

MINUTES OF THE HAMILTON COUNTY DRAINAGE BOARD

August 26, 2013

The meeting was called to order Monday August 26, 2013 at 9:01 a.m.

The members of the Board present were Ms. Christine Altman-President, Mr. Mark Heirbrandt-Vice President and Mr. Steven C. Dillinger-Member. Also present was the Hamilton County Surveyor, Kenton C. Ward and members of his staff: Mr. Andrew Conover, Mr. Jerry Liston, Ms. Christie Kallio, Mr. Steve Baitz, Mr. Greg Hoyes and Mr. Luther Cline. The Board's attorney, Mr. Michael Howard was also present.

**Approve Minutes of August 12, 2013:**

The minutes of August 12, 2013 were presented to the Board for approval.

Dillinger made the motion to approve the minutes of August 12, 2013, seconded by Heirbrandt and approved unanimously.

**Approve Minutes of Joint Meeting of Drainage Board & Sheridan Town Council:**

The minutes of the joint meeting of the Drainage Board and Sheridan Town Council were presented to the Board for approval.

Heirbrandt made the motion to approve the minutes of the joint meeting, seconded by Dillinger and approved unanimously.

**Capital Asset Notifications:**

The Surveyor presented the following Capital Asset Notifications to the Board for approval: J. W. Brendel Drain, Brenwick Relocation; Jacob Ehman Drain; Clara Knotts Drain, Meridian Corporate Plaza Arm; Mud Creek/Sand Creek Drainage Area, Sand Creek Tile Arm.

Dillinger made the motion to approve the capital asset notifications, seconded by Heirbrandt and approved unanimously.

**Final Reports:**

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

"To: Hamilton County Drainage Board

August 8, 2013

Re: Clara Knotts Drain: 103<sup>rd</sup> St. & Pennsylvania St. Intersection Reconstruction

Attached are as-builts and other information for 103<sup>rd</sup> Street and Pennsylvania St. Intersection Reconstruction. 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 January 3, 2013. The report was approved by the Board at the hearing held July 8, 2013. (See Drainage Board Minutes Book 14) The changes are as follows:

The 36" RCP was shortened from 596 feet to 595 feet.

The length of the drain due to the changes described above is now **985 feet**.

The project removed 207 feet of existing drain. Therefore, there was a total of 778 feet of drain added to the overall watershed length.

The work for this project took place in the road right of way. A non-enforcement was not needed. The City of Carmel paid for the construction of the project. Thus, no sureties were required for the work.

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

Sincerely,

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Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/slm"

"To: Hamilton County Drainage Board

August 20, 2013

Re: Little Eagle Creek Drain: Maple Village Section 4A

Attached are as-builts, certificate of completion & compliance, and other information for Maple Village Section 4A. 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 11, 2010. The report was approved by the Board at the hearing held January 9, 2012. (See Drainage Board Minutes Book 14, Pages 72-73)

The changes are as follows:

The 12" RCP was lengthened from 750 feet to 784 feet. The 15" RCP was lengthened from 28 feet to 29 feet. The 21" RCP was shortened from 132 feet to 131 feet. The 6"SSD was shortened from 2266 feet to 2215 feet.

The length of the drain due to the changes described above is now **3,159 feet**.

The non-enforcement was approved by the Board at its meeting on January 9, 2012 and recorded under instrument #2012009887.

The following sureties were guaranteed by Merchants Bonding Company and released by the Board on its March 12, 2012 meeting.

**Bond-LC No:** INC45323

**Insured For:** Storm Sewers, SSD, and Monuments & Markers

**Amount:** \$50,196

**Issue Date:** August 30, 2011

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

Sincerely,

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Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/slm"

"To: Hamilton County Drainage Board

August 20, 2013

Re: Little Eagle Creek Drain: Maple Village Section 4B

Attached are as-builts, certificate of completion & compliance, and other information for Maple Village Section 4A. 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 July 30, 2012. The report was approved by the Board at the hearing held September 26, 2012. (See Drainage Board Minutes Book 14, Pages 284-286)

The changes are as follows:

The 12" RCP was shortened from 1,005 feet to 1,004 feet. The 18" RCP was shortened from 270 feet to 269 feet. The 6"SSD was shortened from 4246 feet to 3653 feet.

The length of the drain due to the changes described above is now **4,926 feet**.

The non-enforcement was approved by the Board at its meeting on September 26, 2012 and recorded under instrument #2012070228.

The following sureties were guaranteed by Merchants Bonding Company and released by the Board on its January 28, 2013 meeting.

**Bond-LC No:** INC45426

**Insured For:** Storm Sewers, SSD, and Monuments & Markers

**Amount:** \$80,892

**Issue Date:** July 6, 2012

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

Sincerely,

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Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/slm"

"To: Hamilton County Drainage Board

August 8, 2013

Re: Mud Creek - Sand Creek D.A.: Sand Creek Tile Reconstruction

Attached are as-builts, and other information for the Sand Creek Tile Reconstruction. An inspection of the drainage facilities for this section has been made and the facilities were found to be complete and acceptable.

During construction, there were no significant changes made to the drainage plans submitted with my report for this drain dated November 7, 2012. (See Drainage Board Minutes Book 17, Pages 442-444) Therefore, the length of the drain remains at **930 feet**. The original tile was replaced between Sta. 15+81 to Sta. 25+35. Therefore, 954 of original tile was removed and a net loss of 24 feet from the watershed occurred.

The relocation of the project was done within the same location as the original tile. Therefore, no additional drainage easements were required.

The project was paid for with maintenance funds. Therefore sureties were not required. The total cost of the project was \$42,253.85.

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

Sincerely,

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Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/slm"

Dillinger made the motion to approve the final reports, seconded by Heirbrandt.

Altman asked if any of these projects were done with a reconstruction assessment with any remaining funds?

The Surveyor stated no. Maple Village 4A and 4B are both developer, 103<sup>rd</sup> and Pennsylvania Intersection is a Highway project and Sand Creek Tile Reconstruction was done through the maintenance fund.

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

**Spills:**

Conover stated that the office was notified of an auto accident on August 14, 2013 at 10:00 p.m. along Cumberland Road. The car went off the road and went into Mud Creek and emergency response believed some fuel got into the drain so they boomed it off. IDEM was contacted and said the booms placed across the creek downstream were sufficient to pick up any hydrocarbons that might have been leaking. Fishers will be responsible for removing the booms.

**Surety Acceptance:**

Liston stated that at this afternoon's Commissioner's meeting the Board would be accepting the following sureties: Irrevocable Standby Letter of Credit #18120217-00-000 in the amount of \$\$64,000.00 for Bridgewater Marketplace Section 3, U.G. Mitchner Drain Reconstruction, Expiration date for the Letter of Credit is August 12, 2014.

**Stormwater Management - IDEM Audit:**

Kallio stated that on July 17, 2013 we had a joint audit with the other Hamilton County MS4s. We received the IDEM report last week and we received a perfect score; no deficiencies.

**Williams Creek Drain - Cedar Point Assessment Area:**

There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"July 2, 2013

To: Hamilton County Drainage Board

Re: Williams Creek Drain, Cedar Point Assessment Area

Attached is a drain map, drainage shed map and schedule of assessments for maintenance for the Williams Creek Drain. This watershed area to be assessed is located in Clay Township from Springmill Road to Ditch Road and just north of I-465.

At this time I recommend to the Board that the area between Springmill Road on the east and Ditch Road on the west, from I-465/Deerfield shed line on the south, and the north end of Cedar Point Subdivision on the north be assessed to Williams Creek Drain. This area is comprised mainly of the Cedar Point Subdivision, along with a few non-platted tracts. The eastern tracts drain into the Williams Creek Drain - Cedar Point Extension, which became part of the regulated drain per my report, dated August 5, 2009, and was approved by the Board at hearing on October 26, 2009. (See Hamilton County Drainage Board Minutes Book 12, Pages 298-299). The western tracts drain into the Williams Creek Drain, Spring Mill Run - Cedar Point Extension, which became part of the regulated drain per my report dated April 13, 2010 which was approved by the Board at hearing on June 28, 2010. (See Hamilton County Drainage Board Minutes Book 13, Pages 20-22).

I have reviewed the plans and drain map and believe, as set out in IC 36-9-27-69(b) (1) that all tracts within the drainage shed of the Williams Creek Drain will benefit. The following maintenance assessments have been adopted by the Board:

1. Maintenance assessment for roads and streets be set at \$10.00 per acre.
2. Maintenance assessment for agricultural tracts be set at \$3.00 per acre with a \$15.00 minimum.
3. Maintenance assessment for non-platted residential tracts be set at \$3.00 per acre with a \$15.00 minimum.
4. Maintenance assessment for commercial, institutional and multi-family residential tracts to be set at \$10.00 per acre with a \$75.00 minimum.
5. Maintenance assessment for platted lots in subdivisions whose drainage systems will not be part of the regulated drain (those systems maintained by the City of Westfield or City of Carmel) shall be set at \$35.00 per lot - \$35.00 minimum. Commons areas within subdivisions whose drainage systems will not be part of the regulated drain (those systems maintained by the City of Westfield or City of Carmel) shall be set at \$5.00 per acre with a \$35.00 minimum.
6. Maintenance assessment for platted lots within subdivisions whose drainage system will be part of the regulated drain shall be set at \$10.00 per acre with a \$65.00 minimum. Common areas within regulated drain subdivisions shall be set at \$10.00 per acre with a \$65.00 minimum.

The annual maintenance collection for this area of the Williams Creek Drainage Shed will be \$3,610.42. Collections for the proposed assessment will begin in May 2014.

The above rates were established for the Williams Creek Drain per my report dated June 6, 2006. Hearing for this report was heard on August 28, 2006, at which time the Board approved the rates of assessment (See Hamilton County Drainage Board Minutes Book 9, Pages 410 to 411).

I recommend that the Board set a hearing for this proposed maintenance for August 26, 2013.

Sincerely,

Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/pl1"

Altman asked if this is currently a regulated drain that the Surveyor is just scheduling for assessments?

The Surveyor stated that Altman was correct.

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

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

Altman stated that all of Williams Creek is at \$3.00?

The Surveyor stated that Altman was correct.

Altman stated that the Surveyor's report stated that we went to a standardization of \$2.00.

The Surveyor stated that Williams Creek is at \$3.00.

Altman asked all of Williams Creek?

The Surveyor stated yes.

**"FINDINGS AND ORDER**

**CONCERNING THE MAINTENANCE OF THE**

**Williams Creek Drain, Cedar Point Assessment Area**

On this **26<sup>th</sup> day of August, 2013**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Williams Creek Drain, Cedar Point Assessment Area**.

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

HAMILTON COUNTY DRAINAGE BOARD

Christine Altman  
President

Mark Heirbrandt  
Member

Steven C. Dillinger  
Member

Attest: Lynette Mosbaugh "

**Sly Run Drain - Mill Creek Assessment Area:**

There were no objections on file. Mr. Scott Strubel, Ms. Patricia Strubel, Ms. Jeannette Money and Mr. James Dobrovodsky were present for this item.

The Surveyor presented his report to the Board for approval.

"July 2, 2013

To: Hamilton County Drainage Board

Re: Sly Run Drain, Mill Creek Assessment Area

Attached is drainage shed map and schedule of assessments for maintenance for a portion of the Sly Run Drain. The drainage area to be assessed is the Mill Creek Area. This portion of the drain is located in Noblesville Township.

This area drains into the Mill Creek Drain Arm, Randall & Roberts Arm, Riverwalk Commons Arm and the Oakmont Arm. The Mill Creek Drain Arm was created per my report to the Board dated April 8, 1985 and approved at hearing by the Board on June 10, 1985 (see Hamilton County Drainage Board Minutes Book 2, page 60).

The Randall & Roberts Arm was created per my report to the Board dated October 8, 2008 and approved by the Board at hearing on November 24, 2008 (see Hamilton County Drainage Board Minutes Book 11, pages 396-399).

The Riverwalk Commons Arm was created per my report dated October 8, 2001 and approved at hearing on November 26, 2001 (see Hamilton County Drainage Board Minutes Book 6, pages 212-214).

The Oakmont Arm Extension was made an arm to the Sly Run Drain per my report dated April 22, 2009 and approved by the Board at hearing on July 27, 2009 (see Hamilton County Drainage Board Minutes Book 12, pages 150-152).

I have reviewed the drain map and believe as set out in IC 36-9-27-69(b), that all tracts within the drainage shed of the Sly Run Drain will benefit. After review of each parcel individually and after considering the criteria as set out in IC 36-9-27-112 I believe that all tracts within the drainage shed of Sly Run Drain will benefit equally as per land use. The current maintenance assessment rates were set by the Board per my report dated October 8, 2001 and approved at hearing on November 26, 2001 (see Hamilton County Drainage Board Minutes Book 6, pages 212-214). Those rates are as follows:

1. Maintenance assessment for roads and streets be set at \$10.00 per acre.
2. Maintenance assessment for agricultural tracts be set at \$2.00 per acre with a \$15.00 minimum.
3. Maintenance assessment for non-platted residential tracts be set at \$2.00 per acre with a \$15.00 minimum.
4. Maintenance assessment for commercial, institutional and multi-family residential tracts to be set at \$10.00 per acre with a \$75.00 minimum.
5. Maintenance assessments for platted lots in subdivisions whose drainage systems will not be part of the regulated drain shall be set at \$35.00 per lot/minimum. Common areas within the non-regulated drain subdivisions shall be assessed at \$5.00 per acre with a \$35.00 minimum.
6. Maintenance assessment for platted lots within subdivisions whose drainage system will be part of the regulated drain shall be set at \$65.00 per lot/minimum. Common areas within the regulated drain subdivisions shall be set at \$10.00 per acre with a \$65.00 minimum.

The annual maintenance collection for this portion of the Sly Run Drain will be \$3,164.22. Collections for this proposed assessment will begin in May, 2014.

The nature of maintenance work required is as follows:

1. Clearing of trees and brush on the existing open drain as needed to improve flow;
2. Creation and re-excavation of silt basins;
3. Install and maintain surface water structures as might be required;
4. Bank erosion protection and/or seeding as might be required;
5. Repair of private tile outlet ends as might be required;
6. Repair of regulated drain tile outlets;
7. Removal of beaver dams;
8. Removal of debris and/or blockage from regulated open ditch;
9. Spraying for vegetation control;
10. Mowing filter strips;
11. Any other repairs deemed to be applicable and necessary by the Surveyor to restore the drain to its original intended use and condition.

The frequency with which maintenance work should be performed is annually as required by the original condition of the drain.

At this time the drain does not have a Watershed Management Plan. I recommend that the Board engage an engineer to develop a Watershed Master Plan for this drain in 2013.

This drain has been classified as an urban drain under IC 36-9-27-67 per my report dated October 8, 2008 which was approved by the Board at hearing on November 24, 2008 (see Hamilton County Drainage Board Minutes Book 11, pages 396-399).

Sly Run has been identified in the NPDES Phase II General Permit Application, Storm Water Quality Management Plan Part C: Program Implementation Report, page 4, as an MS4 area receiving stream.

Sly Run is listed in the NPDES Phase II General Permit Application Storm Water Quality Management Plan Part B: Baseline Characterization Report on the following pages:

Page 3 as an MS4 area receiving stream

Page 7 with Cicero Creek as No. 0512021080120 Watershed within the MS4 area with drainage size of 7,225.30 acres.

Page 16 as being in the IDEM 305(b) Report as being an impaired water body due to E.Coli.

This drain is not listed on the 2010 303(d) list of impaired waters for Indiana.

I recommend that the Board set a hearing for this proposed maintenance for August 26, 2013.

Sincerely,

Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/pl1"

Altman opened the public hearing.

Dobrovodsky asked why \$35.00 per year every year? I can understand the money for now, but why every year?

Altman stated that the way the drainage code works is we build up a fund so we have funds available should there be work needed in the regulated drain portion of the watershed. On this particular drain with the work we have to do when the fund reaches the eight times the annual assessment the collections stop until we utilize those funds or we have another project that needs to be done.

Dobrovodsky stated that the collections will stop eventually.

Altman stated that when the funds reaches a multiple. Another thing that we're trying to do with these funds, we've started in the past six to eight years, is to try to get enough money within the funds on drains we know need work so when we have to reconstruct we can use a good part of that money instead of assessing everyone to pay it in a lump sum. We're trying to build up some of these funds where we know we have work to do so we don't have to come back and say 'you have to pay us \$1,000.00 in a year'.

Altman asked if anyone else cared to address the Board?

Strubel (Scott) stated that he has two questions for clarification on what the homeowners can expect for the money that's being assessed here. We've lived on our property for 20 years and have not seen any material work done while over the past 20 years dramatic changes have occurred with the building of Mill Grove Subdivision across Mill Creek Road affecting significantly the drainage in the Sly Run Creek. The Indiana Department of Transportation putting a new bridge over Mill Creek Road over Sly Run Creek on having significant impact to the drainage in the Sly Run Creek; neither have been addressed in any manner that we can tell so our question would be with the assessment what responsibility will be taken by whom to do something about the significantly increasing negative changes to drainage of Sly Run Creek.

The Surveyor stated that the funds are used for the maintenance of the drain itself. The bridges over Sly Run both at S.R. 38 and also Mill Creek Road were done by the County and also the State Highway. That opened up that area on both of those bridge structures where the water would pond behind it in the past it now has free flow and I can understand where you have more water from just those two new bridges. The fund is used for erosion areas to repair erosion, if there is a tree that comes down the fund is there to remove a tree, any log jams that might occur and also beaver dams. We have beavers in that drain downstream of you.

Strubel (Scott) stated that inasmuch as on our property alone we have several things that you just mentioned. Dramatic erosion following the bridge building and additional water flow through that area, damming of the creek because they lost control of all their soil erosion efforts were taken over by significant rains that occurred when they clear cut the area at SR 38 and Little Chicago Road and also at Mill Creek Road and SR 38 and all of that washed down into the creek onto our property and the State is taking, per our request, no action to remediate what was caused there. If you're saying that soil erosion and the damming of the creek are part of what this assessment is for, would it be reasonable for homeowners to expect something to occur in the near future?

The Surveyor stated that we can look at your area. The trouble with your area right now is that the reason you're being assessed is that Sly Run is regulated downstream of you, but the area through the old Mill Creek section is not part of the regulated drain. We would have to make that part of the regulated drain through a petition process for us to go in and do that work.

Strubel (Scott) stated that to make sure he understands what the Surveyor just said, if we are now being assessed, I may be confused by your comment that we're not part of the regulated area where any negative impact to the properties in that area would be addressed.

Howard stated that there are two different things. One is, your property is benefitted by the entire drainage area; if it is under the Drainage Code you can be assessed whether or not there is an actual easement through your property that the Board can go into; that's a separate issue. Most drainage issues are offsite; they have to do with downstream and upstream. Another issue that you seem to be talking about is, are we going to use some of this money to dam SR 38 and that's backwards. SR 38 was acting as a dam ponding water upstream before and under the IDNR regulations both INDOT and the County Highway were required to expand those pipes to allow free flow. I think your cup was half full before and there was a dam there, but it was not allowing the free flow.

Strubel (Scott) stated respectfully he has no reason to doubt legally the ability to assess; that's not in question here. What's in question is, if the Surveyor tells you that for this area it's \$3,000.00 per year to maintain over the 20 years we've been there that would be a \$60,000.00 fund set up and I want to make it very clear that nothing has been done to address what has gotten materially substantially worse in that area that you're now assessing.

Altman stated that if Strubel and his neighbors petitioned for that area to be part of the regulated drain to have the easement for the regulated drain then we can go on the property and remove the obstructions and do the repairs and address the areas of erosion, but without that easement we do not have the authority or the ability to go in and clean up that portion of the creek. You're welcome to bring a petition, we do it all the time, we would have a public hearing, give notice to everyone on that area of the creek to see what their opinions are and then we can make it part of the regulated drain and directly assess those areas.

Strubel (Patricia) stated that we don't live in a neighborhood, so it's just us. I don't know if we have to come in with our neighbors. I'd want to know if we gave up our easement if you would do something. In 2009 they were in a rush in the fall to clear cut that area, Mill Creek and SR 38 because birds were going to roost in those trees. They clear cut the area and left it. That is part of your assessment in the past. Nobody did anything and they left those trees remain there all winter long. It seems like it should have been taken care of then. In 2010 a major flood came through and that pushed all those trees out onto our property. The question is, why wasn't that stopped? We've been discussing this with INDOT since then. I talked to them the weekend that flood happened and they led us to believe they were going to do something. Just this past week they said 'no, it's not going to happen'. It's hard for us to fight it as homeowners and I don't understand why Hamilton County didn't step in and do something back in 2009 when it would have been easy to clean up the mess. Now it's in the creek and the drainage is causing problems and we're attracting beavers. We have many more woodchucks than we used to ever have.

Altman stated that we rely on homeowners to let us know there is a problem.

Strubel (Patricia) stated that she called everyone she thought of.

Altman asked if she called us?

Strubel (Patricia) stated no, she didn't talk to you. I didn't know it was the County, I didn't know who to call. I would go along and see where the creek is, there were signs there and I called those numbers. I talked to the State; I thought I was doing the right thing. I talked to the bridge people, I thought I was talking to everyone. The fact is that was a pretty major project and how anyone can drive by there and think it's okay to leave all these trees; they're going to wash down and that's exactly what happened.

Altman stated that she believes we can investigate that even though...



Strubel (Patricia) stated that even the pipeline went through our property before that and they worked with us and we expected the same. I don't know if you're adding this now and you say if you talked to us back in 2009 we would have taken care of it, well I thought I was talking to people. The pipeline worked great with us; they came in and cleaned up their problem and they left. INDOT and all the people I talked with, and it was several different organizations, led me to believe because I met with them over and over and over that they were going to do something. If you do talk to them they came in, they made a mess of our property with their trucks, they said they were going to take 10 loads; I'm a farm girl, I know what a load is; ten loads would not have touched it. We said you've got to be joking you've never even gotten in the pond. In the water you can see where the mess they made; they walked away and said I was unreasonable. I just wanted them to get in and see what the problem was.

Altman stated that she understood Strubel's frustration, but we are where we are now and it's not regulated so we don't have any authority.

Strubel (Patricia) asked if it was too late to do anything here?

Altman stated that she believes Strubel needs to figure what we can do with INDOT. We will make a call to our contacts at INDOT, ask them what the situation is, but even if it all landed in the unregulated part the problem is we don't have the authority to even yell at INDOT, but we will ask them. We'll make calls for you, but until that portion is regulated...

Strubel (Patricia) stated that this is going to cause a problem all the way down the way because it's not going anywhere.

Heirbrandt asked if the Surveyor could get with these folks and give them some options on what they can do to try to help them out.

The Surveyor stated that he would.

Strubel (Patricia) stated that of this subdivision are all the homeowners being taxed on that; all the homeowners in there?

Altman stated that drainage is a user fee; the yellow portion of the map are all on maintenance contributing; we are doing everything as quickly as we can to get everyone in that watershed to contribute to keep that area clear, but our hands are tied when areas are not regulated because you wouldn't appreciate us just tromping onto your property and fixing things if you haven't given us the legal right to do that.

Strubel (Patricia) stated that one other thing that surprised her; they built that huge bridge on Mill Creek, if you just go 25 feet around the corner that's a little, bitty pipe that it feeds and therefore that bridge is not working. I don't understand how that's not being a part of this.

Altman asked that the Strubel's work with our folks. We can't solve this in a public hearing.

The Surveyor stated that he would be turning this over to Andy (Conover) since it's not regulated at this time.

Conover stated that he just spoke with Mr. Strubel and has his contact information.

Altman asked if anyone else cared to address the Board on this item; seeing no one Altman closed the public hearing.

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

#### **"FINDINGS AND ORDER**

#### **CONCERNING THE MAINTENANCE OF THE**

#### **Sly Run Drain, Mill Creek Assessment Area**

On this **26<sup>th</sup> day of August, 2013**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Sly Run Drain, Mill Creek Assessment Area**.

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

HAMILTON COUNTY DRAINAGE BOARD

Christine Altman  
President

Mark Heirbrandt  
Member

Steven C. Dillinger  
Member

Attest: Lynette Mosbaugh "

**Long Branch Drain - Kendall Wood Arm:**

There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"June 28, 2013

To: Hamilton County Drainage Board

Re: Long Branch Drain, Kendall Wood Arm

Attached is a petition filed by Steven A. Wilson, Inc., along with a non-enforcement request, plans, calculations, quantity summary and assessment roll for the Kendall Wood Arm, Long Branch Drain to be located in Clay Township. I have reviewed the submittals and petition and have found each to be in proper form.

I have made a personal inspection of the land described in the petition. Upon doing so, I believe that the drain is practicable, will improve the public health, benefit a public highway, and be of public utility and that the costs, damages and expenses of the proposed drain will probably be less than the benefits accruing to the owners of land likely to be benefited. The drain will consist of the following:

12" RCP	412 ft.	21" RCP	42 ft.
15" RCP	340 ft.	24" RCP	650 ft.
18" RCP	166 ft.	6" SSD	2,144 ft.
Open Ditch	108 ft.		

The total length of the drain will be 3,862 feet.

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

The open ditch listed above is the swale between Str. 105 and Str. 102 and falls in the ROW of 121<sup>st</sup> Street.

The retention pond (Lake #1) located in Common Area #2 is to be considered part of the regulated drain. Pond maintenance shall include the inlet, outlet, sediment removal, and erosion control along the banks as part of the regulated drain. The maintenance of the pond (Lake #1) such as mowing and aquatic vegetation control will be the responsibility of the Homeowners Association. The Board will also retain jurisdiction for ensuring the storage volume for which the pond (Lake #1) was designed will be retained thereby, allowing no fill or easement encroachments.

I have reviewed the plans and believe the drain will benefit each lot equally. Therefore, I recommend each lot be assessed equally. I also believe that no damages will result to landowners by the construction of this drain. I recommend a maintenance assessment of \$65.00 per platted lot, \$10.00 per acre for common areas, with a \$65.00 minimum, and \$10.00 per acre for roadways. With this assessment the total annual assessment for this drain/this section will be \$1,181.80.

The petitioner has submitted surety for the proposed drain at this time. The sureties which are in the form of a Performance Bond from contractor and cash bond from developer are as follows:

Agent: Merchants Bonding Company  
Date: April 22, 2013  
Number: INC 45509  
For: Storm Sewers & Sub-Surface Drains  
Amount: \$96,614.00

I believe this proposed drain meets the requirements for Urban Drain Classification as set out in IC 36-9-27-67 to 69. Therefore, this drain shall be designated as an Urban Drain.

I recommend that upon approval of the above proposed drain that the Board also approve the attached non-enforcement request. The request is for the reduction of the regulated drain easement to those easement widths as shown on the secondary plat for Kendall Wood as recorded in the office of the Hamilton County Recorder.

I recommend the Board set a hearing for this proposed drain for August 26, 2013.

Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/pl1"

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

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

Altman asked how many acres was the development?

Hoyes stated approximately 20.

The Surveyor presented a non-enforcement request for Kendall Wood to the Board for approval.

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

**"FINDINGS AND ORDER**

**CONCERNING THE MAINTENANCE OF THE**

**Long Branch Drain, Kendall Wood Arm**

On this **26<sup>th</sup> day of August, 2013**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Long Branch Drain, Kendall Wood Arm**.

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

HAMILTON COUNTY DRAINAGE BOARD

Christine Altman  
President

Mark Heirbrandt  
Member

Steven C. Dillinger  
Member

Attest: Lynette Mosbaugh "

**Williams Creek Drain - Epiphany Evangelical Lutheran Church Reconstruction:**

There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"June 28, 2013

To: Hamilton County Drainage Board

Re: Williams Creek Drain, Epiphany Evangelical Lutheran Church Reconstruction

Attached is a petition, plans, and other information for the proposed reconstruction of the Williams Creek Drain. The reconstruction was petitioned by Epiphany Evangelical Lutheran Church, Inc. The proposal is to replace the existing CMP drain under 156<sup>th</sup> Street to provide a lower outlet point for the development of the church site. The church property is tract 08-09-10-00-00-027.101 which is located in the northeast corner of 156<sup>th</sup> Street and Ditch Road in Washington Township.

The new drain will consist of 81 feet of 36" RCP from Str. 200 to Str. 201, as shown in the construction plans for Epiphany Evangelical Lutheran Church - Phase 1, by Weihe Engineers, dated December 11, 2012, and having job number W12.0262. The existing 45 feet of 12" CMP that is part of the Centennial Section 9 Arm of the Williams Creek Drain will be removed, since the new drain will convey runoff under 156<sup>th</sup> Street. Str. 201 will also provide an outlet point for future development of parcel 08-09-10-00-00-027.001, owned by BCE Associates III, LLC.

The total length of new drain shall be 81 feet. The 45 feet of original CMP drain under 156<sup>th</sup> Street shall be vacated. This proposal will add 36 feet to the Williams Creek Drain overall total length.

The cost of the reconstruction is to be paid by Epiphany Evangelical Lutheran Church, Inc.

The petitioner has provided the Performance Bond as follows:

Name of Bonding Company: Liberty Mutual Insurance Company  
Bond #: 015039843  
Bond Date: March 7, 2013  
Bond Amount: \$117,600.00

The easement for this drain shall remain the existing statutory 75 feet from the centerline of the tile or the top of bank of the open ditch, as per IC 36-9-27-33. This reconstruction will require work to be completed in the easement on the following parcels:

<u>Parcel</u>	<u>Owner</u>
08-09-10-00-00-027.001	BCE Associates III, LLC.
156 <sup>th</sup> Street ROW	City of Westfield

I recommend the Board set a hearing for this proposed drain reconstruction for August 26, 2013.

Sincerely,

Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/pl1"

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

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

"STATE OF INDIANA )  
 ) ss:  
COUNTY OF HAMILTON )

BEFORE THE HAMILTON COUNTY  
DRAINAGE BOARD  
NOBLESVILLE, INDIANA

IN THE MATTER OF THE  
RECONSTRUCTION OF THE  
**Williams Creek Drain, Epiphany Evangelical Lutheran Church Reconstruction**

**FINDINGS AND ORDER FOR RECONSTRUCTION**

The matter of the proposed Reconstruction of the **Williams Creek Drain, Epiphany Evangelical Lutheran Church Reconstruction** came before the Hamilton County Drainage Board for hearing **on August 26, 2013**, on the Reconstruction Report consisting of the report and the Schedule of Damages and Assessments. The Board also received and considered the written objection of an owner of certain lands affected by the proposed Reconstruction, said owner being:

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

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

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

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

Wherefore, it is ORDERED, that the proposed Reconstruction of the **Williams Creek Drain, Epiphany Evangelical Lutheran Church Reconstruction** be and is hereby declared established.

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

HAMILTON COUNTY DRAINAGE BOARD

Christine Altman  
PRESIDENT

Mark Heirbrandt  
Member

Steven C. Dillinger  
Member

ATTEST: Lynette Mosbaugh  
Executive Secretary"

**Ream Creek Drain - Orchard Park Assessment Area:**

There was one letter of support. Mr. Tim Kruse was present for this item.

The Surveyor presented his report to the Board for approval.

"July 2, 2013

To: Hamilton County Drainage Board

Re: Ream Creek Drain, Orchard Park Assessment Area

Attached is a drain map, drainage shed map and schedule of assessments for maintenance of the Ream Creek Drain. This portion of the drain is located in Clay Township south of 106<sup>th</sup> Street.

At this time I recommend to the Board that the area between the Home Place watershed on the west and watershed break line on the east, from the existing Ream Creek watershed line on the south, and 106<sup>th</sup> Street on the north be assessed to the Ream Creek Drain. This area is comprised mainly of platted residential tracts, along with roads and two commercial tracts. These tracts drain into Ream Creek Drain, which became regulated drain per my report dated May 12, 2003, which was approved by the Board at hearing on June 23, 2003. (See Hamilton County Drainage Board Minutes Book 7, pages 79 to 82).

I have reviewed the drain map and believe, as set out in IC 36-9-27-69(b) (1) that all tracts within the drainage shed of the Ream Creek Drain will benefit. The following maintenance assessments have been adopted by the Board:

1. Maintenance assessment for roads and streets be set at \$10.00 per acre with a \$50.00 minimum.
2. Maintenance assessment for agricultural tracts and golf course be set at \$5.00 per acre with a \$15.00 minimum.
3. Maintenance assessment for non-platted residential tracts be set at \$5.00 per acre with a \$15.00 minimum.
4. Maintenance assessment for commercial, institutional and multi-family residential tracts to be set at \$10.00 per acre with a \$75.00 minimum.
5. Maintenance assessment for platted lots in subdivisions whose drainage systems will not be part of the regulated drain (those systems maintained by the City of Carmel) shall be set at \$35.00 per lot - \$35.00 minimum. Commons areas within subdivisions whose drainage systems will not be part of the regulated drain (those systems maintained by the City of Carmel) shall be set at \$5.00 per acre with a \$35.00 minimum.
6. Maintenance assessment for platted lots within subdivisions whose drainage system will be part of the regulated drain shall be set at \$10.00 per acre with a \$65.00 minimum. Common areas within regulated drain subdivisions shall be set at \$10.00 per acre with a \$65.00 minimum.

The annual maintenance collection for this portion of the Ream Creek Drainage Shed will be \$7,529.06. Collections for the proposed assessment will begin in May 2014.

The initial rates were established for the Ream Creek Drain per my report dated May 12, 2003. Hearing for this report was heard on June 23, 2003, at which time the Board approved the rates of assessment (See Hamilton County Drainage Board Minutes Book 7, Pages 79 to 82). The minimum rate for commercial, institutional, and multi-family were increased per my report dated March 3, 2006, and approved by the Board at a hearing on May 22, 2006 (See Hamilton County Drainage Board Minutes Book 9, Pages 213 to 214). The minimum rate for regulated drain subdivision and the unregulated drain subdivision were increased per my report dated August 22, 2012, and approved by the Board at a hearing on October 22, 2012 (See Hamilton County Drainage Board Minutes Book 14, pages 346 to 347).

This drain has been classified as an urban drain under IC 36-9-27-67 per my report dated May 12, 2003.

I recommend that the Board set a hearing for this proposed maintenance for August 26, 2013.

Sincerely,

Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/pl1"

Altman asked if the map shows the natural break of the watershed where we only get part of the subdivision?

The Surveyor stated that Altman was correct.

Altman stated those other lots go out towards Westfield?

The Surveyor stated that part of the area goes across Westfield Boulevard.

Altman stated that the church has a retention area.

The Surveyor stated that goes through a drainage structure under the road and then goes under the old Rangeline Road and then feeds into Carmel Creek.

Howard asked where the pipeline was located?

The Surveyor stated that the pipeline that is our major problem is located in this area.

Altman opened the public hearing.

Kruse stated that the \$35.00 is a fund that everybody pays to build up this amount of money. When will we see something happen as far as seeing some kind of work done in the near future?

Altman stated that the Ream Creek fund is only building up \$7,000.00 per year. Drainage is a user fee system, it's not a tax, and it has a specific pool collected from the people it benefits. We really don't have a lot of good choices as I recall to fix the drainage situation especially with that pipeline. We're working on that right now. Can the Surveyor address where we are with getting an outlet for that water?

The Surveyor stated that the pipeline company is fairly non-responsive at this point in time. We have designed a structure that will go underneath the pipeline. The cost of that structure was?

Kallio stated that just the structure was \$125,000.00, but the overall dredging of that channel so Orchard Park would have an outlet currently there is just one 12" pipe that drains your whole subdivision. The swales and the side yards back up and then flood homes and garages, we understand that. The lowest price option was about \$670,000.00 without land acquisition. The Sunrise Golf Course to the south I have contacted Mrs. Singleton, the daughter of Vera Hinshaw; Judy said she would like to talk with us in October. Currently her mom is in hospice and there are currently 15 landowners, all family members that own a portion of that property, but they will start talking to developers probably in October. I said that would be great because then we could work with the developer to get a drainage course through that property. So far the holdup has been acquiring easements through that golf course. Besides the cost, the acquisition of those easements is probably even more than that \$670,000.00 for the dredging. We're hoping in a couple of years to get that designed and work through that.

Altman stated that it won't be a quick fix without charging you a lot of money in one hit, we're at least trying to build the fund and it will probably take a reassessment and we're trying to mitigate that as much as we can.

Altman asked if anyone else cared to address the Board; seeing no one Altman closed the public hearing.

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

**"FINDINGS AND ORDER**

**CONCERNING THE MAINTENANCE OF THE**

**Ream Creek Drain, Orchard Park Assessment Area**

On this **26<sup>th</sup> day of August, 2013**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Ream Creek Drain, Orchard Park Assessment Area**.

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

HAMILTON COUNTY DRAINAGE BOARD

Christine Altman  
President

Mark Heirbrandt  
Member

Steven C. Dillinger  
Member

Attest: Lynette Mosbaugh"

**Cool Creek Drainage Area - Anna Kendall Arm:**

There were two objections on file. Mr. Jim Sawyer was present for this item.

The Surveyor presented his report to the Board for approval.

"July 3, 2013

To: Hamilton County Drainage Board

Re: Cool Creek Drainage Area, Anna Kendall #284 Arm

Upon review of the Cool Creek Drainage Area, I believe that the Anna Kendall Drain should be made an arm to the Cool Creek Drainage Area, as the Anna Kendall Drain is a tributary to the Cool Creek Drain. This would also avoid a double assessment on the tracts currently assessed for the Anna Kendall Drain when the remainder of the Cool Creek Drain is assessed for maintenance.

The Anna Kendall Drain was created by the Hamilton County Circuit Court per the petition for Drain filed October 21, 1881. The Anna Kendall Drain was combined with the J.M. Thompson Drain, E.M. Osborn Drain, Goodrich Brothers Drain, and Westfield Park Drain and placed on maintenance per my report dated May 17, 1995 and approved by the Board at a hearing on July 24, 1995 (See Drainage Board Minute Book #4, pages 133 to 136). At present the Anna Kendall Drain maintenance assessment affects 2,486.50 acres and 1006 lots. The rates of assessment for the drain are set at \$5.00 per acre with a \$25.00 minimum. This rate collects \$45,730.30 annually and the balance within the fund is \$229,062.28. There is one (1) outstanding work order and one (1) outstanding spray job for this drain at this time.

Upon reviewing the drainage shed boundary between Anna Kendall and Cool Creek, it has been discovered that parcel 08-06-31-00-00-004.000, 30 acres owned by Freedom Associates LLC is currently assessed 3 acres at \$15.00 per year to Cool Creek but should be fully assessed. I recommend this parcel be assessed the entire 30 acres at \$60.00 per year.

The current maintenance assessments, as per the existing rates set for the Cool Creek Drain are as follows:

1. Maintenance assessment for roads and streets are set at \$10.00 per acre with a \$25.00 minimum.
2. Maintenance assessment for agricultural tracts are set at \$2.00 per acre with a \$15.00 minimum.
3. Maintenance assessment for non-platted residential tracts are set at \$2.00 per acre with a \$15.00 minimum.
4. Maintenance assessment for commercial, institutional and multi-family residential tracts are set at \$35.00 per acre with a \$75.00 minimum.
5. Maintenance assessment for platted lots in subdivisions whose drainage systems will not be part of the regulated drain shall be set at \$25.00 per lot/minimum. Common areas within non-regulated drain subdivisions shall be assessed at \$10.00 per acre with a \$25.00 minimum.
6. Maintenance assessment for platted lots within subdivisions whose drainage system will be part of the regulated drain shall be set at \$65.00 per lot/minimum. Common areas within the regulated drain subdivisions shall be set at \$15.00 per acre with a \$65.00 minimum.

The total annual assessment for this arm will be \$72,727.36.

The current balance of the Anna Kendall Drain shall be kept separate and these funds expended for needed maintenance on the Anna Kendall Drain. This shall be done until the funds are exhausted. At that time funding for repairs shall then be taken from the Cool Creek Drainage Area fund.

Future assessments for the drainage area of the Anna Kendall Drain will be made into the Cool Creek Drainage Area fund. No further maintenance collections for the Anna Kendall Drain shall be made after 2013 other than any delinquent assessment penalties and interest which remain unpaid.

I recommend that the Board set a hearing for this consolidation for August 26, 2013.

Sincerely,

Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/pll"



Altman stated that the balance of this fund is more than four times; what is the collection period?

The Surveyor stated that this drain is an eight times collection. At the eight times collection even with this item on the assessment this would collect \$369,826.00 annually. After eight years that's \$2.9 million in the fund.

Altman asked what we're planning to do with that money?

The Surveyor stated that we have over \$8,000,000.00 worth of projects ready.

Howard stated that we'll never hit the eight year cap.

Altman asked if it was possible to bond based on the rate to get some of the projects done quickly?

Howard stated that the Board would have to pledge a revenue stream and you'd have to pledge the future revenues and my guess is to sell that to the rating agencies who thought they understand, but there's a lot they don't. The Board would have to pledge COIT; you have to back it up to get any kind of decent interest rate through the rating.

The Surveyor stated that the other portion of that is the annual maintenance on all the tributaries.

Altman stated that the Surveyor was correct; we'd have to reserve out.

Altman opened the public hearing.

Sawyer stated that he received this letter; I always pay on the O. F. Henley Drain and my letter now says that its current Anna Kendall benefit. I pay a \$25.00 annual fee and this reads I'm going to be thrown into a Cool Creek assessment of \$167.00, so it's going up seven times and I don't understand this. We've lived there 37 years and they came out one time about 25 years ago.

Altman stated that Sawyer has 4.78 acres shown as commercial.

Sawyer stated that it's residential.

Altman stated that we're showing you as commercial.

Sawyer stated unless this is the property on SR 32. Is this for my SR 32 property and not my house?

Altman stated that this is for the 4.78 acres.

The Surveyor asked if this was across from the Langston commercial building on the north side of SR 32.

Sawyer stated that he was on the north side of SR 32 first building west of the Post Office.

Altman stated that is a commercial property that Sawyer owns?

Sawyer stated that is a commercial property.

Altman stated that Sawyer is being assessed for commercial and with this change it does go from \$25.00 to \$167.00.

Sawyer asked what is the change? What benefit am I going to see on this?

The Surveyor stated that change of assessment is because it's commercial property. Before the property wasn't assessed as a commercial property, it was just a flat assessment with a minimum of \$25.00. What we're doing now is placing a commercial assessment on those properties that are used commercially or zoned commercial.

Kallio stated its because of more paving or more impervious area.

Altman stated that the two objections were addressed and in the Board's packets. Were there any questions about the objections that were filed?

The Surveyor stated that he spoke with the gentleman on Friday.

Dillinger made the motion to override the objections, seconded by Heirbrandt and approved unanimously.

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

"FINDINGS AND ORDER  
CONCERNING THE MAINTENANCE OF THE  
Cool Creek Drainage Area, Anna Kendall Arm

On this 26<sup>th</sup> day of August, 2013, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Cool Creek Drainage Area, Anna Kendall Arm**.

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

HAMILTON COUNTY DRAINAGE BOARD

Christine Altman  
President

Mark Heirbrandt  
Member

Steven C. Dillinger  
Member

Attest: Lynette Mosbaugh "

**Tort Claim - Sanford & Kathleen Kunkle:**

Howard stated that they exchanged calls. We have reviewed this essentially this is the driveway that I believe the Board gave the Surveyor authority to move forward to fix it. The best fix would be to work with Carmel and extend the structure under the road, but if that can't happen expeditiously I think the Surveyor is going to go ahead and fix the hole.

The Surveyor stated that he spoke with Carmel and they're not interested in repairing that at this time. They've paved the road already or just the curbs?

Baitz stated that they have re-poured curbs; they have not milled or paved the street.

Altman asked if that was on their dance card?

The Surveyor stated no.

Altman stated that she has a nod over here and no over there.

The Surveyor asked if Altman was referring to the pipe or the street?

Altman stated that she wanted to know what Carmel is going to do and when if we know.

Baitz stated that Carmel is going to mill and pave the street.

Howard stated that the pipe underneath we believe is deficient.

Baitz stated that our contractor dug down through the driveway. We cut the asphalt and dug down and hit a large mass of concrete that appears to have been put there when the sanitary was installed in 2000 or 2001.

Altman asked if we called out Clay Waste?

Baitz stated that Clay Regional Waste, Drew Williams, came to the site. Drew agreed with the assessment. His plan showed that the sanitary sewer was to be incased with concrete and he believes there was a fracture or damage done to the pipe at that time so they just unloaded the concrete trucks around it. We did make some calls to a company about the possibility of lining the pipe, but that company was unable to do that size pipe; it is a 42" CMP. Clay Regional Waste was going to contact Culy Construction today and get them out there to get an assessment of the pipe and see if they could line or repair the pipe from the inside. We were afraid if we tried to jackhammer any of the concrete out with the sanitary there we would cause problems more than we have currently.

Altman stated that the homeowners understand we're working on it the best we can?

Baitz stated that the homeowner was onsite when we were digging down to it.

Altman stated that they know who did what and where?

Baitz stated that he assumes so, yes.

Altman stated that Clay Waste is working with us on reimbursement or do we have to; we're documenting all of this, correct?

The Surveyor stated that we're documenting and we're going to go ahead and finish it. The question to the Board is do we fix the driveway too?

Altman stated that the driveway needs to be fixed; we're going to back charge them. We might as well get it done. Put it back and keep track of our costs and then we'll be fighting with Clay Waste apparently.

Howard asked if we had good documentation to Carmel that we don't think much of the integrity of the structure under their street and we recommend they fix it?

The Surveyor stated that he has talked with Dave (Huffman).

Altman stated not talk, we need everything in writing. Anything we do with Carmel is in writing.

Howard stated that we need documentation of what our suggestion was and what their response was so when this all goes downhill there's not going to be this he said, she said stuff; here's the document; we told you this was going to happen, it happened, it's a personal problem not ours.

Altman stated that this will be an assessment against the road. Lay out your conversation that it's our understanding you have declined to do this, if this is incorrect let us know within ten days or something similar so we give them an opportunity if we have misunderstood to correct it.

Howard stated that we strongly suggest they do it before they pave the road, but their choice.

**2013 Drain Classification List:**

The Surveyor presented the 2013 Drain Classification list to the Board for approval.

"February 8, 2013

To: Hamilton County Drainage Board

Re: Drain Classification

Under the authority of the Indiana Drainage code: IC 36-9-27-34, I hereby submit the following drains for classification:

A. DRAINS IN NEED OF RECONSTRUCTION	ACRES	PETITIONED
1. Sand Creek Drain	6,935.28 ac	
2. Emily Vestal Drain	6,797.82 ac	
3. Jesse DeVaney Drain (Taylor Creek)	3,425.99 ac	January 4, 2000
4. Wm P. Bennett Drain	1,651.75 ac	March 10, 2004
5. Mallery-Granger Drain	974.76 ac	February 21, 1995
6. Mary Wilson Drain	821.00 ac	
7. E. Clark & S.J. Compton Drain	4,369.70 ac	
8. Wheeler & Beals Drain (Cool Creek)	4,108.00 ac	
9. E. M. Osborne Drain	409.00 ac	October 6, 2000
10. Clark & Inman Drain	440.00 ac	April 18, 2011
11. Lee Lambert Drain	655.75 ac	August 5, 2011
12. Clara Knotts Drain, Delaware & Washington St. Arm	63 Lots	September 12, 2011
13. Sara Dientz Drain		November 29, 2012

B. DRAINS IN NEED OF MAINTENANCE

1. C. Osborn & J. R. Collins Drain (Williams Creek) 3,872.81 ac
2. Duck Creek
3. Guy Guilky Drain
4. Green Harris Drain
5. Kline-Miller Drain
6. A. Stehman Drain
7. Little Cicero Creek
8. Hinkle Creek
9. W.C. VanArsdale Drain Reconstruction turned down by Board 2/23/98
10. Herbert Billingsley Drain Maintenance turned down by Board 3/27/06
11. James E. Driver Drain Maintenance turned down by Board 2/22/10

ALL OTHER REGULATED DRAINS/DITCHES THAT WERE CERTIFIED TO THE AUDITOR OF HAMILTON COUNTY IN 1957, AS REGULATED DRAINS/DITCHES TO BE CLASSIFIED AS DRAINS/DITCHES IN NEED OF PERIODIC MAINTNENACE.

C. DRAINS IN NEED OF VACATION

No drain found to be in need of vacation at this time.

PETITIONS FOR NEW DRAINS

At this time the Board has been petitioned for new drains to be constructed. These petitions are as follows:

<u>Name</u>	<u>Date Petition Filed</u>	<u>Township</u>
South Arm, Mallery-Granger Drain	February 13, 1995	Noblesville (tabled 5/22/2000)
Hortonville Arm, Henry Plew Drain	June 5, 2002	Washington
Ream Creek (Orchard Park Subdivision)	January 5, 2011	Clay
Barnette Arm, Harriett Sheward Drain	March 8, 2011	White River
McGregor (Round Up Subdivision)	June 22, 2011	Delaware
Raymond Briles	August 5, 2011	Jackson
Stony Creek	November 30, 2011	Wayne
Little Cicero Creek	January 12, 2012	Jackson
Springmill Crossing	January 13, 2012	Clay
Hinesley Road, South Drive	August 27, 2012	Adams
J. M. Gustin Arm, Jonas Rogers Drain	December 14, 2012	White River

DRAIN MAPPING PROJECT:

During the mapping project which was completed in 2005 for the regulated drains, eight (8) new drains were discovered. These drains were not listed on the drains which were certified to the Auditor in 1957. The 1957 list has been utilized for the classification list since 1965. Utilizing the 1957 list, plus adding new drains or removing vacated drains over the years, the length of drains which had been reported previously was 1,077 miles. As a result of the mapping project the length of drain miles increased to 1,095 miles. This figure is believed to be very accurate based on the methodology which was utilized in the creation of the new mapping. This is the length reported to the Auditor in 2004 for the GASB34 reporting of Capital improvements.

The new drains that were added to the classification list in 2005 not on maintenance as yet are as follows:

James E. Driver Drain (Hearing held Feb. 22, 2010, Board dismissed report)  
Herbert Billingsley Drain (Hearing held Mar. 27, 2006, Board dismissed report)  
Guy Guilkey Drain  
Green Harris Drain  
Kline-Miller Drain  
A. Stehman Drain

At this time these drains have been added to the classification list as drains which are in need of maintenance. As more data is compiled for each of these the classification could change at a later date. Whenever possible these drains should be consolidated with the drain which serves as its receiving stream.

REGULATED DRAIN EXTENTIONS:

Along with the classification list, I also recommend that in the future the following drains be extended or established in length to the indicated receiving streams or County boundaries. This can be accomplished through the petition process as set out in IC 36-9-27-36 and 49 and IC 36-9-27-54.

These extensions or establishments can be done by utilizing IC 36-9-27-34 (b) (3) (E) and IC 36-9-27-49 (b) (2).

Delaware Township

Loma Industrial Park, Margaret O'Brien, R.J. Crain Drain to White River  
Castetter & Randall, Shoemaker & Krause Drains to White River  
Lynwood Hills Drain to White River  
Pines & Roxbury Drain to White River

Fall Creek Township

Thorpe Creek Drain to Geist Reservoir  
Flat Fork Creek Drain to Fall Creek

Wayne Township

A.J. Huffman Drain to Stony Creek  
S.E. Carpenter Drain to Stony Creek  
William Locke as Stony Creek to Madison County Line  
William Locke as Stony Creek to White River  
Frank Huffman Drain to William Locke

Noblesville Township

Schneider Peirce Drain to White River  
Mallery-Granger Drain to White River  
William Locke as Stony Creek Drain to White River  
County-McMahon Drain to White River  
George Booth, Pebble Brook, Beals & Cox, Ellis Barker, Bliss Johnson, Mill Creek Drains as  
Sly Run Drain to Cicero Creek.

Jackson Township

M.E. Scherer Drain to Little Cicero Creek  
Ed Waltz/Bear Slide Creek Drain to Morse Reservoir  
J.H. Leap Drain to Morse Reservoir  
Whisler & Brenner & H.A. McMullen Drains to Big Cicero Creek  
Marion Blanton, Ed Waltz, & Bear Slide Drains to Morse Reservoir as Blear Slide  
Raymond Briles Drain to Isaac Jones Drain  
Symonds Ditch to Morse Reservoir  
Wilson-Nagle Drain to Big Cicero Creek  
Jesse DeVaney Drain to Little Cicero Creek  
Raquet & Ehman Drain to Little Cicero Creek  
William Baker/Baker Jones Drains to Hinkle Creek  
Jacob Yansel Drain to Hinkle Creek  
Sylvester Gwinn Drain to Jesse DeVaney Drain

White River Township

Frank Shaw Drain to Duck Creek  
Guy Guilkey, Shyrock, Kepner & Cornthwaite Drains to White River  
Hill & Webb and Rebecca Webb Drains to White River  
Harriet Sheward Drain to White River  
George Keck Drain to Bear Creek  
Rebecca Roberts Drain to White River  
Sarah Dentz Drain to Duck Creek  
Lincoln Smith Drain to White River  
Bear Creek Drain to Duck Creek  
Clara Gintert Drain to White River  
Burkhardt Drain to White River  
Henry Gunn Drain to Pipe Creek  
Vincent Case Drain to White River  
Lambertson Drain to Duck Creek

Adams Township

Symonds Ditch to Morse Reservoir  
Jay Ditch to Symonds Ditch

Washington Township

Stuart Rawlings Drain to Little Eagle Creek  
Oak Park Drain to Mary Wilson Drain  
Little Eagle Creek to Boone County Line  
Bear Creek to Little Eagle Creek  
Wheeler & Beals Drain (Cool Creek) to White River  
William Knight Drain to Cool Creek  
Oak Manor Drain to Cool Creek  
Oak Woods Drain to Cool Creek  
Harmon Clark & H.G. Kempton Drains to Cool Creek.

### Clay Township

Albert Shaw Drain to Boone County Line  
Long Branch (J.W. Brendel) Drain to Boone County Line  
Brandywine Drain to Crooked Creek  
Timber Heights Drain to Carmel Creek  
Fertig/Hawkins Drain as Carmel Creek Drains to Marion County Line  
Home Place/Ream Creek Drain to Marion County Line  
Richard Moffitt Drain to Carmel Creek  
Hunters Creek Village Drain to Cool Creek  
Hunters Creek South & Bentley Oaks Drains to Cool Creek  
Spring Mill Run Drain to Williams Creek  
Thomas Hussey Drain to Williams Creek  
Osborn-Collins as Williams Creek to Marion County Line  
Clay Creek Drain to Williams Creek  
Crossfields Drain to Clay Creek Drain  
Asher Drain to Williams Creek  
Clay Springs Drain to Williams Creek  
John Osborn Drain to Spring Mill Run Drain

I believe that as the Stormwater Phase II Program progresses in Hamilton County that the above extension will become important. Doing so will allow the Drainage Board better control of the stream not only hydraulically but more importantly in regards to water quality.

### **DRAINAGE SHEDS:**

I recommend the Board continue the creation of larger drainage sheds. By the identification of the main receiving stream and the inclusion of a single rate schedule which blankets the entire drainage shed, main and the various smaller drains which enter into it, will have long range benefits. These are as follows:

1. Reduce the number of funds to be managed. At this time the Board has 351 drain funds for maintenance. As an example, when the Mud Creek/Sand Creek basin was created, 23 smaller funds were included within the drain.
2. Reduce the need for the creation of future funds.
3. Eliminate the problem of the smaller sheds, which cannot generate enough funds for maintenance, of being in the red and having to borrow from GDIF.
4. Reduce the number of multiple assessments on single tracts. This became very important when the drain billing was combined on the individual property tax bill.
5. Perhaps if the number of funds are reduced and become more manageable from an Accounting perspective, the Treasurer would add interest to the maintenance funds. Doing so should eliminate a complaint from the landowners that have been heard by the Board and myself many times in the past. This would also help the funds financially and provide better service to the landowners within the drainage sheds. However, this could be negated if the Board were to be able to utilize the General Drain Improvement Fund interest for Phase II Funding.

In the future the Board may wish to collect on the maintenance funds until the fund reaches eight (8) times the annual assessment instead of four (4) times the annual assessment which is currently done. This is allowed under IC 36-9-27-43. This will increase the available balance in the drain funds. The Board would then be able to utilize maintenance funds to partially pay for reconstruction projects. Under IC 36-9-27-45.5, the Board may transfer up to 75% of a maintenance fund to pay for reconstruction projects. This could reduce, or eliminate, the assessments for future reconstructions.

### **IC 36-9-27-43**

#### **OMMISSION OF ANNUAL ASSESSMENT:**

- a. If in any year a maintenance fund established under Section 44 of this chapter has an unencumbered balance equal to or greater than four (4) times the estimated annual cost of periodically maintaining the drain for which the fund was established, the annual assessment for the maintenance of that drain may be omitted for that year.
- b. The County Drainage Board may collect the drain assessment even though the unencumbered balance of the maintenance fund is equal to or greater than four (4) times the estimated annual cost of periodic maintenance of the drain for which the fund was established if the Drainage Board does the following.
  1. Conducts a public hearing in accordance with Section 40 of this chapter.

2. At the public hearing estimates what the unencumbered balance of the maintenance fund would be, as a multiple of the estimated annual cost of periodic maintenance of the drain, after the collection of the total amount that the Board intends to collect in assessments. However, the annual assessment for the maintenance of the drain shall be omitted if, according to the estimate of the Board, the collection of the intended total amount of assessments would increase the unencumbered balance of the maintenance fund to equal or exceed eight (8) times the estimated annual cost of periodic maintenance of the drain for which the fund was established.

*As added by Acts 1981, P.L. 309, Sec.101. Amended by P.L.276-2001, Sec.13.*

**IC 36-9-27-45.5**

**EXCESS DRAINAGE MAINTENANCE FUND BALANCE; TRANSFER OF FUNDS:**

- a. This section applies when a county surveyor advises the drainage board that in the county surveyor's opinion a maintenance fund has a balance in excess of the amount reasonably needed in that fund for maintenance work in the foreseeable future.
- b. The board may transfer an amount up to a maximum of seventy-five percent (75%) of the money in the maintenance fund to a reconstruction fund that covers the same watershed as the maintenance fund from which the money is transferred.

*As added by P.L.154-1993, Sec.6.*

**ASSESSMENT INCREASES:**

In 2005 the Board began increasing maintenance assessments for drains throughout the county to a standard set of rates. The rates are as follows:

1. Maintenance assessment for roads and streets set at \$10.00 per acre.
2. Maintenance assessment for agricultural tracts set at a minimum of \$2.00 per acre with a \$15.00 minimum per tract.
3. Maintenance assessment for non-platted residential tracts be set at a minimum of \$2.00 per acre with a \$15.00 minimum per tract.
4. Maintenance assessment for commercial, institutional and multi-family residential tracts be set at a minimum of \$10.00 per acre with a \$75.00 minimum per tract.
5. Maintenance assessment for platted lots in subdivisions whose drainage systems will not be part of the regulated drain (those systems maintained by a city or town) set at \$35.00 per lot/minimum. Common areas within non-regulated drain subdivisions shall be assessed at \$5.00 per acre with a \$35.00 minimum per tract.
6. Maintenance assessment for platted lots within subdivisions whose drainage system will be part of the regulated drain shall be set at a minimum of \$65.00 per lot/minimum. Common areas within the regulated drain subdivision shall be set at a minimum of \$10.00 per acre with a \$65.00 minimum per tract.

I recommend the Board continue this process until all rates are adjusted to the above levels. At sometime in the future rates should be increased. This increase can be at a given time period such as every 2, 5 or 10 years so as to keep up with the increasing costs of materials. This can be done at given percentages such as 5, 10 or 15% on a regular basis. The Board could also utilize IC 36-9-27-42 whereby the Board can increase the maintenance assessment for a drain up to 25% without hearing. A listing of the current drain assessments with balances are included in this report.

**IC 36-9-27-42**

**INCREASES AND DECREASES IN ASSESSMENTS FOR PERIODIC MAINTENANCE OF DRAINS; PROCEDURE:**

- a. The board may at any time increase or decrease the amount annually assessed for periodic maintenance of a regulated drain if the board finds that the county surveyor's estimate of the cost of maintaining the drain was insufficient or excessive.
- b. The board may decrease the amount annually assessed without notice to the affected owners if the percentage of benefit assigned to all tracts of land affected is not changed from that originally determined by the board.
- c. The board may increase the amount annually assessed once without notice to the affected owners if:
  - a. the percentage of benefit assigned to all tracts of land affected is not changed from that originally determined by the board; and

- b. the increase does not exceed twenty-five percent (25%) of the amount initially established.
- d. If the board:
  - a. finds that the percentage of benefit assigned to any particular tract or tracts of land should be increased due to a change in land use or for any other reason; or
  - b. proposes an increase or decrease that would affect all of the lands assessed for the maintenance of the drain and that is not exempted from the giving of notice under subsection (b) or (c); the board shall mail a notice to the owner or owners of the land. The notice must state the proposed change in the assessment, and specify a date, time, and place, not less than ten (10) days after the notice is mailed, when the board will hear objections to the change. An owner may file written objections to the proposed change on or before the date of the hearing. At the hearing, the board shall consider all objections and evidence filed and shall enter an order as justice may require. The board shall mail a copy of its order to the owner or owners affected. If an owner does not request judicial review of the order under section 106 of this chapter within twenty (20) days after his receipt of the copy of the order, the order becomes conclusive.
  - e. A joint board that includes three (3) or more counties in a drainage basin that exceeds one hundred thousand (100,000) acres shall publish notice in accordance with IC 5-3-1 instead of mailing notice to the owner or owners of land as required by subsection (d).

*As added by Acts 1981, P.L.309, SEC.101. Amended by Acts 1981, P.L.317, SEC.25; P.L.370-1983, SEC.2.*

**CLEARING/FILTER STRIPS**

As the balances in the maintenance funds increase, the Board should consider clearing contracts for clearing drains which have not been reconstructed and thus not under a vegetation control (spray) program. I recommend that these be done by individual contract by drain rather than being done by work order to the maintenance contractor. I believe that this will give the Board better control of prices if done in this manner.

It has been the practice by the Board to establish filter strips along the open drains which are reconstructed. These are done on the side of the drain which is cleared for the project and are usually 20 feet in width. This provides a year round access for inspection, vegetation control and maintenance without damaging crops. I recommend that when the drains are cleared as discussed above, that a filter strip be established on the cleared side of the open ditch. In order to make the filter strip a part of the drain I suggest that the Board hold reconstruction hearings for this purpose. By doing so the drains specifications would be changed and the filter strips would become a part of those specifications for the future.

**DRAINS IN RIGHT OF WAY:**

Recently it has come to the forefront that when the regulated drain parallels the roadway that problems are beginning. This is particularly true in urbanizing areas. The following areas should be considered for reconstruction in the future. This could be done by developers as development occurs or thru the regular reconstruction process.

**ADAMS TOWNSHIP**

1. Thomas Pierce #255 - approximately 1,300 feet east of Jerkwater Road on 281st Street
2. J M Endicott #266 - approximately 1,300 feet east of Ditch Road on 296th Street
3. J M Endicott #266 - approximately 630 feet south of 296<sup>th</sup> Street on Six Points Road
4. Mary Parks #287 - east and west of Dunbar Road along the south side of 276th Street
5. George Symonds #283 - approximately 520 feet south of 256th on west side of Six Points Road
6. Pearson Drain - approximately 450 feet north of 236th Street on east side of Ham./ Boone Co. line
7. Pearson Drain - approximately 2,900 feet south of 236th Street on west side of Ham. / Boone Co. line

**JACKSON TOWNSHIP**

8. W P Bennett Drain - approximately 200 feet east of US-31 on south side of 266th Street
9. W P Bennett Drain - approximately 2,700 feet east of US-31 on south side of 266th Street
10. W P Bennett Drain - approximately 2,200 feet south of 276th Street along north side of Salem Road.
11. W P Bennett Drain - approximately 730 feet west of Salem Road along south side of 276th street
12. Hunter Snowburger Drain - approximately 300 feet south of 296th Street along east side of DeVaney Road



13. Lewis Wright Drain - approximately 230 feet west of Edmondson Road along south side of 296th Street
14. H A McMullen #118 - along Millersburg Road at 281st Street
15. Big Cicero Creek #249 - along west side of Crooked Creek Road north of new bridge north of 266th Street
16. Mary Nagle #140 - approximately 100 feet south of 231st Street along west side of Toll Gate Road
17. Charles Caylor #204 - approximately 1,000 feet north of 256th Street along east side of Lacy Road
18. Jonas Rogers #84 - approximately 3,200 feet east of ST RD 213 along the south side of 296th Street
19. F Beeson Drain - approximately 75 feet south of 291st Street along west side of Carpenter Road
20. F Beeson Drain - approximately 1,700 feet south of 291<sup>st</sup> Street on west side of Carpenter Road

**WHITE RIVER TOWNSHIP**

21. Duck Creek - approximately 600 feet west of ST RD 37 along Duck Creek Ave.
22. Duck Creek - north and south of 276th street along Duck Creek Ave.

**WASHINGTON TOWNSHIP**

23. Kreager Hinshaw #108 - approximately 1,200 feet north of 206th street on east side of Ham. / Boone Co. line
24. Cove Horney #36 - approximately 700 feet west of Springmill Road on south side of 193rd Street
25. Isaac Jones Drain - approximately 900 feet east of Oak Ridge Road along north side of 206th Street
26. Wheeler & Beals Drain - along the east side of Flippens Road at 191st Street
27. Wheeler & Beals Drain - along Grassy Branch Road at 186th Street
28. Gardner & Johnson Drain - approximately 1,900 feet north of ST RD 32 along the west side of Joliet Road
29. Gardner & Johnson Drain - approximately 2,000 feet south of ST RD 32 along the east side of Joliet Road
30. Osborne Collins Drain - approximately 1,300 feet west of Springmill Road on north side of 156th Street
31. U G Mitchner #275 - approximately 550 feet north of 146th Street on east side of Gray Road

**NOBLESVILLE TOWNSHIP**

32. Wheeler & Wheeler Drain #25 - approximately 350 feet north of Greenfield Ave. on east side of Cumberland Road
33. Schneider-Pierce #100 - approximately 1,700 feet west of Creek Road on north side of 206th Street

**WAYNE TOWNSHIP**

34. Frank Huffman #190 - approximately 650 feet north of 211th Street on east side of Cyntheanne Road
35. John Underwood #59 - along the south side of 146th Street at Atlantic Road

**CLAY TOWNSHIP**

36. Stultz & Almond #45 - approximately 1,200 feet west of Ditch Road on south side of 136th Street
37. Moffitt-Williamson #177 - along north side of 106th Street between Stratford Place and Haverstick Road

**DELAWARE TOWNSHIP**

38. R J Craig #38 - approximately 1,000 feet east of Hague Road on south side of 106th Street

**FALL CREEK TOWNSHIP**

39. Sand Creek Drain - approximately 300 feet west of Marilyn Road on north side of 136th Street
40. John Underwood #59 - approximately 1,400 feet east of Cyntheanne Road on north side of 136th street
41. Thorpe Creek - North and south of 136th Street west of Atlantic Road

**STREAM GAUGES:**

On June 23, 2004 I submitted a report to the Board regarding a letter sent by the U.S.G.S. Water Resources Division on October 17, 2003. After seeking input from representatives of Carmel, Noblesville, Cicero, Westfield, Fishers, and consultants Christopher Burke and Clark-Dietz about future stream gauges, it was determined that a prioritized list would be needed to set up an order of when new or reactivated gauges could come online.

The existing stream gauges are as follows:

1. Logan Street over White River in Noblesville
2. S. R. 37 over Stony Creek near Noblesville
3. Atlantic Avenue over Fall Creek near Geist Reservoir
4. Pleasant Road Bridge over Big Cicero Creek near Arcadia (installation 2004)
5. 146<sup>th</sup> Street over White River (installed 2006)
6. 96<sup>th</sup> Street over Williams Creek (installed 2007)
7. 196<sup>th</sup> Street over Locke Drain east of Noblesville (installed 2008)
8. Atlantic Road over Stony Creek (installed 2008)
9. Cumberland Road over Mud Creek (Installed 2012)

Below is a prioritized list of proposed gauges or abandoned gauges that could be reactivated to benefit Hamilton County. The gauge is either Proposed or Abandoned and the Priority ranking is High, Medium or Low.

Mud Creek/Sand Creek

1. Greenfield Avenue crossing (Proposed-Low)
2. 116<sup>th</sup> Street over Sand Creek (Proposed-High)

Other Gauges

1. 96<sup>th</sup> Street over White River (Proposed-High)
2. Strawtown Road over White River (Abandoned-Medium)
3. 266<sup>th</sup> Street over Little Cicero Creek (Abandoned-Low)
4. Hazel Dell Parkway over Cool Creek (Proposed-Medium)
5. S R 32 over Cool Creek near Anna Kendall Drain (Proposed-Medium)
6. Atlantic Road over Pipe Creek (Proposed-High)
7. 296<sup>th</sup> Street over Duck Creek (Proposed-Medium)
8. S R 38 over Cicero Creek (Abandoned-Low)
9. White River between Claire and Madison County Line (Proposed-High).

Some of the above gauge locations would be ideal sites for both stream and potential water quality gauge monitoring. Gauges 2 and 3 would be excellent locations if funding is available for water quality monitoring. If these gauges can be equipped with water quality monitoring instruments, the cost can be justified under Phase II. Funding for the gauges could be provided through drain maintenance funds for Mud Creek/Sand Creek And Cool Creek.

I recommend the Board approve this Drain Classification List for 2013 as submitted.

Sincerely

Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/pll"

Altman stated that this has been tabled. I thought we wanted additional information on here.

The Surveyor stated that the Board wanted some language changed from what I saw in the minutes. I changed that language on the third page.

Altman asked if it was on the regulated drain extensions?

The Surveyor stated that he made the changes in relationship to what was in the minutes.

Altman stated that she believes on these its more appropriate to accept these rather than approve.

Heirbrandt made the motion to accept the Drain Classification List, seconded by Dillinger and approved unanimously.

**Grant Carey Drain - Highway Invoice:**

The Surveyor stated that he misinformed the Board on the Highway's portion of this bill. I told the Board it was \$12,153.24 and it's actually \$7,365.51. This has been done and sent.

**Krause & Symonds Drains - Appraisals:**

Heirbrandt made the motion to get appraisals on the properties discussed, seconded by Dillinger and approved unanimously.

**Floodplain Ordinance - Exemptions:**

The Surveyor stated that he had a question on the exemptions portion of the ordinance. Was the Board talking only agriculture?

Altman stated that she believes this is something we need to look at because it looks like wholesale exemptions that I didn't think were in our ordinance. I don't know what the fix is, but I was surprised.

The Surveyor stated that he would rather only have "d" left standing.

Altman stated that even makes sense for an exemptions.

Howard stated that a, b and c even though they would be in the area would still be subject to mitigation.

Altman stated roads aren't?

The Surveyor stated that usually on roads they're helping the situation.

Altman stated that if we're going to do an exemption then we probably ought to say roads are exempt as long as they improve; put those criteria in there if that's the basis. Let's spell it out so everybody knows. Why doesn't Howard look through that and put it on a reminder list and look at the exemptions. I was surprised that we could have a bunch of things that could go against this.

**News Article - Indianapolis Stormwater Fee Increase:**

The Surveyor stated that storm water fees in Indianapolis may jump and they're talking about tripling them.

Altman stated doubling the fees.

Heirbrandt stated that it's the first increase in seven years.

Altman stated more than seven; I thought it was 1991.

The Surveyor stated that it's still only \$27.00 per year.

Altman stated that one other thing that she thought was intriguing was they actually had it apparently in a formula based on square footage, which I kind of liked.

The Surveyor stated that he did too however, the maintenance of that would be horrendous.

Altman stated understood, but it's really what the drainage code tells us to do.

Howard stated that it's very, very, very objective. The code allows us, obviously, to be a fairly general...

Altman asked if we could do it in a situation where someone could appeal; commercial could appeal and then we would put the calculation on? I liked the objectivity of that.

The Surveyor stated that some of the counties in the state is following our rules.

Altman stated that it's easier. I'm not disagreeing with easiness.

Howard stated that there is value like the last gentleman that spoke. There is value in going ahead and assessing areas zoned for commercial as commercial because you're going to have to build the infrastructure to accommodate at build out, visa vie existing. I think our way may have a little more foresight and it lacks the total per square inch objectivity, but ours, if it's zone commercial they're going to need a structure downstream to do it and so they ought to start; especially now that we're being proactive and trying to accumulate funds in advance. There are advantages and disadvantages both ways.

Altman asked Howard to roll around his thought process whether we would be in a better position when we ask for these things if we allowed someone to appeal based upon. The onus would be on them, I just don't know what kind of flood we would open up. Think about it; I kind of like the objectivity though. I feel better about that.

**News Article - Big Cicero Creek Fee Increase:**

The Surveyor stated that this for the fee hike on the Big Cicero Creek Drain for maintenance.

Altman stated that she assumes the Surveyor will be voting on that?

The Surveyor stated that he won't be voting.

Dillinger stated that Schwartz will be voting on that.

**Clara Knotts Drain - Dellinger Easement:**

The Surveyor stated that we have an easement to accept on the George and Alvina Dellinger property.

Heirbrandt made the motion to accept the easement on the Dellinger property, seconded by Dillinger and approved unanimously.

**Bypass Reports:**

A bypass occurred on April 18, 2013 in Noblesville at West Chester Boulevard, Allisonville Road Lift Station and Lands End Circle caused by precipitation events exceeded pumping capacity resulting in the untreated release to White River and Morse Reservoir. Samples were taken at the sites and the results of the lab tests follow City ordinance against sump pumps being tied into the city sewers.

A bypass occurred on April 18, 2013 in Noblesville at Lift Stations #1, #5 and #8 caused by precipitation events triggering an untreated release to White River and Morse Reservoir. City ordinance against sump pumps being tied into the city sewers. Lab tests were taken at the sites and results will be sent to IDEM in a follow up report.

A bypass occurred on April 18, 2013 at the Noblesville Waste Water Treatment Plant caused by high water levels and equipment which caused treated effluent to back up and flood controls and boards for the UV equipment resulting in release to White River. Making repairs as soon as possible as water recedes. Contacted manufacturer representative to seek assistance.

A bypass occurred on April 19, 2013 in Arcadia at 9099 East 266<sup>th</sup> Street caused by precipitation event coupled with an unsealed building allowing storm water to enter the headworks building and damage all the raw influent pumps. The result was the untreated release and bypass of the treatment plant to Cicero Creek. Large portable pumps were set up immediately upon discovery of the raw influent pump failures. One pump moved sewage from the raw influent wet well to the oxidation ditch and the other was used to pump out the headworks. The building will be sealed properly as soon as the electrical contractor's project is completed. This will prevent storm water entry into the headworks in the future.

A bypass occurred on April 18, 2013 in Atlanta at Central and Main bypass manhole #16 caused by precipitation event and unnecessary weir in storm drain restricting water flow resulted in an untreated release to Central and Main storm sewer. Hamilton County to start the project that will allow the removal of the weir.

A bypass occurred on April 19, 2013 in Carmel at Jeremy Drive in Foster Estates Subdivision and Smokey Knoll Lift Station caused by precipitation events exceeding capacity of manhole and lift station resulting in untreated release to surrounding ground and storm sewer. Diverted flow to EQ Basin; flush area with jet truck. Ongoing sewer rehab project. Contracting for flow monitoring and TV inspections. Current project to upgrade main lift station and add capacity at plant.

A bypass occurred on April 19, 2013 in Carmel at Carmel Wastewater Treatment plant caused by precipitation event necessitating treatment process bypass into White River. UV disinfection bypassed to prevent overflow of final clarifiers aeration tanks and primary tanks. Flow was diverted to EQ basin. Samples were taken at the sites and the results of the lab tests follow City ordinance against sump pumps being tied into the city sewers. Flow diverted to EQ basin. Ongoing sewer rehab project. Contracting for flow monitoring and TV inspections; current project to upgrade main lift station; current project to add capacity at plant.

A bypass occurred on April 19, 2013 in Carmel at the Wastewater Treatment Plant caused by a 3.25" rain event UV disinfection bypassed to prevent overflow of final clarifiers aeration tanks and primary tanks; receiving stream was White River. Diverted flow to EQ Basin; Ongoing sewer rehab project. Contracting for flow monitoring and TV inspections. Current project to upgrade main lift station and add capacity at plant.

A bypass occurred on April 19, 2013 in Carmel at EQ basin, outfall 002, 815 North Rangeline Road, Carmel Wastewater Treatment Plant caused by local flooding and high flows caused by precipitation event resulting in treatment bypass and untreated release from EQ Basin at Wastewater Treatment Plant to Cool Creek. Sandbag area to prevent flooded stream from entering sanitary sewer system. Ongoing sewer rehab project. Contracting for flow monitoring and TV inspections. Current project to upgrade main lift station and add capacity at plant.

A bypass occurred on April 18, 2013 in Cicero at Sanitary Sewer Outfall #1, Plant Headworks Sanitary Sewer Outfall #2 Main Lift Station Manhole #134 Academy Lift Station Sanitary Sewer Outfall #3 Manhole #369 caused by precipitation event triggering untreated release from Wastewater Treatment Plant headworks and lift station as well as multiple manhole locations to surrounding groundwater and storm sewers. Staff on site for duration of bypass to monitor pumps. Plant running above peak capacity. Inflow and infiltration report has been completed by engineer and submitted to the Town Council. The Town Council has instructed the engineer to proceed.

A bypass occurred on April 24, 2013 in Cicero at Sanitary Sewer Outfall #1, Wastewater Treatment Plant Manhole #134 caused by precipitation event and apparent I & I contribution resulted in untreated release from Wastewater Treatment Plant #1 and manhole to surrounding groundwater and storm sewer. Staff on site for duration of bypass to monitor pumps. Plant running above design peak capacity. Inflow and infiltration report has been completed by engineer and submitted to the Town Council. The Town Council has instructed the engineer to proceed with design and has instructed financial consultant to proceed with financing of the project.

A bypass occurred on March 11, 2013 in Sheridan at the Sheridan Wastewater Treatment Plant caused by precipitation event forcing the untreated release from the influent box to the receiving waters. Plant was full and lines in town were full. Customers could not flush and had to bypass plant to empty some lines in town. Receiving area were storm sewers. No further action was taken.

A bypass occurred on March 18, 2013 in Sheridan at the Sheridan Wastewater Treatment Plant caused by precipitation event exceeding capacity of treatment plant and sewer collection system resulting in a treatment plant bypass and the untreated release to the Symons Drain.

A bypass occurred on April 18, 2013 in Sheridan at the influent box at the Sheridan Wastewater Treatment Plant caused by flow from precipitation event exceeding the capacity of the sewer collection system and the Wastewater Treatment Plant resulting in plant bypass of untreated release to the Symons Drain. Plant at capacity and sewer collection system full. Some homes not able to flush toilets. Plant was bypassed to receiving waters.

A bypass occurred on April 28, 2013 in Sheridan at the Sheridan Wastewater Treatment Plant caused by precipitation event necessitating internal plant bypass from secondaries to contact tank. Cleaning out Tertiary Pond due to excess rain causing plant to overflow pushing sludge into Tertiary Pond. Internal bypass only. No impact on effluent.

A bypass occurred on April 28, 2013 in Sheridan at the Sheridan Wastewater Treatment Plant caused by cleaning Tertiary Pond that required an in house bypass from secondaries to contact tank.

A bypass occurred on June 19, 2013 in Sheridan at the Sheridan Wastewater Treatment Plant secondary to contact tank caused by a 4" rain event cleaned sludge out of Tertiary Pond from heavy rains.

A bypass occurred on June 19, 2013 in Sheridan at the Sheridan Wastewater Treatment Plant secondaries caused by a 4" rain event treatment bypass. Bypass of Tertiary Pond to clean out sludge due to in plant overflows sludge into cleaning pond. Bypass from secondaries to contact tank.

A bypass occurred on April 5, 2013 in Fishers at the Allisonville Road Lift Station Cheeney Creek caused by equipment failure causing untreated release to Cheeney Creek. Pressure transmitters for wet well control failed causing PLC and main duty pumps to shut down. On Call personnel responded and restarted the pumps. Third party instrumentation and controls contractor is on site April 8, 2013 making necessary repairs.

A bypass occurred on April 18, 2013 in Fishers at Winding Creek Lift Station caused by high flows during and following precipitation event exceeded the pumping capacity of lift station resulting in untreated release to Shoemaker Ditch. On Call personnel remained onsite throughout the event to ensure that all pumps continued to run at 100%. The Town's master plan provides for additional force main capacity and I & I remedial work.

A bypass occurred on April 18, 2013 in Fishers at Smock Creek Lift Station caused by high flows resulting from precipitation event exceeded the pumping capacity of lift station resulting in untreated release to Cheeney Creek. On Call personnel remained onsite throughout the event to ensure that all pumps continued to run at 100%. The Town's master plan provides for additional force main capacity and I & I remedial work.

A bypass occurred on April 18, 2013 in Fishers at Hague Road Lift Station caused by high flows during and following precipitation event exceeded the pumping capacity of lift station resulting in untreated release to Shoemaker Ditch. On Call personnel remained onsite throughout the event to ensure that all pumps continued to run at 100%. The Town's master plan provides for additional force main capacity and I & I remedial work.

A bypass occurred on April 18, 2013 in Fishers at Allisonville Road Lift Station caused by high flows during and following precipitation event exceeded the pumping capacity. All pumps were online at start of event. The backup pump failed reducing pumping capacity resulting in an untreated release from lift station to Cheeney Creek. On Call personnel remained onsite throughout the event to ensure that all pumps continued to run at 100%. The backup pump area was repaired and placed back online at 12:45. The Town's master plan provides for additional force main capacity and I & I remedial work.

A bypass occurred on April 18, 2013 in Westfield at 1<sup>st</sup> and 2<sup>nd</sup> manholes west of Gurley Street; 3 manholes between South Union and Cherry Street caused by precipitation event exceeded resulting in untreated release from overflowing manholes to Cool Creek. Lift stations running at capacity. I & I overwhelmed system. Working on plans to install new lift station to pump north to regional station to take load off of existing station.

A bypass occurred on April 19, 2013 in Westfield at manhole in front of Tractor Supply precipitation event resulting in untreated release from manhole to drainage swale. Lift station running to capacity. I & I overwhelmed system. Manufactured home park working on I & I issues. Have done some lining and manhole repairs.

Altman stated that the quantity at 0; is it just when it gets deluged?

Kallio stated that the entity says 0 doesn't mean there was 0 spill it means they weren't able to quantify it. That is their response.

Heirbrandt made the motion to adjourn to executive session for discussion of 5-14-1.5-6.1(a) (1) (2) (b) (2) (B), seconded by Dillinger and approved unanimously.

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Christine Altman - President

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Executive Secretary