

January 23, 2018

The Hendricks County Drainage Board met in the Commissioners' Room on the first floor of the Hendricks County Government Center. Those present were President Matthew D. Whetstone, Vice President Phyllis Palmer, Members Bob Gentry, Jack Maloney and Stan Ryland, Hendricks County Attorney Greg Steuerwald, Hendricks County Surveyor David Gaston, Deputy Surveyor Cory Gehring, Secretary Gary Sowers, Andre Heath and Tiffany Dalton of the Surveyor's Office, Martin Weaver, Kent and Rochelle Dunbar, Mark Ternet, Steve Christian, and Joe Miller.

President Matthew D. Whetstone determined there was a quorum and led the Pledge of Allegiance. Member Jack Maloney led a prayer for those who wished to participate. President Whetstone called for the first order of business.

RE: IN THE MATTER OF APPROVAL OF MINUTES:

President Whetstone requested a motion with regard to the minutes of the January 9th, 2018 Drainage Board meeting. Member Jack Maloney moved to approve the January 9th, 2018 Drainage Board minutes as amended. Member Bob Gentry seconded the motion. The motion was unanimously passed.

RE: IN THE MATTER OF BILLS TO BE PAID:

AUDITOR'S REPORT

Member Jack Maloney moved to approve the January 23rd, 2018 Auditor's Report as presented. Member Bob Gentry seconded the motion. The motion was unanimously passed.

DRAIN MAINTENANCE EXPENSES

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|--------------------|--|----|----------|
| Carlton Excavating | Drain 409 Gibbs, Mary A. (Acct Balance - \$ -67,977.20) | \$ | 1,799.00 |
| Carlton Excavating | Drain 477 Batz, William (Acct Balance - \$ -6,398.13) | \$ | 587.00 |
| Eco Infrastructure | Drain 409 Gibbs, Mary A. (Acct Balance - \$ -67,977.20) | \$ | 2,057.50 |
| Eco Infrastructure | Drain 471 Mercer (Acct Balance - \$ 106,257.52) | \$ | 550.00 |
| Eco Infrastructure | Drain 477 Batz, William (Acct Balance - \$ -6,398.13) | \$ | 562.50 |
| Eco Infrastructure | Drain 755 Williamsburg Village (Acct Balance - \$ 132,094.27) | \$ | 905.00 |
| Eco Infrastructure | Drain 770 Carolina Commons (Acct Balance - \$ -490.50) | \$ | 490.50 |
| Fluid Waste | Drain 409 Gibbs, Mary A. (Acct Balance - \$ -67,977.20) | \$ | 967.50 |
| Growing Image | Drain 563 Auburn Meadows (Acct Balance - \$ 82,606.61) | \$ | 2,983.76 |

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|------------------------------------|--|---------------------|
| Murrain Excavating | Drain 409 Gibbs, Mary A. (Acct Balance - \$ -67,977.20) | \$ 63,153.20 |
| Murrain Excavating | Drain 415 Roseboom (Acct Balance - \$ -15,342.50) | \$ 12,350.00 |
| Stephenson Excavating | Drain 415 Roseboom (Acct Balance - \$ -15,342.50) | \$ 750.00 |
| Stephenson Excavating | Drain 491 Stevenson (Acct Balance - \$ 932.98) | \$ 1,500.00 |
| Stephenson Excavating | Drain 507 Collins, John (Acct Balance - \$ 7,606.43) | \$ 400.00 |
| Stephenson Excavating | Drain 531 Stout Richardson (Acct Balance - \$ 109,017.25) | \$ 6,290.00 |
| Setser Trapping | Drain 491 Stevenson (Acct Balance - \$ 932.98) | \$ 140.00 |
| Total Maintenance Fund Due: | | \$ 96,115.96 |
| <i>701 Prestwick Reimbursement</i> | <i>Highway Department</i> (Acct Balance - \$ 220,942.74) | \$ 48,840.00 |

Member Jack Maloney moved to approve the Maintenance Fund bills in the amount of \$96,115.96. Member Bob Gentry seconded the motion. The motion was unanimously passed.

GENERAL DRAIN IMPROVEMENT RECONSTRUCTION FEES

| | | |
|---------------------------------------|-----------------------|------------------|
| Murrain Excavating | 723 Stratford of Avon | \$ 575.00 |
| Total Reconstruction Fees Due: | | \$ 575.00 |

Member Bob Gentry moved to approve the General Drain Improvement Fund Reconstruction fees in the amount of \$575.00. President Whetstone seconded the motion. The motion was unanimously passed.

RE: INTRODUCTION OF OTHER BUSINESS OR ADDITIONAL DISCUSSION BY COUNSEL, STAFF OR PUBLIC:

None cited.

RE: HENDRICKS COUNTY SURVEYOR DAVID GASTON:

Money and Jordan Regulated Drain Project

Hendricks County Surveyor David Gaston stated he and Inspector Andre Heath had reviewed the functionality and costs of the Root-X root killing product. He believed it was a very good alternative to traditional replacement of the pipe for the Money and Jordan Regulated Drain Project. The Board thanked Mr. Gaston for the update.

Stratford of Avon Regulated Drain Project

Mr. Gaston called on Joe Miller to give an update on the Stratford of Avon Regulated Drain project. Mr. Miller stated the overall project was complete and he was working on the final payment details. He stated that he and Hendricks County Chief Deputy Surveyor Cory Gehring would continue to work with the homeowners and contractor to repair the damage done to the homeowner's property. Mr. Gaston stated he had requested funds be held back from the Avon transfer to take care of the damaged property.

Kate Lee Regulated Drain Project

Mr. Gaston stated he recommended Taylor Cooper Excavating for the Kate Lee Regulated Drain project, as he had the lowest responsible quote at \$5,518.00. Mr. Gaston said that Taylor Cooper is a new contractor for the Surveyor's Office and this would, in-fact, be their first project. Discussion followed. Member Bob Gentry moved to follow the Surveyor's recommendation. Member Jack Maloney seconded the motion. The motion was unanimously passed.

Joseph Jordan Regulated Drain Project Update

Mr. Gaston stated he would like to hold off on making a recommendation for the Joseph Jordan Regulated Drain project, as the lowest responsible quote was again from Taylor Cooper Excavating. Because Taylor Cooper is a new contractor for the Surveyor's Office, he would first like time to inspect and review Taylor Cooper's work on the Kate Lee Regulated Drain project. Discussion followed. It was the consensus of the Board to hold off the awarding of the Joseph Jordan Regulated Drain Project until the Surveyor's Office was satisfied with the work Mr. Cooper had performed on the Kate Lee Regulated project.

Highland Green Regulated Drain Forebay

Mr. Gaston called on Andre Heath to explain the process he had found for cleaning the forebay of the Highland Green Regulated Drain. Mr. Heath stated Heartland Dredging had a process that allowed a small boat to enter the forebay and suck out the sediment and water placing the spoils in special bags. The bags would allow the water to drain back into the regulated drain and then they would spread the reduced spoils along the easement. This process would cost less because they would not have to haul away the spoils. Discussion followed. Member Bob Gentry moved to follow the Surveyor's suggestion. Member Jack Maloney seconded the motion. The motion was unanimously passed.

Stratford of Avon Regulated Drain Project

Mr. Gaston stated his office had been receiving invoices from Moench Engineering for their review of the Stratford of Avon project on behalf of the plaintiffs. Mr. Gaston said he had gone over these invoices with Hendricks County Attorney Greg Steuerwald. Mr. Steuerwald informed him that in his and Kenneth Collier-Magar's (attorney for the County's insurance company) opinion, the County was not responsible for paying these invoices and advised Mr. Gaston to send him a letter stating such. Mr. Gaston presented the Board with a copy of the letter he sent on January 22nd, 2018 along with the statement from Moench Engineering and a copy of the legal agreement signed by both parties. The Board thanked Mr. Gaston for the information.

RE: IN THE MATTER OF WISHES TO BE HEARD:

Barnett Regulated Drain

President Whetstone recognized Kent and Rochelle Dunbar. Mr. Dunbar presented the Board with a copy of a letter he wanted the Board to sign and a copied portion of the Indiana Code. He stated that as the Board was aware of, he came to the Board in December and requested they reduce the easement on his property and release the Stop Work Order. The Board agreed to release the Stop Work Order but denied the easement reduction. He stated that per the Indiana Code, the Drainage Board had the authority to write a letter allowing him to keep his barn in the easement but still hold the County responsible for any damage done to his barn while working on the Barnett Regulated Drain. Discussion followed. Mr. Gaston informed the Board that the Encroachment Request was the form that the Drainage Board typically used in these cases and Mr. Dunbar withdrew his request. Mr. Gaston said there was a section in the Encroachment Request that would allow the structure's encroachment and a distance from the regulated drainage easement to the structure beyond which the Drainage Board would not exercise its authority at the structure location. Mr. Dunbar stated he was concerned about the hold harmless clause in the Encroachment Request. Mr. Steuerwald stated the Encroachment Request is a standard agreement, that the County uses to sometimes allow structures within the regulated easement, but the property owner agrees not to hold the County responsible for any damage done while doing maintenance work on the regulated easement. Discussion followed. Member Stan Ryland moved to deny Mr. Dunbar's request for a letter of release. Member Bob Gentry seconded the motion. The motion was unanimously passed. President Whetstone stated while the Board empathized with Mr. Dunbar's situation, they felt they needed to use the approved/established procedure/form in this case.

USGS Stream Gage

Mr. Gehring stated the USGS had put in the new stream gage on the Batz Regulated Drain. He was a little concerned since the new stream gage was considerably larger than the old one and the USGS had not requested permission to put it in at the new location.

Business Meeting

Mr. Gaston stated during a meeting in February, he would present the Board with his recommendations for re-assessments, vacations, and drain maintenance priorities. Member Stan Ryland suggested scheduling a business meeting to discuss the recommendations. President Whetstone suggested 7:00 am on February 13th prior to the regular Drainage Board meeting. Member Stan Ryland moved to hold the meeting at 7:00 am on Tuesday February 13th, 2018. Member Bob Gentry seconded the motion. The motion was unanimously passed.

RE: INTRODUCTION OF OTHER BUSINESS OR ADDITIONAL DISCUSSION BY COMMISSION MEMBERS:

Ronald Reagan/Kate Lee

Member Jack Maloney stated that the Ronald Reagan Expressway is proposed to cross over the Kate Lee Regulated Drain multiple times. Member Maloney stated that it might be more reasonable to request the Commissioners to consider moving the main portion of the Kate Lee away from the proposed road while leaving a portion available for drainage along the road right-of-way during the design phase of this project. Mr. Gaston said he would look into it.

Uniform Conflict of Interest Disclosure Statement

President Whetstone presented the Board with his Uniform Conflict of Interest Disclosure Statement.

ADJOURN:

Seeing nothing further before the Board, Member Bob Gentry moved to adjourn the meeting. Vice President Palmer seconded the motion. The motion was passed unanimously.

HENDRICKS COUNTY DRAINAGE BOARD:

Not Present
Matthew D. Whetstone, President

Phyllis A. Palmer
Phyllis A. Palmer, Vice-President

Bob Gentry
Bob Gentry, Member

Jack P. Maloney
Jack P. Maloney, Member

E. Stanley Ryland
E. Stanley Ryland, Member

ATTEST: Gary W. Sowers II
Gary W. Sowers II, Secretary