of the insurance standards. I'll let you know that at your Commissioners meeting.

Deer Walk Estates Drain:

Heirbrandt asked about Deer Walk and Bart Runner; have you talked to him or signed off on the permit? He sent me an email saying he was waiting to hear back from you.

The Surveyor stated I don't remember that he actually submitted a permit.

Heirbrandt stated he was asking "have you signed off on that permit" and that he's left a message for the Surveyor. That's an email I just received.

The Surveyor asked when did he send an email?

Heirbrandt stated just a few minutes ago, but it was from last week.

Conover stated if that permit would have been through the Hamilton County Planning Commission, I'm the one that signs off on those and I was on vacation last week. I'll look for that.

Heirbrandt stated I'll copy you on that.

Overman-Harvey Drain - Village Farms Study:

Heirbrandt asked where are we at on the Village Farms Study? I haven't heard anything on it for a while.

The Surveyor stated the study is complete. We have yet to talk to Westfield about it.

Heirbrandt asked will you have something at our next meeting to give us an update?

The Surveyor stated sure.

Bellewood Drain, Glen Oaks Arm - Konow Property:

Heirbrandt stated I know there's been discussion about setting that meeting up with Carmel. Any progress on that?

Duncan stated I sent out information to Mr. Konow this morning, but we did receive from Carmel the paperwork associated with the building permit and the improvement of the lot. The next step would be to set a meeting with Carmel.

Heirbrandt stated that's the one where I need Mike (Howard) there and the Surveyor and Banning Engineering.

Altman asked did you get those, or you just prepared that?

Duncan stated we have not set the meeting, but I now have all the documents.

Altman asked they have issued those?

Duncan stated they have.

Altman asked has anybody looked at them?

Duncan stated the Surveyor and I looked at them this morning. They have a site plan, a building permit, a plot plan and it is an interesting situation in that comparing it to the record drawings of the development plan there's some language on there that indicates that it was a wooded lot and that the flood protection grades would have to be set at the time of construction such that they're two feet, the minimum opening is two feet above the adjacent lake grade. Well, it is two feet above the adjacent lake grade, but if I recall it the plot plan was a foot below the 100-year, and it is certainly not in the amount of freeboard above the inlets in the rear yard.

The Surveyor stated so basically were going to give Konow a list of defendants for the future.

Howard stated this is not a public problem to cure it, we don't believe, unless Carmel accepts responsibility for issuing the building permit.

Pending Items (Attorney):

Heirbrandt stated there is a lot of pending items. Can we get some of these off?

Dillinger stated I've had the opportunity to travel in Madison County quite a bit the last couple of weeks and we look like rock stars with our drainage compared to Madison County. It's unbelievable how much water is in their fields, unbelievable.

The Surveyor stated you don't have to go too far to see that we're doing a good job.

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

Mark Heirbrandt - President

Lynette Mosbaugh
Executive Secretary