

MINUTES OF THE HAMILTON COUNTY DRAINAGE BOARD

December 22, 2003

The meeting was called to order Monday, December 22, 2003 at 9:00 AM.

The members of the Board present were Mr. Steven C. Dillinger-President, Mrs. Christine Altman-Vice President and Mr. Steven A. Holt-Member. Also present was the Hamilton County Surveyor, Kenton C. Ward and members of his staff: Mr. Stephen A. Baitz, Mr. Jerry Liston, Mr. Mike Kole, Mr. Andrew Conover and Mr. Walter Evans. Mr. Michael Howard, the Board's Attorney, was also present.

Approval of Minutes of November 24, 2003:

The Surveyor presented the minutes of November 24, 2003 to the Board for approval.

Mr. Holt made the motion to approve the minutes of November 24, 2003, seconded by Mrs. Altman and approved unanimously.

Approval of Minutes of December 8, 2003:

The Surveyor presented the minutes of December 8, 2003 to the Board for approval.

Mr. Holt made the motion to approve the minutes of December 8, 2003, seconded by Mrs. Altman and approved unanimously.

F. M. Musselman Drain:

There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"November 13, 2003

To: Hamilton County Drainage Board

Re: F.M. Musselman Drain #234

Upon reviewing the drainage shed for the F.M. Musselman Drain, a parcel was found to be missing from the assessment roll. It is as follows:

Michael D. & Peggy J. Cooke 12-07-22-00-00-014.003 0.50 Ac \$25.00

I recommend the Board set a hearing for December 22nd to add this parcel to the annual maintenance assessment.

Kenton C. Ward,
Hamilton County Surveyor

KCW/jh"

Mr. Dillinger opened the public hearing; seeing no one present Mr. Dillinger closed the public hearing.

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

"FINDINGS AND ORDER

CONCERNING THE MAINTENANCE OF THE

F. M. Musselman Drain

On this **22nd day of December 2003**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **F. M. Musselman 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

Steven C. Dillinger
President

Christine Altman
Member

Steven A. Holt
Member

Attest: Lynette Mosbaugh"

Russell Johnson Drain - Relocation:

There were no objections on file. Mr. John Maren and Mr. Herbert Witt were present for the hearing.

The Surveyor presented his report to the Board for approval.

"October 30, 2003

To: Hamilton County Drainage Board

Re: Russell Johnson Drain

Attached is a petition and plans for the proposed relocation of the Russell Johnson Drain. The relocation is being proposed by Cellular One of Indianapolis. The proposal is to relocate the open ditch between stations 10 + 50 and 12 + 80 by construction of a new open ditch which will shorten the existing open ditch.

The new drain will be located on the Cellular One Property, tract 13-11-33-00-00-003.001. The relocation will remove the drain from tract 13-11-33-00-00-003.003 which is owned by Binsbacher, Jon Michael & Cate Carrington.

The total length of new open ditch shall be 200 feet. The 230 feet of original drain between Stations 10 + 50 and Stations 12 + 80 shall be vacated. This proposal will remove 30 feet of the drains total length.

The relocation was completed by Hamilton Southeastern Utilities.

I recommend the Board set a hearing for this matter for December 22, 2003.

Kenton C. Ward
Hamilton County Surveyor

KCW/pll"

Mr. Dillinger opened the public hearing.

Mr. Herbert Witt stated that he lived on Hoosier Road; his concern was the relocation of the Russell Johnson Drain and wondered if it had anything to do from 121st Street south on the Johnson Drain; if there is anything that is going to be done to that or if there is going to be a relocation of that in order to widen Hoosier Road or something to that effect. He is more concerned if it was going to be the section from 121st Street down to the Bridge, which is Russell Johnson's place.

The Surveyor stated that the relocation is the section of open ditch north of the cell tower on the east side of the road north of Johnson's place.

Mr. Witt asked if that was north of Pete Hansen.

The Surveyor stated that it was.

ATTEST: Lynette Mosbaugh
Executive Secretary "

Village of West Clay Drain, Section 9006 A & B - Continued Hearing:

There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"October 17, 2003

TO: Hamilton County Drainage Board

RE: Village of West Clay Drain, Section 9006 A & B Arm.

Attached is a petition filed by Brenwick Development along with a non-enforcement request, plans, calculations, quantity summary and assessment roll for the Section 9006 A & B Arm, Village of West Clay 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:

6" SSD	247 ft.	18" RCP	208 ft.	27" RCP	190 ft.
12" RCP	386 ft.	21" RCP	285 ft.	30" RCP	500 ft.
15" RCP	141 ft.	24" RCP	190 ft.		

The total length of the drain will be 2,660 feet.

The retention pond located Commons "C" Ice Pond is to be considered part of the regulated drain. Only the inlet and outlet will be maintained as part of the regulated drain. The maintenance of the pond, such as mowing, will be the responsibility of the Homeowners Association. The Board will also retain jurisdiction for ensuring the storage volume for which the lake was designed will be retained. Thereby, allowing no fill or easement encroachments.

The subsurface drains (SSD) under curbs are not to be part of the regulated drain. Only the main SSD line within the drainage easement in the rear of lots 71-79 are to be part of the Regulated Drain. Laterals for individual lots will not be considered part of the Regulated Drain. This is per the agreement between Brenwick Development and the Hamilton County Commissioners on April 26, 1999. (See Commissioners minute book 93, pages 565-566).

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 \$ 5.00 per acre, \$ 5.00 per acre for roadways, with a \$120.00 minimum. With this assessment the total annual assessment for this drain/this section will be \$3,366.30.

The petitioner has submitted surety for the proposed drain at this time. Surety shall be submitted prior to the approval of the Hamilton County Board of Commissioners/commencement of construction. The sureties which are in the form of a Performance Bond/Letter of Credit are as follows:

Agent: Bond Safeguard Insurance Co.	Agent: Bond Safeguard Insurance Co.
Date: August 26, 2003	Date: August 26, 2003
Number: 5005750	Number: 5006601
For: Storm Sewers	For: Erosion Control
Amount: \$ 146,164.00	Amount: \$ 28,000.00

Parcels assessed for this drain may be assessed for the Collins-Osborn or Williams Creek Drain at sometime in the future. Parcels assessed for this drain will also be assessed for the Elliott Creek Drain.

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 requests. The request is for the reduction of the regulated drain easement to those easement widths as shown on the secondary plats for Village of West Clay Section 9006 A & B as recorded in the office of the Hamilton County Recorder.

I recommend the Board set a hearing for this proposed drain for November 24, 2003

Kenton C. Ward
Hamilton County Surveyor"

The Surveyor stated that they have a copy of the Certificate of Insurance from Brenwick; this was placed in their boxes last week. At the bottom it says all lakes and ponds. He asked the Board if that took care of their concerns.

Mr. Howard stated that it covers their concerns.

Mr. Dillinger asked if anyone present would like to address this issue; seeing no one Mr. Dillinger closed the public hearing.

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

Mrs. Altman stated that she wanted to clarify that their approval is for drainage only notwithstanding whatever they name it; they are not endorsing any other use of it other than drainage and retention.

The motion had been made and seconded to approve the Surveyor's report and approved unanimously.

The Surveyor presented a non-enforcement request to the Board for Section 9006 B for approval.

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

"FINDINGS AND ORDER

CONCERNING THE MAINTENANCE OF THE

Village of West Clay Drain, Section 9006 A & B Arm

On this **22nd day of December 2003**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Village of West Clay Drain, Section 9006 A & B 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

Steven C. Dillinger
President

Christine Altman
Member

Steven A. Holt
Member

Attest: Lynette Mosbaugh "

52.5 Hearing - Albert Shaw Drain, Relocation:

There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"December 18, 2003

To: Hamilton County Drainage Board

Re: Albert Shaw

Attached is a petition and plans for the proposed relocation of the Albert Shaw Drain. The relocation is being proposed by Boomerang Development. The proposal is to relocate the existing Albert Shaw Drain between Sta. 0+00 and Sta. 6+50 through the proposed Claybourne, Section 2 Subdivision. This will involve the sections of new storm sewer, as shown on the development plans for Claybourne, Section 2 by Schneider Corporation, between the following structures: Str. 224 to Str. 223, Str. 223 to Str. 222, Str. 222, to Str. 221, Str. 221 to 220, Str. 220 to 217, Str. 217 to Str. 216, Str. 216, to Str. 215, Str. 215 to Str. 211, Str. 211 to Str. 210, Str. 210 to E197.

The section from Str. 210 to Str. E197 is through the existing Lake #4 built with Section 1 of Claybourne and is listed as open ditch below. Section 1 of Claybourne is an arm of the Albert Shaw Drain as set out in my report dated July 3, 2002 and approved at hearing by the Board on August 26, 2002. (See Drainage Board Minutes Book 6, Page 419 & 420).

The line will consist of the following:

12" RCP	74 ft.	18" RCP	30 ft		
15" RCP	20 ft.	24" RCP	614 ft.	Open Ditch	130 ft.

The total length of new drain shall be 868 feet. The 650 feet of original drain between Sta. 0+00 and Sta.6 + 50 shall be vacated. This proposal will add an additional 218 feet to the drain total length.

The cost of the relocation is to be paid by Boomerang Development. Because the project is to be paid by the petitioner and is within the boundaries of the petitioners property the project fall under the requirements as set out in IC 36-9-27-52.5. Therefore, a public hearing with 30 day notice is not required for the petition.

The petitioner has provided the performance bond/letter of credit as follows:

Name of Bonding Co.: Lexon Insurance Co.

Bond Number: 1000652

Bond Date: August 15, 2003

Bond Amount: \$332,612.00

I recommend approval by the Board at this time.

Kenton C. Ward
Hamilton County Surveyor

KCW/pll"

Mrs. Altman asked if all the maintenance costs would be borne by the subdivision when completed.

The Surveyor stated that it would when completed; they will be seeing the follow up hearing in January.

Mr. Dillinger opened the public hearing; seeing no one Mr. Dillinger closed the public hearing.

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

Weaver & Hooke Drain - Irving Materials:

Mr. Gordon Byers was present for this hearing.

The Surveyor stated that Irving Materials has requested the Board that they be allowed to clear their section of the Weaver & Hooke Drain. This came from Mr. Byers who is present today; this is basically a request for them to clear the drain at their expense with the County's standards.

Mr. Holt asked what the Surveyor's position on this was.

The Surveyor stated that they should go for it.

Mr. Holt made the motion to approve the clearing of the Weaver and Hooke Drain on the Irving Materials portion of the Drain at their expense, seconded by Mrs. Altman and approved unanimously.

White River - DNR - Berm Update:

The Surveyor stated that they received a packet from Dave Knipe regarding the onsite inspection he and George Bowman did on the US Aggregates showing the photographs of their work that they have completed so far. With the foliage off they can see this from Allisonville Road now.

Mrs. Altman asked what they were removing.

The Surveyor stated that they have removed the berm; they have approximately 1 mile of berm to remove.

Mrs. Altman asked what they were doing with the spoilage.

The Surveyor stated that he was not sure; he was sure that DNR is checking on that.

Mrs. Altman asked if this was DNR's project.

The Surveyor stated that it was.

Mr. Holt stated that he wondered that as well.

The Surveyor stated that he assumes that it is being hauled away somewhere; probably on site yet.

Mr. Holt stated that he also wondered how they were doing on six inches of original level.

The Surveyor stated that he was not sure, but DNR is watching it closely.

USGS - Stream Gaging Station:

The Surveyor stated that he received a letter from USGS; they have heard that with the Stony Creek Study they were looking at the possibility of engaging the station that is there between the bridges on S. R. 37. We didn't realize that the station was still active; it isn't satellite uplink, which they are getting ready to modernize and have that satellite uplink like the station on the Logan Street Bridge.

Mrs. Altman asked if they have to manually go in and collect the data.

The Surveyor stated that they do; they are going to update it to a satellite uplink; you will be able to go on line and see the real time data. They also talked to them about another station somewhere on Stony Creek so they can watch what is happening on Stony Creek between the two gages; unfortunately they wouldn't have any historical data on a new station, but they would have data for the future and determine whether they will have problems or they are right on target for what they are going to come up with on the study for Stony Creek. With that they would fit in a station themselves and then they are looking for somebody to help with the maintenance on it; the maintenance would be shared; the County's share would be \$5,100.00; he is not asking for it today; they need to have more discussions with the City of Noblesville and see what their consultant comes up with also. He stated that he wanted to let the Board know what was going on today so they wouldn't be hearing this fresh at the time he does come before them.

Mrs. Altman asked if they had a map that locates all the stations that monitor to make sure that any ones they add are the most critical for the change in the water flow and what's happening around them.

The Surveyor stated that they don't have that yet.

Mrs. Altman asked if they could put one together so they know if they are adding on at the best points for the whole county.

The Surveyor stated that he believed that they only have two stations; Stony Creek and the Logan Street Bridge. They had one on Cicero Creek on S. R. 38, but that one was removed.

Mr. Holt stated that if they were putting one in somewhere, the 116th Street Bridge, given all the angst they have had over that location, would be a logical site.

The Surveyor stated that it would be especially with what is happening at Fishers.

Mrs. Altman stated that they should look at their watershed countywide and start doing a good grid because it will change constantly with development.

The Surveyor stated that they didn't have them in 20 years ago where they could see the historical.

Mr. Holt asked if Fishers would want to share in that cost either.

Mrs. Altman stated that they should invite them to share with the cost.

The Surveyor stated that if the Board wishes he could see what that would do.

Mr. Holt stated that it would be intriguing.

The Surveyor stated that he would look into that; he asked the Board if the County owned property there.

Mr. Holt stated that they have the canoe landing on the east side so they could have truck access.

VanArsdale Drain - Carmel Central Park:

The Surveyor stated that he gave each Commissioner a map, all the objections that they received on that project, a newspaper article and the Surveyor's report.

Mrs. Altman stated that everything that the Surveyor has said indicates that the Parks development would have no impact on this drain; it's just speculation on the objector's part that it would.

The Surveyor stated that she was correct.

Mrs. Altman stated that she appreciates what happened before her when she was not sitting there, but she can't support spreading the cost over the tax basin; that is exactly what they are asking to do.

The Surveyor stated that what he was saying was that the Board remember what they told them before; when it comes up again he imagines that some people are going to remember. He asked the Board which way they want to go.

Mrs. Altman asked what kind of flooding they have there.

The Surveyor stated that it was not so much flooding as it was erosion, especially over on the east side of Rangeline.

Mrs. Altman asked if the person that had the most erosion was the most opposed to the project.

The Surveyor stated that she was correct; they are also the ones that asked for it.

Mrs. Altman asked if they became opposed when they found out the cost.

The Surveyor stated that it was the cost and what it was going to entail; they have had that before.

Mrs. Altman stated that if they are the ones that are suffering the loss and they are not having a flooding problem then she did not understand why they are pushing it.

The Surveyor stated that they have the Park coming in now.

Mrs. Altman stated that again if it has no impact then she did not know why they are even considering spreading it across the tax basin unless they want to do countywide maintenance on all drains.

Mr. Holt asked Mrs. Altman what she was referring to when she said tax basin.

Mrs. Altman stated that it was the whole of Clay Township; if they put this on the Parks they are going to tax every property owner in Clay Township to maintain this; why would they do that because they have a project that is on a specific drain that is not impacted by that improvement.

The Surveyor stated that they are asking for the front end, which is \$42,000.00; the maintenance would be annual.

Mrs. Altman stated that they are asking \$42,000.00 from every resident in Clay Township if they go along with this; it is ridiculous; they might as well have a countywide drain system and approach it that way if they don't have any nexus and they don't have any nexus.

Mr. Holt stated that he is reading the Surveyor's report and it looks to him like he was doing a per acre assessment on everybody on the Drain.

The Surveyor stated that this was for the hearing they had in 1998.

Mr. Holt stated that he believed that he missed the original meeting on this; he asked if the Surveyor was proposing to bill the Park for the improvements.

The Surveyor stated that it would be for the reconstruction costs.

Mr. Holt asked why the Surveyor would do this.

The Surveyor stated that at the original hearing a lot of the remonstrators pointed to the Parks saying that this was the reason they were doing the reconstruction.

Mr. Holt stated that he did not remember the remonstrators; he asked which Park.

Mrs. Altman stated that it was the new Central Park.

The Surveyor stated that the map shows the Park.

Mrs. Altman stated that if anything the Park would probably mitigate drainage because of all the retention and pond work they are going to put in from the preliminary plans she saw; they are going to capture water and probably hold it.

Mr. Dillinger asked what percentage of remonstrators they had.

Mrs. Altman stated that if there is no flooding problem and the property owner that first asked for it is the only one suffering erosion and they don't want it now, why they are worried about it.

Mr. Dillinger asked what the Surveyor needed from the Board

The Surveyor stated that he needed direction because the Park is coming through right now and if they are going to ask them to pay for that initial reconstruction now is the time to do it.

Mrs. Altman stated that he would have one negative vote saying that this is bad precedent unless they want to consider a Countywide Drainage System where they tax everybody because they have a flat County.

Mr. Holt stated that they need to consider the alternatives; this petition has been pending forever, the Surveyor is raising it again right now because the Parks coming online; if they do nothing will they hear from anybody?

The Surveyor stated that he wouldn't say that they would hear from anybody in that drainage shed until they have another hearing.

Mr. Holt stated that if this goes another ten years the Surveyor anticipates hearing from nobody.

The Surveyor stated that he doubted it.

Mr. Holt stated that it seems like a pretty easy decision.

Mrs. Altman stated that other than they will come back and say that the Board said they would put it on the Parks; she doesn't mind going on record saying they shouldn't if there is not impact to put it on the tax base in Clay Township.

The Surveyor stated that this is why he is here because at the hearing a lot of the remonstrators pointed at the Park saying that this is the reason that the Board was doing it; then at the hearing the Board sided with those people and kind of gave them the impression that they would wait for the Parks to come in and then slam them with this.

Mr. Dillinger asked if the Board needed to take some action today.

The Surveyor stated that he needed direction from the Board on which way to go.

Mr. Dillinger stated that it sounded like it was going downhill; he asked if the Surveyor needed an official motion today.

The Surveyor stated that he needed direction from the Board.

Mr. Dillinger stated that he would agree with Mrs. Altman.

Legal Notices Since August 2003:

The Surveyor stated that in August he asked about whether to put the notices in the Times or the Ledger and the Board wanted it in both; he wanted to show the Board what the differences were between the Times and the Ledger.

Mrs. Altman stated that in August they had the conclusion that they had to advertise in two papers of opposing so the cost is not going to make any difference if by statute they have to advertise.

The Surveyor stated that he wanted to let the Board know.

Beaver Dams - Trapper Information:

Mr. Baitz stated that per the discussion from the last meeting on Beaver Dam removal from the letter they had from Mr. McElroy on the Fitch and Jessup Drain they made contact with six different agencies that do this type of work; the ones that they contacted to date they have only had return information from a couple of individuals. Critter Control charges a \$300.00 service call to come out to any site up front; it is \$175.00 per beaver they catch from that site. Rodent Removal is out of Greenwood; they apparently have some type of a verbal agreement with Critter Control that they won't extend into their areas, but they were going to get them some more information; he has not received that at this time; coming in to Hamilton County their prices would be somewhat in line with Critter Control. Mr. Retherford was referred to them; he does quite a bit of trapping in Howard County and Delaware County; he didn't have a service call price at this time, but he did charge \$50.00 per Beaver for everyone he caught, but he does not have a nuisance permit; this was only during hunting season and trapping season that he would do this, but he is willing to work with DNR in order to get his permit again. Bo Wilfong expressed interest before; they had contacted him, but he has not received anything back from him. Todd Reese has done some trapping in the area before, however, as they can see he is wanting the County to purchase some new equipment for him; his is outdated; he would have an up front cost of \$420.00 and then \$50.00 per beaver caught after that. He stated that he had no response from Mr. Toomes who had also given them some information prior to this meeting. They have spent over \$103,000.00 to date from 1990 to current and this is what provoked some of this information; in removal of the dams obviously they still have the beavers out there that are putting the dams right back.

Mr. Holt made the motion to asked Max Retherford to get a nuisance license and get going, seconded by Mrs. Altman.

Mrs. Altman stated that she didn't know how they could deal with contractors that are doing price fixing; that is basically what the first two are doing.

The motion had been made and seconded to accept Max Retherford to get a nuisance license and get going and approved unanimously.

Hearing Requests:

The Surveyor asked the Board to set the following hearings for January 26, 2004: J. R. Dunn Drain; Canal Place Section 2; Canal Place Section 3; Canal Place Drain, Reserve @ Geist Section 1; J. W. Brendle Drain, Hayden Run Section 3; Intracoastal @ Geist Section 2C; Intracoastal Section 3A; Albert Shaw Drain, Claybourne Section 2; Thomas West Arm, Canal Place Drain; Lion Creek Drain, Claybourne Section 2.

Mr. Holt made the motion to set the hearings for January 26, 2004, seconded by Mrs. Altman and approved unanimously.

The Surveyor stated that Lion Creek will be a total new drain.

Final Reports:

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

"To: Hamilton County Drainage Board

October 30, 2003

Re: Centennial Drain: Centennial Townhomes Phase 2

Attached are as-builts, certificate of completion & compliance, and other information for Centennial Townhomes. 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 August 21, 2002. The report was approved by the Board at the hearing held October 28, 2002. (See Drainage Board Minutes Book 6, Pages 465-466)

The changes are as follows:

Structure:	T.C.:	I.E.:	Pipe:	Length:	Grade:	Original ft):	Diff. (ft):
425	908.7	905.98					
E424	908.53	904.13	12	101	1.77	100	1
Stub		906.34					
409	910.01	905.89	15	26	1.5	22	4
409	910.01	905.63					
406	909.63	904.93	18	153	0.46	154	-1
Stub		905.47					
406	909.63	905.03	12	42		40	2
406	909.63	904.73					
405	909.64	904.43	24	112	0.27		
405	909.64	904.43					
404	909.6	904.12	24	112	0.28		
404	909.6	904.12					
403	909.32	903.77	24	112	0.32		
403	909.32	903.6					
402	908.96	903.44	30	91	0.18	90	1
402	908.96	903.44					
401	908.27	903.29	30	165	0.09	169	-4
401	908.27	903.29					
400		902.98	30	26	1.19	32	-6

RCP Totals:

12	143
15	26
18	153
24	336
30	282

The length of the drain due to the changes described above is now **940 feet**.

The non-enforcement was approved by the Board at its meeting on October 28, 2002 and recorded under instrument #200300093804.

The following sureties were guaranteed by Developers Surety & Indemnity Co. and released by the Board on its January 13, 2003 meeting.

Bond-LC No: 887161S
Insured For: Storm Sewers & SSD
Amount: \$56,200
Issue Date: 3/13/2002

Bond-LC No: 887162S
Insured For: Erosion control
Amount: \$6,485
Issue Date: 3/13/2002

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

Sincerely,

 Kenton C. Ward,
 Hamilton County Surveyor

KCW/slm"

"To: Hamilton County Drainage Board

December 15, 2003

Re: John Osborn Drain: English Oaks Arm

Attached are as-builts, certificate of completion & compliance, and other information for English Oaks. 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 18, 2000. The report was approved by the Board at the hearing held November 27, 2003. (See Drainage Board Minutes Book 5, Pages 508-510)

The changes are as follows:

Structure:	T.C.:	I.E.:	Pipe:	Length:	Grade:	Original:	Difference:
705		893.9					
704	896.41	892.7	12	249.14	-1		
704	896.41	892.1					
703	896.15	891.4	15	65	-0.8		
703	896.15	891.4					
702		890.5	15	135	-0.66		
706		894.5					
707	897.58	894.3	15	154.79	-0.2		
707	897.58	894.2					
708	897.59	894.2	15	26	-0.2		
708	897.59	894.1					
709		893.9	15	73.72	-0.22		
710	901.05	897.2					
711	901.14	896.8	15	25.91	-1		
711	901.14	896.8					
712	897.5	895.1	15	169.6	-1		
712	897.5	895.1					
713		894	15	228.29	-0.5		

6" SSD

Streets:

English Oaks Ct	954
x2	

Total: 1908

6" SSD

Lots:

Lots 16-20	662
Lots 8-11	180
Lot 27	255
Lots 20-24	723

Total: 1820

RCP Pipe

Totals:

12	249.14
15	878.31

Total: 1127.45

Other Drain:	
8" cmp	10

Total: 10

The length of the drain due to the changes described above is now **4865.45 feet**.

The non-enforcement was approved by the Board at its meeting on November 27, 2003 and recorded under instrument #200100002891.

The following sureties were guaranteed by Developers Surety and Indemnity Company and released by the Board on its August 25, 2003 meeting.

Bond-LC No: 266
Insured For: Storm Sewers
Amount: \$52,300
Issue Date: June 23, 2000

Bond-LC No: 265
Insured For: Erosion Control
Amount: \$8,740
Issue Date: June 22, 2000

Bond-LC No: 267
Insured For: Sub Surface Drains
Amount: \$42,685
Issue Date: June 23, 2000

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

Sincerely,

 Kenton C. Ward,
 Hamilton County Surveyor

KCW/slm"

"To: Hamilton County Drainage Board

December 3, 2003

Re: Crooked Creek Drain: English Oaks Arm

Attached are as-builts, certificate of completion & compliance, and other information for English Oaks. 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 18, 2000. The report was approved by the Board at the hearing held November 27, 2000. (See Drainage Board Minutes Book 5, Pages 507-508)

The changes are as follows:

Structure:	T.C.:	I.E.:	Pipe:	Length:	Grade:	Original:	Difference:
714	900.93	897.6					
715	901.14	897.4	15	69.65	-0.2		
715	901.14	897.4					
716	893.9	893.9	15	192.26	-0.2		
717	901.08	897.8					
718	900.94	897.7	12	28	-0.21		
718	900.94	897.6					
719	900.57	897.2	15	199.08	-0.2		
719	900.57	897.2					
720		896.9	18	132.62	-0.2		
723		896.9					
724	898.97	896.9	15	22	-0.2		
724	898.97	896.8					
725		895	15	580	-0.33		

6" SSD

Streets:

Callowell Ct	531
English Oaks Ct	65
Corsham Cir	355
Stratton Cir	279
x2	1230

Total: 2460

6" SSD Lots:

Lots 4-6 & CA	363
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Total: 363

RCP Pipe Totals:

12	28
15	1062.99
18	132.62

Total: 1223.61

Other Drain:	
Open Ditch	65

Total: 65

The length of the drain due to the changes described above is now **4111.61 feet**.

The non-enforcement was approved by the Board at its meeting on November 27, 2000 and recorded under instrument #2001-00002890.

The following sureties were guaranteed by Developers Surety and Indemnity Company and released by the Board on its August 25, 2003 meeting.

Bond-LC No: 266
Insured For: Storm Sewers
Amount: \$52,300
Issue Date: June 23, 2000

Bond-LC No: 265
Insured For: Erosion Control
Amount: \$8,740
Issue Date: June 22, 2000

Bond-LC No: 267
Insured For: Sub Surface Drains
Amount: \$42,685
Issue Date: June 23, 2000

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

Sincerely,

Kenton C. Ward,
Hamilton County Surveyor

KCW/slm"

"To: Hamilton County Drainage Board

December 12, 2003

Re: WR Fertig Drain: Lunsford Relocation

Attached are as-builts, certificate of completion & compliance, and other information for the Lunsford Relocation of the WR Fertig drain. 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 29, 1999. The report was approved by the Board at the hearing held November 8, 1999. (See Drainage Board Minutes Book 5, Pages 274-275)

The changes are as follows:

Structure:	T.C.:	I.E.:	Pipe:	Length:	Grade:	Original:	Difference:
508D		847.21					
508C	854.44	846.21	48	112	0.899		
508C	854.44	846.21					
508B	851.17	844.02	54	344	0.577	343	1
508B	851.17	843.99					
508A		843.6	54	64	0.619		

RCP Pipe

Totals:

	48	112
	54	408

The length of the drain due to the changes described above is now **520 feet**.

The non-enforcement was approved by the Board at its meeting on November 8, 1999 and recorded under instrument #200300025809.

The following surety was guaranteed by Erie Insurance Co. and released by the Board on its August 25th, 2003 meeting.

Bond-LC No: FF1013
Insured For: Storm Sewers
Amount: \$54,400.00
Issue Date: October 26, 1999

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

Sincerely,

Kenton C. Ward,
Hamilton County Surveyor

KCW/slm"

"To: Hamilton County Drainage Board

October 31, 2003

Re: Calumet Farms Drain

Attached are as-builts, certificate of completion & compliance, and other information for Calumet Farms. 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 20, 2000. The report was approved by the Board at the hearing held February 28, 2000. (See Drainage Board Minutes Book 5, Pages 320-321)

The changes are as follows:

Structure:	T.C.:	I.E.:	Pipe:	Length:	Original Plans:	Difference:
3		837				
4	838.66	836.5	21	35		
4	838.66	834.68				
5	837.89	834.76	24	130	132	-2
5	837.89	833.76				
6		832.27	24	207	265	-58
7		841.3				
8		840.5	21	192	200	-8
9		839.31				
10		839.13	21	15	20	-5
Str 1 -2				Not	Constructed	-30

6" SSD:

Sweetgrass Ln	1734
Lot 3	496
Lot 1-2	800
Lot 4-5	382
Lots 7-9	1150
Lot 9	496
Lot 10	364
Total:	5422

RCP Pipe Totals:

21	242
24	337
Other Drain:	
8" CMP	20
12" CMP	141
30" CMP	100
Open Ditch	290
Total:	1130

The length of the drain due to the changes described above is now **6,552 feet**.

The non-enforcement was approved by the Board at its meeting on February 28, 2000 and recorded under instrument #2003-00011413.

The following sureties were guaranteed by Fifth Third Bank and released by the Board on its September 23, 2002 meeting.

Bond-LC No: SB11804
Insured For: Storm Sewers, Erosion Control, SSD & Monuments
Amount: \$128,300.00
Issue Date: October 20, 1999

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

Sincerely,

 Kenton C. Ward,
 Hamilton County Surveyor

KCW/slm"

To: Hamilton County Drainage Board

November 5, 2003

Re: Clay Creek Drain - High Grove Sec. 2 Arm

Attached are as-builts, certificate of completion & compliance, and other information for High Grove Sec. 2. 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 December 19, 2001. The report was approved by the Board at the hearing held January 28, 2002. (See Drainage Board Minutes Book 6, Pages 256-257)

The changes are as follows:

Structure:	T.C.:	I.E.:	Pipe:	Length:	Grade:	Original:	Difference:
634		868.45					
633		868.21	6' x4'	73	0.33	70	3
630	874.82	871.98					
629	874.91	871.86	15	28	0.43		
629	874.91	871.86					
628		871.44	15	47	0.89		
632		870.78					
631		870.6	15	37	0.49	36	1
627	874.82	871.85					
626		871.45	12	45	0.89	40	5

6" SSD

Streets:

Braeburn Dr	685
Bramley Ct	275
x2	
Total:	<u>1920</u>

RCP Pipe Totals:

12	45
15	112
6' x 4'	73
Total:	<u>230</u>

Other Drain:	
open ditch	780
Total:	<u>780</u>

The length of the drain due to the changes described above is now **2930 feet**.

The non-enforcement was approved by the Board at its meeting on January 28, 2002 and recorded under instrument #200200066638.

The following sureties were guaranteed by Developers Surety and Indemnity Co. and released by the Board on its September 23, 2002 meeting.

Bond-LC No: 886579S
Insured For: Storm Sewers
Amount: \$38,285.00
Issue Date: July 25, 2001

Bond-LC No: 886580S
Insured For: Erosion Control
Amount: \$11,951.00
Issue Date: July 25, 2001

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

Sincerely,

 Kenton C. Ward,
 Hamilton County Surveyor

KCW/slm"

To: Hamilton County Drainage Board

December 2, 2003

Re: RJ Craig Drain: George White Arm

Attached are final road construction plans and other information for 116th Street Reconstruction of the George White Drain. An inspection of the drainage facilities for this area 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 verbal report presented to the Board. The report was approved by the Board at its meeting held November 24, 1997. (See Drainage Board Minutes Book 4, Page 482)
 The changes to the drain are as follows:

Arm 1

Arm 1 of the George White Drain was replaced from Sta 0 to the point it was reconstructed in 1991. Therefore, Arm 1 has been replaced in its entirety with the completion of this project. The arm now consists of 15" RCP. The length of drain for **Arm 1 is 257 feet**.

Arm 2

Arm 2 of the George White Drain was replaced from Sta 1+20 to its terminus. This project saw 212 feet of 24" RCP and 26 feet of 27" RCP installed. Therefore, the length of drain for **Arm 2 is 358 feet**.

Arm 3

Arm 3 of the George White Drain was replaced from Sta 8+75 to the point it was reconstructed in 1991. Sta 0 to 8+75 as constructed in 1951 still remains. The arm now consists of 12" tile and 15" RCP. The length of drain for **Arm 3 is 1164 feet.**

The above mentioned facilities were paid for by the Town of Fishers.

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

Sincerely,

Kenton C. Ward,
Hamilton County Surveyor"

Mrs. Altman made the motion to approve the Surveyor's final reports, seconded by Mr. Holt and approved unanimously.

Non-enforcements:

Mr. Kole stated that Mr. Hicks approached him and asked what he needed to do to put a fence up; he went out and inspected his property and observed that there were about seven property owners that had fences or plantings on the drain all the way down. They advised those folks who live on the Peterson Arm of the Musselman Drain that they would like to have non-enforcement agreements for what they have existing there; Mr. Marmion is one of those who has an existing fence; he did submit the necessary paperwork to permit his existing fence. They are under the understanding that if they need to have that moved they will move it.

Mrs. Altman asked if that was all part of the non-enforcement.

Mr. Kole stated that it was.

Mrs. Altman asked if that is not just an understanding; it's part of the agreement.

Mr. Kole stated that it was part of the idea of getting the non-enforcements so that it's very clear to them that it's at risk.

Mrs. Altman asked what they were going to do about the rest of the owners that if they don't do it.

Mr. Kole stated that what they have tended to do is issue violations.

Mrs. Altman stated that once they start the process they need to complete it.

The Surveyor stated that several of the property owners have come into the office and picked up the forms; Mr. Kole did get their attention.

Mr. Kole stated that since the time of the agenda he has received another non-enforcement on this if they would like to consider that today or wait until next time.

Mrs. Altman asked if all of the forms were on the web site.

Mr. Kole stated that they were.

Mr. Dillinger asked the Board if they wanted to allow the other non-enforcement.

Mr. Holt stated that they should wait until the next Board meeting.

Mr. Kole presented a non-enforcement request for the F. M. Musselman Drain filed by Michael Marmion for parcel number #11-07-29-00-10-014.000 for a fence. The Surveyor's Office recommends approval.

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

Mr. Kole presented a non-enforcement request for the F. M. Musselman Drain filed by Brian and Telly Hicks for parcel #11-07-29-00-10-015.000 for a fence. The Surveyor's Office recommends approval.

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

The Overture - Spill:

Mr. Liston stated that on December 5th the Surveyor's Office was notified of a spill at the Overture Subdivision at 126th Street and Hazel Dell Road. Estridge Homes had a subcontractor who was cleaning out the residence and spilled a mixture of lacquer and oil base paint on the ground in close proximity of a storm sewer; it got into the storm sewer; it was raining at this time also and went into the retention area; Carmel Fire was notified; they boomed the outlet of the pond. The Hamilton County Health Department contacted DNR and EMS; Estridge was responsible for the clean up; they hired a private contractor to come in and clean it. This spill also occurred within the Carmel Utilities Wellhead area, which after the fact they did notify Carmel Utilities and as far as they know they have not called them back.

Surety Acceptance:

Mr. Liston stated that at the afternoons Commissioner's Meeting they would be accepting the following sureties: Irrevocable Letter of Credit #16775966 in the amount of \$13,132.00 for Ballantrae Subdivision, erosion control; Irrevocable Letter of Credit #16775965 in the amount of \$24,990.00 for Ballantrae Subdivision, storm sewers.

Surety Release:

Mr. Liston stated that at the afternoons Commissioner's Meeting they would be releasing the following sureties: Subdivision Performance Bond #6179731 in the amount of \$187,451.70 for The Intracoastal @ Geist Section 1, storm sewers; Subdivision Performance Bond #6179732 in the amount of \$25,577.10 for The Intracoastal @ Geist Section 1, erosion control.

Violations:

Mr. Kole stated that on the Mallery Granger Drain, Morse Lake Industrial Park; the property owner there is finally bringing the procedural items that they needed into compliance; they needed a petition, non-enforcement and grant of easement. He is to pick up the petition today; they have the other two items in hand. Once they have this complete they will bring this before the Board to consider and decide.

Mr. Kole stated that on the J. W. Brendle Drain, Silverwood Builders was a situation where the sump pump connection was not made by the builder; they ignored the lateral connection that was provided. Since having been issued the violation they have made the connection to the Surveyor's Office satisfaction and they are complete on this.

Upper White River GIS:

The Surveyor stated that the Guide Settlement Trustees gave the Upper White River Watershed Alliance \$10,000.00 for a study for a drainage basin White GIS for the Upper White River. The study is complete and one of the things that came out of the study is the need for funding maintenance on an annual basis to continue after they have compiled the information to maintain that information.

Mrs. Altman asked what information was gathered.

The Surveyor stated that nothing yet; this was just a study. This will basically be tying in all the GISs within the drainage shed; for those systems that do not have a GIS going in and putting basic information in a GIS then storing it down probably at the Polis Center in Indianapolis for them to maintain.

Mrs. Altman asked what the Surveyor meant by basic information.

The Surveyor stated that they weretalking about transportation, the drains, drainage sheds, soils; stuff that is readily available; all they had to do is put it in a digital format.

Mrs. Altman stated that it was organizing existing data within the government information system; what exactly are they doing.

The Surveyor stated that what they would be doing is coming out to Hamilton County, capturing their data and then pulling it into their system along with Madison County's, Indianapolis and the other communities that have GIS. They would be getting basic data such as land use, soils, drains, drainage sheds, topos if they have them, transportation layers, areas where there has been DNR permits, areas where there has been violations from DNR and IDEM, water sampling information from IDEM, USGS and DNR and then compiling all this data in a drainage basin like GIS; if they have a problem they can look at the system and see where its probably coming from or vise versa. If somebody is having a problem downstream somewhere they would have the information at their fingertips on who to contact. It's a system that the Trustees are very interested in; the compilation of all this data and they will fund it, but they can't fund annual maintenance there after. Part of the Guide Settlement was that they couldn't do endowments or perpetual maintenance; what they are looking at is \$22,000.00 annually to maintain the system; Indianapolis has pledged 60% of that and they are looking for action for the other 40%; he has Carmel interested and he is trying to get a hold of Anderson and Madison County; all of this came about last week; there is a sense of urgency to this because it came from Barbara Lawrence within the end of the year it needs to be there.

Mr. Holt asked who the Indianapolis person was on water.

The Surveyor stated that she is going to be the new controller for the City of Indianapolis in January.

Mr. Holt asked how much they are asking of Hamilton County.

The Surveyor stated that what they are asking for is would Hamilton County pledge 40% right now, not knowing who is out there to help reduce that amount later; he told them he would bring it to the Board today.

Mr. Howard asked if there was a vendor that they are paying.

The Surveyor stated that the \$22,000.00 is the amount that was identified in the study as what Polis estimated as the maintenance cost.

Mr. Howard asked to whom.

The Surveyor stated that it would probably be to Polis, who was the logical entity to maintain this; they already have all of Indianapolis's data and they have a good amount of Hamilton County's.

Mr. Howard asked if this was in addition to the County sending them their updated annually.

The Surveyor stated that all Hamilton County would have to do is pull their data off the web; they don't do anything.

Mrs. Altman stated that it seems kind of pricy.

The Surveyor stated that this is what they identified.

Mrs. Altman stated that they set their own fee in their own study.

Mr. Holt stated that they have been working on this for three years and it's been the number one project of the Upper White and every meeting is consumed with talking about this; it's a little discouraging that after three years they have to spring into action, but he believes that they should. Hamilton County has been the leader of this thing; the Surveyor has really carried the banner; Noblesville has been real involved with Don Anthis and Carmel has been less involved, but there is certainly the opportunity for them to get re-invigorated; Madison County hasn't done a whole lot; they probably figure if the Guide money is gone then they've done their part and Morgan County has no money; so that is pretty much who the players are unless there would be some Delaware money that would come in.

Mr. Holt made the motion to fund it for this year to see how the re-imbusement process works and if they feel they were taken advantage of or if people step to the plate.

The Surveyor stated that they do have money in the Drainage Board budget that they could use this for.

Mrs. Altman asked if they could encumber 2003 money.

Mr. Dillinger asked what the dollar amount was.

The Surveyor stated that it was \$8,800.00; the 2003 money is already encumbered.

Mr. Dillinger asked for a second to Mr. Holt's motion.

Mrs. Altman seconded Mr. Holt's motion for discussion.

Mrs. Altman asked if they were using 2004 budget money already.

The Surveyor stated that the next round of claims is for 2004 budget.

Mrs. Altman stated that she would like some justification of how the consultants set their own maintenance fee for 2004.

The Surveyor asked if Mrs. Altman would like to see the study.

Mrs. Altman stated that she would need a copy of it eventually, but for purposes of this; if they are going to put it together they are going to have to maintain it; if Polis is the right one that is fine, but she would like to see how it's used also over the year.

The motion had been made and seconded to fund the maintenance for this year and approved unanimously.

Mr. Holt stated that before they close he would like to thank the Surveyor's Office for another great year.

Mr. Holt made the motion to adjourn, seconded by Mrs. Altman and approved unanimously.
No Executive Session.

Steven C. Dillinger-President

ATTEST: _____
Executive Secretary