

MINUTES OF THE HAMILTON COUNTY DRAINAGE BOARD
June 25, 2001

The meeting was called to order Monday, June 25, 2001 at 9:06 AM.

The members of the Board present were Mrs. Sharon R. Clark-President Mr. Steven A. Holt-Vice President, Mr. Steven C. Dillinger-Member. Also present were the County Surveyor, Kenton C. Ward and members of his staff: Mr. Jerry Liston, Mr. Stephen A. Baitz, Mr. Andy Conover, Mr. Kurt Wanninger, Mr. Rick Durham, PE, Miss Suzanne Mills, Mrs. Lynette Mosbaugh. Mr. Michael Howard, the Board's Attorney, was in attendance.

Approval of the Minutes of May 29 and June 8, 2001:

The minutes of the May 29 and June 8, 2001 meeting were presented to the Board for approval.

Mr. Dillinger made the motion to approve the May 29 and June 8, 2001 minutes, seconded by Mr. Holt and approved unanimously.

Bid Opening for Deerfield Drain:

Mr. Howard opened and read all bids for this contract. The following submitted bids for the Deerfield Drain: 2-M Contracting, \$5,936.50; North American Construction Company, \$18,797.50; Van Horn Excavating, \$11,322.50. Mr. Howard stated that all bids had the required paperwork included. He asked if there were any other bids to be submitted? Seeing none he recommended the bids be referred to the Surveyor's Office for review and recommendation to the Board.

Mr. Ward stated that these bids have been held for two weeks and would like the Board to award the bid at this meeting after Mr. Conover and Mr. Baitz review the bids.

Mr. Dillinger made the motion to award the bid at this meeting, seconded by Mr. Holt and approved unanimously.

H. A. McMullen Drain:

There was one objection filed by Mr. Hugh Berry and Greg Pasalich, there were no landowners present.

The Surveyor presented his report to the Board:

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To: Hamilton County Drainage Board

April 23, 2001

Re: H. A. McMullen Drain

Per the Boards request several rates have been calculated for this drain. The Drain is \$5,433.04 in the red and is assessed \$2.00/ac, \$5.00 statutory minimum which brings in \$1,664.26 annually. The average annual cost over the last 10 years is \$2,459.65.

The recalculation of rates for Agricultural, non-platted residential tracts and Millersburg tracts are as follows:

\$2.50/ac, \$10.00 minimum = \$3,129.38
\$2.50/ac, \$15.00 minimum = \$3,303.58
\$3.00/ac, \$10.00 minimum = \$3,473.84
\$3.00/ac, \$15.00 minimum = \$3,637.64
\$2.00/ac, \$10.00 minimum = \$2,787.28
\$2.00/ac, \$15.00 minimum = \$2,972.12

If the Board picks one of the above rates the February 26, 2001 should be dismissed, my January 19, 2001 report modified to reflect the new rate and another hearing set.

KCW/kkw

"

Kenton C. Ward
Hamilton County Surveyor

The Surveyor stated that after reading the objection, it sounded like he wanted his lots combined.

Mr. Holt asked if someone from the Surveyor's Office could advise him?

Mr. Holt made the motion to deny the objection, seconded by Mr. Dillinger and approved unanimously.

Mr. Holt made the motion to accept the Surveyor's amended recommendation, seconded by Mr. Dillinger and passed unanimously.

3. Maintenance assessment for nonplatted residential tracts be set at \$5.00 per acre with an increase to a \$15.00 minimum.
4. Maintenance assessment for future commercial tracts be set at \$10.00 per acre with a \$50.00 minimum.
5. Maintenance assessment for future 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 non-regulated drain subdivisions shall be assessed at \$5.00 per acre with a \$35.00 minimum.
6. Maintenance assessment for platted lots within a subdivision whose drainage system will be part of the regulated drain shall be set at \$65.00 per lot/minimum. Common areas within regulated drain subdivisions shall be set at \$10.00 per acre with a \$65.00 minimum.

This will create an annual maintenance assessment of \$ 969.06.

I recommend that a special assessment be assessed for the payment of the fund amount in red at this time. I recommend that the Board assess the drainage shed \$10.00 per acre, \$10.00 minimum over a five year period (2001, 2002, 2003, 2004, 2005) to eliminate the current fund deficient.

I recommend the Board set a hearing for this item for February 26, 2001.

Kenton C. Ward
Hamilton County Surveyor

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Mr. Dillinger made the motion to approve the Surveyors report, seconded by Mr. Holt and approved unanimously.

**"FINDINGS AND ORDER
CONCERNING THE MAINTENANCE OF THE
Alexander Hare Drain**

On this **25th day of June 2001**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Alexander Hare Drain**.

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

Sharon Clark_____
President

Steven Holt_____
Member

Steven Dillinger_____
Member

Attest: Kimberly Wallace

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J. S. McCarty Drain:

There were neither landowners present nor objections on file for this hearing.

The Surveyor presented his report to the Board.

"To: Hamilton County Drainage Board

May 14, 2001

Re: J. S. McCarty Drain

Upon review of the maintenance fund for the J. S. McCarty Drain, I found that the drain is currently in the red by \$3,731.46. Therefore, the Board should consider increasing the assessment rate for this drain.

This drain was certified for assessment on October 8, 1968 at a rate of \$0.50 per acre, \$3.00 minimum. On May 11, 1976 the Board increased the assessment rate to \$1.00 per acre, \$6.00 minimum. With 568.20 acres and 45 lots in the drainage shed the current annual assessment is \$1,083.72.

Over the last 10 years the drain has had the following work orders:

91-001 & 91014	\$1,092.00	91-067	\$99.40
92-178	\$141.50	93-110	\$334.00
93-148	\$335.00	93-212	\$373.40
94-013	\$343.40	94-066	\$284.00
94-125	\$131.25	94-144	\$2,159.99
94-171	\$722.00	95-083	\$527.20
96-165 (jet)	\$262.50	96-175	\$1,655.31
96-202	\$509.60	97-200	\$496.00
98-169	\$841.20	98-243 (jet)	\$268.75
99-136	\$1,546.54	99-137	\$116.00
2000-00064	\$916.50	Total	\$13,155.54

Based on the above the present average annual cost for maintenance is \$1,315.55. I recommend the Board consider increasing the assessment rate for this drain to the following:

7. Maintenance assessment for roads and streets be set at \$10.00 per acre.
8. Maintenance assessment for agricultural tracts to increase to \$2.00 per acre-the minimum should increase from the statutory \$5.00 to \$10.00 minimum.
3. Maintenance assessment for nonplatted residential tracts and those existing platted lots in Clarksville and Green Meadows be set at \$2.00 per acre with an increase to a \$10.00 minimum.
4. Maintenance assessment for future commercial, multifamily residential, and institutional tracts be set at \$10.00 per acre with a \$50.00 minimum.
5. Maintenance assessment for future platted lots in subdivisions whose drainage systems will not be part of the regulated drain (those systems maintained by the City of Noblesville) shall be 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.
6. Maintenance assessment for platted lots within a subdivision whose drainage system will be part of the regulated drain shall be set at \$65.00 per lot/minimum. Common areas within regulated drain subdivisions shall be set at \$10.00 per acre with a \$65.00 minimum.

This will create an annual maintenance assessment of \$2,117.54.

Upon review of the drainage shed for the J. S. McCarty Drain, I believe that the drain meets the requirements for Urban Drain Classification as set out in IC 36-9-27-67 to 69. Therefore, the J. S. McCarty Drain should be designated as an Urban Drain.

I recommend the Board set a hearing for this item for June 25, 2001.

Kenton C. Ward
Hamilton County Surveyor

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Mr. Holt asked the Surveyor if he had an assessment for platted subdivision for the McCarty Drain?

The Surveyor stated that the maintenance assessment for non-platted residential plats and those parcels existing in Clarksville and Green Meadows would be \$2.00 per acre with a \$10.00 minimum. He stated that future platted subdivisions would be \$35.00 for non-regulated and \$65.00 for regulated.

Mr. Holt made the motion to approve the Surveyors report, seconded by Mr. Dillinger and approved unanimously.

"FINDINGS AND ORDER
CONCERNING THE MAINTENANCE OF THE
J. S. McCarty Drain

On this **25th day of June 2001**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **J. S. McCarty Drain**.

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

Sharon Clark_____
President

Steven Holt_____
Member

Steven Dillinger_____
Member

Attest: Kimberly Wallace

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E. E. Cornthwaite Drain:

There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

" To: Hamilton County Drainage Board

May 14, 2001

Re: E. E. Cornthwaite Drain

Upon review of the maintenance fund for the E. E. Cornthwaite Drain, I found that the drain is currently in the red by \$249.57. Therefore, the Board should consider increasing the assessment rate for this drain.

This drain was certified for assessment on July 10, 1972 at a rate of \$1.00 per acre, \$3.00 minimum. This assessment has remained at this rate since that time. With 287.67 acres and 9 lots in the drainage shed the current annual assessment is \$333.40.

Over the last 9 years the drain has had the following work orders:

92-061	\$3,687.70	92-161	\$164.58
96-069	\$248.00	97-100	\$268.50
99-100	\$141.00	Total	\$4,509.78

Based on the above the present average annual cost for maintenance is \$501.09. I recommend the Board consider increasing the assessment rate for this drain to the following:

9. Maintenance assessment for roads and streets be set at \$10.00 per acre. Also, Indiana Department of Transportation 0.6 ac of the Right of Way for S. R. 19 should be added to the assessment.
10. Maintenance assessment for agricultural tracts to increase to \$2.00 per acre-the minimum should increase from the Statutory \$5.00 to \$10.00 minimum.
11. Maintenance assessment for nonplatted residential tracts be set at \$2.00 per acre with an increase to a \$10.00 minimum.
12. Maintenance assessment for future commercial, multifamily residential, and institutional tracts be set at \$10.00 per acre with a \$50.00 minimum. The assessments for 03-07-06-52-00-001.001 (Gas America), 03-07-06-52-00-001.002 (Gas America) and 03-07-06-52-00-001.003 (Golden Arch Limited) shall be set at \$10.00 per acre with and increase to a \$50.00 minimum.

I also recommend that the following tracts be added to the assessment for this drain at the commercial rate. These tracts should be removed from the Ingerman Drain assessment:

05-07-06-13-01-002.001 - Gas America
 05-07-06-13-01-002.002 - Gas America
 05-07-06-13-01-002.000 - Golden Arch Limited

5. Maintenance assessment for future platted lots in subdivisions whose drainage systems will not be part of the regulated drain (those systems maintained by the Town of Cicero) shall be 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.
6. Maintenance assessment for platted lots within a subdivision whose drainage system will be part of the regulated drain shall be set at \$65.00 per lot/minimum. Common areas within regulated drain subdivisions shall be set at \$10.00 per acre with a \$65.00 minimum.

This will create an annual maintenance assessment of \$1073.86.

I recommend these rates due to the development pressure in this area.

Upon review of the drainage shed for the E. E. Cornthwaite Drain, I believe that the drain meets the requirements for Urban Drain Classification as set out in IC 36-9-27-67 to 69. Therefore, the E. E. Cornthwaite Drain should be designated as an Urban Drain.

I recommend the Board set a hearing for this item for June 25, 2001.

 Kenton C. Ward
 Hamilton County Surveyor

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Mr. Holt made the motion to approve the increased assessment, seconded by Mr. Dillinger and approved unanimously.

"FINDINGS AND ORDER
CONCERNING THE MAINTENANCE OF THE
E. E. Cornthwaite Drain

On this **25th day of June 2001**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **E. E. Cornthwaite Drain**.

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

Sharon Clark
President

Steven Holt
Member

Steven Dillinger
Member

Attest: Kimberly Wallace

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Westfield Farms Drain-Lowes Extension:

There were neither landowners present nor objections on file for this hearing.

The Surveyor presented his report to the Board for approval.

" April 23, 2001

To: Hamilton County Drainage Board

Re: Westfield Farms Drain, Lowe's Extension

Attached is a petition and plans for the proposed extension of the Westfield Farms Drain to Cool Creek.

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:

Open Ditch 3170 ft

The total length of new drain shall be 3,170 feet. This proposal will add an additional 3,170 feet to the Westfield Farms Drain total length.

The proposal extends the drain from the southside of 146th street (see my letter to the Board dated May 19, 2000) across the proposed Lowe's Development to Cool Creek. This total length includes approximately 435 feet of drain within the State Road 431 Right of way.

The cost of the proposed extension across the development is to be paid by the petitioner. The petitioner was not required to post a surety for the extension across the site.

Parcels assessed for this drain may be assessed for the Cool Creek Drain at sometime in the future.

ATTEST: Kimberly Wallace
Executive Secretary

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Drainage Board Budget:

Mr. Holt made the motion to approve the 2002 budget, seconded by Mr. Dillinger and approved unanimously.

Deerfield Reconstruction Phase I:

Mr. Conover stated that 2-M Contracting was the low bid at \$5,936.50. He stated that the engineers estimate on the project is \$5,968.50. Mr. Conover stated that everything is in order for the bid contract and recommends that the Board that 2-M Contracting be awarded the contract for Deerfield Phase I Reconstruction.

Mr. Holt made the motion to award the contract to 2-M Contracting, seconded by Mr. Dillinger, and approved unanimously.

Home Place Drain:

There were neither landowners present nor objections on file for this hearing.

The Surveyor presented his report to the Board:

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To: Hamilton County Drainage Board

May 14, 2001

Re: Home Place Drain

Upon review of the maintenance fund for the Home Place Drain, I found that the drain is currently in the red by \$3,107.33. Therefore, the Board should consider increasing the assessment rate for this drain.

This drain was certified for assessment on November 23, 1982 at a rate of \$2.00 per acre, \$6.00 minimum. This assessment has remained at this rate since that time. With 144.54 acres and 670 lots in the drainage shed the current annual assessment is \$4,499.10.

Over the last 10 years the drain has had the following work orders:

91-125	\$1,297.09	92-059	\$24,024.07
92-067	\$1,509.00	92-076	\$2,512.46
92-167	\$564.05	94-002	\$534.45
94-185	\$1,150.00	94-185 (Jet)	\$1,128.75
94-196 (Jet)	\$438.75	97-037	\$505.30
97-161	\$9,864.76	97-161 (Jet)	\$350.00
98-108 (Jet)	\$131.25	98-214	\$941.67
98-233	\$877.00	99-182	\$3,050.55
99-239 (Jet)	\$261.25	2000-00005	\$4,058.93
		Total	\$53,199.33

Based on the above the present average annual cost for maintenance is \$5,319.93. I recommend the Board consider increasing the assessment rate for this drain to the following:

13. Maintenance assessment for roads and streets be set at \$10.00 per acre.
14. Maintenance assessment for all other tracts to increase to \$4.00 per acre-the minimum should increase from \$6.00 to \$12.00 minimum.

This will create an annual maintenance assessment of \$9,727.50.

I recommend this increase due to the upcoming stormwater requirements, which will be mandated by Phase II of the Clean Water Act. Because of the history of this drain I believe that the retro fitting of structures will be required in order to meet water quality standards.

Upon review of the drainage shed for the Home Place Drain, I believe that the drain meets the requirements for Urban Drain Classification as set out in IC 36-9-27-67 to 69. Therefore, the Home Place Drain should be designated as an Urban Drain.

I recommend the Board set a hearing for this item for June 25, 2001.

Kenton C. Ward
Hamilton County Surveyor

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Mr. Holt made the motion to approve the Surveyor's report, seconded by Mr. Dillinger, and passed unanimously.

**"FINDINGS AND ORDER
CONCERNING THE MAINTENANCE OF THE
Home Place Drain**

On this **25th day of June 2001**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Home Place Drain**.

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

Sharon Clark
President

Steven Holt
Member

Steven Dillinger
Member

Attest: Kimberly Wallace

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Northpointe Ridge Drain:

There were neither landowners present nor objections on file for this hearing.

The Surveyor presented his report to the Board:

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To: Hamilton County Drainage Board May 14, 2001

Re: North Pointe Ridge Drain

Upon review of the maintenance fund for the North Pointe Ridge Drain, I found that the drain is currently in the red by \$1,368.79. Therefore, the Board should consider increasing the assessment rate for this drain.

This drain was certified for assessment on July 3, 1986 at a rate of \$25.00 per acre, \$20.00 minimum. This assessment has remained at this rate since that time. With 4 lots in the drainage shed the current annual assessment is \$100.00.

Over the last 4 years the drain has had the following work orders:

97-169	\$2,069.075	97-169 (jet)	\$218.75
		Total	\$2,288.50

Based on the above the present average annual cost for maintenance is \$572.13. I recommend the Board consider increasing the assessment rate for this drain to the following:

Maintenance assessment for these platted residential tracts be set at \$317.20 per lot to paid at a rate of \$63.44 in 2002, 2003, 2004, 2005 and 2006 or until the balance due the

General Drain Improvement Fund (GDIF) is paid in full. This rate takes into consideration the assessment collections for 2001.

At this time the future maintenance for this drain shall be accomplished through the Maintenance fund for the F. M. Musselman Drain. at \$10.00 per acre with a \$65.00 minimum.

This will create an annual maintenance assessment of \$253.76.

I recommend the Board set a hearing for this item for June 25, 2001.

Kenton C. Ward
Hamilton County Surveyor

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

"FINDINGS AND ORDER

CONCERNING THE MAINTENANCE OF THE

North Pointe Ridge Drain

On this **25th day of June 2001**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **North Pointe Ridge Drain**.

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

Sharon Clark
President

Steven Holt
Member

Steven Dillinger
Member

Attest: Kimberly Wallace

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Clay Springs - Tabled Increase Hearing:

Mr. Steve Hall was present for this continued hearing.

Mr. Hall reviewed for the Board the items from the last meeting.

Mr. Howard stated that he and Mr. Liston had gone through the work orders to find a viable person to approach on all these issues. He stated that many of these work orders were crushed pipe that had been run over by construction traffic. Mr. Howard stated that from a legal standpoint it was not viable to find the person or persons who ran over the storm pipe. Mr. Howard stated that he had talked to Mr. Liston if there was any indication that were incorrectly designed or constructed, and Mr. Liston stated that it could have been or could have been miss-used by construction traffic. Mr. Howard stated that their conclusion

was that at this sub-division that there was no one issue that would be viable to go after. He stated that the Board might suggest that this deficiency be compensated by the GDIF or from slowed maintenance. Mr. Howard stated that Mr. Liston felt most of the problems are probably over, that most of these problems occurred during construction. He stated that the Board might want to look at a bonding procedure for subsurface drains in subdivisions, not just a construction bond, but a three year maintenance bond would require the developer to guarantee the drains endure the first three years. Mr. Howard stated that at this time the Board does not impose that obligation on the developer nor does the Board place maintenance bonds for subsurface drains just as the Board does for roads. He stated that on this particular assessment how the Board wanted to proceed was up to them. Mr. Howard stated that had a bond been in effect at the time Clay Springs was developed the developer would have raised the cost of his lots, which is what was happening with the increased assessment, but the landowners did not know any of this at the time of purchase and find out years later. Mr. Howard stated that even if there was an inspector out there every day most of the breakdowns happened after the installation.

Mr. Liston stated that improper tie-ins happen often and have to be repaired by the drainage maintenance fund. He stated that the contractors that the developers hire for the under drain installation at times will not use the laterals that the developers provide for their use. Mr. Liston stated that the contractors were cutting a hole in the side of the drain and inserting the pipe and back filling.

Mr. Howard stated that the requirement for the maintenance bond to make sure there are no defects for a period of three years would perform the function of placing subsurface drains up the priority list. He stated that most of the damage is done during the building of homes when construction traffic drives over the subsurface drains.

Mr. Liston stated that other things happen as well such as irrigation heads, utility companies boring through the underdrains, etc.

Mr. Howard stated that if it was an identifiable person or company to go back to that person or company would come back and make the repairs.

Mr. Hall stated that there was one work order that was for \$4,300.00 that had comments on the back saying "SSD, the usual mess. Off grade, crushed". He stated that this was one that was 2 - 4 inches deep and that he thought code was 2 feet. Mr. Hall stated that his neighbor stated that in some spots the SSD could be seen through the ground. He stated that this is the kind of thing that he was talking about. He stated that he realizes that there is some maintenance on regulated drains, but he stated that the bulk of this is not regular maintenance and was crushed before installation. He asked if this was double wall pipe? He stated that he had a hard time believing that anyone could put a PVC pipe in a swale 18 - 24" deep in a swale and it not be crushed during construction traffic. Mr. Hall stated that the pipe is damaged before it is covered up and the property owners are getting stuck with shoddy work.

Mr. Liston stated that standards have changed for rear yard swales. He stated that a high-Q double wall pipe is now required. He asked the Surveyor if this was going to go under the curbs?

The Surveyor stated that the Highway Department has to change their standards first and he believes Les Locke is still looking at that.

Mr. Liston stated that he did a test on a demo site 4 years ago, using the double wall pipe around the top half of a cul-de-sac radius, it's checked every year and has held up very well. He stated that there was silt in it from infiltration, but the single wall pipe becomes egg shaped, but the double wall pipe does not lose its shape.

Mr. Holt asked if the SSD was perforated?

Mr. Liston stated that it was perforated.

Mr. Holt asked how the double wall functions?

Mr. Liston stated that it was perforated also, but more durable material. He stated that Mr. Wanninger and himself tested both pipes, the single wall and double wall, for durability by stepping on top of it and the single wall collapsed immediately, while the double wall held up with Mr. Wanninger jumping up and down on it.

Mr. Holt asked the Surveyor how much money was involved in the Clay Springs maintenance.

The Surveyor stated that Clay Springs maintenance fund was in the red \$7,831.00. He stated that the fund currently brings in \$1,479.00 per year at a rate of \$5.00 per acre with a \$25.00 minimum. The Surveyor stated that the proposed increase was \$10.00 per acre with a \$65.00 minimum.

Mrs. Clark asked when the \$5.00 per acre with a \$25.00 minimum was set?

The Surveyor stated that it was set in 1994.

Mr. Howard stated that the issue here is either putting a maintenance bond in effect in the future or having the developer use a better quality material.

Mr. Holt stated that he understood that issue, but that he agrees with Mr. Hall that if the pipe is installed correctly, would a concrete truck backing over a curb crush the pipe?

Mr. Liston stated that if the weather conditions are right it could.

Mr. Hall stated that there are earthmovers and other kinds of large equipment in every subdivision after the pipes are installed.

Mr. Holt stated that there should not be any earthmovers moving over a curb after the drains are put in.

Mr. Hall asked that after the drainpipes are installed, aren't they moving dirt at that time?

Mr. Liston stated that the contractors usually finish up with earthmovers at that point.

Mr. Holt asked if it could be lumber truck or concrete truck at that point?

Mr. Liston stated it could also be construction workers will cut through lots with their trucks instead of using the roads that have been cut or cut through the swale to another lot. He stated that he has also seen reinforced concrete pipe damaged. Mr. Liston stated that it depends what size the equipment is they drive across it with or how wet the soil is. He stated that there was only one developer in one subdivision where there was no damage to SSD, and that developer had roped off all the SSD's so construction traffic could not drive across it.

Mr. Holt asked what percentage of the \$7,831.00 on work orders was from shallow SSD?

Mr. Hall stated that several work orders from SSD's that had been crushed.

Mr. Holt asked if the General Drain Fund could be utilized in a situation like this.

The Surveyor stated that the Board borrows from it to make up the maintenance short fall.

Mr. Holt asked about a non-repayment situation.

The Surveyor stated he could not think of any, but the Board could let the deficiency ride and gradually repay the drain back. He stated that he wanted Mr. Liston and Mr. Howard to look into the single wall pipe and that the specs should be changed under curbs also to the double wall and to check into the maintenance bond since a lot of the break downs they find happens within that 3 year time period.

Mr. Holt stated that he was troubled with the shallow SSD.

Mr. Hall stated that the drains he was talking about was in rear yards and could not have driven on by construction traffic.

Mr. Baitz stated that this drain was installed shallow due to the fact that the emergency overflow for the lake runs the opposite direction across the top of it. He stated that it was cut in about 4 to 5 locations by the homeowner putting in a sprinkler system. Mr. Baitz stated that also a homeowner installed a playground over the top of the drain and also stated that there was a house being built in the cul-de-sac and a lumber truck and brick contractor were bringing supplies into that area and saw deep ruts over the drain.

Mrs. Clark stated that a 3-year bond would not have handled that.

Mr. Howard stated that it would have picked up a large portion of the work that had to be done. He stated that if Mr. Holt felt it was unreasonable and wanted to let the assessment remain that it would be effective using the GDIF to take the burden off the existing homeowners.

Mr. Holt stated that it takes care of Mr. Hall's complaint the assessment remains. He stated that the Surveyor's Office is dealing with this problem on a regular basis, but people do not come in very often to complain. Mr. Holt stated that if these changes are made the Board raises the bar on the cost of development in this county significantly. He stated that there should be a meeting with highway engineers and developers to see if there are any other solutions.

Mr. Howard stated that they were just making recommendations. He stated that if this was an isolated situation the Board could let it ride on GDIF, but there are problems in several other subdivisions caused by the same situation.

Mr. Holt made the motion to deny the Surveyor's request for an increase for Clay Springs Drain and use the GDIF, seconded by Mr. Dillinger and approved unanimously.

Mr. Holt asked the Surveyor how he wanted to approach the problems like this in the future?

The Surveyor stated that he would get with Les Locke and come up with a solution and run it by some other people and get their reaction. He stated that would be on the double wall pipe under the curbs, double wall pipe is already being used in swales. The Surveyor stated that double wall pipe in swales has been used for about a year. He stated that as far as the maintenance bonds he could look at what the highway is using under their ordinance and perhaps duplicate it and run it past the same people.

Mr. Dillinger stated that the Surveyor should have Will Wright or someone like him involved.

Mrs. Clark asked if this was isolated?

The Surveyor stated that this is in all subdivisions, but for some reason Clay Springs took a heavy hit. He stated it is the degree of the problem in Clay Springs that was higher than in other subdivisions.

Mrs. Clark stated that if there is an issue or problem that continually occurs then this meeting with Will Wright and others will help the Board get to a solution. She stated that she sees no reason to enable development that is going to bring problems.

The Surveyor stated that the developer just wanted to sale the lot.

Mrs. Clark stated that the developer is doing that right now, but it comes back on the owner when problems occur.

The Surveyor stated that what this would do is make the developer the policeman.

Mr. Howard stated that the developer would be the policeman on the lot work, because it would be difficult for the Board to make someone accountable for each and every lot. He stated that if there was a 3-year maintenance bond, it would be a matter of contacting the developer and letting them know of the problem regardless of how the damage happened.

Mrs. Clark asked the Surveyor when the calls started coming in on damaged SSD.

Mr. Holt made the motion to delay this for 60 days, seconded by Mr. Dillinger and approved unanimously.

Hinshaw & Henley Drain:

Dr. Dwayne McDavitt approached the Board at this time.

Dr. McDavitt stated that since he was there in April with the flooding problem, the Board appropriated funds to relieve that problem and thanks the Board. He stated that he still has considerable problems with this drain. Dr. McDavitt stated that last Tuesday he sent in a letter and that there were a number of items that have been addressed since then. He stated that the engineers estimate stated that this was a two week project, but in now approaching eight months. He stated that after submitting the letter some of the items started being addressed the following day. Dr. McDavitt stated that the contractor had minimal fence building skills. He stated that the contractors were not using a level or tape measure and the posts were 3 - 4 inches out of line and leaning. Dr. McDavitt stated that they were putting the boards up that had been laying in water all winter. He stated that Mr. Conover was out trying to reset the fence posts. Dr. McDavitt stated that the seeding was not done properly and there are large bare spots. He stated that the contractors have been parking on his grass and unloading equipment causing rutting. He stated that there is not fence around the catch basin in the pasture. Dr. McDavitt stated that he felt he was due damages.

Mr. Conover stated that there have been problems with the contractor with the fence building. He stated that he did go out last week and reset some of the posts. Mr. Conover stated that an employee from Sweeney Construction came out to help with the fence posts. He also stated that there are new boards coming this week for the fence. Mr. Conover stated that the initial specifications called for a wire fence around the catch basin, but they have decided to put up a wood fence around the catch basin to match the rest of the fence. Mr. Conover stated that a machine did the seeding. He stated that they did miss places at the fence line, but as they are putting up the posts they are seeding. Mr. Conover stated that the ground is very dry now and it is hard to get the grass to grow. He stated that every time it rains additional rocks come to the surface of the ground and he is addressing that this week.

Mr. Dillinger asked Dr. McDavitt why he feels it necessary to come before the Board. He stated that it sounded like the issues in his letter are being addressed.

Dr. McDavitt stated that these issues were not addressed until the letter was submitted last Tuesday.

Mr. Dillinger asked Dr. McDavitt if he had talked to the Surveyor's Office before that time?

Dr. McDavitt stated that he had talked to Mr. Conover.

Mr. Dillinger asked Mr. Conover if it was true that nothing was done until the Surveyor's Office received the letter?

Mr. Conover stated that he had been out there, but the communication between the contractor and Dr. McDavitt was not very friendly.

Mr. Dillinger stated that the Board was more concerned with the communication between the Surveyor's Office and the contractor.

Mr. Conover stated that he had walked the site with Dr. McDavitt to go over what needed to be repaired. He stated that Dr. McDavitt did not want to wait any later than Wednesday so he could appear before the Board.

Mr. Dillinger asked if these issues were being addressed?

Mr. Conover stated that they were being addressed.

Dr. McDavitt stated that the rock piles should have been picked up before the seeding was done.

Mr. Dillinger stated that he understood that, but that should be overseen by the Surveyor's Office. He stated that Dr. McDavitt should not have to come before the Board to tell them of these matters.

Dr. McDavitt stated that he was here in April and these issues should have been resolved by now. He stated that the progress has been slow and not steady.

Mr. Dillinger asked Dr. McDavitt if he has had ongoing communications with Mr. Conover.

Dr. McDavitt stated that he and Mr. Conover had always communicated well, but that he has not communicated well with the contractor and the contractor has not taken this job serious.

Mr. Dillinger stated that it was the Drainage Board that was to make sure that the contractor took this job serious, because Dr. McDavitt should not have to be here today.

Dr. McDavitt stated that the reconstruction of the drain should have taken care of the water standing on 146th Street west of his property. He stated that the County Highway Department is still putting up high water signs. Dr. McDavitt stated that the farmer on the other side of the road has tilled so close to the road that he has destroyed the road side ditch causing a hazard not only for traffic but also to his fence because of cars hydroplaning and running off the road into his fence and mailbox.

Mr. Dillinger stated that the Surveyor's Office should be able to check on this and also check with the Highway Department.

Dr. McDavitt stated that he had pointed this out about 2 months ago. He stated that the contractors have just moved the last backhoe off his property last week. Dr. McDavitt stated that they have been through with backhoes for some time now. He stated that the contractors come in unannounced and that he has to worry about where he is parking to stay out of their way.

Mr. Holt asked where the Surveyor's office was with Sweeney Construction?

Mr. Conover stated that the Surveyor's Office still had the bond.

Mr. Holt asked when the bond expired?

Mr. Conover stated that the bond is active until it is released by the Surveyor's Office.

Mr. Holt asked if there was any dockage in the contract for the Mr. Conover's time involved on this project? He stated that he had the impression that Mr. Conover was going to do some of the labor to get this job done.

Mr. Conover stated that one of the problems was that Sweeney Construction had a sub-contractor that was uncooperative with him. He stated that the sub-contractor never called when they were going to be out there, which was an agreement he had with Sweeney Construction. Mr. Conover stated that Sweeney has started sending employees up to the site to oversee the sub-contractors.

Mr. Holt asked Mr. Conover if his time was being billed for the extra work on this project?

Mr. Conover stated that he was not concerned with that, he just wanted to see this job completed.

Mr. Holt stated that the Board had a concern with this because he presumes there are others things Mr. Conover is not doing because he is spending all his time at this location. He asked if Mr. Conover was behind in his work?

Mr. Conover stated that he was keeping up with his work at this time.

Mr. Holt asked if Mr. Conover was working overtime to keep up with it?

Mr. Conover stated that he was not working overtime.

Mr. Holt stated that it did not seem right that the contractor receives whole value for his services when Mr. Conover is out on site doing some of the labor.

Mr. Howard stated that Mr. Conover doing labor out on the job site needs to stop and that if the Board needs to notify the bonding company to get Sweeney's attention that is what we should do regardless of the UN-cooperation of the sub-contractor. He stated that the Board has a contract with Sweeney.

Mr. Holt asked if there was a time penalty for Sweeney not having the job completed by this time? He stated that this was a 2-week job not finished 8 months later, it should not have a life of its own. Mr. Holt asked if Sweeney did not get it done why was the bond not called and have someone else in there to do it.

Mr. Ward stated that Sweeney Construction has always been a good contractor and he did not know what has happened with this job.

Mr. Holt stated that the Board is spending time with Dr. McDavitt once a month. He stated that Dr. McDavitt does not want to spend the time and neither does the Board. Mr. Holt stated that this would not be bothering Sweeney if we have not called the bond.

Mr. Howard stated that by Friday he and the Surveyor and the Board authorize them to notify Sweeney Construction of a reasonable deadline of no later than 30 days at which time the bond would be called. He stated that the Board needed to look at the grass issue, the grass is not going to grow unless straw is put over it and it is watered. Mr. Howard stated that if it is additional cost it would come out of Sweeney's budget since it should have been done earlier.

Mr. Dillinger stated that the Surveyor and his staff is going to have to be more aggressive in situations like this. He stated that this conversation should not have had to take place.

Mr. Holt made the motion that in 2 weeks the Board gets an update on what has taken place on this project and that it be written and a copy faxed to Dr. McDavitt before the meeting so he is not taking time off to come in unless he thinks there is something wrong with the report, seconded by Mr. Dillinger and approved unanimously.

George Booth Drain-Tabled Hearing:

The Surveyor stated that at the last Drainage Board hearing he had asked the Board to table this particular item until he could look at Dr. Curry's property. He stated that at this time he is recommending to the Board to remove the 1-acre assessed to his property from the George Booth Drain and approve the remainder acreage for assessment.

"June 7, 2001

To: Hamilton County Drainage Board

Re: George Booth Drain

I have made an onsite inspection of the property of Dr. Robert Currie, parcel number 10-06-28-00-00-023.000, 5.33 acres, 1 acre benefited. Upon this inspection I found that Dr. Currie should not be assessed to the George Booth Drain at this time. Therefore, I recommend the Board remove the assessment from this tract.

Kenton C. Ward
Hamilton County Surveyor

KCW/llm

"

Mr. Holt made the motion to approve the Surveyor's recommendation, seconded by Mr. Dillinger and approved unanimously.

Fairfield Farms Drain - Detention/Retention Ponds:

Mr. Wanninger stated that this is for the Boards information. He stated that the residents of Fairfield Farms Subdivision want to know what the Boards policy was on dry detention areas and facilities located within them. He stated that he and Andy Cash have met with

homeowners association members regarding this issue in the past and told them that no facilities would be allowed in the detention area. Mr. Wanninger stated that two weeks ago he received a call from an individual in the subdivision proposing a playground, picnic area, basketball courts, etc. in the dry detention area. He stated that he had told this person that the Surveyors Office would not allow any facilities in the detention area. Mr. Wanninger stated that Chuck Edwards, homeowners association, had called later and stated that he opposes facilities within the dry detention area knowing and understanding the purpose for the storage and release of the water. Mr. Wanninger stated that Mr. Edwards wanted to know what the Boards policy was on facilities within dry detention areas. He stated that he told Mr. Edwards that it has been addressed in the past, but no policy has been set in stone at that time. Mr. Wanninger stated that Mr. Edwards requested a letter be sent to the Board finding out what the Drainage Boards policy is regarding facilities within a dry detention area. He stated that at this time the Surveyor's office controls the storage and easements of the dry detention area.

Mr. Paul McGruff, Vice President of Fairfield Farms Homeowners Association, approached the Board at this time. He stated that he wanted a request of the written policy regarding dry detention areas for Fairfield Farms.

Mr. Howard stated that Fairfield Farms covenants are not the Boards policy and that the covenants provide an easement to the drain, which means that the ownership of the land is the Homeowners Association. He stated that he has not read their covenants, but he assumes that the homeowners association retains title and insures those areas and would have the right to exclude members from the public other than the Drainage Board and employees from the Surveyor's Office and their contractors. Mr. Howard stated that they would also not be permitted to put structures in the dry detention areas. He stated that the Board does not base its policy on homeowners association policies.

Mr. McGruff stated that the Surveyor and Mr. Wanninger addressed a lot of their questions. He stated that they received a letter from them explaining the policy. Mr. McGruff stated that the reason for this meeting is that he understood that there was not a current policy on this.

Mr. Wanninger stated that there was not a set policy on this issue except what is recorded and in the minutes.

Mr. McGruff stated that Mr. Wanninger gave him his opinion on this and that if there is a policy that would help clear up some issues.

Mr. Howard stated that it was a real estate law issue. He stated that Fairfield Farms owned the property, except for the Boards right to maintain the area and not impede the flow of water with facilities.

Mr. McGruff asked if some kind of equipment in there could impede the process of water?

Mr. Howard stated that was correct. He stated the Board does not want building structures in the dry detention areas, but the Board does not have a formal policy regarding that. The Drainage Code does provide that there is not to be any obstructions or structures in a regulated drain and these detention ponds are part of the regulated drain.

Mr. Wanninger stated that he would provide a copy of the policy regarding this to Mr. McGruff.

Thistlewaite Drain - Change Order #1:

Mr. Durham stated that the downstream portion had to be dredged and eliminated some structures, which added an increase of \$3,400.00.

Mr. Dillinger made the motion to approve Change Order #1, seconded by Mrs. Clark and approved unanimously.

Mr. Durham stated that Mrs. Clark signed the minutes for June 8, 2001 for establishing an escrow for the retainage for the Thistlewaite Drain.

Cove Horney Drain:

The Surveyor stated that there was a hearing held in May concerning an increase for this drain. He stated that during the hearing the Board had failed to sign the findings and order and certification for maintenance. The Surveyor asked if the Board would do this now?

The Board signed them at this time.

Cool Creek Study - Update:

The Surveyor stated that Kate Weise reviewed the proposals from the City of Carmel, Dave Johnston from the Town of Westfield and himself. He stated that they have short listed from the 8 proposals submitted to 3 proposals and will have oral presentations given to them by the three companies. The companies presenting this week are Clark Dietz, Christopher Burke and Woolpert.

Elwood Wilson Study:

The Surveyor stated that he would be meeting today with John LaTurner from DLZ (formerly Cole & Associates), who did the original study. He stated that they will be looking at what the current is and what is required for the future.

Mud Creek Study:

The Surveyor stated that Christopher Burke originally did the study. He stated that they have been contacted and will be meeting with them next week for the extension of that contract and what is needed for Phase II.

White River - Cinergy:

Mr. Holt stated that the County Council gave the Surveyor the job of finding out the Cinergy impact of White River. He stated that Mr. Durham has been working on that with the Surveyor. Mr. Holt stated that the Surveyor would like to have assistance in this study on a deep well for cooling.

Mr. Holt made the motion to authorize the Surveyor to contract with the individual from I.U. that the Park Board used on the Taylor property for deep well investigation to give the Surveyor some technical assistance, seconded by Mr. Dillinger.

Mr. Dillinger asked why the Board would do this and not Cinergy?

The Surveyor stated that the County Council wanted someone outside of Cinergy to review the numbers and requested the Surveyor to review those numbers.

Mr. Dillinger asked if all the Council has asked for is an abatement?

The Surveyor stated that was correct.

Mr. Dillinger asked what that had to do with the Drainage Board?

The Surveyor stated that the County Council has asked him to review the numbers before they make a decision on the abatement.

Mrs. Clark stated that she thought that Cinergy stated at the Council meeting that if their numbers were not correct they had a solution.

Mr. Holt stated that Cinergy did not have a solution at the Council meeting.

Mr. Howard stated that there was a 1.7 million-gallon a day shortfall that Cinergy chose to ignore.

Mr. Dillinger stated that he did not understand how that is relevant.

Mr. Holt stated that the County only has a small portion with Cinergy and that is the tax abatement and Hamilton County wants Cinergy to use a source of water other than the White River. He stated that they are powerless to make that happen other than to say use a deep well if you want abatement.

Mr. Howard stated that an abatement is a discretionary act like re-zone. He stated that you can vote "yes" or "no" for any reason and that Mr. Holt's point is that Cinergy, like a lot of these utilities, their local representatives don't have that much authority in decision making.

Mr. Dillinger stated that he understood Mr. Holt's point, but why should the County pay for this instead of Cinergy.

Mr. Holt stated that it is the County's decision whether to give the abatement and that the County Council wants to give the abatement, but the issue is to whether to impact the White River to do that.

Mr. Howard stated that the County would not be paying for the well.

Mr. Dillinger stated that he understood that, but the County would be paying for the study. He stated that why wouldn't the County say if Cinergy wants an abatement they need to see a study of the relativity of a well verses the river.

Mr. Howard stated that the study that Cinergy gave the County it shows a 1.7 million-gallon shortfall at maximum usage in a low flow event.

Mr. Dillinger asked why the Council would not give the tax abatement if Cinergy would do the well? He asked what this additional study will show that we do not already know?

Mr. Holt stated that Cinergy stated at the meeting that they did not know anything about wells that they wanted to use the river and did the County want the plant. He stated that the Council stated that they wanted the plant, but that they wanted Cinergy to drill a well. Mr. Holt stated that the Council stated at the meeting that they wanted the Surveyor to

advise them. He stated that the Surveyor would be glad to advise them, but he would be dealing with a multi-million dollar corporation and would like the county to fund some outside help.

Mrs. Clark asked what kind of time line are they looking at?

Mr. Holt stated July 11, 2001.

Mrs. Clark asked Mr. Howard if everyone agrees that they are going to be deficient?

Mr. Howard stated that the Cinergy study tells you that they will be at a 1.7 million-gallon a day shortfall. He stated that they use some now and with the new plant they will be several million gallons a day less. He stated that the question was does that have an effect and Cinergy is saying "no" that Morse Reservoir would not go down for a year.

Mrs. Clark stated that she was going by what she read in the paper, but she thought that there was a motion on the floor with the County Council that Cinergy did have a response in case a low event happened.

Mr. Holt stated that Cinergy had stated that if they did impact Morse Reservoir that they would make it good somehow. He stated that Cinergy was only in front of the County one time.

Mr. Howard stated that the "somehow" would get the county nowhere.

Mrs. Clark asked if the July 11 date would make it possible for the Council to make an informed decision.

The Surveyor stated that the Parks Department hired someone from I.U. to look at the hydrology of the Taylor property, which is about ½ mile away.

Mrs. Clark asked if he has already done some work he would be able to do quickly? She asked if the Surveyor knew the dollar amount for this study?

The Surveyor stated that it cost the County earlier for three studies on delineation's about \$33,000.00 and that this was the same type of work. He stated that it would be approximately \$15,000.00.

Mrs. Clark asked where the money is coming from?

The Surveyor stated that he had anticipated going to the Council for additional appropriations.

Mr. Clark asked if he was getting the money from the General Fund?

The Surveyor stated that it was out of other contractual services that the County has.

Mr. Howard stated that the Surveyor has to have money that is appropriated, he will be taking it out of his services contractual and ask it to be replaced. He asked if it would make more sense to do a study of the whole water shed? He asked if understanding the hydrology of the alternate water source the relevant issue?

Mr. Holt stated that if Cinergy could be cooled by a deep water well then they would be a net contributor to White River.

Mr. Dillinger stated that the argument of the people there could be that this would effect the water table.

Mr. Holt stated that those are shallow wells.

The Surveyor stated that the other information Mr. Durham has been getting over the last week. He stated that Mr. Durham has been talking to USGS who has been sending him records of the annual daily flow since 1946.

Mr. Durham stated that he has talked to the Water Company and DNR. He stated that the worst case scenario is a drought such as 1988 or 1999 and 100-degree temperatures with the plant running full force. Mr. Durham stated that the plant would be pulling an extra 1.7 to 2 million gallons a day. He stated that what he was looking for from USGS is what kind of flow rates that we have at those given years of drought. Mr. Durham stated that would determine how much water would be drawn down from Morse Reservoir. He stated that Indianapolis Water Company already draws from Morse Reservoir.

Mr. Holt stated when the Indianapolis Water Company has to flush the Belmont Plant for Indianapolis as well, which means there is a draw on Geist Reservoir.

Mr. Dillinger stated that no one wants to see the reservoir drawn down from a recreational aspect, but that is what it is there for.

Mr. Holt stated that it goes beyond drawing Morse down it is drawing Geist down as well

Mr. Durham stated that there was no mention of the insertion of a well from Cinergy to make up that difference. He stated that he did not believe that a well is not the answer.

Mrs. Clark asked what Mr. Durham thought the answer was?

Mr. Durham stated that Morse is going to be drawn down during a drought regardless of whether Cinergy draws from it or not, the question is how much. He stated that the worst case scenario for cooling days is 25 days out of the year, this coming from Cinergy in writing. He stated that if there was a drought both reservoirs are going to drawn down anyway.

Mr. Howard stated that under the covenants they have right to draw it down, but some of the property tax advocates on both of those areas and if they are drawn down once every ten years there is really no complaint to reduce the assessed value. He stated that if they go from being lake front property 9 out of 10 years to being lake front property 3 out of 10 years there will be some appeals of assessed value and probably be successful. Mr. Howard stated that lake front property is assessed at about 3 times regular property.

Mr. Durham stated that more water usage would come from the Water Company than would come from Cinergy.

Mr. Holt stated that the issue is not more, but whether Cinergy should be a contributor or a user of. He stated that if Cinergy is on a well they are out of the mix. He stated that if it is during peak time they are a contributor.

Mr. Durham stated that the extra 2 million gallons per day based on low flows that is currently on the web site for USGS is less than 5% of the capacity of the river at this point.

Mrs. Clark stated that there were two plants looking at this, why did this deep well solution never surface before.

Mr. Howard stated that it did, the deep well solution was a suggestion from the County.

Mrs. Clark asked what that was going to do to the water table?

Mr. Dillinger stated that is what the study will determine.

The motion was before the Board and it was approved unanimously.

Updates - Ellis Barker Drain:

Mr. Baitz stated that the Barker Drain was brought before the Board in May, Mr. Chance was in the audience and questioned his assessment in the watershed. He stated that Darren Wilson printed out a map of the water shed for the Ellis Barker Drainage Shed. Mr. Baitz stated that Mr. Chance' property was in the water shed and he had contacted him and explained to Mr. Chance on the phone the map was ready for him to view and that the top half of his property went to one drain and the lower half to another. He stated that Mr. Chance was in agreement with this and that he misunderstood the map that was shown on the wall. Mr. Baitz stated that Mr. Chance agreed to the assessment.

Non-enforcement:

Mr. Wanninger presented a non-enforcement to the Board for the Margaret O'Brien Drain filed by Eerie Indianapolis, LLC.

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

Conflict of Interest Disclosure:

Mr. Ward presented to the Board a Conflict of Interest Disclosure Statement sent to the Surveyor by the State Board of Accounts for the Drainage Board regarding Mr. Dillinger's seat at Metrobank.

Mr. Howard stated that Mr. Dillinger filed it originally and the State Board of Accounts sent it back because it was a duplicate filing.

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

Sharon R. Clark-President

ATTEST: _____

Executive Secretary