

MINUTES OF THE HAMILTON COUNTY DRAINAGE BOARD

October 12, 2020

The meeting was called to order Monday, October 12, 2020 at 12:02 p.m.

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

Approval of Minutes of September 28, 2020:

The minutes of September 28, 2020 were presented to the Board for approval.

Altman made the motion to approve the minutes of September 28, 2020, seconded by Heirbrandt and approved. Holt abstained.

Insurance Discussion - Pollution:

The Surveyor stated I was wondering what the discussion was or if there has been any decision made on the pollution insurance for the county contractors.

Howard stated there was a meeting of the COI Committee to talk with Ms. Walker about what the risk was that we're insuring. If you remember our last meeting, the question was, are we going to; there were several questions. It was an appeal to you of whether or not we were going to require our excavation contractors to have a certificate of insurance on pollution coverage. The question I thought was rather direct and rather simple, are we talking about pollution caused by the contractor as the insured risk or pollution found by the contractor as the insured risk? It's my understanding that that was not answered. There was some discomfort that the Board was not following the recommendation of the insurance company which was to have full insurance for whatever kind of pollution. There was some discussion I think also to the extent there was going to be a requirement of \$1,000,000.00 or \$2,000,000.00 of pollution insurance without actually defining what it's going to be would substantially limit bidders and increase costs. I might also point out that from the day Mr. Holt, Mr. Dillinger and I first walked into the room upstairs that's no longer there we did a lot of construction projects with a lot of contractors and we found fuel oil, we found gasoline, we found a lot of things and essentially we issued a change order to the contractor and hauled them to a landfill. I think your guidance was to get clarification from the insurance people. I don't think that clarification has been done and I noticed that we have annual bids coming up. When's that set?

The Surveyor stated that is for November 23, 2020.

Altman asked but you're asking permission to advertise, aren't you?

The Surveyor stated right.

Howard stated I will personally contact the Walker Agency in writing to get that clarification. I believe that for these types of contractors that after almost 32 years this is a risk that we have absorbed as part of our construction costs. It's not unlike any other unforeseen circumstances when you dig in the ground and I think the Board was heading, in my opinion, the right direction in saying we're definitely not going to put pollution liability insurance in place without a more defined definition and we may not put it in place at all. Is that about where we are?

O'Sullivan stated that pretty accurately sums it up. Walker-Hughes said they are talking to their underwriter to try to clarify what exactly goes into the pollution coverage. Wednesday or Thursday of last week they had not had that provided to them yet, so they were not able to give it to the Committee.

Altman stated I think we also asked them to figure out whether we could self-insure on a separate policy.

O'Sullivan stated that's why they're going to the underwriter to get more clarification on that. I'm not sure if they have yet, but as of last week they did not have that from their underwriters.

Howard stated I think we probably need to put the meeting 28th deadline upon them because right now you're going to be advertising and then you're going to have to send out an addendum whether or not this coverage is going; what coverage is going to be required if any and your recommendation is...

The Surveyor stated my recommendation is that we do it as we've done in the past, if we find something and it's in our way, we absorb it in the contract price. We have no idea what's in the ground and it's not our fault that we found it.

Howard stated we've usually dug up what we have to dig up, send it to a sealed landfill and pay a change order for the additional excavation and hauling and move down the road.

The Surveyor stated yes and if it's one of our contractors, a hose breaks and you have hydraulic fluid on the ground, or a gas can gets knocked over we clean it up.

Howard stated or they clean it up and they don't get a change order for it.

The Surveyor stated exactly, but without a definition I don't understand why its even in the policy.

Howard stated neither of us can help you with that having not received information. I think we put that first on the runway at the next meeting and then whatever we do he'll have to send it out as an additional, but it will be almost a month ahead of bids so contactor's can provide accordingly.

The Surveyor stated to Howard, when you said the 28th that was October 28th?

Howard stated yes, next meeting.

Hearing Requests:

The Surveyor asked the Board to set the following items for hearing for November 23, 2020: Thorpe Creek Drain, Woods at Thorpe Creek Section 5 Shed Correction; Mud Creek/Sand Creek Drainage Area, E.E. Bennett Arm, 146th Street & Olio Road Roundabout Relocation; Vermillion Drain, Woods at Vermillion Section 5 Arm; and Williams Creek Drain, Hinshaw-Henley Arm, Liberty Villas Reconstruction.

Altman made the motion to set the requests for hearing for November 23, 2020, seconded by Holt and approved unanimously.

Final Reports:

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

"To: Hamilton County Drainage Board

September 30, 2020

Re: Boone Creek Drain: Copper Run Arm

Attached are as-built, certificate of completion & compliance, and other information for Copper Run. 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 October 5, 2018. The report was approved by the Board at the hearing held November 26, 2018. (See Drainage Board Minutes Book 18, Pages 310-311)

The changes are as follows: the 12" RCP was shortened from 652 feet to 655 feet. The 15" RCP was shortened was shortened from 715 to 713 feet. The 15" HDPE was changed to 8 feet of 12" SSD. The 18" RCP was lengthened from 151 feet to 153 feet. The 21" RCP was lengthened from 576 feet to 591 feet. The 24" RCP was shortened from 569 feet to 565 feet. The 30" RCP was shortened from 222 feet to 217 feet. The 36" RCP was lengthened from 483 feet to 487 feet. The 42" RCP was lengthened from 165 feet to 166 feet. The 6" SSD was shortened from 165 feet to 166 feet. The length of the drain due to the changes described above is now **6,549 feet**.

The non-enforcement was approved by the Board at its meeting on November 26, 2018 and recorded under instrument #2019004669. Sureties not posted by the developer for this project in accordance with IC 36-7-4-709.

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

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor"

"To: Hamilton County Drainage Board

October 2, 2020

Re: Heron Hills Drain - Heron Hills Arm

Attached are as-built, certificate of completion & compliance, and other information for Heron Hills Arm. 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 February 15, 2019. The report was approved by the Board at the hearing held April 22, 2019. (See Drainage Board Minutes Book 18, Pages 411-412)

The changes are as follows: the 12" RCP was lengthened from 128 feet to 131 feet. The 15" RCP was lengthened from 419 feet to 421 feet. The 18" RCP was lengthened from 272 feet to 275 feet. The 21" RCP was lengthened from 303 feet to 304 feet. The 30" CMP was shortened from 48 feet to 40 feet. The 36" CMP was lengthened from 78 feet to 80 feet. The 6" SSD was shortened from 2,102 feet to 1,898 feet. The 12" SSD was shortened from 310 feet to 275 feet.

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The length of the drain due to the changes described above is now **3,830 feet**.

The non-enforcement was approved by the Board at its meeting on April 22, 2019 and recorded under instrument #2020069974.

The following sureties were guaranteed by First Merchants Bank and released by the Board on its September 14, 2020 meeting.

Bond-LC No: 3536300	Bond-LC No: 3536343
Amount: \$164,700.00	Amount: \$13,663.20
For: Storm Sewers	For: Sub-surface Drains
Issue Date: August 28, 2018	Issue Date: August 28, 2018

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

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor"

"To: Hamilton County Drainage Board

September 23, 2020

Re: Long Branch Drain -Sanctuary at 116th Street Sec. 2B Arm

Attached are as-builts and other information for Sanctuary at 116th Street Sec 2B Arm. 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 November 30, 2007. The report was approved by the Board at the hearing held January 28, 2008. (See Drainage Board Minutes Book 11, Pages 20-21)

The changes are as follows: the 12" RCP was shortened from 588 feet to 102 feet. The 15" RCP was not installed. The 18" RCP was shortened from 189 feet to 54 feet. The 21" RCP was not installed. The 24" RCP was shortened from 619 feet to 321 feet. The 30" RCP was shortened from 836 feet to 612 feet. Added to this section was a run of 220 feet of 36" RCP and 115 feet of 42" RCP. The 6" SSD was shortened from 5656 feet to 2588 feet. The length of the drain due to the changes described above is now **4012 feet**.

The non-enforcement was approved by the Board at its meeting on August 28, 2017 and recorded under instrument #2018053339.

The following sureties were guaranteed by Bond Safeguard Insurance Company and released by the Board on its August 10, 2009 meeting.

Bond-LC No: 5029930	Bond-LC No: 5029329
Amount: \$167,760.00	Amount: \$50,977.20
For: Storm Sewers	For: SSD
Issue Date: September 4, 2007	Issue Date: September 4, 2007

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

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor"

"September 25, 2020

TO: Hamilton County Drainage Board

RE: Clara Knotts Drain, 96th & College Reconstruction

Final Inspection Report

This is the inspector's final report on the Clara Knotts Regulated Drain, 96th & College Reconstruction. This project was located in Section 11, Township 17, Range 3 in Clay Township of Hamilton County, Indiana at the intersection of 96th Street and College Avenue.

The reconstruction consisted of dewatering, cleaning, televising, stabilizing, and applying a structural spray lining to 200 lineal feet of existing 60" CMP storm pipe.

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The Hamilton County Drainage Board received a bid submitted by Fluid Waste Services Inc. at the March 23, 2020 meeting in the amount of \$344,230.00 (see Hamilton County Drainage Board Minutes Book 19, page 173). The contract was awarded to Fluid Waste Services Inc. at the April 13, 2020 Drainage Board meeting (see Hamilton County Drainage Board Minutes Book 19, page 180). The Drainage Board also approved an agreement with the Hamilton County Commissioners to fund this project with a Community Development Block Grant (CDBG). (See Hamilton County Drainage Board Minutes Book 19, page 180).

A pre-construction meeting was held on site April 16, 2020 with the contractor, City of Carmel and the Surveyor's Office in attendance. An online (Zoom) meeting was held on May 1, 2020 with Fluid Waste Services, Inc., Hamilton County Surveyor's Office and Christopher Allen, (CDBG) Grant Coordinator to discuss the grant requirements and reporting needed. The contractor started the work on May 5, 2020 and completed the work on June 9, 2020. The work was completed, meeting all contract specifications. A photo packet of the project is available for inspection in the Hamilton County Surveyor's Office.

Fluid Waste Services Inc. submitted a claim in the amount of \$344,230.00 on June 9, 2020. The claim was processed with a 15% retainage withheld in the amount of \$51,634.50 per contract specifications. Fluid Waste Services Inc. received a check in the amount of \$292,595.50 on July 14, 2020. Fluid Waste Services Inc. submitted the E-1 form stating all incurred expenses had been paid and a claim for the retainage on July 15, 2020 as per IC 36-9-27-82(b). Fluid Waste received the check for the 15% retainage in the amount of \$51,634.50 on September 15, 2020. Total payment to Fluid Waste Services, Inc. \$344,230.00.

The Community Development Block Grant funds were received and quietused into the Clara Knotts Regulated Drain fund on July 28, 2020.

There were \$345,000.00 budgeted for this project from CDBG funds. This was out of a total of \$634,344.36 for the overall Knotts Drain. This leaves a balance for the Knotts Drain of \$284,344.36 per email dated May 20, 2020 from Chris Allen of the Noblesville Housing Authority.

The contractor's bond was released by the Board at the September 28, 2020 Drainage Board meeting.

As of June 9, 2020, I hereby attest to and agree that the reconstruction was completed according to specified plans and have approved such work under IC 36-9-27-82(a). All inspections have been completed.

The Performance bond for this work was released by the Hamilton County Drainage Board at its September 28, 2020 meeting.

I recommend the Hamilton County Drainage Board accept the reconstruction as complete and acceptable.

Submitted by,

Stephen A. Baitz
Drainage Inspector

SAB/pll"

"October 6, 2020

TO: Hamilton County Drainage Board

RE: Crawford Wetland Mitigation Project

This is the final report for the construction of the Crawford Wetland Mitigation Project. This project is the mitigation required in the agreed order between Hamilton County and the Indiana Department of Environmental Management (IDEM), Case No. 2018-25375-Q approved by IDEM on January 2, 2019.

The wetland that was in advertently disturbed was located on the James Lockwood Drain. The Surveyor's Office identified an acceptable location for the 0.63 acres of mitigation on the George Symonds Drain. This property along Lamong Road was purchased in July 2015 by the Board from Jay L. Moore as part of the overall Symonds & Krause Drainage Improvements in Sheridan.

Quotes were obtained from four (4) design firms familiar with the IDEM mitigation requirements. These firms were V3; Butler, Fairman & Seufert; Davey Resource Group; and Banning Engineering. At the April 8, 2019 meeting the Board awarded the design contract to V3 in the amount of \$8,990.00 (see Hamilton County Drainage Board Minutes Book 18, page 404). The After-The-Fact permit and mitigation plan was prepared by V3 and submitted to IDEM in April 2019. The public notice for the permit was published in May 2019 and ran to July 2019. On August 12, 2019 IDEM issued the Isolated Wetland Individual Permit for the mitigation.

At the July 22, 2019 meeting the Board was presented a quote from Williams Creek Management for the construction of the mitigation. At that time, I asked that we obtain quotes from the Board's contractors (see Hamilton County Drainage Board Minutes Book 19, pages 531-532). Request for quotes were sent to John Ward Construction; Van Horn Excavating; Agricon Inc.; and Elevation Excavation Inc. for submittals by September 1, 2019. Each of these contractors declined to quote on the project.

Request for quotes were then sent to the following contractors asking for both construction cost and the cost for a (five) 5- year monitoring & maintenance. Williams Creek Management; Eco Logic LLC; Davey Resource Group and Cardno. At its March 9, 2020 meeting the Board approved a contract with Williams Creek Management in the amount of \$79,612.80 for construction and \$32,030.00 for the (five) 5-year maintenance and monitoring services for a total of \$111,642.80 (see Hamilton County Drainage Board Minutes Book 19, Page 168). The Notice to Proceed was issued to Williams Creek Management on April 29, 2020.

On April 8, 2020 the Construction Stormwater - Signed Certification was signed and filed with IDEM. On June 16, 2020 the post construction report was filed with IDEM by V3. On July 24, 2020 the Rule 5 - Notice of Termination (NOT) and signed and filed with IDEM.

There was one change order issued for this project which reduced the construction cost by \$2,212.00 due to the disturbed area of the project being smaller than the estimated size in the bid. This changed the total construction cost from \$79,612.80 to \$77,400.80. This change order was approved by the Board at its June 22, 2020 meeting (see Hamilton County Drainage Board Minutes Book 19, pages 256-257).

Surety was not required for this project.

The following is a breakdown of costs associated with the Crawford Wetland Mitigation Project. During the project there were two (2) pay applications.

Pay application #1 Total	\$77,400.80
Retainage	(\$11,610.12)
Amount paid to Williams Creek (05/27/20)	\$65,790.68
Pay application #2 (Retainage)	\$11,610.12
Amount paid to Williams Creek (08/11/20)	\$11,610.12

The project was paid out of the General Drain Improvement Fund.

Engineering, Construction staking, and As-built drawings were completed by V3.

As of April 8, 2020, I hereby attest to and agree that the project was completed according to specified plans and have approved such work under IC 36-9-27-82(a). All inspections for maintenance and monitoring for the next five (5) years will be performed by Williams Creek Management.

I recommend the Board approve the project as complete and acceptable.

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll"

Altman made the motion to approve the final reports presented, seconded by Holt and approved unanimously.

Capital Asset Notification:

The Surveyor presented the following Capital Asset Notification to the Board for approval: Long Branch Drain, Sanctuary at 116th Street Section 2.

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

Set Bid Date:

The Surveyor asked the Board to set a date to receive bids for November 9, 2020 for the following items: Village Farms Arm, Overman-Harvey Drain, Adios Pass Reconstruction; and Intracoastal at Geist Drain. Does the Board want full bids or quotes? Both of these projects are under the limit of \$150,000.00.

Altman asked who are you sending your request for quotes to?

The Surveyor stated it would be our regular respondents.

Altman asked but you'll send out more than three, right?

The Surveyor stated we can send out as many as you like.

Altman stated as long as its competitive I think we just go ahead and go for quotes.

Howard stated under a quote you can waive bid bonds. I assume we would not require bid bonds.

The Surveyor stated correct.

Altman made the motion to put the items presented out for quotes and send it to anyone that's basically replied or responded to bids in the last reasonable past, seconded by Holt and approved unanimously.

Set Bid Date:

The Surveyor asked the Board to set the date to receive bids on November 23, 2020 for 2021 Rural Contracts, 2021 Urban Contracts and 2021 Sewer Cleaning & Related Services.

Altman made the motion to set the date to receive bids for the items presented on November 23, 2020, seconded by Holt and approved unanimously.

Non-enforcements:

Heirbrandt stated Little Eagle Creek Drain, Maple Knoll Arm has been listed for denial. Is that still the case?

Clark stated the property owner (Brian Meyer) has since decided not to contest our original decision.

Altman asked he was going to appeal it to try to get to the original?

Clark stated it was initially signed and he didn't contact me until after it was signed and he wanted to argue for his original encroachment, but he emailed me today and decided against it.

Clark presented a non-enforcement request for the Boone Creek Drain, Copper Run Arm filed by Vandana Chaudhary & Anurag Reddy for parcel #17-09-30-00-10-001.000 for a fence. The Surveyor's Office recommends approval.

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

Clark presented a non-enforcement request for the Little Eagle Creek Drain, Albany Place Arm filed by Tyler & Michelle Koors for parcel #17-09-20-00-25-006.000 for a fence. The Surveyor's Office recommends approval.

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

Clark presented a non-enforcement request for the Shelborne Greene Drain filed by Robert & Judith Koor for parcel #17-13-08-01-09-041.000 for enlarging existing patio & moving irrigation line. The Surveyor's Office recommends approval.

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

Clark presented a non-enforcement request for the Williams Creek Drain, Jackson's Grant Arm filed by William & Melissa Zerbinopoulos for parcel #17-09-34-00-08-045.000 for a fence. The Surveyor's Office recommends approval.

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

Clark presented a non-enforcement request for the Williams Creek Drain, Merrimac Arm filed by Casey & Jennifer Rasche for parcel #08-09-15-00-05-002.000 for a fence. The Surveyor's Office recommends approval.

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

Clark presented a non-enforcement request for the Williams Creek Drain, Woodside at West Clay Arm filed by Robert & Lorri Desmarais for parcel #17-09-21-00-23-015.000 for a fence. The Surveyor's Office recommends approval.

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

Liston presented a non-enforcement request for the Vermillion Drain, Village at Flat Fork Arm filed by Brian Moore for parcel #13-16-05-00-08-011.000 for a fence. The Surveyor's Office recommends approval.

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

Liston presented a non-enforcement request for the Vermillion Drain, Village at Flat Fork Arm filed by Kathleen Devine for parcel #13-16-05-00-07-024.000 for a fence. The Surveyor's Office recommends approval.

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

Violations:

Little Eagle Creek (Fill in Floodway/Floodplain) - Liston stated we issued a violation to Richard Trimble. This is located on the south side of S.R. 32 on the west side of Little Eagle Creek Drain by a brick barn. My understanding this was an old Washington Township Fire Station and Mr. Trimble was placing fill in the floodway there. I spoke with him on Friday and he requested 60 days to remove the fill.

Altman asked why did Trimble put the fill in?

Liston stated he purchased the property with the intent to build a pole barn. His daughter was the realtor who directed him to the property and where the current building sets is the only area out of the floodway/floodplain. The property is now back up for sale.

Altman made the motion to grant the 60-day request, seconded by Holt and approved unanimously.

Vermillion Drain, Village at Flat Fork Arm - Liston stated I was out doing a fence inspection and in July or August we granted a non-enforcement to the Castrocone's with nothing else to be placed in the easement. Their fence is in the property location, but they decided to heavily landscape the easement. We sent a letter giving the property owner 10 days to remove the landscaping. I have not heard back from them.

Altman asked but these are small trees that they can just move or put someplace else?

Liston stated yes and shrubs and landscape material.

Violation Updates:

Vermillion Drain, Woods at Vermillion Arm (Owens) - Liston stated I've rescinded the violation sent to Brian and Tara Owens. This is the fence that was taken down, put back up and wasn't put up right and we took it back down.

Mallery Granger Drain, Breining Property - Liston stated this was on 211th Street just east of Hague Road. Mr. Breining was constructing an outdoor riding arena and he has repositioned that out of the easement of the regulated drain, so we rescinded this violation.

Anchorage Drain, Reconstruction of a Portion of Section 1 - Final Report:

Liston presented the final report for the Board's approval.

"August 17, 2020

TO: Hamilton County Drainage Board

RE: Reconstruction of a Portion of the Section 1 Arm of the Anchorage Regulated Drain

This is the Inspector's Final report on the Anchorage Drain reconstruction, across Lots 60, 61, 62, 64, 65, 67, 68 and 69 located in Section 10, Township 17 North, Range 5 East in Fall Creek Township, Hamilton County, Indiana.

After several continuances, updates and discussions on the Anchorage reconstruction project by the Board between April and September 2019 the following is a timeline of the process from the initial bid opening to acceptance of the Agricon quote.

At the April 22, 2019 meeting of the Hamilton County Drainage Board the Surveyor requested a May 28, 2019 hearing for the Anchorage Drain reconstruction. The Surveyor mentioned plans were already on the street in anticipation of having hard numbers for the hearing. (Hamilton County Drainage Board Minutes Book 18, Pages 414-415)

At the May 13, 2019 meeting of the Hamilton County Drainage Board two bids were received for the project to reconstruct a portion of the Anchorage Regulated Drain. The bids received were as follows:

Millennium Contractors, LLC	\$175,000.00
Morphey Construction	\$177,745.00

Both bids exceeded the Engineer's Estimate as well as the funds available for this project. The Board authorized and directed the County Surveyor to invite three quotes for this project from three contractors.

At the May 28, 2019 meeting of the Hamilton County Drainage Board the Surveyor recommended that the Board reject the submitted bids of Millennium Contractors and Morphey Construction. The Board heard and tabled the Surveyor's Report for the Anchorage reconstruction. (Hamilton County Drainage Board Minutes Book 18, Pages 430-431 & 440-449)

At the June 10, 2019 meeting of the Hamilton County Drainage Board received a quote from Agricon Inc in the amount of 75,625.00. Quote was referred to Surveyor for review. The Board asked the Surveyor to obtain written consent from Agricon to hold quote and made a motion to continue the hearing to July 22, 2019. (Hamilton County Drainage Board Minute Book 18, Page 457)

At the July 8, 2019 meeting of the Hamilton County Drainage Board there was discussion to extend the drain to the Moheban property. The Board was informed the survey and design work had been done and the drain could be extended to the Moheban property to address the Moheban drainage issue. (Hamilton County Drainage Board Minute Book 18, Page 511)

At the July 22, 2019 meeting of the Hamilton County Drainage Board there was continued discussion on the reconstruction, the Board was informed that a new reconstruction notice had been issued due to drain extension to the Moheban property. The Board continued the tabled hearing for the reconstruction to August 26, 2019. (Hamilton County Drainage Board Minutes Book 18, Pages 513-518)

At the August 12, 2019 meeting of the Hamilton County Drainage Board the Board was updated on the reconstruction and the new arm to the Moheban property. (Hamilton County Drainage Board Minutes Book 18, Pages 548-551)

At the August 26, 2019 meeting the revised Surveyor's report was presented to the Board. The revised report addressed the drain extension to the Moheban property. The Board tabled the hearing and requested the Surveyor seek a 30 day hold on the quote from Agricon. (Hamilton County Drainage Board Minutes Book 18, Pages 564-572)

At the September 9, 2019 meeting there was a motion by the Board to amend the meetings agenda to discuss the Anchorage reconstruction project. The discussion centered on funding for the reconstruction project. The Board tabled the hearing again. Agricon agreed to hold quote for another 30 days. (Hamilton County Drainage Board Minutes Book 18, Pages 582-588)

At the September 23, 2019 meeting there was discussion by the Board on how to fund the reconstruction and how to make up the funding shortfall. The Board approved the tabled revised Surveyor's Report to the Board and approved the quote from Agricon at the request of the Surveyor in the amount of \$104,850.00. (Hamilton County Drainage Board Minutes Book 19, Pages 13-17 & 22-23)

The original cost estimate for the Anchorage Drain 2019 Reconstruction was \$77,745.75. But with additional design work for an addition of an Arm south to the Moheban property on the project, the Engineers Estimate was revised to \$120,577.50.

The Anchorage Drain Reconstruction consisted of clearing of existing trees from the project area, installation of 600 feet of 12" HDPE pipe and the installation of 7 precast inlet structures with stool type beehive castings.

During the reconstruction there were some minor changes made to the original design of Gary R. Duncan, P.E., Staff Engineer of the Hamilton County Surveyor's Office. Structure 601 on Lot 67 was switched out from a beehive casting to a solid lid casting, grades adjusted and the swale across Lot 67 was eliminated at the request of the property owner.

There was some private drainage work done by Agricon for the property owners to address wet areas on their properties. This private work will remain private and not become part of the regulated drain reconstruction. The cost of the private work was borne by the property owners affected by the project.

The following is the installed lengths of 12" HDPE pipe between structures.

Structures	Proposed	Actual
Existing Structure - Structure 601	91.02 LF	92 LF
Structure 601 - Structure 602	60.28 LF	61 LF
Structure 602 - Structure 603	66.78 LF	62 LF
Structure 603 - Structure 604	129.87 LF	129 LF
Structure 604 - Structure 606	48.56 LF	50 LF
Structure 606 - Structure 605	46.09 LF	50 LF
Structure 606 - Structure 607	<u>154.29 LF</u>	<u>156 LF</u>
Total	596.89 LF	600 LF

During the reconstruction there was one (1) Change Order.

Change Order # 1 dated May 4, 2020 was taken to the Hamilton County Drainage Board at the May 11, 2020 meeting for discussion and approval of additional work required for the project and deletion of several items from the contract. (Hamilton County Drainage Board Minutes Book 19, Page 215)

The following is an addition to the Anchorage Drain Reconstruction contract.

1. 10 feet of 6" Dual Wall HDPE	\$	<u>500.00</u>
Total Cost of Change Order # 1	\$	500.00

The following items were not billed for on the contract and therefore their costs were deducted from the contract with Change Order # 1.

1. Item 3 - Tree Protection Fence	\$	1,550.00
2. Item 5 - Landscape Wall Removal & Restoration	\$	3,500.00
3. Item 8 - 12" Diameter Fiber Rolls	\$	1,800.00
4. Item 11 - 3 - 6" Caps	\$	75.00
5. Item 14 Topsoil (166 CY)	\$	6,640.00
6. Item 15 - Two (2) Yard Drain & Drain Connections	\$	<u>1,000.00</u>
		(\$-14,065.00)

The following is a breakdown of costs associated with the Anchorage reconstruction. During the project there were Four (4) pay applications.

Pay Application # 1 Total	\$52,500.00
Retainage	<u>\$ (7,875.00)</u>
Amount Paid to Agricon (01/14/20)	\$44,625.00
Pay Application # 2 Total	\$31,925.00
Retainage	<u>\$ (4,788.75)</u>
Amount Paid to Agricon (02/25/20)	\$27,136.25
Pay Application # 3 Total	\$ 6,360.00
Retainage	<u>\$ (954.00)</u>
Amount Paid to Agricon (05/27/20)	\$ 5,406.00
Pay Application # 4 Total (Retainage)	\$ (13,617.75)
Amount Paid to Agricon (06/23/2020)	<u>\$ 13,617.75</u>
Total Paid to Agricon	\$ 90,785.00
Revised Engineers Estimate	\$120,577.50
Contractors Bid	\$104,850.00
Total Additions of Change Order # 1	\$ 500.00
Deletions from Contract (Change Order # 1)	<u>(- \$ 14,565.00)</u>
Total Reconstruction Cost	\$ 90,785.00

The project was paid for out of the General Drain Improvement Fund along with a grant from the City of Fishers Stormwater Program for \$49,500.00 and individual assessments to property owners directly affected by the project.

Engineering, Construction Staking and As-built Drawings were completed in house by Hamilton County Surveyor's Office staff under the supervision of Brian Rayl, PLS.

The Contractor's statement that all incurred expenses have been paid was signed by the contractor as required in IC 36-9-27-82(b) was received on May 01, 2020.

The Irrevocable Standby Letter of Credit #60006335 for the reconstruction in the amount of \$127,500.50 was released at the August 10, 2020 meeting of the Hamilton County Drainage Board. (Hamilton County Drainage Board Minutes Book 19, Page 301)

As of August 17, 2020, I hereby attest to and agree that the reconstruction was completed according to specified plans and have approved such work under IC 36-9-27-82(a). All inspections have been completed.

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

Respectfully,

Jerry L. Liston
Hamilton County Surveyor's Office"

Altman made the motion to approve the final report presented, seconded by Holt.

Heirbrandt stated I wanted to thank the Surveyor's Office for all your work on this project. It was very challenging especially being out there with the homeowners when they had all kinds of flooding and mosquito issues. I think most of you know that Mr. Drew Taylor who owns Taylor's Bakery had brought over a box of pastries recently for everybody. He said he took a lot of flack on this because he kind of led the charge in the neighborhood. To hear the great response from all the neighbors in Anchorage when at the beginning they were unhappy about the project is quite an accomplishment.

Liston stated if you go down there now there are cracks in the ground where this has dried up.

Duncan stated we need to thank Drew (Taylor), he was instrumental in helping us get that done.

The motion had been made and seconded to approve the final report presented and approved unanimously.

Spills:

Hunters Knoll Drain - Liston stated a couple of weeks ago I received a call from EMA on a vehicle fire on the southbound lane of US 31 just north of 136th Street. They asked for assistance locating the regulated drain in the area. No runoff from the fire reached the drain.

Surety Release:

Liston stated that at this afternoon's Commissioners meeting the Board would be releasing the following surety: Subdivision Performance Bond No. 60131829 in the amount of \$58,751.40 for Hamlet at Jackson's Grant Section 2, storm sewers.

William Krause Phase 3 Reconstruction - Change Order No. 6:

Conover presented Change Order No. 6 to the Board for approval.

"To: Hamilton County Drainage Board

October 5, 2020

Re: William Krause Phase 3
Change Order #6

Change Order #6 is for the additional asphalt required due to the additional width of the excavation trenches. The additional trench widths were needed due to re-alignment of the tile and because of poor soils. Additional #53 stone backfill was required due to the additional trench width.

Change Order #6

#53 Stone 30 Tons @ \$50.00 per ton -----	\$ 1,500.00
Time & Materials for pavement repair -----	\$ 35,413.42
Cost by Millennium Contractors of Change Order # 6 -----	\$ 36,913.42
Contractor's Bid -----	\$735,885.00
Change Order #1 Total -----	\$ 4,380.00
Change Order #2 Total -----	\$ 1,600.00
Change Order #3 Total -----	\$ 5,000.00
Change Order #4 Total -----	\$ 67,950.00
Change Order #5 Total -----	\$ 10,852.06
Change Order #6 Total -----	\$ 36,913.42
Millennium Contractors - Total Reconstruction Cost -----	\$726,680.48
Engineer's Estimate -----	\$865,902.40
Millennium Contractors - Total Reconstruction Cost -----	\$726,680.48
Difference -----	\$139,221.92

Submitted By:



Andrew D. Conover
Inspector "

Altman made the motion to approve Change Order No. 6, seconded by Holt and approved unanimously.

Construction Updates:

William Krause Drain Reconstruction Phase 3 - Conover stated this change order should take care of all the financials on this project. We're waiting on grass to come up. There may be a couple of touch up items, but we're near completion on this project.

Ellis Barker Drain Reconstruction - Duncan stated Frontier Communications has the underground facility that conflicts with the project. The project is substantially complete. We have one more structure and about 30 feet of pipe to install. Frontier Communications has a buried line in conflict with this portion. Last week Frontier's consultant that is designing and considering rerouting the buried line to resolve the conflict gave us some information and I had a chance to review that. I responded back and there was an email this morning from Frontier from that consultant that essentially said thank you, we're going to look at it and move it forward. They did say they're trying to identify a solution that resolves the conflict at minimum cost to Frontier and we'll see what that means with the final plan, but what they're proposing was clear of our project. They were going to be about five feet underneath what the drain needs to be to serve the northwest corner and the proposed GFS site that is there. I have no issues with what they were proposing. I'd like to see that that's what they would do.

Howard asked Duncan, are they going to meet the November 15th deadline that we put in the letter?

Duncan stated they have not said that. The proposal was to bore it so there won't be any open excavation. I'd like to think if they decide on that plan it won't take them long to actually implement it. Besides that, the project is complete, and we've completed the asbuilt survey and development is continuing out there to connect to that drain that we reconstructed.

The Surveyor stated the asbuilts, like Duncan said, are completed except for 30 feet of pipe and a manhole and we've been waiting since May.

Pending Asbuilts:

F. M. Musselman Drain, Burnau Arm Reconstruction - Liston stated I'm working through some asbuilt details with VS Engineering. I just had a conversation with them again this morning. Hopefully by our next meeting we'll have those, and a final report done for the Board. The project is done.

Pending Final Reports:

William Krause Drain, Phase 1 - Conover stated the final report is close to the final draft stage and should be before the Board shortly.

William Krause Drain, Phase 2 - Conover stated the final report is close to the final draft stage and should be before the Board shortly.

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.

George Symonds Drain:

The Surveyor stated I have a letter from Mrs. Betty Ayers who lives down the road from our future wetland area on Eagletown Road. The Highway placed some dirt on that property outside the floodplain and I have no use for it. Betty would like to have the dirt. I think we should give it to her because its full of junk.

Altman asked she wants it?

The Surveyor stated she wants it to smooth her pasture and there's no floodplain on the pasture. As long as she's not blocking surface water...

Altman asked is there a time period that she should come and get the dirt?

The Surveyor stated yesterday would be fine with me.

Altman made the motion to allow Betty Ayers to confiscate the added dirt anytime for the next three months.

The Surveyor asked could you give her six months?

Altman stated I don't care how many months I just don't want to have a mess sitting there, seconded by Holt and approved unanimously.

Stultz & Almond Drain:

Altman stated I received a letter from Mr. Morrow who lives on West 116th Street in Carmel sent a note that must not have gotten through about the Stultz and Almond Ditch. He thinks it needs reconstructed. I haven't pulled it up on the maps or anything.

The Surveyor stated I haven't received anything that I'm aware of.

Altman stated it was in April.

Baitz stated we received two drainage investigation requests from Mr. Morrow who lives on Main Street, 131st Street. He is requesting that we clear and remove flowline obstructions from there south through Springmill Streams, Springmill Ridge and those type things. He believes that it's impacting their property due to the vegetation and all of that. I've been holding off to go inspect that. We haven't had any complaints from anyone else about severe blockages for logjams in through there, but I do have a drainage investigation on that. Morrow also wants the other arm through there, the Hinshaw-Henley Drain, investigated as well.

Altman asked Baitz, would you make contact with him? He indicated he's not heard anything and that's frustrating for someone to write in and not get a response.

Baitz stated yes. I left him a voicemail telling him that we would investigate it, but apparently, he didn't get it.

Clara Knotts Drain - Engineering Quotes:

Howard stated the first quote is from HWC Engineering and scope of service for construction staking at \$12,000.00 lump sum, asbuilt survey, field work and office work at \$12,000.00 lump sum; the next quote is from Banning Engineering and scope of service for construction staking at \$5,500.00, Survey Grade Checks at \$30,000.00 based on an hourly estimate and Asbuilts at \$5,500.00. Are there any other quotes on this project; none appearing I recommend the quotes be referred to the Surveyor's Office for review and recommendation at your next meeting on the 28th of October.

Altman made the motion to refer the quotes to the Surveyor's Office for review and recommendation at the Board's October 28, 2020 meeting, seconded by Holt and approved unanimously.

Clara Knotts Drain - Award Bid:

Duncan presented his recommendation to the Board for their approval.

"October 7, 2020

Hamilton County Drainage Board

RE: Clara Knotts - Park Broadway Drain Reconstruction Bid Summary

Dear Board Members:

At the meeting of the Drainage Board on September 28, 2020 two bids were received for the Clara Knotts - Park Broadway Drain Reconstruction project. The bid included a Base Bid and six Alternate Bids.

The bids received were as follows:

	3D Company	Morphey Construction	Engineer Estimate
Base Bid	\$ 888,437.35	\$ 358,290.00	\$ 599,432.17
Alternate Bid No.1	\$ 768,323.85	\$ 315,853.00	\$ 469,228.01
Alternate Bid No.2	\$ 232,189.45	\$ 80,638.00	\$ 129,347.32
Alternate Bid No.3	\$ 714,757.55	\$ 374,351.00	\$ 577,540.55
Alternate Bid No.4	\$ 650,403.15	\$ 354,315.00	\$ 369,648.64
Alternate Bid No.5	\$ 784,966.10	\$ 404,019.00	\$ 400,848.64
Alternate Bid No.6	\$ 425,076.25	\$ 127,074.00	\$ 187,389.31

The apparent low bidder is Morphey Construction for all seven of the bids submitted. The Hamilton County Surveyors Office reviewed the Morphey Construction bid submittal and found it to be complete except for the following items:

1. The date of the signature on the Employment Eligibility Certification is 9/28/2012.
2. The bid forms submitted were not the bid forms included with the bid documents.

Attached to this letter are exhibits which present the areas associated with each of the various bids and the low bid cost with a 15% contingency. There is also an exhibit that reflects all the areas associated with each of the various bids.

The following funds are available for the project:

Maintenance Fund Transfer [75% of current balance]	\$116,098.80
Community Development Block Grant	\$284,344.36
City of Carmel	\$101,769.00
Total	\$502,212.16

The Surveyor recommends that the Base Bid be awarded. The area served by the work associated with the Base Bid will resolve the most frequent drainage issues in the vicinity and is also the outlet for the area served by the work associated with Alternate Bid No.1. The eventual completion of the work associated with Alternate Bid No.1 will resolve other more frequent drainage issues including the flooding of Ruckle Avenue north of 103rd Street.

The cost for the Base Bid with a 15% contingency is \$412,033.50. In addition to the construction contract, there will be Professional Surveying Services for construction staking, construction inspection, and as-built survey to be paid from the funding source.

The Notice to Bidders stated that the Drainage Board reserved the right to hold the bids for a period of 120-days after the bids were opened. The 120-day date is January 25, 2021.

Award of the bid would be subject to availability of funds, verification of Certificate of Insurance, and submittal of requisite bonding.

The Surveyor requests the following:

1. A decision by the Board for which bid(s) to award. This decision is necessary for the Surveyor to develop the final hearing report.

The Surveyor recommends the following:

2. The Board hold the bid award for this project until the public hearing is closed and the project is approved.
3. The Board allow Morphey to correct the minor errors in the submitted bid documents.

Sincerely,

Gary R. Duncan, Jr., PE
Staff Engineer "

Duncan stated the Board has an overall exhibit of the area that shows all the various phases of the project. We developed a master plan for this area some time ago that included all of these and broke them out as Base Bid, Alternate 1 through Alternate 6. Long term we'd like to provide relief to the area which is an older subdivision with surface roadside drainage with a lack of infrastructure that has chronic issues of standing water after rain events. These alternates were developed based on what we knew, the locations of the drainage issues as well as residential homes. This plan addresses all those problem areas. Subsequent to that in your packet is each individual area with the bid price from Morphey which also includes a 15% contingency. A couple of things we need to accomplish today would be to set a hearing for this project on November 23, 2020. To do that we need the Board to make a decision on which contract to award so we can write the report and have that ready to go out with the hearing notices. The amount in the maintenance fund to pay for the project is about \$155,000.00, which is not adequate for the majority of these projects. We do have some amount of money coming from the Community Development Block Grant. As of last week, the balance available is \$284,344.36, which would still leave us short of the base bid amount for the contract. One of the things that we're proposing is to assess the City of Carmel for the work within the right of way as allowed by the Statute. You can see on the second page with 75% of the maintenance fund, the money from the Community Development Block Grant and the assessment to Carmel we would then have sufficient funds to fund one of these options. Based on that we would ask that the Base Bid be awarded which is an area north of 103rd Street up Broadway Avenue and up Park Avenue. That area represents the most chronic area. That is the place that has the most acute issues. We would resolve a good member of the issues in the area by implementing that project. The Base Bid also serves as the outlet for what's labeled as Alternate No. 1 so by constructing the base bid, we would set the stage for us to do Alternate No. 1 which is essentially the second most problem area. That area, Ruckle Avenue, floods on a fairly frequent basis because it doesn't have an outlet so the Base Bid would allow us then further the drain and provide an outlet for drainage on Ruckle Avenue.

The Surveyor stated a benefit to Ruckle and Central is that water in the Base Bid area does break and go west over to those areas.

Altman asked so it would reroute it?

The Surveyor stated so you would be rerouting that water, capturing it before it got there which would have a benefit for both 103rd Street at Ruckle and Central.

Altman asked would it be advisable to do the Base Bid and see how much relief we get for Alternate No. 1?

The Surveyor stated I think that would be the thing to do at this point in time.

Altman stated since they're mobilized should we consider the modest Alternate No. 2 for \$80,000.00?

Heirbrandt stated I think we should.

Duncan stated an additional \$80,000.00 which I did not break that out, some of that cost would be assessed to the City of Carmel.

Altman stated correct. They're going to be mobilized in that area.

Holt asked is Alternate No. 2 the third worst problem?

The Surveyor stated Alternate No. 2 would probably be lower than that slightly.

Altman stated the only other one that we could possibly carve out I think would be Alternate No. 6.

The Surveyor stated I would hate to go that far because we don't know what we're going to find when we start digging. I would think Base Bid and Alternate No. 2 would be a good way to start.

Altman asked how much do you think Carmel's assessment would be?

Duncan stated for the Base Bid it would be about \$102,000.00. For Alternate No. 2 Carmel's assessment just for a rough guess I'd say probably about 25% of that cost.

Altman stated plus they've been charging these people drainage fees.

The Surveyor stated remember, we had a conversation with Jeremy Kashman about this time last year and if I remember right and they weren't forthcoming with any funding at that time.

Altman stated I think at this point we've got numbers, call Kashman and say "I think it's reasonable" because probably these folks have paying \$6.00 a month for drainage. I know what I'm getting charged on my base acreage that doesn't have anything on it. They ought to be spending that money in the area.

The Surveyor stated when you look at the Statute since they own those structures under the road, they have to pay for them anyway.

Holt stated it looks like you're still leaving money on the table.

Altman asked what do you mean?

Holt stated if you add another 25% of the \$127,000.00 for Alternate No. 6 that puts you around \$540,000.00 and if you add the Base Bid and Alternate No. 6 you don't get to \$540,000.00, you fall short.

Altman stated we don't have the contingency on these numbers. Base Bid with contingency was \$412,000.00.

Duncan stated the exhibits show the amounts with the 15% contingency. It would be \$412,000.00 plus \$92,734.00.

Holt asked then the excess, would you just leave it in the maintenance fund?

Altman stated we can only spend 75% from maintenance.

Holt stated but you're still under so would you just not take all of the maintenance fund transfer? You want to charge Carmel the full amount and you want to use all of the Community Development Block Grant.

Altman stated I don't think we can charge Carmel the full amount. I'm not sure where you're going with this. I thought what we would do is figure our base amount and ask Carmel to put in half. I don't know, have we allocated the CBDG money to this area?

The Surveyor stated yes, you did.

Duncan stated yes, that has been allocated.

Altman stated I think you throw in Alternate No. 2 and Alternate No. 6 to get there. It just depends on how much Carmel cooperates. We don't have any control over Carmel other than you are charging the fees that need to be spent in this area, which we don't have any leverage. I really think that was the base of the litigation, but I don't know what the status is now, the challenge for the drainage fees.

The Surveyor stated I couldn't tell you.

Altman stated I think they ruled against this, the claim that's on that trying to get that over with. I don't know what statutory authority Carmel has to even charge what they're charging, it's just all of a sudden, they came up with a drainage fee.

The Surveyor stated so go ahead and set the hearing for Base Bid and Alternate No. 2 and Alternate No. 6.

Altman stated those are the ones we can get done, maybe, depending on Carmel's contribution.

The Surveyor asked if Carmel says "no" and we fall short, we fall back to just Alternate No. 6?

Altman stated or fall back to what the need is. Between Alternate No. 2 and Alternate No. 6 what's the biggest need?

The Surveyor stated I would say Alternate No. 6.

Altman stated we could always do an assessment, a onetime assessment, can't we? Can we carve out those specific areas?

The Surveyor stated I don't know what that does with the CDBG money.

Howard asked are we talking about an amount of money that if we're going to have a contractor mobilize there might be benefit of borrowing from GDIF and replacing it with subsequent maintenance?

The Surveyor stated I think there'd be a benefit to that.

Howard stated you want to advertise the highest possible, you can always come down, but you can never go above your average highest. It just looks like there might be some value if some of these things aren't that big a deal you could go and replace it with subsequent maintenance from the watershed. This has been there for 60 years.

Altman stated every time it rains, I drive through there and it's a mess.

The Surveyor stated this subdivision goes back to the 1930's. When I worked for the Auditor and Tax Mapping, I had a little old lady from Indianapolis come, she had won the lot in a raffle at a theatre back in the 1930's. She had never seen it and wanted to know where it was. I don't know if they were so bad then and they realized that was a way to get rid of them or what.

Duncan stated the drain does take in about \$18,000.00 per year.

Altman stated we'd be able to retire it fairly quickly.

Duncan stated exactly, if there was a budget shortfall of say \$50,000.00 or whatnot in order to get a second project done, I think it would be worth it do just that.

Altman stated it takes care of this whole area and maybe it'll take care of one, maybe.

Altman made the motion to set the Clark Knotts, Park Broadway Drain for hearing for November 23, 2020 Base Bid, Alternate No. 6 and Alternate No. 2 and I'd ask Gary to talk with Carmel City Engineer because he and I talked about this project back then too and say we have numbers now, we know how much we need you to kick in, seconded by Holt.

Duncan stated I would also ask would the Board allow Morphe Construction to correct some of the minor errors?

Altman stated yes, those are negligible.

Altman made the motion to allow Morphe Construction to correct their errors, seconded by Holt and approved unanimously.

Howard stated we also need to make sure it would be subject to them putting it on a State Board of Accounts Form.

Duncan stated just the forms that were submitted. It makes it so much clearer. I've already seen it, they took our bid form and typed it into their own form, there are transcription errors and whatnot and it would make absolutely clear if they could just write the numbers on the bid forms.

Howard stated write it in longhand we don't care.

Duncan stated exactly.

Construction in a Floodplain - Nethery:

Ms. Arlene Nethery and Mr. Timothy Nethery were present for this item.

Howard stated Mr. and Mrs. Nethery are here. At your last meeting they explained that they are building approximately a 1,300 square foot barn. It will be in the floodplain at an elevation of 772.5. They are replacing it with a substantially similar size barn that was previously grandfathered in the floodway. I did not get ahold of them and get all their information; I do have it now. At your last meeting you were inclined to approve the construction in the floodplain because of the similar size and he's moving up. If you would make a motion to do that based on the fact that the new structure will be less of an impediment than the old structure. I also ask that you allow your president to sign it with Lynette (Mosbaugh) to attest it.

Altman made the motion to approve the building in a floodplain, seconded by Holt and approved unanimously.

The Surveyor asked will that be just for the building of the barn at the base flood elevation?

Howard stated a 1,300 square foot barn, base flood elevation, in floodplain only. No other construction.

The Surveyor stated but the fill still is an issue they need to get the variance for.

Altman asked they're going to do the mitigation, correct?

Howard stated they're going to do the mitigation and then we will go out and inspect that.

The Surveyor stated we need to know where it is, we need to get calculations on volume; there are some issues that we need to have done before that's approved.

Howard asked is that a 3:1 mitigation?

The Surveyor stated yes.

Howard stated I'll put that in the permit and have them submit the plans to you.

Nethery stated we submitted a package and had the building site on there. I don't know if it's got lost or what.

Howard stated no, the Surveyor is talking about the mitigation. In other words, you're going to be doing some fill to get this barn up to 772.5.

Nethery stated that will be done from the far west side of my property.

Howard stated the Surveyor needs to know where it's going to be, just show them a chart so they can go out and calculate the mitigation.

The Surveyor stated Andy (Conover) had sent Nethery a letter outlining all the steps and basically, that's what we need.

Howard stated Nethery can get with Andy when we leave here. This is just for the mitigation. You're approved for the building at the place, at that elevation, but you do need for your fill to get your base up you need to have three cubic yards of additional storage space in the floodplain. You'll work with Andy on that. I have your phone number and will call you when it's done.

Pending Items (Attorney):

Utility Non-enforcements - Howard stated I have for your introduction at today's meeting there's a whole bunch of issues on utility non-enforcements, penalties, etc. This ordinance attempts to put any encroachments in a drainage easement whether it's utilities, homeowners whatever in the same category. It allows two parallel paths of enforcement. Our General Assembly puts ordinances in about three different places, but one and the one we would use the most on the fences and so forth you must give them notice to remove it, no less than ten (10) and no more than sixty (60) days. If they don't remove it you can go in and move it at their cost and if you give notice to someone with a substantial interest of record you may record it as a lien superior to everything except taxes, so you go in front of the mortgage company. That will be tremendous motivation for these people to pay. It also talks about utilities. The same thing, if the utilities are in the easement, they have an encroachment permit, if we find them in there, we have the parallel enforcement of fining \$2,500.00 first offence, \$7,500.00 for the second offence and each notice is considered a separate offense. As far as removing utilities we could in theory do the same thing, but I think we found with Frontier one of our remedies is to go ahead and construct over them and that gets their attention very rapidly and that is also authorized by this ten (10) day, sixty (60) day notice that we would provide. We will be introducing this at Commissioners meeting. I'd like to pick through it, go through all; what I've tried to do is take all of the enforcement issues in this list, consolidate them in one ordinance which is "thou shalt not do "blank" in a drainage easement" drainage easement defined not only by the statutory easement, but any

platted easement for our benefit. I can go down and mark off a bunch of those, but I'd like to do it after we look at the ordinance at your next meeting.
Vermillion Drain, Rivas Lawsuit - Howard stated we've kind of gotten that ready to file with the court, but there is a condition proceeding that it must be a final action. If you remember the Rivas came before you in January and at that meeting, they were not asking for an encroachment permit, they were appealing a notice that you told them to take the fence out. To make it easier to go to court I would ask the Board to acknowledge that your action at your January meeting was also a denial of an encroachment permit and under the same circumstances you would act similarly and then we can get to court and get this thing over with.

Altman asked is that a motion or a declaration?

Howard stated there's a motion to make the last meeting in January with the Rivas', not only a denial of their request to build a fence, but essentially it would be a denial of an encroachment permit.

Altman made the motion to deny the Rivas request to build a fence and denial of an encroachment permit, seconded by Heirbrandt and approved. Holt abstained.

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

Mark Heirbrandt - President

Lynette Mosbaugh
Executive Secretary