

MINUTES OF THE HAMILTON COUNTY DRAINAGE BOARD

November 9, 2020

The meeting was called to order Monday, November 9, 2020 at 12:00 p.m.

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

Approval of Minutes of October 28, 2020:

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

Altman made the motion to approve the minutes of October 28, 2020, seconded by Dillinger and approved unanimously.

H. A. McMullen Drain - Maintenance Work Photos:

Baitz stated Mr. Hayes came in and spoke about the McMullen Drain. We issued a work order, went up and investigated the tile and the 10" tile on his west property line was open and clear. The photo of the 18-inch tile under the railroad and across the property to the north of Hayes.

Heirbrandt asked, how old is that tile?

The Surveyor stated 1800's.

Heirbrandt stated it's in pretty good shape.

Baitz stated it was clean as could be.

Altman asked so we didn't do anything to clean it out?

Baitz stated no, that's the way we found it. We did clear the area over the top of the tile, so the surface area was clear.

Big Cicero Creek Joint Drainage Board:

The Surveyor presented the minutes of the Joint Drainage Board of September 23, 2020. He asked if there were any questions.

There were no questions.

Hearing Requests:

The Surveyor asked if he would be able to set the following items for hearing on the 14th of December: Vermillion Drain, Enclave at Vermillion Section 4 Arm; Vermillion Drain, Enclave at Vermillion Section 5 Arm; and Flat Fork Creek Drain, Flat Rock Creek Arm, Preserve at Arbor Pines Reconstruction. It's a short meeting, but if we don't do it then we can't get them on the assessment roll for next year.

Altman asked its just subdivision that shouldn't be controversial?

The Surveyor stated right.

Altman made the motion to set the items for hearing for December 14, 2020, seconded by Dillinger and approved unanimously.

Non-enforcements:

Clark presented a non-enforcement request for the Long Branch Drain, J. W. Brendel Arm, Stanford Park filed by Narayanan Meyyappan and Vijayapriya Meyyappan for parcel #17-09-20-00-13-031.000 for a fence. The property owners want a slight alteration to what we determined. Their property has a 21" RCP along their west property line as well as their south property line. We wanted to allow 7.5-foot encroachment into the 15-foot easement. I believe they want a one-foot expansion to that 7.5 foot on the west property line.

Altman asked there's corresponding drainage easement on the other side or not?

Clark stated yes, there is a 15-foot easement on...

Altman stated each side, so you have a total of 30 feet to work.

Clark stated yes.

The Surveyor stated the issue on that though is not the 15-foot on the other side, the issue is that they want to put the fence one-foot off the property line and the tile is at the property line.

Altman stated so basically on top of.

The Surveyor stated yes.

Clark stated they want rather than a 7.5-foot encroachment; they weren't wanting one foot off of the property line, they wanted just a foot expansion from what we determined, so that would be 6.5 feet.

Altman stated the drawing that's in the packet is that the first one?

Clark stated yes, that was the initial submission.

Altman stated that was her request initially.

Howard stated to clarify the record they're asking for a one-foot waiver to allow the non-enforcement to encroach into the easement resulting in a...

Clark stated 8.5-foot encroachment.

Altman stated and it would be approximately six feet off the centerline of the pipe.

Clark stated yes.

Altman stated with that understanding does the Surveyor's Office have any strong objection to that additional foot?

The Surveyor stated and that would be on the west side.

Clark stated yes, off the west property line.

Altman made the motion to approve the non-enforcement as requested by the property owner, seconded by Dillinger and approved unanimously.

Clark presented a non-enforcement request for the Williams Creek Drain, Buckhorn Estates Arm filed by Andrew and Karina Rosenthal for parcel #17-09-22-03-03-024.000 for a fence. The Surveyor's Office recommends approval.

Altman made a 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, Heather Knoll Arm filed by Yuchen Sung and Li Zhong for parcel #17-09-20-00-06-045.000 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, West Rail at the Station Arm filed by Timothy and Megan Martin for parcel #08-09-10-00-17-064.000 for a fence. The Surveyor's Office recommends approval.

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

Liston presented a non-enforcement request for the Vermillion Drain, Enclave at Vermillion Arm filed by Christopher and Beth Rashleigh for parcel #13-16-08-00-12-010.000 for a fence. The Surveyor's Office recommends approval.

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

Liston presented a non-enforcement request for the Vermillion Drain, Village at Flat Fork Arm filed by Michael Sipos for parcel #13-16-05-00-01-018.000 for a fence. The Surveyor's Office recommends approval.

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

Construction Updates:

William Krause Drain Reconstruction Phase 3 - Conover stated the construction is essentially complete. We're just waiting on grass to come up.

Ellis Barker Drain Reconstruction - Duncan stated I've been in contact with Frontier regarding their fiber line at the intersection of 196th Street & Grassy Branch. The designer has completed his work and has indicated that he has submitted that to Frontier for scheduling. I have also checked with the City of Westfield and our contractor for mobilizing on this site closing the intersection on November 18th which is three days after the deadline stipulated in Howard's letter to Frontier from back in September. Things are moving forward.

Howard stated I have drafted a letter for FedEx Delivery to Mr. Costlow who is on Hague Road. He's a Frontier person. Essentially, pointing out that we informed him that this needed to be relocated by November 15th. Personally, I've reviewed the emails and there's an email that says that the approved design has been forwarded to Frontier for scheduling. I have no idea what scheduling means in your company, however, given the continued delays of Frontier moving we felt it was necessary to inform you that construction is scheduled and informed them that we're doing construction on the 18th. If they're not out of the way they can anticipate an interruption in service. I don't know what else you do.

The Surveyor stated I told them in staff meeting today that if we would have cut the darn thing like I wanted to begin with we'd done.

Howard stated we're six months down the road from the day of first notice.

Altman asked when did we first notice them?

Duncan stated it was approximately in May.

The Surveyor stated it took us three weeks before they actually admitted that it was their line.

Howard stated this is the same company that had a line four inches into pavement on Cumberland Road up by 236th Street and our resurface contractor in their milling damaged the line and Frontier had their subrogation company call me and wanted E & B Paving Certificate of Insurance. I said there is no record, no permit issued, no record, no easement, no notice, nothing in the title work that would have given us notice of that and we weren't paying. They'd already been in contact with E & B and I think E & B responded to their claim the same way we did.

William Krause Drain, Reconstruction Phase 1 - Final Report:

Conover presented his final report to the Board for approval.

"To: Hamilton County Drainage Board

November 6, 2020

RE: William Krause Phase 1 Drain Reconstruction - Final Report

This is the inspector's final report on the William Krause Phase 1 Drain Reconstruction located in Section 32 of Township 20 North Range 3 East in Adams Township, Hamilton County, Indiana.

The Surveyor's Report for the William Krause Phase 1 Drain Reconstruction dated May 5, 2017 was presented to the Drainage Board and approved on June 26, 2017 (Hamilton County Drainage Board Minutes Book (Book) 17, Pages 384-391). The reconstruction cost estimate was \$561,381.88 including professional services (Engineering, Surveying, Acquisition, Grant Preparation, Construction Staking, Construction Inspection, As-Built Documents). The project was bid with two components, Base Bid and Alternate Bid. The contract was awarded to Midwest Paving for the amount of \$284,482.00 for the base bid and \$101,014.00 for the alternate bid for a total of \$385,496.00 on October 23, 2017 (Book 17 Pages 517-519).

William Krause Phase 1 Drain Reconstruction consisted of 2360 feet of open ditch, 8 feet of 36" RCP, 393 feet of 48" RCP, 26 feet of 54" RCP, 1-48" manhole with casting, 2-72" manholes with castings, 1-96" manhole with casting, 1-84" manhole with casting, 1-108" manhole with casting, sidewalk repair, asphalt repair for SR38 & church parking lot, traffic control, erosion control and final seeding.

There were 6 change orders on this project change order for additional work or field revisions on the project as allowed by IC 36-9-27-80.5. Those change orders are as follows:

Change Order #1 was to change the open ditch from a two-stage ditch design to a standard ditch with a four (4) foot width bottom with 3to1 (3:1) side slopes. The change also allowed for the flow line of the ditch to be raised 0.5 feet. The change will result in an additional 567 cubic yards of soil to be moved. The contractor pro-rated the cost per-yard from the original bid the total of which calculates to a total cost of \$1,764.00 This design change is required due to poor soils which will not allow the installation of a low flow channel in the two-stage design. Change Order #1 was approved by the Board on February 26, 2018 (Book 18 Page 69).

Change Order #1

Change in open ditch configuration -----	\$1,764.00
Change Order #1 Total Midwest Paving -----	\$1,764.00

Change Order #2 was to reduce the contract price of grouting and filling the existing pipe under the church building by \$506.25. The contract stated that the tile would be videotaped prior to being grouted. Fluid Waste Service was hired by the Hamilton County Surveyor's Office to locate and camera the tile for the contractor. Change Order #2 was approved by the Board on April 23, 2018 (Book 18 Page 129-130).

Change Order #2

Delete Midwest Paving Alternate Bid Item #1010 -----	-\$506.25
Fluid Waste Service - Camera & Locate Tile -----	\$506.25
<u>Change Order #2 Total Midwest Paving -----</u>	<u>\$0.00</u>

Change Order #3 is for the removal of a tree, revising a manhole structure from 96-inch diameter to 108-inch diameter. Change Order #3 was approved by the Board on May 29, 2018 (Book 18 Page 169).

Change Order #3

Clearing of Tree -----	\$2,332.00
Water lines at church -----	\$2,719.04
Delete Manhole STR#101 - 96" -----	-\$10,000.00
Add Manhole STR#101- 108" -----	\$12,143.00
<u>Change Order #3 Total Midwest Paving -----</u>	<u>\$7,194.04</u>

Change Order #4 was approved by the Board on August 27, 2018 (Book 18 Page 239-240).

Change Order #4

Delete 38" x 60" RCP 36' LF @ \$400 LF-----	-\$14,400.00
Add 36 LF of 48" RCP w/granular backfill -----	\$8,640.00
Delete 24" outlet -----	-\$4,000.00
Delete 10" outlet -----	-\$2,000.00
Delete 2 - 96" INDOT Manholes @ \$12,000.00ea Str # 105, 106 -----	-\$24,000.00
72" Manhole Str #106-----	\$7,000.00
Add Str# 105 72" conflict structure-----	\$19,080.00
Delete Str# 105 72" conflict structure-----	-\$19,080.00
Additional depth in trench to lower storm line -----	\$22,760.00
Add 10 feet of silt fence @ \$1.25 per foot -----	\$12.50
Relocate Manholes #103, #104 Connect 18" & 6" pipes -----	\$15,661.84
Cap abandoned 15" & 24" Pipes -----	\$1,136.29
40 feet of 36" CMP @ \$125.00 per foot -----	\$5,000.00
Delivery/return fee 48" RCP -----	\$250.00
<u>Change Order #4 Total Midwest Paving -----</u>	<u>\$16,060.63</u>

Change Order #5 is required because Calumet Paving was doing work on the west side of SR38 in the area of the sidewalk. It was decided that since Calumet's work was to be completed after the Midwest Paving work in the area it would be best for Calumet to complete the sidewalk repair. Change Order #5 was approved by the Board on December 10, 2018 (Book 18 Pages 325-326).

Change Order #5

Delete sidewalk repair -----	-\$2000.00
<u>Change Order #5 Total Midwest Paving -----</u>	<u>-\$2000.00</u>

Change Order #6 is required to allow for reimbursement to the Town of Sheridan for payment that was made to Calumet Paving for sidewalk replacement and new the inlet structure work done on the west side of SR38. Change Order #5 was approved by the Board on December 17, 2018 (Book 18 Page 69).

Change Order #6

Change Order #6 - Town of Sheridan reimbursement -----	\$8,821.27
<u>Change Order #6 Total -----</u>	<u>\$8,821.27</u>

Total Reconstruction Cost

Contractor's Bid -----	\$385,496.00
Change Order #1 Total -----	\$1,764.00
Change Order #2 Total -----	-\$506.25
Change Order #3 Total -----	\$7,194.04
Change Order #4 Total -----	\$16,060.63
Change Order #5 Total -----	-\$2000.00
Midwest Paving Total -----	\$408,008.42
Fluid Waste Total -----	\$506.25
Town of Sheridan Total -----	\$ 8,821.27
<u>Total Reconstruction Cost -----</u>	<u>\$417,335.94</u>
Engineer's Estimate -----	\$399,538.75
<u>Total Reconstruction Cost -----</u>	<u>\$417,335.94</u>
Difference -----	-\$17,797.19

This project was funded by the Town of Sheridan through a grant from the USDA.

The original hearing the construction cost estimate was \$399,538.75. The actual cost was \$408,008.42 for Midwest Paving's contract; \$506.25 to Fluid Waste for camera inspection of a tile for Midwest; and \$8,821.27 to Town of Sheridan to reimburse them what they paid Calumet to do the sidewalk replacement and new inlet structure work. These 3 vendors were paid a total of \$417,335.94 for the actual construction cost.

The original report soft cost was estimated at \$161,843.13. It showed \$3,850 for land acquisition fees but no charges were received for those services because they were provided by the Hamilton County Highway Department. \$8,000 was designated for grant administration but \$3,000 of it was paid by the Town of Sheridan. The report had \$20,000 for inspection fees but we received no charge for those services because it was inspected by the Hamilton County Surveyor's Office. Construction staking was listed at \$7,500 and those costs were a bid item and paid as Pay Request #1 to Midwest Paving. Removing these 4 items makes the actual soft cost \$127,493.13.

The construction cost totals \$417,335.94 and the soft cost items listed in the Phase I report total \$127,493.13 to make a total of \$544,829.07. INDOT is being assessed \$92,632.50 for their portion of the reconstruction. Settlement from INDOT's reconstruction assessment will be placed back into the Krause Phase 1-3-Town of Sheridan Project fund.

The breakdown of the actual cost is:

Phase I Construction Cost:	\$417,335.94
Engineering:	\$ 80,000.00
Fox Survey:	\$ 13,050.00
Grant Application Assistance:	\$ 11,576.25
Geotech:	\$ 9,206.88
Fox Appraisal:	\$ 7,500.00
Grant Administration:	\$ 5,000.00
<u>Exploratory - Agricon:</u>	<u>\$ 1,160.00</u>
Totals - Phase 1	\$544,829.07

The Drainage Board received \$2,205,265.00 from the Town of Sheridan on 06/13/2018 as payment for the Town's purchase of flow capacity in and into the William Krause Drain. The funds were received as part of the Stormwater Capacity Purchase Agreement entered into on the 11th day of June 2018 between the Department of Storm Water Management of the Town of Sheridan and the Hamilton County Drainage Board. All cost associated with the reconstruction of Williams Krause Phases 1, 2 & 3 are being deducted from these funds. Prior to receiving this funding \$3,625.00 was paid from the George Symonds #283 maintenance fund and \$151,028.13 was paid from the William Krause #267 maintenance fund for survey, design, engineering & easement purchases. I recommend that these maintenance funds be reimbursed at this time.

As stated above, this project was paid for by a USDA loan in the amount of \$2,205,265.00. The repayment of the maintenance funds for the Symons and Krause drains amounted to \$127,653.13. The total construction cost is \$417,335.94 and with the \$92,632.50 being repaid by INDOT the amount being taken from the loan funds is \$324,703.44. This leaves a total of \$1,753,068.43 to be utilized for Phase 2 and Phase 3 of the project.

Partial Pay Requests for this project submitted and paid as allowed in IC 36-9-27-81 are as follows:

	Date Requested	Date Paid	Billed	Retained	Paid
Pay Request #1	11/16/17	12/27/17	\$4,800.00	\$0.00	\$ 4,800.00
Pay Request #2	11/27/17	01/09/18	\$931.25	\$139.69	\$ 791.56
Pay Request #3	12/20/17	01/09/18	\$39,125.00	\$5,868.75	\$ 33,256.25
Pay Request #4	01/05/18	02/13/18	\$31,035.00	\$4,655.25	\$ 26,379.75
Pay Request #5	01/05/18	03/27/18	\$34,448.25	\$5,167.24	\$ 29,281.01
Pay Request #6	02/22/18	04/24/18	\$115,407.60	\$17,311.14	\$ 98,096.46
Pay Request #7	04/18/18	05/30/18	\$27,593.75	\$4,139.06	\$ 23,454.69
Pay Request #8	05/17/18	06/12/18	\$32,753.00	\$4,912.95	\$ 27,840.05
Pay Request #9	06/08/18	07/10/18	\$16,000.00	\$2,400.00	\$ 13,600.00
Pay Request #10	08/02/18	08/28/18	\$44,293.50	\$6,644.03	\$ 37,649.48
Pay Request #11	08/08/18	09/11/18	\$7,194.04	\$1,079.11	\$ 6,114.93
Pay Request #12	08/28/18	09/25/18	\$48,460.63	\$7,269.09	\$ 41,191.54
Pay Request #13	12/03/19	02/25/19	\$5,966.40	\$894.96	\$ 5,071.44
<u>Retainage</u>	12/04/19	02/25/19	<u>\$60,481.26</u>		
Midwest Paving Totals:			\$408,008.42		\$408,008.42

Statement of All Incurred Expenses Paid signed by the contractor as required in IC 36-9-27-82(b) was received on December 4, 2019.

The engineering design, plans, construction staking and as-built (record) drawings were prepared by Banning Engineering. The as-built drawings are attached.

Upon review of the as-built drawings prepared by Banning Engineering dated 10-29-02020 it was found that the inverts of two manholes were installed incorrectly as was the slope of two sections of pipe. The inlet invert of structure #106 was installed at 930.88 and the outlet invert was installed at 930.98 resulting in a backward grade of 0.10 feet and the inlet invert of structure #102 was installed at 930.50 and the outlet invert was installed at 930.53 resulting in a backward grade of 0.03 feet. Additionally, the slope of the pipe between structure #106 and structure #104 was installed with a negative grade as was that between structure #103 and structure #102. Upon discussion with Joe Miller of Banning Engineering he believes although they are incorrect, these issues will not adversely affect the hydraulics of the storm system. He indicated this in a letter to this office dated July 30, 2020.

As of February 13, 2020, I hereby attest to and agree that the reconstruction was installed according to the specified plans and change orders and have approved such work under IC 36-9-27-82(a). All inspections have been completed. Final inspection was on August 5, 2019.

The performance bond for Midwest Paving for the project dated October 26, 2017, bond number 9267099 should be released by the Board.

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

Respectfully,

Andrew Conover
Inspector"

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

Bid Opening - Duck Creek Bank Stabilization:

Mr. Scot Van Horn was present for this item.

Howard stated the first bid is from John Ward Construction and he submitted a letter saying due to their present work load and being late in the construction season we will not be bidding on the Duck Creek Bank Stabilization; the next bid is from Van Horn Construction with all required forms present and a quote of \$98,181.04. This appears to be all the quotes for the Duck Creek project. Do any persons know of any other bids; none appearing I recommend the quote be referred to the Surveyor's Office for review and recommendation on November 23, 2020.

Altman made the motion to refer the quote to the Surveyor's Office for review and recommendation on November 23, 2020, seconded by Dillinger and approved unanimously.

Heirbrandt asked where is this work taking place? How far north is it from where Duck Creek actually enters into White River?

The Surveyor stated it's north of 281st Street, just north of Aroma.

Bid Opening - Intracoastal at Geist Drain:

Howard stated the first bidder, John Ward Construction submitted a letter stating due to their present work load and being late in the construction season we will not be bidding on the Intracoastal at Geist Drain project; the next bid is from Agricon, Inc. with all required forms present and a quote of \$100,148.30. This appears to be all the bids on this project. Do any persons know of any other quotes; none appearing I recommend the quote be referred to the Surveyor's Office for review and recommendation on November 23, 2020.

Dillinger made the motion to refer the quote to the Surveyor's Office for review and recommendation on November 23, 2020, seconded by Altman and approved unanimously.

Insurance Discussion - Pollution:

The Surveyor stated I wanted to keep this on the forefront of the Board's mind. I got an email from Robin Mills last Wednesday and it says in response to my email "Protocol from items approved/discussed during a Drainage Board meeting that require Commissioner action is for the item to be acted upon during a Commissioner's meeting. The vendor insurance policy was enacted and approved by the Commissioners; therefore, they are responsible for amending the policy. The pollution coverage issue is on the November 9th Commissioner's meeting agenda for discussion as a work session following the regular public meeting". This is on your agenda for this afternoon, if you would please discuss it and put closure to this.

Howard stated from one issue do we need to amend the ordinance, or do we need to inform or request a waiver and I think amending the ordinance is the proper way of handling it. However, on my other list for things from the bottom is proposed engineer's contract. We talked about the contractors not being required to have pollution insurance and you unanimously approved deleting that from the bid requirements. The second issue are we also going to waive pollution insurance for the engineer, which is on my list. I guess I need to look to the Surveyor for how it's done, but an engineer designing a drainage project wouldn't know about pollution insurance until they started digging in the ground. There is another corollary on this as far as engineer's liability for road projects and I think I heard indirectly through the grapevine that the response on that was that the surveyors go out and set stakes in the ground and there could be pollution resulting from that. If you feel comfortable resolving, not only the drainage, excavator contractor exclusion, if you feel comfortable going ahead and removing the engineer's pollution liability that's on my list I will have the amended ordinance for you at your meeting two weeks from today.

Altman stated it makes sense. One other thing we probably need to look at is I heard from a contractor that does our hydraulics work, cylinder work, he doesn't come on our property, everything gets delivered. The reason he doesn't come on the property is worker comp issues and he said if he doesn't get an exemption, he'll just not do our work because he can't afford that kind of coverage on workers comp.

Howard asked and that's for the hydrology engineering?

Altman stated no, not engineering just the guy when our cylinders break on our Highway stuff. He said he makes maybe \$5,000.00 off our business and picking up that kind of coverage on worker comp he's not going to do it and we're going to lose that right and left. We need an exemption for people that don't come on our parcels.

Dillinger stated I agree.

Heirbrandt stated yes.

Howard asked do you want all the surveyors and engineers also exempted from pollution liability, both Drainage and Highway?

Heirbrandt stated I think you have to.

Altman stated I don't think they're going to be poking sticks in the ground far enough to cause a geyser of pollution.

The Surveyor stated things have gotten way out of line.

Howard stated if all you want to do is transfer your risk to somebody else then it all makes sense, but at the end of the day if you start eliminating contractors and people that are going to work for you and the risk is de minimis we've been risking things in construction projects now for 32 years that I've been involved. There's been a few out there, but that's why you have this budget called contingency.

The Surveyor stated we're starting to wonder where the stakes that are driven into the ground for lath and hubs for surveyor's stakes, we just close up and have a euchre tournament every day because what else are we going to do?

Howard asked Connor (Sullivan), are there anymore foreseeable kind of rubber-stamped circumstances that as a member of the COI Committee you've seen that we might want to go ahead and start down the road with amending the policy?

Sullivan stated there are a few and we can go into more detail over it when we have the work session today, but one we ran into right now is that our requirement is \$1,000,000.00/\$2,000,000.00 for general and then they also have to have a \$1,000,000.00 umbrella too. That kind of makes it go from the 1-2 requirement to a 2-2 requirement. We were under the impression that this was very normal or standard. Steve Rushforth and I talked to other individuals who worked with this on a daily basis and they said it's actually very unusual to have that 2-2 policy requirement. If you have your policy standard in limits of \$1,000,000.00 to \$2,000,000.00 for general there's usually not a requirement to have that floating \$1,000,000.00 or if there is you bring it down to \$500,000.00 or if you're going to do that make the general \$500,000.00 to \$1,000,000.00, but usually having a set standard amounts that we have plus the floating \$1,000,000.00 overhead is a little unusual from the people we've talked to.

Howard stated I'm wondering about any specific contractor people. We can address that, the umbrella and the amounts at the work session this afternoon. We'll have this on our list of amendments with possibly more to come later this afternoon.

A.F. Ingerman Drain - Eric Scherer Request for Variance:

Eric Scherer was present for this item.

Scherer stated we had a meeting on July 1st I believe with the Surveyor, Heirbrandt, Conover and I've been asking for; I guess there's an unwritten rule not to build along the A.F. Ingerman Drain due to the size. I've been asking if I could get an allowance or a variance to be able to add on to my current house that's right next to the A. F. Ingerman Drain at 226th Street and S.R. 19. I'm looking to add about a 900 square footprint. It would be two story plus a basement. The Surveyor did tell me no, but after looking at all the things I think I'd still like to ask for a variance from the Board to see if that's something I could accomplish and get a building permit for.

The Surveyor asked is the 900 square foot the footprint?

Scherer stated that's the footprint, that's correct.

The Surveyor stated so that's about 70% of your house.

Scherer stated the current is about 1500 to 1600 square feet.

The Surveyor stated according to the Assessor's records it's like 1500 foot.

Scherer stated yes, that would be the addition I'd be adding onto it.

Howard stated for the record we need to clarify, it's not an unwritten rule. The State Statute provides that if there is not, in the Surveyor's opinion, there is not adequate discharge then the Surveyor has the authority to deny the connection to the drain. Connection to the drain basically is allowing any additional flow, not just connecting a pipe or a ditch or any additional flow that might go into the drain. It's not an unwritten rule, it's State Statute, but it's based on a factual determination by the Surveyor and that determination can be appealed to the Drainage Board and changed if that's your priority. I think the other thing and we've dealt with this for years and years and different people have pointed fingers at not only the Surveyor, but the Board, but it's been tradition I've heard over and over that the drain is totally inadequate without reconstruction and I hate to play lawyer here, but when you allow one person for "x" amount of square feet, who's the next person and how does that go? It doesn't sound like much when you're looking at this big watershed, but it's up to the Board and your discretion whether to give a variance.

Heirbrandt asked Dillinger, what kind of comments do you have?

Dillinger stated I hear what Howard says and I appreciate what Howard says, but I'm inclined to allow it.

Heirbrandt asked it's just surface drainage isn't it?

Howard stated you're creating more square feet of impervious surface. At the present time you have dirt, grass, trees, shrubs and you're going to create impervious surface which will increase flow from the roof, gutters, downspouts, etc. It's your call.

Altman asked Scherer, is there any detention you can provide onsite?

Scherer stated I've looked at a couple of different items and I can either do a berm on the perimeter of where this would flow off or a dry well per say up to 7.5 cubic feet or 15 feet with two units that would allow somewhere for the rainwater to sit and hold until it's ready to flow back into the shed.

Altman asked is there any element of business that you operate out of your home?

Scherer stated not at all.

Dillinger made the motion to allow the variance on the A. F. Ingerman Drain, seconded by Altman if Scherer installs the two detention systems.

Heirbrandt asked are you in agreement to that?

Scherer stated yes, by two detention systems do you mean the two 7.5 dry wells or do you want a berm and a drywell?

Altman stated I think the drywells will be sufficient.

Scherer stated okay, 15 cubic foot drywell.

Heirbrandt asked do you agree to that?

Scherer stated yes, sir.

Dillinger amended his motion to allow the variance with 15 cubic foot drywell.

The Surveyor asked is this specifically just for..

Altman stated this residential addition.

Howard stated an addition as opposed to new construction.

The motion had been made and seconded to allow the variance with a 15 cubic foot drywell and approved unanimously.

The Surveyor asked Scherer, would you work with Andy (Conover) on the sizing and so forth?

Scherer stated yes, I'll send an email to Andy and cover that.

Pending Items (Attorney):

Copy of Ordinance No. 10-12-20-A - Howard stated we talked about some of the issues on my list. We sent Lynette (Mosbaugh) a signed copy of the ordinance that was passed at your Commissioner's meeting two weeks ago.

Ellis Barker Drain Reconstruction (Letter to Frontier) - Howard stated we've concluded this as far as we can go. I would ask that these items be removed.

Ordinance - Howard stated I think the ordinance took care of the utility issues.

Dillinger made the motion to remove Ordinance No. 10-12-20-A and Ellis Barker Drain Reconstruction, Letter to Frontier from the attorney's pending items list, seconded by Altman and approved unanimously.

Budget & Permit Update:

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

Altman stated we haven't had an update on funds that are in the red recently. Could we do that for the next meeting to know where we are on some of those funds?

The Surveyor stated sure.

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

Mark Heirbrandt - President

Lynette Mosbaugh
Executive Secretary