

MINUTES OF THE HAMILTON COUNTY DRAINAGE BOARD

July 27, 2020

The meeting was called to order Monday, July 27, 2020 at 9:00 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. Gary Duncan, Mr. Reuben Arvin, Mr. Steve Baitz, Mr. Steve Cash, Mr. Andy Conover, Mr. Sam Clark, Ms. Suzanne Mills and Mr. Luther Cline.

**Approval of Minutes of July 13, 2020:**

The minutes of July 13, 2020 were presented to the Board for approval.

Altman made the motion to approve the minutes of July 13, 2020, seconded by Dillinger and approved unanimously.

**Little Eagle Creek Drain - Bear Creek South Section 1A Arm:**

There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"June 26, 2020

To: Hamilton County Drainage Board

Re: Little Eagle Creek Drain; Bear Creek South Section 1A Arm

Attached is a petition filed by Homes by Pulte Homes, Inc., along with a non-enforcement request, plans, calculations, quantity summary and assessment roll for Bear Creek South Section 1A and 1B arm, Little Eagle Creek Drain to be located in Clay Township. I have reviewed the submittals and petition and have found each to be in proper form.

Upon reviewing these plans, 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	230 ft.	24" RCP	1473 ft.
15" RCP	346 ft.	27" RCP	122 ft.
18" RCP	393 ft.	30" RCP	440 ft
21" RCP	347 ft.	SSD	629 ft

The total length of the drain will be 3351 feet.

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

Rear yard lots 109 to 112 from Str. 634 to 662  
Rear yard lots 113 to Common Area "B" from Str. 659 to north corner of lot 116.

I have reviewed the plans and believe the drain will benefit each lot equally. Therefore, I recommend each lot to be assessed equally. I also believe that no damages will result to landowners by the constructor of this drain. I recommend a maintenance assessment of \$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 \$599.70.

The petitioner has provided the performance bond as follows:  
Bonding Company: RLI Insurance Company  
Bond Number: CMS335543  
Bond Date: May 22<sup>nd</sup>, 2020  
Bond Amount: \$591,062

I believe this proposed drain meets the requirements for urban drain classification as set out in IC 36-9-27-67 to 69. Therefore, this drain shall be designed as an urban drain.

I recommend that upon approval of the above proposed drain that the board also approve the attached non-enforcement requests for section 1A. The request will be for the reduction of the regulated drain easements to those easement widths as shown on the secondary plat for Bear Creek South Section 1A.

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

Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/pl1"

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

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

The Surveyor presented a non-enforcement request for Bear Creek South Section 1A to the Board for approval.

Altman made the motion to approve the non-enforcement request for Bear Creek South Section 1A, seconded by Dillinger and approved unanimously.

**"FINDINGS AND ORDER**

**CONCERNING THE MAINTENANCE OF THE**

**Little Eagle Creek Drain  
Bear Creek South Section 1A Arm**

On this **27<sup>th</sup> day of July, 2020**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Little Eagle Creek Drain, Bear Creek South Section 1A Arm**.

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

HAMILTON COUNTY DRAINAGE BOARD

Mark Heirbrandt  
President

Christine Altman  
Member

Steven C. Dillinger  
Member

Attest: Lynette Mosbaugh  
Executive Secretary"

**Little Eagle Creek Drain, Bear Creek South Section 1B:**

There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"June 26, 2020

To: Hamilton County Drainage Board

Re: Little Eagle Creek Drain; Bear Creek South Section 1B Arm

Attached is a petition filed by Homes by Pulte Homes, Inc., along with a non-enforcement request, plans, calculations, quantity summary and assessment roll for Bear Creek South Section 1B arm, Little Eagle Creek Drain to be located in Clay Township. I have reviewed the submittals and petition and have found each to be in proper form.

Upon reviewing these plans, 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	936 ft.	SSD	2636 ft.
15" RCP	327 ft.		
18" RCP	200 ft.		
21" RCP	161 ft.		

The total length of the drain will be 4260 feet.

The retention ponds (Lake #1, Lake #2 and Lake #3) located in Common Areas B, C and D are to be considered part of the regulated drain. The maintenance of the ponds (Lake #1, Lake #2 and Lake #3) such as sediment removal and erosion control along the banks, mowing and aquatic vegetation maintenance and control 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) to be part of the regulated drain are those located under the curbs and those main lines in rear yards. Only the main SSD lines which are located within the easement or right of way are to be maintained as regulated drain. Laterals for individual lots will not be considered part of the regulated drain. The portion of the SSD which will be regulated other than those under curbs are as follows:

Rear yard lots 94 to 98 from Str. 621 to Str. 613 with 79 linear feet of SSD to the east of Str. 613  
Rear yard lots 99 to 101 from Str. 613 to structure 611  
Rear yard lots 102 to 105 from Str. 628 to 630 with 61 linear feet of SSD to the West of Str. 630  
Rear yard lot 106 to Common Area "E" from Str. 630 to Str. 631  
Rear yard lots 116 to common area B from north corner of lot 116 to Str. 646.  
Rear yard lots 119 to common area A from Str. 659 to Str. 676.

I have reviewed the plans and believe the drain will benefit each lot equally. Therefore, I recommend each lot to be assessed equally. I also believe that no damages will result to landowners by the constructor of this drain. I recommend a maintenance assessment of \$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 \$2,117.00.

The petitioner has provided the performance bond as follows:

Bonding Company: RLI Insurance Company  
Bond Number: CMS335543  
Bond Date: May 22<sup>nd</sup>, 2020  
Bond Amount: \$591,062

Attached is an easement (Recorder's Office Instrument #2020024165) granted by Peter H. Steiner conveying to the Board of Commissioners of Hamilton County a non-exclusive perpetual 30' drainage easement through, upon, over, along and across parcel 29-09-19-000-045.002-018. 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 believe this proposed drain meets the requirements for urban drain classification as set out in IC 36-9-27-67 to 69. Therefore, this drain shall be designed as an urban drain.

I recommend that upon approval of the above proposed drain that the board also approve the attached non-enforcement requests for section 1B. The request will be for the reduction of the regulated drain easements to those easement widths as shown on the secondary plats for Bear Creek South Section 1B.

I recommend the Board set a hearing for this proposed drain for July 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.

Altman made the motion to approve the Surveyor's report along with the non-enforcement request for Bear Creek South Section 1B, seconded by Dillinger and approved unanimously.

**"FINDINGS AND ORDER**

**CONCERNING THE MAINTENANCE OF THE**

**Little Eagle Creek Drain  
Bear Creek South Section 1B Arm**

On this **27<sup>th</sup> day of July, 2020**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Little Eagle Creek Drain, Bear Creek South Section 1B Arm**.

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

HAMILTON COUNTY DRAINAGE BOARD

Mark Heirbrandt  
President

Christine Altman  
Member

Steven C. Dillinger  
Member

Attest: Lynette Mosbaugh  
Executive Secretary "

**R. J. Craig Drain - South Village Reconstruction:**

There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"May 8, 2020

To: Hamilton County Drainage Board

Re: RJ Craig Drain, South Village Reconstruction

Attached are petition and plans for the proposed reconstruction of a portion of the RJ Craig Drain. This project is to be paid for by the City of Fishers. The proposal is to reconstruct the existing drain per the construction plans by A&F Engineering called "RJ Craig Drain Plans Nickel Plate Drainage, dated 12/11/2019.

The City of Fishers has undertaken the redevelopment of the downtown area. The RJ Craig Drain is a primary drainage outlet in this area. Redevelopment areas involving previous reconstructions of the RJ Craig Drain have included redevelopment areas north and south of 116<sup>th</sup> street. The redevelopment north of 116<sup>th</sup> street included the following RJ Craig drain reconstructions: George White Arm - Maple Street Reconstruction in 2014; George White Arm - Fishers' Maple Street Redevelopment in 2014; Fishers Urban Development in 2015; and Jaycee Street Vacation in 2020. Redevelopment south of 116<sup>th</sup> street involved the 2019 petition for Nickel Plate - South Street Reconstruction. The redevelopment area associated with this current petition is called "South Village" and generally encompasses an area including lots north of Morgan Street on the north side to parcels south of Fishers Pointe Blvd., and from the open ditch on the west side to I-69 on the east side.

The South Village reconstruction of the RJ Craig Drain is being proposed to accommodate additional storm water runoff that will result from the City of Fishers redevelopment efforts in the South Village area. This proposal is part of a master plan for the RJ Craig Drain in the South Village Area of Fishers. The drainage report for this master plan is titled, "RJ Craig Regulated Drain Phase 3 - South Village" by A&F Engineering dated October 2019.

The South Village reconstruction will progress in three phases. The first phase involves installing a 60" orifice on an existing 66" RCP crossing pipe under Fishers Pointe Blvd. The second stage involves widening the open ditch to provide storage volume. The third phase will involve installing a box culvert to a proposed detention pond south of Fishers Pointe Blvd.

**Phase One** -

Per the plans by A&F Engineering, the Phase 1 reconstruction will occur between Stations 0+44.75 and 0+52.75, which is on the crossing pipe under Fishers Pointe Blvd. The existing pipe is classified as a crossing pipe on the open drain. It was permitted and was installed as a crossing pipe to facilitate Fishers Pointe Blvd crossing over the open regulated drain. This location corresponds with the original stations 32+08 and 32+00 of the George White Drain (now arm to RJ Craig Drain) installed in 1919.

The Phase 1 reconstruction will consist of the following:

8' of 60" RCP

The length of the Phase 1 reconstruction will be 8'. This project will occur in the same location as the existing drain and will not change the overall length of the RJ Craig drain. The existing open drain at this location will be replaced by the proposed 8' section of 60" RCP. The purpose of the 60" pipe is to serve as an orifice to control downstream flow rates.

The drain will be reconstructed on the following parcels:  
Within the right-of-way of Fishers Pointe Blvd, owned by the City of Fishers.; and Heritage Meadows, Sec. 1 Common Area, Parcel No. 15-14-01-02-06-040.000 owned by the Heritage Meadows Homeowners Association, Inc.

Regarding easement, this project is proposed to be constructed within existing right-of-way and drain easement. The ditch is located within existing easement in Heritage Meadows Subdivision, Common Area, as per the secondary plat recorded in the office of the Hamilton County Reorder.

**Phase Two** -

Per the plans by A&F Engineering, the Phase 2 reconstruction will begin at Station 0+52.75, on the open ditch located north of Fishers Pointe Blvd. The side slopes of the open ditch will be laid back to provide more storm water storage capacity. The upstream end of this reconstruction will be at Station 18+15.11, which is located south of Morgan Drive. This location corresponds with the original stations 32+00 and 49+62 of the George White Drain (now arm to RJ Craig Drain) installed in 1919.

The Phase 2 reconstruction will consist of the following:

1,762' of open drain

The length of the Phase 2 reconstruction will be 1,762'. This project will occur in the same location and will not change the overall length of the RJ Craig drain.

The drain will be reconstructed on the following parcels:  
Heritage Meadows, Sec. 1 Common Area, Parcel No. 15-14-01-02-06-040.000 owned by the Heritage Meadows Homeowners Association, Inc.;

Heritage Meadows, Sec. 2 Common Area, Parcel No. 15-14-01-02-07-020.000 owned by the Heritage Meadows Homeowners Association, Inc.;

Heritage Meadows, Sec. 4 Common Area, Parcel No. 15-14-01-02-10-031.000 owned by the Heritage Meadows Homeowners Association, Inc.;

Heritage Meadows, Sec. 5 Common Area, Parcel No. 15-14-01-02-12-031.000 owned by the Heritage Meadows Homeowners Association, Inc.;

Regarding easement, Phase 2 is proposed to be reconstructed within existing drain easement. The ditch is located within existing easement in Heritage Meadows Subdivision, Common Area, as per the secondary plats recorded in the office of the Hamilton County Reorder. Note: On the east side of the drain, the Regulated Drain Easement is 75' measured from the top of bank. This easement is located on lots adjacent to the ditch in Morgan Meadows subdivision, South Village of Nickel Plate subdivision, Royal Drive, and South Pointe Apartments. As those parcels are redeveloped or as the need arises, the owners of those lots may apply for a non-enforcement.

**Phase Three** -

Per the master plan, future development will trigger the construction of a new detention area and installation of storm pipe by the City of Fishers. For more information regarding the proposed sequence that will trigger the Phase 3 installation, see attached letter by Jason Taylor, Fishers Director of Engineering, dated March 17, 2020.

Per the plans by A&F Engineering, Phase 3 will install a 5' x 10' box culvert under Fishers Pointe Blvd to a proposed detention area. The new pipe will become regulated drain. The detention pond will be owned and maintained by the City of Fishers and will not be considered regulated drain.

The Phase 3 drain will consist of the following:

165' of 5'x 10' Box Culvert

The length of the Phase 3 drain installation will be 165'. This phase will add 165' to the overall length of the RJ Craig drain.

The Phase 3 project will occur on the following parcels:  
Heritage Meadows, Sec. 1 Common Area, Parcel No. 15-14-01-02-06-040.000 owned by the Heritage Meadows Homeowners Association, Inc.; and

Right-of-way of Fishers Pointe Blvd, owned by the City of Fishers.; and

Parcel No. 15-14-01-00-03-004.000 owned by the City of Fishers.

Regarding easement, the phase 3 project is proposed to be constructed within a combination of existing easement, existing right-of-way and proposed easement. Prior to Phase 3 construction, the City of Fishers will provide an easement dedication document made out in recordable form to be approved and accepted by the Board (otherwise, the 75' per half easement dimensions per Indiana Code will apply).

**General Notes** -

All other storm pipes outletting into the RJ Craig Drain at this location are not Hamilton County regulated drain and are the responsibility of either the City of Fishers or the property owners to maintain unless otherwise described as regulated drain in a different report.

The original RJ Craig Drain was established per Commissioner's Court records dated November 1, 1899 (CR12, page 195). The George White drain was installed in 1919 and was later made an arm to the RJ Craig Drain. In 1991, the RJ Craig Drain was reconstructed per my reports dated June 14, 1990 and August 17, 1990. See Drainage Board Minutes Book 2, pages 453. The Nickel Plate - South Street Reconstruction was approved on July 8, 2019 per my report dated July 8, 2019. See Drainage Board Minutes Book 18, pages 502-504.

The cost of the project is to be paid by the City of Fishers. Therefore, the requirement for posting surety has been waived.

The design and construction of this Hamilton County Regulated Drain is required to be based on the ordinances, policies and standards of the Hamilton County Drainage Board and County Surveyor. The contractor is required to reconstruct the drain per the Hamilton County Drainage Manual and Standard Detail Drawings for Drain Design manual. As a condition of the Board's approval, I recommend that all design revisions and/or field changes be submitted by the contractor or design engineer in writing as a request and approved or denied in writing by the Hamilton County Surveyor's Office prior to installation by the contractor.

I recommend the Board set a hearing for July 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.

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

"STATE OF INDIANA )  
 ) ss: BEFORE THE HAMILTON COUNTY  
COUNTY OF HAMILTON ) DRAINAGE BOARD  
 ) NOBLESVILLE, INDIANA

IN THE MATTER OF THE  
RECONSTRUCTION OF THE  
**R. J. Craig Drain, South Village Reconstruction**

**FINDINGS AND ORDER FOR RECONSTRUCTION**

The matter of the proposed Reconstruction of the **R. J. Craig Drain, South Village Reconstruction** came before the Hamilton County Drainage Board for hearing **on July 27, 2020**, on the Reconstruction Report consisting of the report and the Schedule of Damages and Assessments. The Board also received and considered the written objection of an owner of certain lands affected by the proposed Reconstruction, said owner being:

Hamilton County Drainage Board  
July 27, 2020

Evidence was heard on the Reconstruction Report and on the aforementioned objections.

The Board, having considered the evidence and objections, and, upon motion duly made, seconded and unanimously carried, did find and determine that the costs, damages and expenses of the proposed Reconstruction will be less than the benefits accruing to the owners of all land benefited by the Reconstruction.

The Board having considered the evidence and objections, upon motion duly made, seconded and unanimously carried, did adopt the Schedule of Assessments as proposed, subject to amendment after inspection of the subject drain as it relates to the lands of any owners which may have been erroneously included or omitted from the Schedule of Assessments.

The Board further finds that it has jurisdiction of these proceedings and that all required notices have been duly given or published as required by law.

Wherefore, it is ORDERED, that the proposed Reconstruction of the **R. J. Craig Drain, South Village Reconstruction** be and is hereby declared established.

Thereafter, the Board made inspection for the purpose of determining whether or not the lands of any owners had been erroneously included or excluded from the Schedule of Assessments. The Board finds on the basis of the reports and findings at this hearing as follows:

HAMILTON COUNTY DRAINAGE BOARD

Mark Heirbrandt  
PRESIDENT

Christine Altman  
Member

Steven C. Dillinger  
Member

ATTEST: Lynette Mosbaugh  
Executive Secretary"

**William Krause Phase 2 Reconstruction:**

The Surveyor stated we have the letter from Howard to Mr. Ogle dated the 21<sup>st</sup> of May letting him know of the closeout of the project. We also have the check ready to send. What we'd like to do is have a motion to close out the project on Ogle and also to mail the check to Mr. Ogle so we can clean up the record for our final report.

Altman stated I'm wondering instead of mailing it whether we ought to inform him that the check is available at the desk of the Surveyor's Office or he can give us written direction to mail it or if it's not done by a specific date we deposit it into court. I hate to have checks just floating around because he can say he never got it.

Howard stated I think Ogle should sign for it at the office. He's probably not doing too much in the middle of the summer, he's got time.

The Surveyor asked do you want to send the letter to him?

Howard stated you can send it from the Surveyor's Office telling him that his check for crop damage is available. I would have Ogle sign for it. I think as far as the other we're probably; Andy, how's his crops coming? He's got crops growing on that entire field?

Conover stated yes.

Howard stated so it's tillable.

Conover stated yes. I talked to him the other day and he's still talking about the grass waterway that he thought needed to be reseeded again.

The Surveyor asked is that with Phase 2?

Conover stated yes.

Howard asked that's our easement though? That's part of the drain, it's not part of the...

The Surveyor stated the grass waterway is on Ogle.

Conover stated yes, he said it washed out when they seeded it before.

Howard asked you've been up there to see it?

Conover stated earlier this year before the crops came up.

Altman asked why don't you go check it out and see what kind of crop there is and the waterway?

Howard stated let's memorialize how the crop is growing on the temporary easement where we stacked the dirt so if there would be an issue at least we can; the grass waterway we constructed for him see if it's washed out. Maybe we just hold on to this until we get better documentation of where we are. Maybe put it on the agenda in two weeks.

**USGS Gauging Station Agreement:**

The Surveyor stated this is the agreement for the gauging stations for the county that we have throughout. I looked at last years and this is the same price as the October 2018 to 2019 and the October 2019 to 2020. The price has not gone up. I would recommend approval.

Dillinger made the motion to approve the USGS Gauging Station Agreement in the amount of \$43,925.00, seconded by Altman and approved unanimously.

**Williams Creek Drain, Springmill Streams Arm - Schnute Easement:**

The Surveyor stated this is the easement on Mr. Schnute, Richard W. and Phyllis J. in Springmill Streams. This is getting twenty-foot easement along their south property line in order for us to access to the drainage easement along Williams Creek.

Dillinger made the motion to accept the easement agreement with Richard W. and Phyllis J. Schnute, seconded by Altman and approved unanimously.

**Moffitt-Williamson Drain - St. Elizabeth Seton Drainage Issues:**

Ms. Susan McRoberts and Mr. Matthew Skelton were present for this item.

The Surveyor stated it's come to our attention that the entrance to the St. Elizabeth Seton Church off of Haverstick Road is having some problems. They've asked us for help in resolving the issue. What happened was that the City of Carmel reconstructed the three structures upstream of this particular structure for the church those being Lakeshore Drive East, Stratford Place and also Haverstick Road. When the structures were replaced the drainage improved and now it comes down through there as a torrent and has ripped up the crossing or entrance to the church. Also, the church entrance is losing its invert since they're corrugated metal pipe. The church is looking at replacing those. However, they're not sure what size and my suggestion was perhaps us doing a study to see what's going on and how we can resolve this issue.

Heirbrandt stated I agree.

Altman asked was the part that Carmel worked in regulated?

The Surveyor stated yes.

Altman asked did they get our permission?

The Surveyor stated I don't recall.

Altman stated it seems like we have a lot of work going on in Clay Township on regulated drains without us ever knowing about it.

The Surveyor stated it's not only Clay Township.

Howard asked the Surveyor, is this crossing part of the regulated drain?

The Surveyor stated no, the crossing is a private crossing for the church, but they need to know what they can do to improve that crossing, replace it so that this doesn't happen again. We just need to have a little study to find out what the velocities are and the size the pipe needs to be.

Altman stated we need to discuss with Carmel who's going to pay for it because if they're working in the regulated drain without knowing what's going to happen downstream, we've got a real problem.

Heirbrandt asked what kind of money do you have in the watershed right now?

Altman asked is it Cool Creek?

The Surveyor stated it's the Moffitt-Williamson Drain. It starts at the dam on Woodland. We bring in \$13,781.00 per year and we have a balance right now of \$75,464.00.

Heirbrandt stated I say we move forward with the study now to get this thing moving and then during this time we engage with Carmel and find out what they're doing and why it's put so much strain on these folks.

Altman stated they have all kinds of drainage improvements, my client got involved with, on a regulated drain and have never talked with us about the effect of the regulated drain.



The Surveyor stated I've got a telephone call in for Jeremy Kashman this afternoon and I'll bring this up then.

Altman made the motion to approve having a study done on the Moffitt-Williamson Drain, seconded by Dillinger and approved unanimously.

The Surveyor asked do you have anyone in mind that you'd like to have look at this?

Altman asked why don't we just do Banning Engineering because they're the most reasonable, Joe Miller.

Heirbrandt stated that's fine with me.

Altman stated Joe will work well with the church people.

**Duck Creek Bank Stabilization - Water Quality Certification:**

The Surveyor stated the office received the 401 Water Quality Certification on Duck Creek Stabilization from IDEM. We have IDNR's permit to get and we've been working on that for quite a while. The person from NRCS has asked us to tickle that again to see where it is because our time is running out on the grant.

**Final Reports:**

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

"To: Hamilton County Drainage Board July 16, 2020

Re: Vermillion Drain: The Enclave at Vermillion Sec. 2

Attached are as-built, certificate of completion & compliance, and other information for The Enclave at Vermillion Sec. 2. 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 April 22, 2018. The report was approved by the Board at the hearing held June 25, 2018. (See Drainage Board Minutes Book 18, Pages 182-183)

The changes are as follows: the 12" RCP was shortened from 486 feet to 485 feet. The 15" RCP was lengthened from 271 feet to 282 feet. The 24" RCP was lengthened from 185 feet to 186 feet. The 30" RCP was lengthened from 281 feet to 283 feet. The 6" SSD was shortened from 2,314 feet to 2,283 feet. The length of the drain due to the changes described above is now **3,519 feet**.

The non-enforcement was approved by the Board at its meeting on June 28, 2018 and recorded under instrument #2020000404. The following sureties were guaranteed by Standard Financial Corporation and released by the Board on its July 13, 2020 meeting.

Bond-LC No: 1291ENC2  
Amount: \$174,322.50  
For: Storm Sewers  
Issue Date: August 31, 2017

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

Sincerely,

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Kenton C. Ward, CFM  
Hamilton County Surveyor"

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

**Capital Asset Notification:**

The Surveyor presented a Capital Asset Notification for the A. J. Meyers Drain, Britton Falls Relocation (2006) to the Board for approval.

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

**Big Cicero Creek Joint Drainage Board:**

The Surveyor presented the Big Cicero Creek Joint Drainage Board minutes of June 24, 2020 to the Board for their information. He asked if there were any questions.

Heirbrandt stated I called because they didn't put me down as being there, but the motions being made in the meeting were by me.

**Service Advisory Board (Citizens Energy):**

The Surveyor presented the Service Advisory Board minutes of June 23, 2020 to the Board for their information. He asked if there were any questions.

There were no questions.

Hamilton County Drainage Board  
July 27, 2020

**Non-enforcements:**

Conover presented a non-enforcement request for the J. H. Leap Drain filed by Brian Kent Hayes for parcel #03-06-10-00-00-017.000 for a 25-foot berm. The property owner wants to place fill in the regulated drain easement. I had been out last year with this property owner and his contractor. He wants to dig a pond on his property and place all the fill on his property along 221<sup>st</sup> Street and Schullely Road. Last year I told him we would not allow that. I went out and met again with him this year told him the same thing and last week I received this non-enforcement request. At this location we have a large open ditch along the edge of the road. When we go to reconstruct and dredge this ditch, we can't utilized the south side of the ditch for working or piling the spoils so we have to keep this option open on the north side. The Surveyor's Office recommends denial.

Altman stated if he can find another place, he can haul the soil off. He has remedies.

Conover stated yes. I've talked to him two years straight telling him that we would not allow it.

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

Clark presented a non-enforcement request for the Little Eagle Creek Drain, John Edwards Arm filed by Pulte Homes of Indiana, LLC for Bent Creek Section 3. 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 Little Eagle Creek Drain, Maple Knoll Arm filed by Jonathan and Erica Winn for parcel #08-09-03-00-15-027.000 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, Overbrook Farms Arm filed by Pavan Subbargari for parcel #17-09-19-00-09-020.000 for a deck. The proposed orientation of the deck would be located within the 100-year floodplain. It would also be encroaching into our 50-foot drainage easement. The Surveyor's Office recommends denial.

Altman asked how far did they want to extend into the easement?

Clark stated the encroachment would be roughly five to ten feet.

Altman stated the floodway, if it's on piers, in theory that would alleviate the issue of flooding.

Clark stated true, additionally they would have to purchase flood insurance, that's another point we made.

Altman stated that's self-imposed.

Howard asked you have to have flood insurance for a deck even though the rest of the structure is above the 100-year flood?

The Surveyor stated yes.

Altman stated the insurance companies have been saying if it's part of the facility the whole facility gets it. Is there a mechanical reason why we can't let them encroach?

Howard stated from a hydrology standpoint.

Altman stated we're fixing the drain type thing. Is there a reason if it was any other place other than the floodway issue would we allow it?

Clark stated for the purpose of accessibility we do have a fifty-foot drainage easement in their backyard.

Altman stated it's rather large.

Clark stated it is rather large.

Altman stated I'm kind of inclined to clearly state that this may cause you and your successors to have flood insurance on your entire house, but I hate to deny them because we're trying to be the...

Clark stated the property owner did state that he'd be willing to purchase flood insurance.

Howard stated he hasn't gotten the bill yet.

Altman stated no, he hasn't gotten the bill and he hasn't gotten a denial on a claim, which he will get.

Altman made the motion to approve the non-enforcement request subject to full disclosure in writing as part of the permit process that flood insurance will most probably be required and he'd be required to place the structure on piers not to interfere with water capacity, seconded by Dillinger and approved unanimously.

Clark presented a non-enforcement request for the Williams Creek Drain, Jackson's Grant Arm filed by Jackson's Grant Real Estate Co., LLC for parcel #17-09-34-00-09-073.000 and 17-09-34-00-12-043.000 for a Hobby Horse Barn and Outdoor Living Facilities. 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 Jill Hoyle for parcel #17-09-34-00-13-017.000 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 Williams Creek Drain, Westmont Arm filed by Andrew and Holly Saik for parcel #17-09-21-00-21-019.000 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.

Cash presented a non-enforcement request for the Vestal/Kirkendall Drain, Fred Hines Arm filed by Deanna and Jennifer Pulley for parcel #10-06-33-00-13-026.000 for a fence. The Surveyor's Office recommends approval.

Altman stated the easement is under the jurisdiction of the City of Noblesville. Is it still regulated?

The Surveyor stated it's the side yard easement on this item and the rear yard easement doesn't have a facility in it, but the side yard easement does. This would be for the side yard easement.

Altman asked did we warn them they may have to get permission from Noblesville also?

The Surveyor stated I think Jerry (Liston) did tell them that.

Altman stated let's put it on the approval and make it subject to their getting approval from Noblesville too because that saved us on something else we just worked on.

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

Cash presented a non-enforcement request for the Vermillion Drain, Village at Flat Fork Arm filed by John and Kay Mason for parcel #13-16-05-00-07-017.000 for a deck. The Surveyor's Office recommends approval.

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

Cash 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. This was one that was brought to the Board previously. From the aerial photo there is in red the easements that are shown. The lot has a fifteen-foot drainage easement on the back of their property. The problem with the non-enforcement in this particular case is that there's not a corresponding easement along the south side of the property line because there's not a pipe. When the encroachment goes into the easement it restricts the ability to access...

Altman stated it's only fifteen feet anyway. We'd be crazy to drive equipment on that easement to get there, correct? It's a tight fifteen feet. We have access from the south and it looks like west to get to the pipe on a thirty-foot-wide easement. I'd be inclined to approve this with the requirement that it's removable panel if for unknown reason we've got to access it that way. To me that's a worthless easement to begin with. I think it was probably cursory because they didn't want to get a variance on the platting process.

Altman made the motion to approve the non-enforcement request with a requirement that it's removable panel, seconded by Dillinger and approved unanimously.

The Surveyor presented a non-enforcement request for the Vermillion Drain, Village at Flat Fork Arm filed by Mark Dolan for parcel No. 13-16-05-00-07-022.000 for a fence. The Surveyor's Office recommends approval.

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

Howard asked is there something we need to talk about on this one? It's recommended for approval isn't it?

The Surveyor stated he was going to be here.

Heirbrandt stated it says on my paperwork approval.

The Surveyor stated yes, but Dolan wanted to be here to ask for more easement encroachment.

Howard asked so you're recommending how wide?

The Surveyor stated a five-foot encroachment.

Howard asked and he wants?

The Surveyor stated ten feet.

Altman stated five feet is okay.

Heirbrandt asked so your motions include the five feet?

Altman stated yes, just the five feet as presented.

The motion had been made and seconded to approve the non-enforcement request for a five-foot encroachment for Mark Dolan and approved unanimously.

**Spills:**

Big Cicero Creek (Update) - Duncan stated the leak was reported from children playing at the school. Fuel was spraying out of a vent pipe was how this was first identified. As best as the IDEM folks can figure was that there are two underground storage tanks, each 20,000 gallons and they were testing the fuel for continued use because it had been in the tanks for decades. In circulating they had to stir up the tanks to get a representative sample of the fuel and it's believed that the process and the product being under pressure through the piping is actually what caused the leak. The tanks were sound. The pipes were what failed and then eventually fuel made it, there is an underdrain system around the tanks and the fuel percolated through the soil and got into the underdrains which is what actually allowed the fuel to get out to the creek. They removed 30,000 gallons from the 40,000-gallon tanks before the tanks were removed.

Howard stated it said in the report they used to use it to heat the generator and they used to use it for heat and now their heat is natural gas.

Duncan stated it was just being used for the generators, but maybe they were looking to use it to expand the use. They don't know how much fuel was in there to start so we can't really say that 10,000 gallons was released because it wasn't known if the tanks were topped off when the fuel started. There really is no way to quantify how much was released, but the tanks were sound. The tanks have been removed and all the contaminated soil has been removed. They had the soil tested to see if there is any residual fuel product and they're waiting for that testing to come back.

Altman asked what school was this?

Heirbrandt stated Tipton.

Altman stated the kids are to be commended, it's good they reported it.

Howard asked is there a contractor involved?

Duncan stated I have to get the report from IDEM. There's quite a timeline of what took place and my understanding from IDEM is there was a certain amount of work that took place before IDEM showed up on site. I don't know if that contractor was through the school, I'm assuming it was. They were trying to figure out what was going on and eventually IDEM showed up and I believe took over. My understanding is that contractor was really close to some existing buried utilities when they were doing the work. All things considered it went pretty well compared to what could have happened. When I get the formal final report from IDEM we'll share that with the Board.

**Surety Acceptance:**

The Surveyor stated that at this afternoon's Commissioners meeting the Board would be accepting the following surety: Performance Bond No. CMS335543 in the amount of \$591,062.00 for Bear Creek South Subdivision, storm sewers.

**Surety Release:**

The Surveyor stated that at this afternoon's Commissioners meeting the Board would be releasing the following surety: Performance Bond No. PRF9292266 in the amount of \$150,438.00 for Thorpe Creek Drain, Mark Ford Arm, reconstruction.

**Ellis Bark Drain Reconstruction - Change Order No. 4:**

Cline presented Change Order No. 4 to the Board for approval.

"July 23, 2020

To: Hamilton County Drainage Board

Re: Ellis Barker Drain Reconstruction  
Change Order #4

Change Order #4 is required due to a secondary Construction Entrance, additional revetment riprap, additional 18" CMP and Animal Guard, 2 additional tile connections, and the deletion of 1-60" manhole.

The following item are changes to the reconstruction of the Ellis Barker Drain Reconstruction:

**ADDITIONS**

Item #	Description	Cost
BB-4	Secondary Construction Entrance on Lindley Run Site -----	\$ 2,400.00
BB-6	Revetment Riprap - 14.66 Tons at \$80 per Ton -----	\$ 1,172.80
BB-19	Bulkhead 15" tile -----	\$ 990.00
BB-20	18" CMP -----	\$ 1,800.00
BB-21	18" Animal Guard-----	\$ 100.00
BB-23	15" Dual wall 45° Elbow -----	\$ 200.00
BB-24	2 additional tile connections at \$250 Each -----	\$ 500.00
BB-MI-4	Revetment Riprap - 83.33 Tons at \$122 per Ton -----	\$ 10,166.26
AB-25	Inlet Protection -----	\$ 500.00

Total Additional Items ----- \$ 17,829.06

**DELETIONS**

AB-6 1-60" Diameter Manhole ----- \$- 4,300.00

Total Change Order #4 ----- \$ 13,529.06

Engineer's Estimate ----- \$1,349,266.24

Contract Bid -----	\$ 962,000.00
Change Order #1-----	\$ 72,866.72
Change Order #2 -----	\$ 750.00
Change Order #3 -----	\$ 3,600.00
Change Order #4 -----	\$ 13,529.06

Total Reconstruction Cost \$1,052,745.78

Difference ----- \$ 296,520.46

Submitted By:

Luther Cline  
Inspector"

Altman made the motion to approve Change Order No. 4 for the Ellis Barker Drain Reconstruction, seconded by Dillinger and approved unanimously.

**Construction Updates:**

Ellis Barker Drain Reconstruction - Cline stated the only thing left out there is the problem with the fiber optic cable along Grassy Branch Road. I've been in contact with Frontier and they're in the process of going through the motions to relay the line and get it deeper so we can finish the project.

Clara Knotts Drain, Pipe Lining - Baitz stated the physical work is done and we're just working on the paperwork for it.

William Krause Drain Phase 3 - Conover stated last week the contractor finished up installing the rest of the pipe on Phase 3. Right now, they're doing clean up and grading. We're in discussion with them on the asphalt on the parking lot of the lodge. The Lodge wants us to do the whole parking lot, but we said no.

**Pending Asbuilts:**

F. M. Musselman Drain, Burnau Arm Reconstruction - Duncan stated we have VS Engineering under contract to complete the asbuilt survey for this project. My understanding is that the field work has been completed.

**Pending Final Reports:**

Anchorage Drain, Reconstruction of a portion of Section 1 - The Surveyor stated Liston was going to try to get that finished and on my desk before he left on vacation, but he didn't quite make it.

Thistlewaite Drain, California Street Arm - Conover stated this project is completed, but I need to finish the final report.

William Krause Drain, Phase 1 - Conover stated the report is done and we're making some final tweaks to the report.

William Krause Drain, Phase 2 - Conover stated the report is done and we're trying to get the paperwork taken care of with Ogle.

Crawford Wetland Mitigation - The Surveyor stated I'm waiting on a letter from IDEM to finish this report.

Benton Hinesley Drain, Grass Waterway - Conover stated the report is done and we're making some final tweaks to the report.

**Pending Items (Attorney):**

Vermillion Drain, Rivas Lawsuit - Howard stated the Rivas' finally did answer my request for admissions. They admitted that the authenticity of the Homeowners permit, which said it was conditioned upon ours, they admitted that they had not received any other approvals, they admitted that the fence was in the drainage easement. I'm leaving for a week on Wednesday, but before I leave there will be a letter citing the case law and the Statute for frivolous litigation caused against both the landowners and their attorneys. We are in the process of a review by the court, we started down the road preparing the record for filing and we're trying to get those great big massive pages of minutes that you have into an 8.5x11 that's legible. Lynette (Mosbaugh) and my staff are working on that and going to try to get that ready to file this week and move on down the road.

Notary Law - I'm going to take the form that Highway's using under this new Statute and try to condense it to one notary, where one notary is witnessing all three simultaneously. We probably need to start using that form on our non-enforcements and all our other conveyance documents.

The Surveyor stated once you get that ready let me know and I'll shove it into our forms.

Howard stated our forms are probably going to add a page or something. They're going to need a little more room.

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

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Mark Heirbrandt - President

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Lynette Mosbaugh  
Executive Secretary