

MINUTES
HAMILTON COUNTY BOARD OF COMMISSIONERS
And
AMERICAN RESCUE ACT PLANNING COMMITTEE

NOVEMBER 18, 2022 – 1:30 P.M.
Conference Room 1A
Hamilton County Government and Judicial Center
One Hamilton County Square
Noblesville, Indiana

Commissioner Dillinger called the meeting to order declaring a quorum present of Commissioner Christine Altman, Commissioner Steven C. Dillinger, and Commissioner Mark Heirbrandt.

American Rescue Act Planning Committee members present were County Councilor Brad Beaver, and County Councilor Sue Maki.

PROSECUTOR

Malcon Title IV-D Consulting Services

Mr. Lee Buckingham requested approval of the Title IV-D Consulting Services contract with Malcon. Heirbrandt moved to approve. Altman seconded. Motion carried unanimously.

ARPA COMMITTEE

Approval of Minutes

Maki moved to approve the minutes of October 28, 2022. Heirbrandt seconded. Motion carried unanimously.

Updated Project List

Funds available - \$4,684,425.13

Heirbrandt stated we have been promising ARPA dollars for a lot of drainage projects that we have not had money for since the 1930's. Mr. Ward has a long list of projects which obviously we can't get all of them done because there is not enough money. We have put some of these projects out for design. Altman added we asked Ward to look at the drainage sheds to see what the residents within the sheds could afford. If we have an 80/20, or 90/10, or 95/5 it pulls in more monies to spread these projects further. We will have the split discussion in drainage board. Heirbrandt noted we have people come to the drainage board because they cannot afford to get it fixed and this is the only way these projects are going to get done. Maki is not opposed to that, but another aspect of fixing drainage issues is if our highway department is involved they charge back the highway department and she would like to see some of the ARPA dollars pay for the highway's portion of what they need to do to fix the drainage. Altman does not think we can, it would be discriminatory with Ward noting it is also against statute. Altman stated it is structured that everybody in the watershed participates. Maki believes we have paid highway expenses that have been connected to drainage improvements, we have used ARPA dollars for

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that. If there are any of these upcoming projects. Altman thinks those were new construction. Ward stated under IC 36-9-27-48, the highway or owner of the property pays 100% of what is under the highway. Altman noted the distinction is on what happened was we had a new project come through where county dollars would have to pay for that improvement drainage, or we could use ARPA. What we are talking about our existing drains and that is the distinction. Maki asked if there is anything they are working on, and the highway has to pay for drainage it should be ARPA dollars. Altman thinks we pulled those projects out to the extent that we could. Heirbrandt asked Ward to go through his list of projects.

- Elwood Wilson Drain, Craig-Holleran Arm
Drainage shed north of the EM Hare which we are doing now. At the drainage board hearing for the Hare, we had \$1.5 million and the board reduced it to \$200,000 and put the \$1.3 million of ARPA funds for this project. Heirbrandt asked if we are building a new 911 facility at this location why would we not use 911 dollars on it when we already have the money. They will have to redo the entire landscape anyway. Ward replied 911 is just a portion of this project, they are putting in a new open ditch to Promise Road. They will be installing new storm sewers up to Promise Road and 191st Street. Dillinger thinks you could use part of it with Ward thinking they could use it for the pond but everything upstream he would not think was part of the 911 center with Altman noting whatever normal development would do, you would not require reconstruction on that? Ward replied through that property, yes. Dillinger asked if that was a commercial development going in, what would you require them to do? Ward would give them his set of plans and tell them to build it. Dillinger asked under that circumstance why could we not pay for this out of 911 funds? Ward noted from a certain point it is a new open ditch.
- A.F. Ingerman Drain
Reconstruction of the open ditch plus arms going to the Nickel Plate. That is what has been promised to Cicero for a long time. Altman confirmed that will open up their area with Ward agreeing. Altman thinks this has to be done.
- West Arcadia Drain
This will take water out of the west side of Arcadia taking it to Little Cicero Creek. Heirbrandt stated that needs to get done because we need to get the water off of where the fire station is being built.

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- Adam Ault Drain
This drain is shot, it is an eight-inch tile with the water standing leaving only about three-inches of fence post out of the water on 296th Street. Altman asked if this is a stand alone with Ward replying yes, it needs some help.
- Hortonville Drain
Installing a drainage system in the southeast quadrant in Hortonville, this is an area that has needed drainage for years and they are not able to pay for it.
- JS McCarty Drain Phase 3
Phase 3 is the south pincher arm going around the south side of the drainage shed.

Heirbrandt noted Ward is already at \$12 million request, there is not enough money. Maki confirmed Ward's list is in order of importance, are there any expenses in these projects that will be charged to other county departments such as the highway? Ward replied, the highway will have to pay for the crossing under the road on the Adam Ault, they will have to pay for the crossing under Promise and 191st, they will have to pay for some of the crossings in Hortonville, they would have to pay for the crossing under Scherer Avenue for the Miller Drain which is the West Arcadia drain.

Altman asked what has already been allocated out of ARPA? Mills replied \$6,675,483.00. Altman noted if we allocated the balance that would bring the drainage allocation to roughly \$11 million about 15% of the ARPA funds. This is not counting the fairgrounds, which is not part of the Surveyor's request.

Heirbrandt asked Ward if the dollar amount comes down on the Elwood Wilson drain could he use that money for another drainage project? Ward replied, it would and asked if there is any money allocated to drainage and we do not exceed that allocation that when it is returned it goes to the next project on the list. Altman agreed. Heirbrandt noted we talked about the Arcadia drain at the last meeting, the drain has been split and there are less people in that watershed and there is no way they will be able to pay for it.

Heirbrandt moved to spend the rest of the money in ARPA towards drainage projects. Maki seconded. Maki would like to amend the motion to include the balance for drainage for the surveyor's expenses and any highway department expenses. Heirbrandt noted there is not really any highway expenses in these projects. Altman noted we get into the assessment law, if we do not assess then it is a moot point, if we do not do an assessment over the entire shed for 20% or 10% of the costs, highway will get

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everything covered with every other project. Maki replied that is fine as long as they do not have any expenses that come up that they have to fix something. Altman stated if we do not do the assessment we have less money in the pot to do other drainage. Dillinger stated the plan is to do a partial assessment. Altman added by law we cannot carve out and be nicer to the highway department than we are to anybody else. Maki asked because this is a drainage issue that the ARPA funds cannot be given to the highway department to cover the drainage related expenses that they are going to get whether it is an assessment. Sullivan thinks they could use ARPA for lost revenue if it is anything for government services. He thinks we can do it from an ARPA standpoint, but we don't know what that is today. From an ARPA standpoint we could do that but there are other issues that might come up with it.

Heirbrandt asked Ward to speak about the Arcadia projects. Ward stated that is one of five they are looking at doing in Arcadia, this will take the water load on the west side of Arcadia off the balance of the town. The other one would be the north bypass; it will go under SR 19 and into Possum Creek or Possum Run. Ward noted the state will be paying for crossing under SR 19 and the county highway would be paying for the crossings under Mosbaugh Road and 266th Street.

Ms. Jennifer Pickett, Arcadia Clerk-Treasurer, noting Commissioner Altman's comment that Arcadia needs to grow; we have had to push away lots of growth because of the drainage issues. The north drain we have someone that purchased 10 acres and wants to build five to six homes, but he has been turned away. We have a neighborhood coming in off 256th Street that the drain just misses. We had a Dollar General Store that wanted to come into Arcadia, they were turned away because of the drainage. We are trying to grow but we cannot with all the water and the town cannot afford to pay for all the drainage repairs. Maki supports this but does not want an additional un-budgeted expense to the highway department when that money can be spread out. Ward does not see anyway around that under state statute. Altman stated unless we are pro-active because in theory if you corrected some of the highway issues it might incidentally help the drains. Can we start on portions of the projects for the roads? Ward did not know; you would be building a section of drain that does not do anything. Altman was thinking culverts, that kind of thing. Ward replied no, culverts are not in the projects. Altman noted highway is assessed because we have a lot of impervious surfaces, and it is all calculated on surface. Dillinger noted the state assesses the county for highways. The bottom line is this is all coming out of county funds, you are the council. It is just a matter of distribution. Dillinger asked if they are satisfied with the motion? Maki replied yes if there is not a way to do it. Altman stated we cannot change the assessment issues. Maki understands the assessment issue but if there is something that the highway has to pay for that is not considered an assessment that is related to drainage that the ARPA funds be used for that work,

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whether it is a culvert or something else they have to do that they would normally not have done except if Kenton has a drainage project underway.

Mills confirmed, without carving out anything for 911; you have \$4.6 million, this will get Elwood Wilson because it is \$1.3 million of ARPA, it gets all of the Ingerman Drain at \$2.7 million of ARPA leaving \$557,000 for the West Arcadia project at \$1.9 million request. Altman asked if she is taking in the estimated costs in her calculation? Mills replied no, she is taking what Ward is asking for in ARPA funds. The estimated cost would be the entire project, she is subtracting Ward's ARPA request. Altman asked which column did she use, the 80% or 90%? Mills used the 80% ARPA. Elwood Wilson you need \$1,375,000 of ARPA with 20% at \$343,000 with the total estimate project is both of those added together. Altman cautioned on some of these if we look at the neighborhoods they may only afford 10%. Altman would rather put the gross numbers at a list of drains and see how we can allocate it at the drainage board level. Probably we are going to be at 10% from the drainage shed but she is concerned there may be some that may be difficult for some to come up and may have to go down to 5%. We do not know those figures yet, that is her only caveat.

Ward stated these are estimates and they are estimates from the ARPA funds from last year, project costs have skyrocketed. Maki is not opposed to spending the rest of the money on fixing drainage, she is just asking on behalf of the highway department. Dillinger thinks highway has to do what highway has to do based on the drainage, just like the state. If we can use ARPA funds to help that out, that is great, but it does not sound to him like we can. Maki stated if there is any work that has to be done that is not an assessment she would like those to be paid from ARPA funds. Dillinger asked Maki if she wants Heirbrandt to amend his motion to say that? Maki asked Heirbrandt if he would be opposed to amending his motion. Altman does not know how we can do that. Heirbrandt stated there is not any logic, there is nothing that can be done. We can put that language in the motion if it can be used, he does not have a problem with that but the fact that it will get used it probably will not happen. Dillinger confirmed with Heirbrandt that he is willing to amend his motion that if it can be used it should be used as Maki has requested. Heirbrandt stated on those top projects. Heirbrandt accepted the amendment. Motion carried unanimously.

Ward asked if that includes if there are monies unused it rolls to the next project? Consensus was yes.

Mr. Rich Versprille, Arcadia Town Council President thanked everyone for the consideration, it means a lot to our community. We are trying to grow and appreciates the hearing.

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Clevenger confirmed with Ward that he understands this money has to be spent by 2025 with Ward confirming he understands.

Altman asked how much do we have in the discretionary spending? Altman stated if worse comes to worse in 2025 we can always allocate it to lost revenue. Clevenger would have to confirm but does not think we can allocate more than \$2 million to lost revenue. Altman thinks that is always our fallback position, if we get tight on these projects. Altman asked that they keep a running total.

Beaver confirmed the \$4.5 million will be reallocated to drainage, what about the other projects. Heirbrandt noted housing at \$5 million. Mills noted right now they have carved out the second \$2.5 million for housing that is sitting there for the first phase. They have subtracted the second \$2.5 million out of the second phase that they have not done anything with yet. Altman hopes to have funds left from rental assistance that can be built into an RFP. That is not guaranteed.

Next Meeting – no meeting set until there are funds that need to be reallocated.

Heirbrandt noted the referendum in Westfield passed and they are getting closer to making an announcement on the university.

Dillinger closed the ARPA Committee meeting.

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Board of Commissioners meeting continued.

NOT FOR PROFIT CONTRACTS

Trinity Free Clinic

Altman moved to approve the 2023 funding contract for Trinity Free Clinic. Heirbrandt seconded. Motion carried unanimously.

Reception for Steve Schwartz

Commissioners discussed the farewell reception for County Councilor Steve Schwartz.

Tree Lighting Ceremony

Dillinger will speak at the City of Noblesville Tree Lighting Ceremony on Saturday, November 26, 2022 at 6:30 p.m.

Project Priorities

Commissioners scheduled a work session to follow the public session on November 28, 2022 to discuss the list of project priorities.

Heirbrandt moved to close the public meeting. Altman seconded. Motion carried unanimously.

EXECUTIVE SESSION

The Commissioners met in Executive Session for Discussion of Personnel pursuant to IC 5-14-5 6.1(b)(7).

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Present

Christine Altman, Commissioner
Steven C. Dillinger, Commissioner
Mark Heirbrandt, Commissioner
Brad Beaver, Councilor
Sue Maki, Councilor
Robin M. Mills, Auditor
Dan Stevens, Director of Administration
Connor Sullivan, Assistant County Attorney
Todd Clevenger, Auditor's Grant Administrator
Lauren Powell, Auditor's Accounts Payable Clerk
Jennifer Chavez, Auditor's Grant Clerk
Kim Rauch, Administrative Assistant to Auditor
Lee Buckingham, Prosecutor
Jennifer Pickett, Arcadia Clerk-Treasurer
Rich Versprille, Arcadia Town Council President
Steve Smith, Town of Arcadia
Kent Ward, Surveyor
Gary Duncan, Surveyor's Office
Andrea Davis, HAND, Inc.
Mike Thibideau, Hamilton County Economic Development Corporation
Jennifer Miller, Shepherds Center of Hamilton County

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APPROVED
HAMILTON COUNTY BOARD OF COMMISSIONERS

Christine Altman
Steven C. Dillinger
Mark Heirbrandt

ATTEST
Robin M. Mills, Auditor

Date Approved: 12/12/2022