

REGULAR MEETING OF THE TIPPECANOE COUNTY DRAINAGE BOARD OCTOBER 4, 1972.

The Tippecanoe County Drainage Board held it's regular meeting on October 4, 1972, at 9:00 o'clock a.m., with the following members present: Bruce Osborn, Dale Remaly, Edward Shaw, Dan Ruth, Fred Hoffman and Gladys Ridder.

Minutes Approved Upon motion of Bruce Osborn, seconded by Dale Remaly and made unanimous by Edward Shaw, the minutes of the September 6, 1972 meeting were approved as read.

Other business of the Board The Engineer reported to the Board his findings in Clarks Hill with reference to the J. B. Anderson ditch. Mr. Ruth said he would see that the legal drain would be repaired in all locations where there is any possibility of an obstruction. He also stated that he felt sure that the Anderson Ditch could not possibly solve the storm water problem in Clarks Hill. It was his opinion that the ditch was never intended as a storm drain for the town.

The problems in the J. & J. Subdivision were discussed. It was decided that maintenance money could not be used to repair the driveways that were in need.

9:30 a.m. Charles E. Daugherty Ditch Hearing The engineer opened the hearing on the Charles E. Daugherty ditch by reading his report and making his recommendations to the Board. There were no remonstrances and only one person attended the hearing. Mr. Eber Eugene Johnson, who attended, was very much in favor of a maintenance fund being established and because he owned 38% of the ditch he felt he had every reason to speak. Upon motion by Bruce Osborn, seconded by Dale Remaly and made unanimous by Edward Shaw, a \$1.00 per acre assessment was established.

10:30 a.m. Hearing on the Clyde W. Richards Ditch The engineer opened the hearing on the Clyde W. Richards ditch by reading his report to the Board and read a letter from all the landowners in the area asking the Board to vacate the ditch and let them take care of it themselves. With all in agreement, Mr. Osborn so moved to vacate the C. W. Richards ditch. The only person in attendance was Boyle D. Moore who had carried the letter.

"BE IT RESOLVED by the Tippecanoe County Drainage Board that the Clyde W. Richards Ditch, located in Lauramie Township, Tippecanoe County, Indiana, be, and the same hereby is vacated."

11:30 a.m. Hearing on the S. K. Richards Ditch The Engineer opened the hearing on the S.K. Richards ditch by reading his report and making his recommendations to the Board. No one from the drainage area attended and Mr. Ruth read a letter from all the landowners in the watershed area asking the Board to vacate this ditch. Mr. Osborn so moved, Mr. Remaly seconded and Mr. Shaw made it unanimous to grant their request and vacated the ditch. "BE IT RESOLVED by the Tippecanoe County Drainage Board that the S. K. Richards Ditch, located in Lauramie Township, Tippecanoe County, Indiana, be, and the same hereby is vacated."

1:30 p.m. William J Walters Ditch Hearing The engineer opened the hearing on the William J. Walters ditch by reading his revised report with the changes in acreage from the original 4996.32 A. to 2112.24 acres. Mr. John Nagle was the only one in the watershed area that appeared. His acreage was subject to change as Mr. Ruth had gone out prior to the hearing and said only 27 Acres of Mr. Nagle's 50 acres that were assessed to the Walters ditch were also assessed on the Stewart ditch in White County and the Engineer said he felt it would be fair to let her acreage be assessed on the Stewart Ditch. Upon motion by Bruce Osborn, seconded by Dale Remaly and made unanimous by Edward Shaw, a \$1.00 per acre assessment was established.

Ditches Referred The Board referred the following ditches to the Engineer for preparing a schedule of assessments for a maintenance fund: James Vanderkleed, Wabash Twp., Elliott Pearson, Washington Twp., Calvin Peters, Perry Twp., Luther Lucas, Sheffield Twp., Arthur E. Richard, Perry Twp., James L. McClure, Wabash Twp.

Order & Finding and Certificates of Assessment Upon the establishment of a maintenance fund for the Charles E. Daugherty and the William J. Walters ditches, the Board then signed the Order and Findings and the certificates of assessment.

Upon motion made and carried the meeting adjourned.

Bruce Osborn
Bruce Osborn, Chairman

Dale Remaly
Dale Remaly, Vice Chairman

Edward J. Shaw
Edward Shaw, Board Member

ATTEST:
Gladys Ridder
Gladys Ridder, Exec. Secretary

REGULAR MEETING OF THE TIPPECANOE COUNTY DRAINAGE BOARD HELD JANUARY 3rd, 1973.

The Tippecanoe County Drainage Board held it's regular meeting on January 3rd, 1973 at 9:00 o'clock a.m., with the following members present: Bruce Osborn, Edward Shaw, Robert Fields, Fred Hoffman, A. D. Ruth, Jr. and Gladys Ridder.

Election of Officers
Upon motion by Bruce Osborn, seconded by Robert Fields, Edward Shaw was elected Chairman of the Board for the year 1973. Upon motion by Edward Shaw seconded by Bruce Osborn, Robert Fields was elected Vice Chairman of the Board. Upon motion by Bruce Osborn, seconded by Edward Shaw, Gladys Ridder was again elected Secretary and Fred Hoffman was re-appointed Attorney. All motions carried.

Minutes Approved
Upon motion of Edward Shaw, seconded by Robert Fields and made unanimous by Robert Fields, the Board approved the minutes of the December 6th, 1972 meeting as read.

Bids Accepted
The following bids were accepted for 1973:
Corrugated Metal Pipe ---- Ladoga Culvert Division
Logansport Metal Culvert

Back Hoe ---- Fauber Construction Co.
Cohee Construction
Keiser and Keiser Contractors, Inc.

Drag Line ----- Fauber Construction Co.

9:30 a.m.
Hearing on the Simeon Yeager ditch Maintenance Fund
The Engineer opened the hearing on the Simeon Yeager ditch by reading his report and making his recommendations to the Board. Mr. Willard Kolb was the only person appearing on the Yeager ditch hearing. The ditch only drains 153 acres and the Board felt it would be foolish to place any amount under \$1.00 per acre assessment on this ditch. Mr. Kolb agreed so it was moved by Bruce Osborn, seconded by Robert Fields and made unanimous by Edward Shaw to establish a \$1.00 per acre assessment.

10:30 a.m.
James Vanderkleed Ditch Hearing
The Engineer opened the hearing on the James Vanderkleed ditch by reading his report and making recommendations to the Board. Mr. Ruth read a letter from Joan and Dennis Jackson stating that one half of the one acre they own is under water most of the time and that this ditch does not benefit them. Most of those present said about the same and although they didn't have the vote of all to vacate indicated this was their wish. The Board respected their wish and asked them to get the signatures of all and come back to them if they wanted this ditch vacated.

11:30 a.m.
Dempsey Baker Ditch Hearing
The Engineer opened the hearing on the Dempsey Baker ditch hearing by reading his report and making recommendations to the Board. One remonstrance was read. Most of those present felt this ditch was in need of a maintenance fund being established although not all were in favor of the \$1.00 per acre assessment. After much discussion Mr. Bruce Osborn moved to establish a \$1.00 per acre assessment and Robert Fields and Edward Shaw seconded the move.

1:30 p.m.
Moses Baker Ditch Hearing
The Engineer opened the hearing on the Moses Baker continued hearing by reading his report and suggesting to the Board that a very low assessment is all that would be needed for these people had done a beautiful job of repairing their ditch at their own expenses and labors. The Board had given these people a year to do their own work as they had requested. The Board was most satisfied with the results and when they informed the Board that they had nearly \$2,000.00 left in a fund to do maintenance work the motion was to establish a fund for maintenance only when their money was depleted. Motion carried.

Order & Finding and Certificate of Assessments
Upon completion of the ditch hearings, the Board signed the Order and Findings and the Certificates of Assessments on thos ditches where maintenance funds were established.

Assessments
Upon motion made and carried the meeting adjourned.

ATTEST:

Gladys Ridder
Gladys Ridder, Exe. Secretary

Edward J. Shaw
Edward Shaw
Robert Fields
Robert Fields
Bruce Osborn
Bruce Osborn

TIPPECANOE COUNTY DRAINAGE BOARD
WEDNESDAY, OCTOBER 4, 1989

The Tippecanoe County Drainage Board met in the Community Meeting room of the Tippecanoe County Office Building, 20 North Third Street, Lafayette, Indiana.

Chairman Eugene R. Moore called the meeting to order at 9:00 A.M. with the following being present: Bruce V. Osborn and Sue W. Scholer, Board Members; Michael J. Spencer, Surveyor; J. Frederick Hoffman, Drainage Attorney; Todd Frauhiger, Drainage Consultant; Maralyn D. Turner, Executive Secretary; and Don Sooby, Lafayette City Engineer; others present are on file.

GREEN MEADOWS

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GREEN
MEADOWS

John Fisher representing developer of Green Meadows asked for final approval subject to conditions. Presentation was made. Project is located at 26 West and Klondike Road. They are proposing to make subdivision a legal drain and incorporate it into the Vanderkleed legal drain as well as the detention basin and offsite open channel across the property.

Bruce V. Osborn asked if he meant assessment to a legal drain? Answer - YES as it is in the watershed area and is tributary to it.

Michael stated that most of Vanderkleed ditch is tile.

Mr. Fisher stated it has an open channel, west of 400 west has a good size open channel. Discussion of channel continued. Michael Spencer stated it is a confined channel. They are making a new route for it to go. It is not a defined channel, it is a swale type, there isn't water all the time.

Bruce Osborn asked if it was separate from Vanderkleed drain? Yes.

Sue Scholer asked what the purpose of the emergency routing, is it a legal drain? The whole subdivision will be a legal drain. Sue asked if the easements would be defined? Yes.

Michael Spencer had two questions.

1. Erosion Control Plan
2. Legal Drain and Petition
3. How to hook the Subdivision in with the Vanderkleed ditch.

Michael stated this would probably be something that would have to be worked out with the developer.

John Fisher stated he had talked with Bob Swain; he will have to get an OK on the two acres.

Eugene Moore stated if they would give approval as presented they would be giving an approval without and outlet for the improvement.

Todd Frauhiger drainage consultant stated he had been in contact with John they are going to study two other durations storm, they had only studied a 24 hour duration, they are in the process of getting the information to Todd. What has been submitted is substantial, he does not see anything wrong with it. He stated giving approval with the conditions mentioned and getting the land connected to the ditch he has no problems.

Bruce V. Osborn asked if the waterway be a legal water way. John Fisher stated it would be a part of the regulated drain with the easements.

Bruce V. Osborn moved to give Green Meadows final approval subject to the following conditions; erosion control plan, legal drain and petition, how to hook in with the Vanderkleed legal drain, and different storm duration study, seconded by Sue W. Scholer, unanimous approval.

SIMON AND ASSOCIATES - WILSON BRANCH

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WILSON
BRANCH

Dick Boehning representing Simon and Associates, Inc. introduced Myles Minton Vice-President of Simon and Associates, Inc. and Bob Mossbaum, engineer with the organization. Mr. Boehning presented three copies of Petition for Consent to Relocate Portions of a Legal Drain and to vacate easement. This presentation is a follow up on many months of discussion of the twelve draft agreement. First request is to get consent for relocation upon completion of the relocated drain pursuant to such plan attached here to as Exhibit "B", the Petitioner will grant to the Drainage an easement for such legal drain, as shown in such plan and as legally described in the attached Exhibit "C". Exhibit "C" was not attached it will be presented after this meeting with the proper legal description and easements. The easements will be 75 feet from center of the ditch on either side. Mr. Hoffman stressed that any easement they were going to have was to be based from the top of bank of the ditch. Discussion of easement.

Once approval is given and the ditch is re-located, the easement described in Exhibit "B" be vacated. Discussion.

Myles Minton stated that they have received drainage study from Chris Burke Engineering, they had tested they hydraulics of the realignment which were favorable for the flood levels. He had investigated the bridge at State Road 38; the State does have in their

plans to improve the bridge by increasing the width of the structure, Mr. Burke is plugging those in his final report which will decrease the flood levels at the State Road 38 bridge. A final report will be presented in the next few days.

Agricultural Tiles:

- a. In the construction contract they agree to put a stipulation that if any tiles are found they will be incorporated in their new channel. Previous to construction they will have a consultant walk through.
- b. If the contractor finds any during construction he is to take appropriate procedure to make sure the drainage is hooked up.

Myles stated they will need formal consent on the new easement from Judith Hammon owner of Maple Point Enterprises. The new easement will be in conformity of Chris Burkes study, and they will provide access on both for maintenance.

Michael stated he will have to look at the cross section to get the building dimensions down so they will know what the top width of the easement is going to be. Mr. Hoffman stated it can only be reduced down to 30 feet per side. Discussion continued.

Questions and answers continued on the re-location.

Sue asked if this was showing the whole width of improvement to Ross Road. Yes.

Dick Boehning stated that on #3 where they are asking that the old easement be vacated, it would not be done until construction has been completed and a report of completion is filed with the board, and a new grant of easement with the description that the board would be approved be properly executed by the parties of interest at the time.

Exhibit "C" will be prepared and presented in the next few days so Michael can look it over.

Bruce Osborn asked what footage are you talking about on the easement. It is a total of 150 feet about 80 - 90 feet wide at top to top of bank.

Discussion of the size of equipment to be used and over head obstacles to clean the channel. Michael Spencer and George Schulte are to meet with the developers, Michael in regards to the easement, and George in regards to the variances in the road.

Michael asked if the Petition asked for reduction on Judith Hammons side also? Dick Boehning stated the petition asked that the board give approval to the easement as described in Exhibit "C", again he stated there is no Exhibit "C" yet. They are uncertain as to what the new easement should be. He stated he would like to have the board approve the petition subject to Michael approving the new easement in Exhibit "C". Michael stated he can not reduce the easement the drainage board has to.

Bruce suggested they get all things together and get with Michael. Mr. Boehning stated they will file Exhibit "C" with Michael to make sure they have his approval before it is officially filed, then when it is filed it will be a clean legal description. Agreement to this.

WYCKENHAM WYCKENHAM

Mark Smith had called Michael and requested to postpone presentation today and schedule it for the next drainage board meeting November 7, 1989.

FARMINGTON LAKES FARMINGTON LAKES

Robert Grove representing developer requested final approval for Farmington Lakes drainage plan. Mr. Palmer asked Mr. Grove to go with two large dry basins in the interior providing 60% of the detention. This was approved, from that point they went into final construction plans and have provided two large basins internally and one lake in the North west corner where it was located before. They have increased the size of the basins because the drainage board is requiring them to look at a longer durations of storms. They are taking the entire water shed area through the development for a 100 year one hour storm which maybe in a 70 cfs uncontrolled, when they are done they will be looking at a 3 cfs, with the 100 year 24 hour storm would be 8 cfs controlled.

Todd Frauhiger asked about the pipe size underneath the entrance. He feels it is a little small. At a 50 year storm he finds it going over the entrance. The rest of the model looked OK. Some of the inputs the curve number and the time consecrations looked reasonable in the model, however he did not see any calculations backing them up. Possibly go with a twin culvert. Discussion continued.

Mr. Grove possibly George Schulte should be in on this as there may be a problem downstream at the subdivision entrance. George stated this is a concern.

Todd, Michael, and George need to get together to make study of plans.

Mr. Hoffman stated final should not be given until all information is presented.

Todd stated he can have the study done in the next few days. George stated he would like to get with Robert Grove and go over the street drainage.

NORTHFOLK AND SOUTHERN AGREEMENT - SIA CONTINUED

Michael Spencer presented an agreement sent to the Drainage Board from Norfolk-Southern Railroad, agreement is for structure underneath the main track.

Mr. Hoffman stated he had gone over the agreement it meets his approval, the only question he had was the cost of labor. Michael has checked that out. Increase of cost is due to the Unions benefits. The original estimate was \$80,300.00 and the actual cost was \$74,579.00 which half is the county's expense. Cost of pipe was also concern, but Michael assured Mr. Hoffman that it was in line. \$444.00 per foot for pipe. The county will pay in five installments with no interest-\$7,457.90 each installment.

Bruce V. Osborn moved to give approval to the agreement between Norfolk and Southern Railroad and the County, seconded by Sue W. Scholer, unanimous approval.

ORCHARD PARK

ORCHARD
PARK

David Dilling and Len Dible property owners, Mr. Dilling stated at the last meeting he was very pleased with the Chris Burke Engineering studies of the erosion control and the downstream conditions. To his dismay of the final motion the downstreams conditions were omitted.

Sue stated letters have been received from Mr. Dilling and Mr. Dible and two pictures taken by Mr. Dible October 3, 1989, and a letter of reply from Mr. Hoffman. She asked if they should be made a part of the records? Mr. Hoffman stated they should be made a part of the records. Michael stated he has other letters in the files.

For the records the following letters have been received by the Surveyor. These letters expressed Mr. Dilling and Mr. Dibles concerns stated at the meeting today.

Leonard F. Dible
40 Woodmere Court
Lafayette, IN 47905

September 19, 1989

Mr. Michael Spencer
Surveyor of Tippecanoe County
20 North 3rd Street
Lafayette, IN 47901

Re: Orchard Park Drainage Plans

Dear Mr. Spencer:

Thank you for meeting with David Dilling and me today to review the status of the latest drainage plans for the captioned in general and the outflow from the detention pond in particular. I believe the design we reviewed violates established law and additionally fails other tests as well.

In my November 30, 1988 letter to the Drainage Board, I pointed out restrictions to the Common Enemy Doctrine applicable to the layout of Orchard Park. There have been some revisions but the basic violations are still present. The drainage plan we reviewed today has a design which collects and directs runoff water to a point or points and employs new channels to accomplish outflow from the site. I protest the gathering of surface water and conducting it by new channels.

We discussed drainage jargon vs definitions of record in our meeting. The terms legal drain and regulated drain were examined. The drain petition for Orchard Park uses legal drain which seems to be more of a colloquialism than a definition recognized by law. On the other hand, regulated drain is on the list of drainage terms but its definition does not square with the meanings you ascribe to it.

In the context of our discussion this afternoon the drain covered by Mr. Dilling's petition fits the official definition of a regulated drain and is therefore, within the meaning and intent of 36-9-27-17 (d). The proposed Orchard Park drain is a private drain at this time.

Even if the subject drain in Mr. Dilling's petition is thought to be a proposed regulated drain 36-9-27-29 brings it into the province of the county surveyor. It is an assault on accountability and reason to contend that the county surveyor should intervene when a connection to an overloaded regulated drain is contemplated; and ignore the same overload situation and its attendant damage when the drain is the subject of a petition filed asking for input from the county surveyor for the purpose of reconstructing to a regulated drain. Mr. Dilling's petition preceded the Orchard Park petition.

My November 30, 1989 letter of protest to the Drainage Board received no response. Mr. Dilling wrote to Board asking for a statement of position on the points I raised in my 11/30/89 letter. I expected a response and I believe Mr. Dilling did too. The issues have not changed significantly. The internal drainage plan has changed somewhat but the developer continues to push for detention outflows which employ new channels and destructively add to a system that is already unquestionably overloaded.

The developer has moved drain pipe on the site and has begun construction grading work. This is the second time the developer has performed construction work without a permit. Work has halted the first time by intervention by your office. I ask that you or the County Commissioners use your authorities to prohibit construction work.

ORCHARD PARK CONTINUED

In summary, I protest the present drainage plan for Orchard Park because it violates existing state law, connects to an outflow system which you know has inadequate capacity to an acute degree. The increased water volume due to Orchard Park will accelerate the already excessive erosion in the ravine receiving its flows. (Mr. Dilling reported today that the catch basins in front of his home filled up in about 15 minutes after it began raining during the Purdue vs. Miami of Ohio football game.) Contrary to the claim of the developers petition for a "legal drain" the drain system fails the tests of 36-9-27-55, in my opinion. I predict the detention system will be a mosquito pit and increased flooding of Kensington Drive will result during sustained rains.

I request that the developer's request for approval of his drainage plan covered by his petition filed September 12, 1989 be denied until the issues described above are resolved and the "affected property owners" have a full opportunity to express their opinions on the developer's drainage plan. No construction should be authorized or allowed until all issues are decided by the proper authorities which may extend to judicial review.

Very truly yours,
Leonard F. Dible

September 22, 1989

Leonard F. Dible
40 Woodmere Ct.
Lafayette, In 47905

Dear Mr. Dible:

I have received a copy of your letter of September 19th addressed to Michael Spencer, Surveyor of Tippecanoe County, concerning the Orchard Park Drainage plans.

At the present time we have before the Tippecanoe County Drainage Board, a petition for the establishment of a regulated drain colloquially called "legal drain" as well as reconstruction of the present regulated drain. When these petitions come up for hearing, after notice to all affected land owners, then the board will have to address the matters raised in your letter of September 19th. In other words, in order to establish the drain we have to determine not only that is needed but the benefits it will serve and to whom and to what extent people are damaged.

Very truly yours,
J. Frederick Hoffman
cc: Michael Spencer
Tippecanoe County Drainage Board

September 23, 1989

David R. Dilling
3872 Kensington Dr.
Lafayette, Indiana

Re: Reconvened Drainage Board meeting of 9/6/89, meeting on Wednesday 9/13/89

The Tippecanoe County Drainage Board
County Commissioner's Offices
20 North 3rd Street
Lafayette, Indiana 47901

Dear Friends:

It is said that the citizens of Tippecanoe may be categorized as (1) those who make things happen; (2) those who watch things happening; and (3) those who have no idea what happened. With reference to the cited meeting, I, to my great dismay, find myself in the third category, and I write to plead with you to clarify things for me.

In accordance with your instructions I met with Mr. Spencer on Tuesday, September 19, to discuss (1) what actually happened at the September 13 meeting, (2) to enlist Mr. Spencer's assistance in planning a reconstruction petition for the proposed regulated drain on my property, and (3) to determine what was next expected of me with reference to the whole situation. For whatever reasons, during the meeting with Mr. Spencer, Mr. Spencer himself claimed to be perplexed not only about what transpired in the September 13th Board Meeting, but even about what he himself said and/or intended by his statements in that meeting. Examination of the official minutes of the September 13th meeting have failed to clarify things for either of us.

Specifically, I need your help with the following:

ITEMS; The minutes stated that Chris Burke Engineering recommended to the board that conditional approval be granted to the Orchard Park project--the conditions being:

1. That downstream conditions are addressed.
2. That proper erosion controls are incorporated during construction.

The minutes also state that "Bruce Osborn moved to give final approval to Orchard Park Subdivision with one stipulation, that proper erosion control methods be incorporated during construction."

ORCHARD PARK CONTINUED

What is not clear here is whether the Board intended to ignore the Burke report and proceed on a course which violates Burke's first condition (viz., "that downstream conditions be addressed") or whether the Board assumed that they had somehow met the first condition as a result of Mr. Spencer's recommendation that my property be included in the "legal drain" petition for Orchard Park and that the existing, inadequate drain on my property be reconstructed.

As a reasonably attentive attendee at the September 13th meeting I would argue that there was no public indication that the Board intended to ignore the Burke report by acting in contradistinction to its number one condition. This being the case I respectfully request that Mr. Osborns' motion be worded in the official documents to reflect this intent.

Item: The minutes state that "Michael recommends that downstream be included in the legal drain petition and concurrently with the petition being filed for reconstruction for the downstream portion of the drain." Now admittedly this is garbled language bordering on the classic "'twas brillig and slithy tove did mire and gimble in the wabe." Clearly, Mr. Spencer didn't mean everything downstream from Orchard Park. That would take us to New Orleans and the Gulf of Mexico. What is not clear is what Mr. Spencer did intend and what the Board thought was to happen as a result.

ITEM: The matter of the inclusion of my property (Potter Hollow, Lot 76) in the Orchard Park "legal drain" proposal is also muddled and requires extensive interpretation. Mr. Spencer (on September 19) pleaded ignorance on this point and indicated that he would appeal to Mr. Frederick Hoffman for interpretations. Frankly, in the September 19th meeting, Mr. Spencer conceded that it was his understanding that if I joined in the Orchard Park petition, as presumably suggested by the Board, not only would the "reconstruction" not be a part of the Orchard Park development, but that I would actually be required to help pay for Mr. Scheumann's project! This interpretation of the Board's intent is so shocking as to defy belief. If this is actually the intent of the Board, we have come so far in the whole sordid Orchard Park fiasco that an analogy to a rape victim's being incarcerated and required to pay a reward to her attacker would be altogether appropriate. I am sure that Mr. Spencer must be mistaken in his interpretation of the Board's intent; but if he is not, there will no end to the outcry of injustice--at least from this source.

Earlier this year Mr. Scheumann presented the Board a plan in which he proposed himself to reconstruct the existing faulty drain into which he proposes to drain Orchard Park. Presumably, he needed only my signature on an easement and had reported to the Board (correctly, in fact) that he had a tentative agreement from me to sign such an easement and thus to give my blessing to his proposal. I did, in fact, have every intention of signing such a document and thought it was entirely appropriate to ask Scheumann to reconstruct the faulty drain into which he planned to enter. As you may recall from my letter to Mr. Scheumann, dated June 23, 1989, I asked only that I be provided a guarantee from Scheumann that his construction work (that is, function as designed) and that it be in accord with Indiana State Law. Mr. Scheumann's eloquent silence with reference to my request has left no doubt in my mind and should leave no doubt in yours that he never intended to do the work in a satisfactory manner unless there was significant pressure brought to bear to force him to so. Furthermore, in my letter to this Board on June 27, 1989, I asked for clarification of the legal matters raised by Mr. Leonard Dible, and to this date I have had no response from the Board to this letter. I trust that this clarifies for you my analogy to the rape. We began with a proposal by Scheumann to reconstruct a faulty drain on my property at his expense. Now I am being asked to pay for both the reconstruction and also Orchard Park's internal drain!.

Quite frankly, my friends, I cannot afford the legal machinery that would presumably be needed to protect myself, my family, and my property from the rape which you seem to be proposing for me. It was my sincere expectation that by involving the Board in the reconstruction of an admittedly bad situation, I would be protected from the outrage of an unscrupulous developer. That is to say, we certainly didn't want to be subjected to more of what we received from the Potter Hollow developers. I trust that you will prove me right in this expectation.

You should also be aware that despite the lack of clarity on the part of the Board, despite the lack of appropriate permits and clearances, Mr. Scheumann continues with the construction at Orchard Park just as if everything were resolved. I urge you to do whatever is in your power to stop this construction until we are agreed on the final plan.

Sincerely,
David R. Dilling

September 27, 1989
The Tippecanoe County Drainage Board
Mr. Eugene R. Moore, Chairman
County Commissioners Offices
20 North 3rd Street
Lafayette, Indiana 47901 Re: Orchard Park Drainage Plans and Petition

Dear Mr. Moore:

On September 19, 1989 I wrote to Mike Spencer regarding the captioned and I request that letter be included in this letter by reference. I noticed Bruce Osborn had a copy of my 9/19/89 letter on his desk so I believe the Drainage Board is already aware of aware of its content which is now directed to the Board. Mr. J. Frederick Hoffman responded to my 9/19/89 letter. I thank him for his comments.

ORCHARD PARK CONTINUED

Mr. Hoffman's letter brought a mixed reaction. In the meeting David Dilling and I had with Mike Spencer on September 19, 1989, he advised that he was ready to approve construction permits and indicated he would do so soon. I pointed out that the affected property owners should have their say but Mike seemed to feel that the drainage plans were now acceptable and construction could begin. I was pleased Mr. Hoffman agreed that the people who have lived here and have paid taxes for close to twenty years are at least entitled to a hearing.

At the same time, I was disappointed that the developers petition is not rejected because of the reasons I inventoried in my letter of 9/19/89 to Mr. Spencer. I continue to believe there are components and conditions in the developers drainage plan and its outflow that preclude further consideration of his drainage plan and petition. I again ask that the developer's petition be dismissed because an overload exists in the outflow employed and he is delivering collected water through a new and unlawful channel to a point which results in capricious dumping of water in a body in a single outflow drain which emptys on the property of a neighbor.

In contrast to my outlook, the developer again behaved like he has a lock on the drainage approval process. He brought in drainage pipe, and numerous pieces of large grading and excavation equipment. He proceeded to rough out his detention pond, deep enough to bury a pickup truck, and establish his street complete with compaction by as big a roller as I have seen anywhere. All this drainage oriented construction work was done with no official permits.

Our protests got the work stopped after several days and most of the heavy equipment has been removed now but obviously the developer know something we do not. We now believe the developer was given at least tacit approval-"...go ahead we will not stop you unless we get vigorous complaints."

In my opinion, for the developer to believe he had sufficient approval to start executing his drainage plan, somebody on the Drainage Board or close to it had to give some kind of go signal. At the County offices, we did not encounter any degree of outrage about this unlawful construction or an urgency in getting it stopped.

This untimely construction calls into application Section 36-9-27-59(b). This section provides that if a member of the Drainage Board "has an interest" in the land described by the petition, that member(s) should be disqualified. It does not say "owns" an interest. It seems to me that anyone who by action, word, or inaction supported the developer's proceeding with construction, now has an "interest" sufficiently biased to justify disqualification. I ask that each Drainage Board member be asked about any "green light" signals they have made to the developer. According to my record, Commissioner Scholer has consistently voted for whatever this developer wanted to do and I expect she would be comfortable with ignoring unauthorized construction work if it is in line with her sentiments. I ask that each Board member and the County Surveyor sign a statement that they did not express or imply that the remaining steps in the drainage plan/petition approval process were just formalities and/or they would consider the most recent construction activity reasonable and acceptable behavior.

On a totally different point, one of the Burke reports stated that the County Engineer had changed the soil classification of the developer's site. Apparently this change had a remarkable effect on the drainage calculations. Section 36-9-27-29 names the County Surveyor as the technical authority on drainage matters and the classification of the soil mechanics used in drainage engineering should be his. The County Engineer is not mentioned. The report suggest that Mike Spencer was not aware of the change in classification even though drainage for Orchard Park has been continually contentious. I request that the drainage engineering be reevaluated by the Burke consultant with the land classified as it was in the County Surveyor's records on the day the developer first filed for rezoning. The developer's petition should be considered defective on this point.

I protest that the minutes of the last Drainage Board meeting on the captioned do not definitively record the essential meaning of what was said. I also protest that those who spoke the words are confused about what was said and intended. In line with David Dilling's anguish, I remember Mike Spencer advising when Mr. Dilling filed his petition, that Dilling's request for reconstruction of the 15" drain on his property would have to go to completion before the developer's plans could be approved. Mr. Spencer said that the developer would not be permitted to connect to a drainage system that is already overloaded. I asked Mr. Spencer what he thought would happen next and he said he believed the Developer would ask for immediate reconstruction of the drain covered by Mr. Dilling's petition. Mr. Dilling's petition requesting the County Surveyor's input toward formulating a mutually agreeable reconstruction plan was filed and accepted weeks before the Orchard Park petition was filed. This is another example of an existing property owner getting preempted by commercial clout.

In this connection, in the meeting Mr. Dilling and I had with Mr. Spencer on September 19, 1989. We asked Mr. Spencer if he believed that the developer's drainage plan/petition was sound and met the value test. Mr. Spencer said that the calculations indicated that it would perform acceptably. We asked if he believed the developer's outflow drain to the existing collector manhole would increase flooding in that area of Kensington Drive drive. Mr. Spencer said that he could not promise that the developer's drainage plan would not result in increased flooding problems.

Thus the developer's drainage plan has a greater potential for an adverse affect on a public street than it does to improve it or cause no change. It will not improve the public health either, its potential as mosquito producer is clearer than any health benefits one can imagine. The affects of this development on property values and total tax revenues in the future will be adverse and not serve the public good.

ORCHARD PARK CONTINUED

Park Subdivision. He would rather have the Board work on the regulated drain further downstream than to have the developer doing that.

1. He wondered whether or not the Burke report was intentionally ignored or whether the board intended the matter downstream conditions being addressed be included.

Michael Spencer stated he had met with Mr. Dilling and what he has stated in regards to the Burke report are true. The Burke report does say that downstream conditions. Even though the minutes does not reflect downstream conditions he does not believe it was intended to neglect the downstream conditions; but be addressed in its motion.

Todd Frauhiger stated: Downstream means as far as it needs to be. The private drain right now is overload with the water that is going into it now. This is why it was one of the first things in the report to be addressed. Todd had thought the conditional approval given was that the downstream conditions be addressed, he remembered those words coming out of the meeting, he is not sure why it was not reflected in the minutes. Whether it be a legal drain or what, something has to be done downstream. It is a 15 inch pipe and is trying to handle watershed area than what a 15 inch pipe can handle. There is a ravine that is affected, there is a roadway (Creasey Lane), go off the shoulder tumble down to 1 1/2 side slope right in the ravine and looks like it is eroding more every year, there are many things that need to be addressed. The upstream developer Orchard Park to hold up approval because of downstream conditions did not really seem right. It seemed that they were doing what they had to do by the ordinance, they were retaining their water, discharging the water, if there is a problem it is not just caused by Orchard Park Subdivision, it is caused by everything upstream. This is the reason in the Burke Report they recommended conditional approval based that someone study the downstream conditions and come up with a solution. Talking with Michael Spencer it was thought at that time that a petition would be made, this drain would become a legal county drain, some additional study would be done to figure out what would correct the situation.

Sue W. Scholer stated this was her understanding, if it ended up being omitted from the motion it was because the downstream needed to be addressed by some separate actions. Todd Frauhiger stated this was correct.

Len Dible stated he has a dictionary at home called a dictionary of Wizzle Words, in it is the word Address, what it means is that really no one really knows what that means for sure. Look it up in Webster it isn't very clear either of what it means. He would like for us to be more definitive when we say, "Addressed". What does that really mean in terms of action? Does it mean talk about it?

Sue W. Scholer asked what can we do at this point?

Mr. Hoffman stated the board can't do anything until we have some petitions. It was his understanding that there was a petition about Orchard Park Subdivision, then there was going to be another petition by Mr. Dilling and things were going to be done jointly, because a new drain is going to have to be established to get to the outlet, then try to make improvements downstream which necessitated the petition that Mr. Dilling was going to present which he has a form of petition which he just received this morning.

Mr. Dilling stated if that were to proceed concurrently that would in his judgement be acceptable, but this is not happening, what is happening is that the development upstream is proceeding prior to the matter that was listed as the condition for granting the approval upstream development.

Bruce Osborn asked; you are saying that nothing should have been done until the petition was submitted.

Mr. Dilling stated we are back to what the word "addressed" means. He feels this is a legitimate point to raise. His interest would be that the downstream problem should be resolved - solved either prior to or at least; the very least concurrently with the development of new inlet from upstream, and there is no question regardless of the regulation of the flow from the new development that there will be increased water. He doesn't think anybody has challenged that, he means to be sure there is a matter of regulating the flow but theres no question that will be increased total volume being put into a admittedly over taxed system.

Mr. Hoffman asked if the petition he received had been filed or is it just a form. Answer, form. Mr. Dilling stated it was submitted to Mr. Spencer and accepted, possibly a month or month and a half ago with a request that further input be made because as a non engineer he had no idea as to what specifics to include in it at that time together with at least an informal request for in put from the board and Mr. Spencer as to how that regulated drain should be constructed and what need to be done as far as securing petition from affected neighbors etc, he is still prepared to do that.

Mr. Hoffman stated so in other words it has not be presented except the unsigned form.

Sue W. Scholer asked if the board had the ability to hold up the construction of the Orchard Park Subdivision based on doing something downstream.

Mr. Hoffman stated not if it complies with the Drainage Ordinance. If it complies with the ordinance is not his jurisdiction. Sue asked if they understood that?

Len Dible read the fine print of State Laws history of judgments, private drain may be connected on a petitioners own land with a public one providing the utility of the latter is not destroyed. He stated there are several other cases that are matters of prior law that may not be specifically in the ordinance, but the ordinance also says that Mr. Spencer (surveyor) is the technical authority on purposed regulated drains and

ORCHARD PARK CONTINUED

regulated drains. His understanding is that you (board) accepted this petition as a purposed regulated drain. Is this so?

Michael stated he accepted Mr. Dillings petition and Mr Dilling said he was considering filing it with the board, and Michael took it at that.

Mr. Hoffman stated there is no petition before the board until it has a signature. This is just a form. Mr. Hoffman stated he just received this morning. The board has to have something signed before any action can be taken.

Mr. Dible stated his understanding was that they were going to sit down with Michael and he was going to bring the engineering specifics in that would meet his reasonable test, then it would be signed.

Mr. Dilling stated exactly, the form was presented on the bases that they needed the input of the board and the surveyor with the respect of what needed to be included in it. They are awaiting that and in the mean time there is a matter of distress over the fact that the conditional approval which was suggested to the board apparently was not followed through with because the builder continues with the development without that condition being met.

Robert Grove spoke on behalf of the developer. He believes the developer submitted a petition to establish a legal drain for the entire development which was also addressing the downstream. At one time they did have a plan approved by the board to completely replace everything down to Mr. Dillings property. At that time easements had to be included on private property, Mr. Dilling was not willing to give the easements so they had to step back to the plans that they now have which meets the Drainage Board Ordinance and does not increase the flow to the system. He has submitted a petition to the board to bring everything he controls in the water shed into the legal drain.

Len Dible stated to Robert Grove the plan that your talking about was a 36 inch drain to the ravine and the easement you asked for was an increase to 15 feet and also included a right of way without Mr. Dilling or anybodies participation. It was done unilaterally. Now you have a plan where your orifice from your detention pond is 6 and 3/8 inches, there is a lot of difference between the capacity and the end result of 6 3/8 orifice and a 36 inch drain. Defective engineering is what it is.

Mr. Grove stated correct, they have tried three times to help solve the problem downstream, they started out by just meeting the Drainage Board Ordinance on site, the Drainage Board was aware of the problem downstream, the developer agreed to a program to replace that \$40,000.00 plus, he also gave up one of his residential lots and increased the availability of storage on site to store off site water on development that was not acceptably so they went back strictly taking care of the developments own situation which met they had to cut things back to the 6 and some odd inches orifice plate, which he thinks has been accepted. All he is saying is that one of the requirements that they had is to be included in a legal drain and petitioned to do so. Now it is up to some other people to join into that petition.

Len Dible stated he had called Commissioner Moore about the continued construction. He stated some one wants to characterized it as someone just moving dirt around. He presented the two pictures at this time. The drain they are challenging is being constructed right now that is not just moving dirt around, they are constructing the drain.

Michael stated he had gone by October 3rd also, they were digging a basin. They have no building permits at this time. Michael has not signed off on the Construction Plans.

Michael stated in response to Mr. Dilling he asked the Board to get with them if they see fit and get some engineering started to see what is going to be needed on that downstream condition, it has to be done sooner or later.

Mr. Hoffman stated there is going to have to be a petition from somebody to do it. He does not see anything wrong with the petition they have, it is acceptably, if it was signed we could go ahead.

Mr. Dible stated they had an hour meeting with Michael on that petition.

Eugene R. Moore asked if they would not cooperate with the petition?

Mr. Grove stated no the developer has already agreed to go with a legal drain petition which has been presented, what ever the legal drain ends up being he is willing to be in cost, the developer is just a part of the water shed.

Mr. Dilling asked if he could add that part of his problem was that at the last meeting he was asked to join in the developers petition and indicated he would be willing to do so given to what he understood at that time. It was not clear to him what was being asked of him. In pursuing that it appeared as to what was being asked of him was to have his Lot 76 Potters Hollow in the description of Orchard Park which would mean that he would be responsible at least not for the construction but at least for a share of the maintenance of the regulated drain in Orchard Park. He regards that as being unreasonable, there would be no reason for him to join them under that condition. The thing has turned around 180 degrees, as Mr. Grove suggested at one point the developer had offered to participate in the reconstruction of the thing we are talking about now, he indicated he would give the appropriate easements for that and at that time he was willing to do that and has been willing all along. With only the stipulations that there be some guarantee that it would actually be a workable system and that it be legal. There was never response given to that; in fact at that point the developer simply took a different tact instead of offering any guarantee that his system would

ORCHARD PARK CONTINUED

work. His pleasure as to working with the Board as opposed to a private developer was that there was some guarantee down the road there would be re course for repairs and reconstruction which there would certainly not be if a private developer would do it and simply maintained it as a private drain. This is the only reason for the delay in the signing of the easement and to date there has never been any response given to that matter of a guarantee from the developer that his system would actually function properly.

Robert Grove stated as he understands Mr. Dilling was asked to join in the same petition for the legal drain for which any one in that legal drain area is going to have some in put into the maintenance and the cost of reconstruction, not just Mr. Dilling or Orchard Park, but people as far over as Potters Hollow. Its got to be decided exactly what is going to be done.

Len Dible stated there is no petition from Orchard Park or Orchard Heights.

Robert Grove stated there is for Orchard Park.

Mr. Dible stated Orchard Heights petition is down the road some where.

Robert Grove stated first all the water shed has to be defined. Orchard Park has petitioned a portion of the legal drain, the legal drain description has not been defined at this point, it will definitely go south of Union pick up a portion of Orchard Heights and a lot area downstream it is going to be a large watershed.

Mr. Dilling stated when he raised that issue with Mr. Spencer two weeks ago, the point was made that Orchard Park regulated was completely internal to Orchard Park and everything up stream of Orchard Park by passed the regulated drain involved in Orchard Park. That is correct. Mr. Dilling stated this is why there was no reason for Lot 76 to join. Why join Lot 76 which includes a much large water shed with the internal mechanism of Orchard Park, this simply did not make sense to him on reflection and he offers that explanation because at the last meeting that he tentatively agreed to join the petition, but he wanted to make it clear why to this point he has not. He needs to know exactly what he is being asked to do.

Robert Grove stated as he understands it on Mr. Dillings part it is a good faith effort just like it is on Orchard Parks part. If the whole mechanism starts a petition for the whole water shed area all of sudden when find out that Mr. Dilling is not going to have anything to do with it and Mr. Dilling is setting right in the main stream of things and a very important part of the drain.

Mr. Dible wanted to make sure that the board understands what this out flow is. He explained about 12 feet from the curb on the other side of street from Mr. Dillings property there is a collectors manhole into that man hole at this time was an 18 inch drain that connects with the 15 inch drain that comes down along Creasey Lane and turns east and comes into the manhole(18") it has a 12 inch drain that picks up the two catch basins in the street in front of Mr. Dilling, a 15 inch drain picks up the two catch basins in front of the building that use to belong to Indiana Gas, it has a 15 inch out flow that goes over through Mr. Dillings property. All that is going in and now the proposal is to add this to it. It has been an effective drain for some time. Again he stressed the flooding in September. He has been getting a lot of inquires. This is an additional in put into this man hole. Is it considered a new channel or not? He considers it a new channel.

Mr. Hoffman stated as he understands according to the plan presented they are not going to run any more water off this land than they are now, if they do then they are not complying with the Drainage Ordinance.

Mr. Dible stated what they are saying there was zero percolation before.

Mr. Hoffman stated that could be as he assumes the calculations show what the run off was before and after because they are to show no more after than they do before. It is obvious there is a problem, the problem has to be solved and the only way the board has any power of solving it is to have a legal drain for the whole thing as he has suggested originally and he did not get much encourage is to go all the way to the Wildcat Creek because it is no good to have a legal drain go into something that is not a legal drain, this thing of putting a legal drain into gullies and valleys behind houses just does not work. Again he stressed a PETITION is needed.

Len Dible asked Mr. Hoffman if he is satisfied and you believe the flooding conditions they have been experiencing will not be worsened by the addition of Orchard Park? Todd Frauhiger answered-correct because that water will be detained in a pond, the water got there whether it goes through the 15 inch- or Collector Man hole where it goes across the road and goes through the side yard, by the Ordinance it states by the 100 year develop flow must be collected and detained and discharged at the rate of the 10 year undeveloped flow. In the calculations they took the existing land as it is now, they calculated what the flow is now coming off that land and then they developed their land of which they are putting development on, they put 100 year storm on to that subdivision collect it in the pond and discharge at the 10 year undeveloped rate and what you get from a 10 year storm from the existing land right now.

Mr. Dible stated now it over flows to curb and erosion damage is a direct function of how much water there is to overflows to curb or how long. Mr. Dible used the storm in September again as example. Todd stated he can believe that.

Mr. Dible stated if that would happen and the detention ponds are not empty its going to wash Mr. Dillings house away.

ORCHARD PARK CONTINUED

Todd stated what they did they took Mr. Dibles comment that the water was actually coming out of the inlets and they used the inlet elevations to tell on the pipe print out of pond, so anything in the pond below the elevation of the street grates they would not let them consider. They figured why they would be there going to be backing up through the system and fill the pond up to that level. Storage had to be obtained above that level of the inlet of the streets. Mr. Grove stated Mr. Frauhiger was correct and another thing to keep in mind that water does build up in the streets.

Mr. Dible asked if the collector manhole he described where it now sits. What do you classify it as Mr. Hoffman, what kind of a drain?

Mr. Hoffman stated it is not a legal drain at this time. Mr. Hoffman asked if it was in the right of way? Yes. Mr. Hoffman stated he did not know who put it there. Mr. Hoffman stated he had not been out there.

Mr. Dible invited him out and he would take him on his special tour.

Eugene R. Moore stated the area was put in years ago and there are many problems.

Mr. Dilling asked about assessments and definitions of water shed of legal drains, explanation was given.

The board explained to Mr. Dilling his position of Lot 76 being in the legal drain. He stated he was objecting to being asked to join the legal description of Orchard Park which was asked of him last week. Mr. Hoffman stated he did not think that was it. Explanation continued to clarify Mr. Dillings concerns.

Michael stated he had understood David's concern if he joined the petition that he would be a part of them. Discussion continued.

Michael asked if Mr. Dilling would sign this petition that he has prepared, could the board start the wheel in motion to look at that engineering down stream? Answer - yes.

Mr. Hoffman stated it could be paid out of General Drain to be paid back when assessments are made

Mr. Dible stated he had talked to Mr. Baumgardt who was the original developer in regards to the Collector Man hole, Mr. Baumgardt stated he turned that over to the county, the county said he may have thought he turned it over, but we did not take it so that makes it a public drain, is that right?

Mr. Hoffman stated it is probably a mutual drain. Mr. Dible says it fails to test to be a mutual drain, it was not constructed with the expressed mutual consent of property owners, therefore it must be a public drain. Mr. Hoffman stated he didn't think it could be a public drain unless it would be under the jurisdiction of the court there hasn't been any proceedings.

Mr. Dible stated it is important how it is classified as you have several sets of procedures, he would like to know what it is.

It is probably still a private drain if Mr. Baumgardt put it in and didn't have any approval from other land owners. Discussion.

Discussion of having Michael enter into a study of the watershed area as was done with Elliott ditch and pay from General Drain, cost will be paid back at the time of assessment. Michael stated the watershed area needs to be defined, and the board needs to decide where point A is. Discussion continued.

Discussion of the September 13 minutes were discussed again.

Wildcat south be defined in the watershed.

Discussion of whether the drainage board has the authority to hold up the construction of Mr. Scheumanns based on something downstream as long as they comply with the ordinance.

Mr. Dilling stated at this point we need explanation as to their meaning of conditions downstream.

Todd stated the addressed meant that basically it be studied and solution be generated, whether it be a private solution, a county solution.

Discussion of Orchard Park continuing with out meeting that condition.

Mr. Dible discussed with the board definitions of legal drain and regulated drain and jurisdiction over regulated drains.

Mr. Dible challenged a new channel, a letter is on file.

Discussion. Mr. Dible also challenged Orchard Park petition because it does not specify which section it is written under. He wants some one to tell him what they believe the legal classification of the collector man hole is. He stated there is no procedures for public drain. Sue Scholer told him to talk to his legislator.

Mr. Dilling signed petition presented.

Mr. Dible and Mr. Dilling volunteered to carry petitions.

RECOMMENDATION REQUIREMENTS FOR HYDRAULIC PERMIT APPLICATIONS

Michael presented memo of recommendations from Todd Frauhiger-CBBEL Indianapolis on what has to be submitted with drainage calculations when submitted to the board for review, he requested the board to review and he requested it be adopted. Need to get it into the proper language and put in the drainage ordinance.

Memorandum reads as follows:

TO: Mike spencer, Tippecanoe County surveyor, Project Files
 FROM: Todd Frauhiger - CBBEL Indianapolis
 SUBJECT: Requirements for Hydraulic Permit Applications

It is the recommendation of CBBEL that the following minimum standards be adopted by the County Drainage Board for hydraulic permit applications. If these standards are adopted, permit review will proceed in more expedient, efficient manner. At the present time many permit reviews are delayed while waiting for additional information from the design engineer.

It is our recommendation that the following be submitted with all applications in addition to the requirements of the Tippecanoe County Drainage Ordinance:

1. A hydraulic Report detailing existing and proposed drainage patterns on the subject site. The report should include a description of the present land use as well as proposed land use. Any off-site drainage entering the site should also be addressed. This report should be comprehensive and detail all the design steps which the design engineer took during the design.
2. All hydrologic and hydraulic computations should be included in the submittal. These calculations should include but not be limited to: runoff curve numbers or runoff coefficients; runoff calculations; stage-discharge relationship; times-of-concentration; and storage volume.
3. Copies of all computer runs. These computer runs should include both the input and the outputs. A floppy diskette with input files will expedite the review process.
4. A set of plan drawings stamped by a Registered Professional Engineer or Registered Land Surveyor showing all proposed detention areas, storm sewers, inlets, outfall structures, open ditches, culverts and bridges.
5. A set of exhibits should be included showing the drainage subareas and a schematic detailing how any computer model inputs were set up.
6. A conclusion report summarizing the hydraulic design and detailing how this design satisfies the Tippecanoe County Drainage Ordinance.

We feel that if these minimum standards are adopted, the review process will benefit greatly. Costly delays will be reduced, and the overall quality of the engineering will improve.

Sue W. Scholer moved to instruct Mr. Hoffman to re-draft the Ordinance to incorporate the items in the October 3, 1989 memorandum presented, seconded by Bruce V. Osborn, unanimous approval.

BROOK
FIELD
HEIGHTS

BROOKFIELD HEIGHTS

John Fisher reported that construction line grades are being set at this time and the legal drain in the Subdivision goes to the Wildcat Creek. Construction will start this afternoon.

There being no further business the meeting adjourned at 11:00 A.M.

Eugene R. Moore

Eugene R. Moore, Chairman

Bruce V. Osborn

Bruce V. Osborn, Board Member

ATTEST:

Maralyn D. Turner

Maralyn D. Turner, Executive Secretary

Sue W. Scholer

Sue W. Scholer, Board Member

Tippecanoe County Drainage Board

Special Meeting

March 1, 2001

Those Present Were:

Tippecanoe County Commissioners Ruth Shedd and KD Benson, County Surveyor Steve Murray, Drainage Board Attorney Tom Busch, Drainage Board Engineering Consultant Dave Eichelberger, drainage Board Secretary Margaret Shields. Also present were Bill Davis, Mark Phipps, and Pat Jarbo of Hawkins Environmental and Darren Sorrenson the developer.

The Tippecanoe County Drainage Board met Thursday March 1, 2001, in the Tippecanoe Room of the Tippecanoe County Office Building, 20 North Third Street, Lafayette, Indiana with Commissioner/Vice-President of the Drainage Board, KD Benson calling the meeting to order.

KD called the meeting to order.

Lindberg village, Phases 1-5 with Hawkins Environmental

Bill Davis appeared before the board. His first order of business was to thank the members of the board and the attorney for holding the meeting and the Burke people along with Steve for doing extra work to have these items prepared. He then introduced Mark Phipps and Pat Jarbo, also from Hawkins who were present to answer any technical questions, as well as introducing Darren who was there to answer any owner questions. Mr. Davis explained to the board that what he was presenting today was a drainage plan for the area between Klondike Road, Lindberg Road, and 250 N. Mr. Davis used some charts to better illustrate this and show exactly where the project was located.

On the next chart he showed how the project is situated near Green Meadows Subdivision, Wake Robin, and a trailer park. He showed how you could see that the new subdivision is really located in two watersheds. The west watershed which discharges under Lindberg through a couple of small tiles and culverts and the other which is a larger watershed comes down and discharges through a large culvert at Lindberg Road near Klondike Road. There are also a series of smaller culverts and drain tile throughout the area which they tried to identify the best they could using the help of local farmers and other sources. There is a part of the **Vanderkleede legal drain**, which is a tile drain that comes up into the property, and so they will be later asking to vacate a portion of it.

Mr. Davis goes on to explain that basically, what we are doing is routing 99% of the water from this site through a series of three ponds. These ponds are all interconnected and work together to control the discharge. There is a lot of technical information we could go through, but what I (Mr. Davis) feel is important to tell you is two things: (1) what the water flow is today (2) what the water flow will be after this project is put into place. Mr. Davis breaks the project into two areas and uses his charts to illustrate to the board what he is talking about. He explains that in his examples he is using the ten-year storm level. The east watershed, today prior to the project the discharge rate through those culverts is about 76 CFS. On the other watershed the 10-year discharge rate is about 94 CFS. When the project has been completed the east watershed will go to 46 CFS and the other will go to 5.23, which breaks down to 54 CFS. There is over 52-acre feet of storage in the pond and that is about half the size of the Wilson Branch Reservoir per foot of storage.

KD asks what an acre-foot is and Steve explains it is a piece of ground that is 43,560 feet by one foot deep.

Mr. Davis goes on to explain that the control for the project is two 50" tiles located here (as he points to the chart) and two 36" tiles here (also pointing to the chart), and that it is not much to work with because you have to make an allowance for everyone else's discharge, also. So with a consistent good design it should function without difficulty.

KD asks how do you get from the ponds to the tiles? Mr. Davis tells her that there is a system of pipes that comes out of the pond then down along the road along the right of way that are oversized. This portion of pipes is oversized so that when Lindberg Road is widened they'll be able to discharge into this pipe system. When you leave the site here we come out and day light in the side ditch and there will be forty feet to the side ditch to where this discharge is between the side ditch and the road.

KD asks if they will be taking care of the businesses that are there? Mr. Davis references the ones on the map that he believes she is referring to and she says yes. Mr. Davis tells her yes they will be taking care of the businesses out there.

Steve goes on to explain that all the business including the Klondike road right of way on the west side and they've also picked up some water that currently flows through a combination of culverts and tiles to the southeast and then cuts to where the storage buildings are there and the north of the and they're bringing the water down through their system. The tile on the east side which is a private tile we've had a couple people in the last six months asking about that tile because the people who have storehouse, I guess my only point in all that rambling is that they're taking pressure off of that system/drainage pattern bringing it down into the same watershed, they're just by passing the broken down tile system where there are no easements and it is just passing over private property.

Mr. Davis adds that any water that is left and comes this way is actually being put into our systems so that we are not bringing any water across these properties anymore than it does today. This system or subdivision is entirely independent of any other system in the area.

Ruth asks for some clarification on what was said about the Vanderkleede ditch. Mr. Davis explains that there is a tile ditch that appears to, although not well defined, (county tiles with no assessment adds Steve) that comes into the project so legally there is a drainage easement over the tiles and since we will not be using them we plan to vacate a portion of that Vanderkleede ditch.

Steve asks Mr. Davis when they plan to vacate it. Mr. Davis responds that they will write a blanket easement and ask for vacation. Steve asks if this is before they plat and Mr. Davis agrees. KD mentions that those tiles are not working very well anyway because there is equipment that is in that area standing in two feet of water. Mr. Murray explains that even though that portion may not be working, the rest of the tile is functioning and it crosses Lindberg then SR26 and outlets somewhere in the vicinity of 400W into the drainage pattern that goes through Kingwood if he remembers correctly. But, it is basically an agricultural tile that does function but since they are on the upper end we have no reason, one because we don't have an assessment on it and so the county really doesn't maintain the tile, since it is clear on the upper end we would see no reason why they couldn't vacate it our only concern would be and I think they've done a fairly conscientious job of trying to trace down the tile pattern and where connections are, but one stipulation or condition that we do have is that as they actually dig that out they watch for key connections that they haven't found yet and purely provide an outlet for those tiles which they should be able to do with their existing storm sewer system because that is deeper than the current tile systems. So, they'll just have to agree to watch for those. I'd say that it is highly unlikely that a tile from off-site would need run through their property and into this tile and in the unlikely chance they'll have to accommodate it.

KD asks what vacating the tile do to the farmer whom she points out on the map. Steve answers that the only portion of the ditch that will be vacated is those that are on their property and since it flows downhill their should be no affect on the farmer. Steve said that he assumes that just inside of their property line they will cut it off and plug it in a satisfactory manner.

KD asks about a huge culvert on Lindberg and Steve explains that this is farther east than the development they are looking at. In fact, he explains that it is the same watershed involved with the Lindberg Road fiasco and the obstruction permit. KD asks if that is the pond in the front yard and Ruth says yes.

KD asks for questions. There seem to be no questions or comments. Steve states that they have the latest review memo with the four numbered conditions and besides providing the surveyor's office with the restrictive covenants to our satisfaction the only thing they will need to add is the condition about the legal drain and making sure that as they are taking out the tile.

Steve then asks Mr. Davis exactly what his intentions are for removing the tile from the portion of the legal drain they wish to vacate. Mr. Davis explains that they tend to take it out and fill it so that the tile will not be useable on any other portion of the site. Steve reiterates his concern about being careful and watching for connections as they remove the tile. Mr. Davis says that they plan to go around the perimeter and they should find anything that way. He also explains they have had a lot of discussion with the farmers out there so that they know where any connections would be if they were there.

Ruth asks Mr. Sorrenson if he has any comments and he just states that he is thankful for everyone for having the meeting. He states that he is leaving town for a month and that is why he needed the early meeting.

Steve goes on to say that they are prepared to recommend for approval but that Mr. Eichelberger and his associates have done most of the work on this complicated project. As Mr. Davis had said this site was less than well drained and given the fact they have provided more storage well in excess of what is required we are prepared to recommend final approval with the conditions.

KD asks about the pond ledge changes. Steve clarifies and says she is talking about the six to ones. Mr. Davis explains that they are six to ones on the drawing, yet they were labeled three to ones in error so that no change is necessary except to the labels. Steve adds that they have already had some discussion with the Highway Department and the bottom line is that they can't do the improvements in the County Road right of ways without Highway's approval.

KD asks about how this will affect the Lindberg widening. Mr. Davis uses his chart to explain that they spoke with Mark from the highway department and used the plans they had for the widening on their schematics so that they could come up with a culvert placement that would work after the road is widened. KD asks what side of the road is the tile going to be placed on. Mr. Davis explains that it will be placed on the south side. Steve adds that there is already an existing culvert system that does basically the same thing. KD asks who is responsible for notifying the person whom will have their yard torn up due to this construction. Mr. Davis and Steve explain that the area is in the right of way and that they have the documentation to show their right to do the construction. KD states that it would still be nice to notify the person anyway.

Ruth moves for final approval on Lindberg Village phases 1-5 with the conditions listed. KD seconds the motion. Motion carries.

Other Business

GIS Department

Mr. Davis brings the matter of some ortho photos he had to illustrate his project. He explains that all the information was obtained from the County GIS Department. He explains that this department has been of great use to him because of several reasons. (1) Reasonably accurate (2) allows us to readily investigate the real conditions in the watershed. Steve explains that previously they had to use USGS, which only give you 10-foot intervals, and now we have 2-foot intervals.

Mr. Davis explains that his reason for saying this is he believes we should give continued support to that department for providing good and accurate information. It helps public input and questions.

Active/Inactive Ditch List

Steve states that last meeting we had given them an active inactive ditch list, which contained had an error on it. He explains that there are two **Darby Wetherill ditches**, one being for general maintenance and the other reconstruction. He further tells the board that the reconstruction one was left off the list when in fact it should be active. Due to an oversight our office was unaware that this reconstruction came out of fund 95 and not fund 94 and so we had some inaccurate information when we initially prepared the list.

Ruth moves to adjourn the meeting. KD seconds. The meeting is adjourned.

John Knochel, President (Absent)

KD Benson, Vice President

Robert Evans, Acting Secretary

Ruth E. Shedd, Member

Tippecanoe County Drainage Board
July 3, 2001
Regular Meeting

Those present were:

Tippecanoe County Commissioners Ruth Shedd, John Knochel, and KD Benson, County Surveyor Steve Murray, Drainage Board Attorney Dave Luhman, Drainage Board Engineering Consultants Dave Eichelberger and Kerry Daily, Drainage Board Executive Secretary Robert Evans.

The Tippecanoe County Drainage Board met Tuesday July 3, 2001 in the Tippecanoe Room of the Tippecanoe County Office Building, 20 North 3rd Street, Lafayette, Indiana with Commissioner/President of the Drainage Board, John Knochel, calling the meeting to order.

Approval of June 7th 2001 Minutes

KD Benson made a motion to approve the minutes from the June 7th regular Drainage Board Meeting. Ruth Shedd seconded the motion and hearing no opposition, the motion carried.

Shawnee Ridge Subdivision Phase II

Tim Beyer of Vester and Associates appeared before the Board to request final drainage approval for Shawnee Subdivision Phase II. He displayed a map of the site of the project and the surrounding area, including County Road 600 North, State Road 43, Hawk's Nest Subdivision, and the entire Shawnee Ridge property including Phase I, the proposed Phase II, and the pond that was constructed with Phase I, sized to handle capture runoff from everything to the south of the pond including virtually all of the runoff from Phase II.

On a larger scale map of Phase II, he showed the proposed storm sewer that captures the runoff and either ties into the Phase I storm sewer, or extends the Phase I storm sewer and outlets into a ravine at the north end. The water then travels to the pond as detailed on the first map.

Steve Murray asked at what stage construction was on the Phase I pond. Tim replied that they were finishing it up, the pond having been 80% completed during Phase I.

KD made a motion to grant final approval as requested with the standard conditions, (specified on the June 28th Burke Engineering memo). Ruth Shedd seconded and there being no further discussion, the motion carried.

Schroeder Property

Tim Balensiefer of T-Bird Design began with an overview of the Schroeder Property. He displayed a map that showed its location on State Road 38 next to the existing Quality Farm and Fleet store, and further away the locations of Subaru Isuzu, the proposed F Lake, and IvyTech.

The Schroeder property is a 3-acre tract. The proposal is to develop a commercial center on it, a strip center with parking on the majority of the site, the building with some sidewalk out front, and some greenspace around with some landscaping. There's a small area offsite that drains through the site in the present condition, and they have taken that into consideration. Runoff will drain into the State Road 38 drainage ditch, including water from the roof that passes through a catch basin. The water will eventually run from the ditch into the proposed F Lake.

The request Tim brought before the Board is that the onsite detention be stored in the future **F Lake**, with the understanding that there will be fees for such storage.

Steve Murray apologized for the Board not having the latest review memo available, and referenced a Burke memo dated June 28th 2001, which recommended preliminary approval. He reported that the Surveyor's Office concurred with that. He stated agreement that, as has been the case in this area, we have allowed direct discharge to go down to **F Lake**, and the developer would need to compensate the Drainage Board for storage in the F lake. He added that the last figure the Board had was \$15,000.00 per acre/foot.

Steve said that could all be decided as they continued to develop their plan, and that they wanted to know conceptually on a preliminary basis that the Board agreed with their plans.

In response to a question from KD, Dave Eichelberger explained that in the County's continuing effort to provide regional detention instead of having individual detention ponds scattered throughout all the different developments, the County is trying to put in the regional detention concept throughout various watersheds that are seeing a lot of development. He referenced the **Berlowitz Ditch and the Wilson Branch one**.

Steve added that the Board has a study on the entire **Elliott Ditch** watershed, which was updated in 2000 by Burke. As part of that, regional ponds were planned. One is complete and is located at the Tippecanoe Mall across from the County Extension Office, and another has been started and is partially designed. It will be east of Old Ross Road and east of IvyTech and is what has been referred to as **F Lake**. Property to the east and some to the north will drain to that.

Dave continued that they had determined a certain amount of area around there that could be drained directly to **Elliott Ditch**, and its storage could be taken care of by that **F Lake basin**. The Schroeder property is within that area.

Steve stated then that the request before the Board was in conformance with that study and the direction that the Drainage Board and Surveyor's Office have taken in the past, and repeated the recommendation for preliminary approval.

KD made the motion to grant preliminary approval to the Schroeder property, seconded by Ruth. There being no further discussion, the motion carried.

First Church of the Nazarene

Pat Sheehan of the Schneider Corporation presented the proposal for the development. The site is located east of County Road 500 East, and just south of State Road 26 East. It's just east of the Meijer's development and is also surrounded by other developments. To the north and east is Brookfield Farms, and to the south is Saddlebrook Estates. He continued that this is the last piece, it's twelve acres of farm field, and everything around it is developed.

They examined the existing drainage basin, and there are four different areas where this drains off site. It drains to the north into Brookfield Farms in two locations, to the south into Saddlebrook Subdivision, and there is a drainage area that goes to the County Road 500 East ditch and some ultimately goes off to the east.

The proposal was approximately a 35,000 square foot building structure and about 1.7 acres of parking. The drainage basins and the way they intend to drain the proposed area is to split it up so that about 80% of the area drains to the north into a dry detention pond. That pond will connect to an existing tile that crosses under C.R. 500 East and goes into the Meijer development, ultimately to the **Alexander Ross** drain.

The last portion of the development drains to another dry basin that ultimately discharges into the C.R. 500 East ditch, which drains to the south. They requested final approval based upon the condition in the Burke memo of June 28th 2001.

Steve commented that Pat and he had discussed doing direct release to the C.R. 500 East ditch, and gave the board a little history. Unfortunately, while the designs for the development surrounding this site were being done, the County didn't have access to the G.I.S. contouring data. Because of that, this site was ignored as far as their offsite water being accommodated into the surrounding developments. This made the site difficult to design for, and he suggested that Pat be able to do whatever was best for his client, given the amount of time they had spent on this design, and the fact that they were strapped with some design considerations that really weren't their fault. Steve recommended that the Board approve this design, or if Pat thought it was better for his client to look at direct release and free up that area as developable area, to go that route as well.

Pat stated that approval of direct release would enable a better development for his client. Trying to restrict so much in some of these smaller areas ends up causing areas that remain wet. They're hard to restrict and the restrictor is small and gets clogged. Ultimately, the impact to the C.R. 500 ditch is very minor. Direct release would create a better development, without small mosquito (producing) ponds.

KD asked if there were houses right up against there. Pat replied that there are some in Saddlebrook Estates Subdivision, but that the drainage will not be going in that direction, instead being captured and taken to the west into the C.R. 500 East ditch. In response to questions from Steve and KD, Pat stated that changing to direct release would involve removing a pipe and restrictor. The water would still collect in the same area with a discharge of 2.5 cubic feet per second as opposed to 1.2 cfs.

Steve added that to the north where they're discharging into the existing tile, once again that is probably not a desirable situation but they have absolutely no other choice. The tile picks up the backyard runoff from Brookfield Farms, and this

development will put a restrictor plate on their outlet to meter that water out to the point that the tile can accommodate the water. This addressed KD's question about drainage through backyards in Saddlebrook Estates. This water will go into a drainage easement there as it was intended to, and had always gone in that general direction. It just wasn't recognized and accommodated as they were doing their design on that phase of Saddlebrook. But once again, this property owner has no other choice, so the Board has to let them go that route. He added that it's been designed properly and will be metered out. Pat added that the water would be detained in the basin area.

KD asked if there was no choice but to have a wet area. Pat said that it would be dry except immediately after rainfall. Steve added that the in rear yard swale in the existing subdivision the effect really should be nominal, but that even under current conditions in certain rainfall events he was sure water stands until it can get out through the fairly small tile. Steve then recommended final approval with the conditions as stated on the June 28th memo.

KD moved to grant final approval with the conditions so specified, Ruth seconded, and there being no further discussion, the motion carried.

The Commons at Valley Lakes

Jerry Withered representing Cedar Run Limited, owner of The Commons at Valley Lakes, referenced a request sent to the Drainage Board to approve reconstruction of a portion of **Branch 7 and all of Branch 8 of the Kirkpatrick Ditch**, rather than going through the vacation process. This was suggested by Steve Murray and Dave Luhman per section 52.5 of the County Drainage Ordinance which states that the Drainage Board is permitted to authorize the reconstruction rather than the vacation of a legal drain on various conditions: First, that the project is on property all owned by the petitioner, which is true in this case; Second, that the specifications have been approved by the County Surveyor, which is also believed to be true in this case; Third, that the project will be completed under the supervision of the County Surveyor, and they are happy to have that supervision; Fourth, that as in this case, the petitioner will pay all costs of the reconstruction; Fifth, that the County Surveyor has investigated whether this reconstruction will adversely affect any of the landowners upstream, which has been done; Last, that the Drainage Board makes a finding that no landowner upstream is going to be adversely affected. Jerry summarized by saying all his client is doing is reconstructing and putting in a large drainage tile where formerly there had been a ditch. He then introduced civil engineer Alan Jacobson from Fisher and Associates to show the specifics of the proposal.

Alan gave some background with aid of a map showing South 18th Street, the direction of County Road 350 South and Valley Lakes Plaza, the location of Concorde Road, County Road 430 South, Wea Ridge Elementary School, and the site for Wea Ridge Middle School. He pointed out The Landing at Valley Lakes, Phases I and II. Phase I has been constructed, with only a few empty lots left in the subdivision. Phase II was accepted on the morning of July 3rd by the Lafayette Board of Works, and construction was to begin by the end of the week.

He then pointed out the site for The Commons at Valley Lakes, a 40-acre site that adjoins South 18th Street, the north line of it being roughly the main branch of the **James Kirkpatrick Drain**. When they did the development for The Landing Phase I, they created a retention pond to deal with the stormwater management issue. Currently there is a pipe that runs north from the pond some distance before ending. A temporary open channel has been cut through the high ground. The water is managed on site because there was no choice at that time due to the size of the development and the fact that the downstream facilities had limited capacity. When they did The Landing Phase II, the water originally drained through a low area via a temporary channel to a natural depression that currently exists on the site. It's quite a large depression, an old pothole swamp with lots of black dirt. This plan was approved by the Drainage Board.

The philosophy they took for The Commons was under the assumption that **the Kirkpatrick Drain** was to be improved in a significant manner, sized to accept water from developed areas on these properties and also to the east and north of the 18th Street crossing. He then cited three new culvert bridges planned. Their philosophy was then; that there would be no need for onsite stormwater detention, that the capacity of this newly reconstructed Kirkpatrick Drain would accept the water from the site.

Moving to a discussion of the current conditions of the drain, he detailed a 30-inch tile for the main branch. Branch 5 is a small branch that goes to the north. Across the Cedar Run Properties, Branch 7 runs to their southeast corner, and Branch 8 joins the north line at The Landing at Valley Lakes. This tile line has diameters of 10, 12, and 15 inches along its length.

In response to a question from KD about the current condition of the tile, Alan explained that the tile did continue further than it currently does before The Landing At Valley Lakes Phase II was developed. They obtained Drainage Board approval to vacate a small portion, and they intercepted three tiles from Mr. Yount's property on their south line, one from a pond and

the other two being field tiles. The water from them was directed through the storm drainage system for The Landing At Valley Lakes Phase II. That currently discharges through a 36-inch pipe just west of the existing tile. The creation of the temporary channel to the low area was so that its discharge could be regulated as opposed to letting it run off by its natural course down into the low area that runs along the **Kirkpatrick Drain**.

What they were proposing to do is extend the existing outlet pipe for the retention pond for Phase I of The Landing down through the proposed subdivision to exit into the improved or reconstructed **Kirkpatrick Drain**. This would be a 36-inch storm drain all the way down, and it would accept other water from the proposed developments, both current phases and future phases, and has been sized accordingly.

At the point where they discharge from The Landing At Valley Lakes Phase II, that storm line will also be continued across the open space which will eventually be developed, and then through the Commons. This would be a 42-inch storm drain increasing in size to a 60 inch before reaching the **Kirkpatrick Drain**, due to grade considerations. He then referred to a third series of storm drains proposed that will also outlet into the **Kirkpatrick**. These will accept water primarily from future phases of development, although some of the lots in the current development will actually drain through that pipe system.

The total proposal is for three outfall locations into the reconstructed Kirkpatrick Drain. The water that was originally detained in the low area for The Landing At Valley Lakes Phase II will now run completely through the pipe system, and therefore not be detained in that low area as soon as the construction is complete.

Alan then discussed the existing field tiles. No changes are proposed for Branch 5 on the other side of the ditch. Branch 7 will be left partially in place, connected to the 42-inch storm drain at the south line of their current phase. Branch 8 will be partially removed as the new storm drain is laid, the remainder continuing to drain to Branch 7. The portion of Branch 7 which will be left in place will be in a section that is proposed as a park and recreation area with no building activity proposed over it.

In response to a question from Ruth Shedd, Alan verified that not all of the tiles of Branches 7 and 8 would be replaced at this time, though he did confirm that future development on the 200 plus acres will bring requests to relocate upstream areas, and their design takes that into consideration. They will intercept on their east line, routing the water down through the site in the proposed storm sewer system. He then restated that the current proposal features intercepts at the south line of the phase, routing through a new, larger storm pipe out to the **Kirkpatrick Drain**.

Ruth then asked if approval is given for reconstruction on the branches but not all of it will be done now, whose responsibility and at what time will that approval be requested? Or, she continued, is the Board being asked to approve later reconstruction now? Steve Murray answered that at this time, the Board is being asked to grant approval for relocation of that portion of those branches within Phase I. As they develop on the south and east, he assumed they would follow the same procedure in seeking approval. One of the requirements is that they have construction plans approved, and generally they don't generate those plans until they are closer to getting ready to build that phase or section. He concluded that the board can grant approval incrementally with no problem, and there's really no need to act on future relocations at this time because the easement will exist for those branches until such time as they develop the plans for that phase or section.

Steve also added that this process is easier compared to in 2000 when they vacated that small portion to the south with the hearing and notice process. This is cleaner and easier, and for all intents and purposes they always have to pick up that water that comes overland or through the tile and run it through their storm sewer system anyway. The net result is leaving a 30-foot drain easement that follows the new storm sewer. KD asked if the Surveyor had to approve it. Steve confirmed that, and added for the record that this is in the City of Lafayette, so the Board's approval will be contingent on the City's approval. All the Board needed to do at this time compared to other developments is to look at the effect on the regulated drain which is soon to be the **Kirkpatrick open ditch**, and the two laterals that were referred to earlier.

KD asked Steve to confirm that they will all be part of the Regulated Drain when completed and he did so, adding that he wanted to distinguish the individual portions. Steve then asked Alan about the temporary storage issue, referring to a worst-case scenario in which the construction is complete but The Board has been unable to start on the **Kirkpatrick project**. Alan responded that given the uncertainty of the construction timetable for the excavation portion of the **Kirkpatrick Drain** reconstruction project, several discussions had been conducted between them and the City of Lafayette and also the County Surveyor's Office. Regarding providing interim storage in the event that their schedule gets ahead of the reconstruction schedule, one viable option is to partially excavate along the alignment of **the Kirkpatrick Drain channel**. In other words, they will have pipes in the ground below the existing grade at these three outlet locations. They propose to create an excavation in the vicinity of these outflow pipes. This isn't intended to be a full excavation to the actual depth and cross

section of the final ditch alignment, but a partial excavation that would provide enough volume in the interim to satisfy the requirements of the release rate in the ordinance. He responded to a question from Steve by replying that his client was willing to do that in the event it became necessary.

KD asked if that was the eventual park location. It is not, but rather in the proposed ditch channel alignment area. Steve reiterated that this is referring to a worst-case scenario, and that hopefully the Board will get its permit from the Indiana Department of Environmental Management and will be able to begin construction within the next month or so. Alan did a quick estimate on volume based on developed area. The schedules will determine whether they have to come back to the Board with an interim detention plan for a partial excavation within the **Kirkpatrick Legal Drain**.

KD asked Steve if he and the consultants were comfortable with the plans proposed, and Steve responded that they were.

Jerry Withered clarified that they needed two things: First, the final approval of the drainage plan for Phase I of the Commons at Valley Lakes; Second, the approval for reconstruction rather than vacating **Branches 7 and 8 of the Kirkpatrick Ditch**. Dave Luhman added that the second issue first required a finding by the Board that no landowner upstream would be adversely affected by the project. He continued that a condition of that finding might be that the temporary detention would have to be constructed if their plans got ahead of the Kirkpatrick, since it seemed that there might otherwise be some adverse effect on landowners.

Dave suggested a motion to find, subject to the condition that they include the temporary detention pond as part of the project, that no landowners would be adversely affected. Following that would be a motion to approve reconstruction. Steve commented that the first act should be on their drainage submittal, indicating that the Surveyor's Office and Drainage Board engineering consultants would recommend that the Board give final approval to The Commons at Valley Lakes Phase I subject to the conditions stated on the June 27th review memo, stating for the record that condition number one on the memo did discuss the temporary detention situation if in fact the **Kirkpatrick Drain** hasn't been reconstructed, and that it's all subject to the City of Lafayette's approval.

KD Benson so moved, Ruth Shedd seconded, and there being no further discussion, the motion carried.

Steve stated an area of concern on the second item, that he hadn't seen a final set of construction plans on the relocation of the **Kirkpatrick Laterals, Branches 7 and 8**. 52.5 does require approval of the Surveyor. Alan said that the City was reviewing internal storm drains, sanitary sewers and water. A few minor changes were yet to be made, and he expected to provide the Surveyor's Office with a final set of plans by July 9th. Steve added that he was satisfied that through the normal construction plan review process the Board would get what it needs; to accommodate those two tiles into their new storm sewer system along with a 30 foot new regulated drain easement to follow the new storm sewer route. With that he deferred to Mr. Luhman as to how to follow through on their request for the reconstruction.

Dave Luhman suggested first that there be a finding of no adverse effect on adjoining landowners based on the review and recommendations of the Surveyor's Office and the Drainage Board engineering consultants. Steve said; assuming as expected that a good set of plans that accommodates the flow of those tiles through a new route, it will not have an adverse effect on any upstream landowners. He continued that Branch 7 does cross onto property owned by another individual, which was partially why he suggested that they go this safer and easier route. Even with the worst-case scenario on the reconstruction of the **Kirkpatrick** they will provide temporary detention in the proposed easement for the new channel. That would be submitted for review if it were needed, so there would be an opportunity to review and make sure that nobody upstream would be adversely affected.

Ruth asked if the Board is just concerned with one other landowner there. Steve's response was that's primarily true, but this process is the safest way to do it and provides protection to upstream landowners, which is why he could report a finding that no upstream landowners would be adversely affected.

KD then made a motion that the Board find that no adjoining landowners would be adversely affected by this reconstruction. Ruth seconded, and there being no further discussion, the motion carried.

KD then made a motion to grant approval for reconstruction of **Branches 7 and 8** assuming final construction plans arrive. Ruth seconded, and there being no further discussion, the motion carried.

President Knochel asked Mr. Murray for a report on where the Board was with the reconstruction of the **Kirkpatrick**. Steve reported that the Board was still awaiting approval from IDEM and also awaiting offer letters for the right-of-way which

needs to be acquired, most of which is west or downstream of South 9th Street. He also verified that a bid had been accepted from a contractor who is ready to start. IDEM was insisting that a concrete bottom could not be included, and Steve stated that conceding that was likely to be required to move the project forward.

Petition For Partial Vacation Of The Vanderkleed Drain

Joe Bumbleburg referenced a petition given to Board members for the partial vacation of the Vanderkleed Drain. Included in it are: The legal descriptions required; the land over which it should run; and averments of the appropriate statutory requirements – that the abandonment will not be detrimental; and that the reconstruction of the drain would cost more than the benefits.

Joe stated that this was essentially a tying up of a loose end in that the proposed drainage plan for the Lindberg Village subdivision had been approved, and that the subdivision had received primary approval of the Area Plan Commission. Therefore, the only question to be decided before Board action would be the question of persons affected by this vacation. He references a very old drawing that suggests the area being drained by this drain is all on this site, and when they put in the drainage system for the subdivision, they will be taking care of everything within their own property that is subject to the drain as it currently existed. Since there are essentially no other persons affected by this, it would simply require the finding of no adverse effects as in the previous item on the Board's agenda. Then the Board would be able to decide the question of vacation.

Steve Murray commented that the Surveyor's Office would concur with the vacation as requested on this site, with his only concern be that the Board follow the statutory requirements. He added that he thought the petitioners had exercised due diligence in talking to adjoining landowners, but felt that anyone within the watershed to the north needed to be contacted and given a chance to respond.

Bill Davis of Hawkins Environmental came forward to demonstrate with the aid of the map that there are no other landowners upstream in the watershed in question. After discussion between Bill and Steve, it was agreed that this was the case.

KD made a motion to find that no other upstream property owners would be adversely affected by the vacation of the Vanderkleed Drain. Ruth Shedd seconded, and there being no further discussion, the motion carried.

KD then moved to approve the petition to vacate that portion of the Vanderkleed Drain. Ruth Shedd seconded, and that motion likewise carried.

Engineering Review Fees Ordinance

Steve Murray stated that he had placed the Engineering Review Fees Ordinance on the agenda primarily to make certain that the Drainage Board members and attorney were comfortable with the process that was followed to pass that ordinance. Dave Luhman stated that since the last Drainage Board meeting, the Tippecanoe County Board of Commissioners had adopted the ordinance on first and second reading so that all necessary action had been taken. The ordinance was scheduled to have taken effect on July 1st 2001, so with petitions now filed it would apply, and developers would be required to pay the cost of the engineering review fees for anything submitted on or after that date.

Cuppy McClure Regulated Drain - Assessment

Steve stated that this had also been discussed before. The Cuppy McClure was one of three branches of the Hadley Lake Drain. The outfall runs north and east of Hadley Lake. It was constructed and accepted, and an assessment was started on the acreage in that watershed. The Baker Dempsey was reconstructed as well, and an assessment started on it. Cuppy McClure was the last of these three drains, and has been completed and accepted, but an assessment was not started. Steve found this when he was researching the file when there was some blockage and stoppage on the Cuppy McClure tile as it runs through the Great Lakes Chemical property. He stated a belief that based on everything he found and Mr. Luhman's review that the Board should have that assessment start now.

KD referred to the earlier discussion having included the issue of mailing notification to landowners in that watershed. Steve stated that was correct. KD then made a motion to recognize that the construction was complete, and for the Board to move ahead with starting the assessment process. Ruth Shedd seconded, and there being no further discussion, the motion carried.

Other Business

Joe Bumbleburg rose to address the Board on behalf of another client, Kenneth Puller and his Foxfire development on Haggerty Lane. He wanted to address the issue of escrowing the funds for drainage improvements. This development is

contributory to the F lake, and they were seeking permission to put money into the **F lake** escrow fund against the time that it would be needed. He stated he understood from Dave Luhman that there was a form of agreement that had been used previously by the Drainage Board that would be provided to him, but the signal they sought from the Board was that they would authorize them to pay the monies into that escrow fund against the time that it would be needed by the Drainage Board for work on the F lake.

KD asked if this was to be in lieu of actually making road improvements. Joe responded that the road improvements are under the jurisdiction of the Board of Commissioners, but that he was essentially talking about the same thing for the offsite drainage improvements. John Knochel asked when the Commissioners had last heard proceedings on Foxfire, and Joe responded that they had heard two versions of this with the Area Plan Commission on the actual subdivision process, and once early in 2000 on a rezoning as well as on a tax abatement.

KD stated that she would like the Surveyor to review the request and make recommendations before she would feel comfortable making a motion. Dave Luhman commented that he had suggested using something similar to what the Board had used with the **Alexander Ross Drain** on Park 65. The initial developer knew they were going to have to build a large detention pond and weren't going to construct the whole thing, but there was an agreement that future developers who would participate in that would pay for the value of their usage. He stated that if the Board hadn't yet got a mechanism set up like that for F lake, the Board should probably look at it because there had been two projects impacting F lake at this meeting, and there would be more.

Joe asked if there was a current fund existing on the **F lake**. Steve replied that there are some funds, probably a nominal amount, adding that the city generally collects those funds for the Drainage Board. The last time it came up a few months ago, there still wasn't enough to finish the design let alone to construct the facilities. He added that as developments are occurring in the area, obviously the Board is getting closer to that.

Joe asked if whatever they put into this fund would facilitate the design of the lake, at least at this point. He then stated that all he was asking was for the Board's approval to use that vehicle, whatever that fund might be. Steve stated that the Board hadn't finished the review, that the site had a three-year Drainage Board history, and that he wasn't prepared to recommend the Board take the step requested by Mr. Bumbleburg. He added that former Surveyor Mike Spencer had been involved, that it was a very thick file, and he needed to finish the review and check the intent underlying previous reviews.

Ruth Shedd asked if the Board could have a standard resolution for something like this. Dave Luhman replied that the Board could, once the review was completed and there was a determination on what the costs were going to be and how to appropriately share those. Ruth added that this was obviously going to come up more than once. Steve agreed, mentioning that it had in the past, then adding that generally with these regional concepts, they're within the city's utility service area, and they've handled the cost recovery through their normal utility cost recovery system. On **Elliott**, he said, the money for water that goes to the Mall pond the city collects and holds, and water that goes to **F lake** where money is given in lieu of onsite detention, that money goes to the County.

Ruth asked if the petitioner could hold off for another month. Joe responded that a month would present a problem. Mr. Puller rose to speak, representing 'Faces', which is the sponsor for Foxfire. He stated that the problem they had was that their option was running out that they have to get financing on this, and that they had to get it approved through FHA just for the enhancement. The dollars were originally estimated at \$50,000.00. Their engineers now put that figure at \$66,000.00 that they have to put in at the time of closing.

Steve stated that the problem with this site is that it did not have an outlet currently, and so there were some proposed improvements that were supposed to be put in place in order to provide a positive outlet. Because of that, he didn't know that agreeing to escrow the money would ever result in the Surveyor's Office making a recommendation to approve their drainage plan. Ken stated that they were there to discuss the 66-inch offsite storm sewer line. In the drainage plan they proposed to put a permanent holding pond in the project.

Steve and KD stated their beliefs that this request was premature without engineering review and recommendations. Joe asked if assuming the plan gets approval, would the Board allow the developers to put the money into escrow. Steve restated that he was not prepared to recommend that at the present time, that he wasn't certain that the Surveyor's Office and engineering consultants would ever get to the point of recommending escrowing the improvements as opposed to putting them in. Joe drew a distinction between what he saw as Steve's position that he didn't know if the plan would be approved, and Joe's request for their financial planning purposes for an understanding that if the plan was approved, that the money would be accepted into escrow. Steve pointed out that part of the plan is the improvements.

Joe reiterated that he was only discussing the event that the plan was approved. If the plan were not approved, the money would not be needed and would not be given. He again requested an understanding from the board that if the plan was approved, that the Board would allow monies to be escrowed as requested. Steve stated that as long as the petitioners understood that part of the plan approval process may be that the improvements are required to go in and the monies not be escrowed, he could recommend agreement. He then clarified for KD that the improvements in question would be to convey water from the site to the F lake. Joe added that he understood that some of the money might need to be spent rather than escrowed.

Dave Luhman clarified that the money in question was the share of money to design and develop the F lake, not the money to design and build offsite improvements to outlet water from the site to the lake. KD asked if there was a reason the Board wouldn't want to escrow the money. Dave replied that if the Board weren't ready to complete the construction of the **F lake**, and has been able to determine what their share of the **F lake** cost would be and the developers agreed, the Board could accept those monies and put them in escrow. That's separate from approving the drainage plans.

Joe suggested that if the Board was having trouble raising the funds for the design of **F lake**, it should want contributors so that progress could be made, and reiterated that all he sought was an indication that the money would be accepted into escrow if the drainage plan was approved.

John Knochel indicated that he could personally give conceptual approval to that request. Ruth Shedd agreed, stipulating an understanding of the difference of the monies, who was going to use it, and where it was going to be used. KD also expressed agreement on that basis. Joe thanked the Board, then asked Dave Luhman to provide him a copy of the earlier agreement on the Alexander Ross Ditch, and Dave agreed.

There being no further business, KD moved to adjourn the meeting. Ruth Shedd seconded, and the motion for adjournment carried.

John Knochel, President

KD Benson, Vice President

Robert Evans, Secretary

Ruth E. Shedd, Member

Tippecanoe County Drainage Board

Minutes

May 4, 2011

Regular Meeting

Those present were:

Tippecanoe County Drainage Board President Thomas Murtaugh, Vice President David Byers, member John Knochel, County Surveyor Zachariah Beasley, Drainage Board Attorney Dave Luhman, Drainage Board Engineering Consultant Dave Eichelberger from Christopher B. Burke Engineering Limited, and Linda Underwood recording for Drainage Board Secretary Brenda Garrison who was absent.

Approval of Minutes

David Byers made a motion to approve the April 6, 2011 Regular Drainage Board minutes as written. John Knochel seconded the motion. The April 6, 2011 Drainage Board meeting minutes were approved as written.

Industrial Pallet Expansion

Patrick Williams from TBIRD Designs appeared before the Board to request final approval for Industrial Pallet Expansion. The site was located on the east side of US 52 and north of State Road 28. An abandoned railroad was located to the north of the site. The eastern portion of the tract would be developed with the proposed project. All existing structures onsite at this time were located in the western portion of the tract. Mr. Williams stated Mr. Jay Wegand C.F.O. of Industrial Pallet and Mr. Pat Jarboe of TBIRD Design were also in attendance. He stated today's submittal regarded the final construction plans and detailed design information for the grading and infrastructure portion of the previously approved Master Drainage Study. An entrance would be constructed from East County Line Road. Grading operations for future expansion, a wet bottom detention pond, bypass swale and offsite storm sewer outlet to County Road 1075 South was planned. Additionally, expansion of the existing driveway located at U.S. 52 was planned. A variance to the Stormwater Detention and Stormwater Quality was requested regarding the expansion of the existing U.S. 52 entrance. A second variance to Stormwater Quality for the bypass swale was requested as well. He noted they agreed with the April 28, 2011 Christopher Burke memo and requested final approval. The Surveyor stated his office had received the IDEM Water Quality Sampling results as required and recommended final approval with the conditions as stated on the April 28, 2011 Burke memo. He then recommended approval of the requested variances as requested. There were no comments from the public.

David Byers made a motion to grant final approval with conditions as stated on the April 28, 2011 Burke memo. John Knochel seconded the motion. David Byers made a motion to approve the Stormwater Detention and Stormwater Quality variances as requested. John Knochel seconded the motion. Industrial Pallet was granted a Stormwater Detention and Stormwater Quality Variance regarding the U.S. 52 entrance as well as a Stormwater Quality Variance regarding the bypass swale. Industrial Pallet was granted final approval with the conditions as stated on the April 28, 2011 Burke memo.

Huntington Farms Phase 4

Joe Coutts of Cripe Architects and Engineers appeared before the Board to request final approval for Huntington Farms Phase 4. The Phase 4 site consisted of approximately 9.8 acres of the original 75 acre tract of development. It was located between Lindberg Road (C.R. 200N) and State Road 26 and west of Klondike Road (C.R. 300W). Mr. Coutts stated this was the last and final phase of the development located in the very northwest quarter of the site. A detention pond would be constructed during this phase. The pond would discharge into the side ditch along Lindberg Road (C.R. 200N) and flow west. Offsite improvements were planned within the County Highway's right of way to allow the discharge from the pond. This would require County Highway approval. He stated the release rate would be 5 cfs from Phase 4 as planned in the previously approved 1996 Huntington Farms Master Drainage Study. A Petition to Encroach on the Vanderkleed Regulated Drain Easement which was located onsite was submitted for approval as well.

A Stormwater Quality Variance regarding the calculation minimum 80% TSS removal requirement was requested due to inclusion of this phase within the previously approved 1996 Master Plan. He stated Stormwater Quality measures were in place such as vegetated swales, .20 of an acre constructed wetland, detention pond and sumped curb inlets. He requested final approval at that time. The Surveyor stated the Vanderkleed Regulated drain's natural surface flow sheet flowed southwest through a culvert under State Road 26W. He noted construction in northwest corner of the site and in particular the requested encroachment should not alter the existing Vanderkleed Regulated Drain in any way. It would be the responsibility of the Developer to repair if any alterations were made to the said drain. He then referred to the Board's Engineer for further discussion. Dave Eichelberger of Christopher Burke Engineering stated due to the previous 1996 Master

plan approval regarding this phase and in particular the present Stormwater Quality requirements, the variance request (related to Page 2 under Item #1 under Stormwater Quality in the April 27, 2011 Burke memo) could be approved in his opinion. He noted he would be meeting with Mr. Coutts regarding this issue and would encourage the plan to be as close to 80% as allowed with the present day restrictions. Responding to Mr. Luhman's (Drainage Board Attorney) inquiry, Mr. Eichelberger stated he could recommend a range requirement if the Board felt more comfortable with that. Responding to Mr. Murtaugh's inquiry, Mr. Coutts noted he agreed with the conditions stated in the April 27, 2011 Burke memo and would work with Burke Engineering regarding this particular issue as well as others.

Responding to Mr. Byers, Lee Brand approached the Board and stated he was concerned about the amount, route and location of the discharge of the "holding pond". The Surveyor noted the proposed plan indicated the pond's outfall would flow to the roadside ditch along Lindberg Road and flow west which was the existing pattern at this time and then southwest. Mr. Coutts indicated the discharge would stay within the right of way along Lindberg Road (C.R. 200N) until it reached the end of the existing culvert under Lindberg Avenue and would follow the present discharge pattern at that location. Mr. Brand stated the problem he had was the roadside ditch would stay full two weeks after a rainfall and continue to cross his tract keeping it wet. He stated he had a similar situation regarding standing water on his tract located near State Road 26W. There was a broken tile under State Road 26West, INDOT repaired it last year and installed a catch basin. This solved his drainage problem at that location. Therefore, he would like to see a catch basin installed for this discharge as well. The Surveyor clarified the catch basin was located on the north side of State Road 26 West. The existing detention basin north of S.R.26 outlet to the north roadside ditch and there was a 12-15 inch tile which outlet just east of the inlet. The tile broke down last year and INDOT fixed the problem under State Road 26 and the Surveyor's office at that time requested the catch basin be installed to assist with the drainage issues at that location. He confirmed drainage at that location had improved since the catch basin was installed. Mr. Brand proposed a similar catch basin be installed at the Lindberg Road location. He reiterated after a large rainfall, it takes two weeks to drain and that was too long. If a catch basin was installed it would assist in the amount of flow across his field and he would be happy. The Surveyor stated he would discuss the nuisance water with Mr. Coutts later today in a previously scheduled meeting regarding the existing plan and possible improvements to it.

The Surveyor noted, historically the Drainage Board and Surveyor's office had not allowed developments to tap into a county tile. However, north of Lindberg Road the Vanderkleed drain tile basically stopped at the development. When Lindberg Village was constructed the Vanderkleed tile was vacated northeast of the site. He stated there was a small amount of watershed area going through the tile, which made him less apprehensive for the possibility of the development tapping into the drainage tile. This was a unique situation; and it would not harm upstream owners. He did not feel it would be a problem. Responding to Mr. Byer's inquiry, the Surveyor noted this tile did not have a maintenance fund established, no assessments were being collected. Mr. Brand asked why he should have to pay for maintenance on the tile if the development drained into it. The Surveyor then referred to the attorney for clarification as there was not a maintenance fund for the Vanderkleed Regulated Drain. If a fund was established assessments would be collected. However the Surveyor noted historically landowners within this watershed did not want to set up a maintenance fund and if one was set up presently the support of the landowners would be required.

Mr. Coutts stated with the historical knowledge of developments not out letting into a regulated tile, the developer had taken extra measures to keep any ground water from the detention pond routing into the existing tile. He stated they were open to modifying their existing plan as the Surveyor may suggest. He noted they were discharging at the previous allowed discharge rate of 5 cfs or a little lower than 5 cfs. They were in compliance with the previously approved 1996 Master Plan. Responding to Mr. Murtaugh's inquiry, the Surveyor stated it should not be a problem to modify the proposed plan. Mr. Byers and Mr. Murtaugh stated there were a lot of questions regarding the drainage situation remaining. It would be prudent to table the project until next month. Mr. Byers made a motion to table the Huntington Farms Phase 4 project until the June 1, 2011 meeting. John Knochel seconded the motion. Huntington Farms Phase 4 project was tabled until the June 1, 2011 meeting.

Spitznagle Borrow Pit

Mr. Steve Roeshlein from Vester and Associates appeared before the Board to request final approval for the Spitznagle Borrow Pit. The site consisted of approximately 10 acres of earthen material to be removed and used for the S.R. 25 (Hoosier Heartland Highway) project located south of C. R. 400South and east of C.R. 500East. The disturbed area immediately surrounding the pit would be returned to agricultural production after construction was complete. He noted the watershed area was approximately 18 acres including the newly created pond. He stated the developer agreed with the April 29, 2011 Burke memo and requested final approval. The Surveyor stated the site drained north into a culvert under C.R. 400North to an unnamed tributary and then to Dry Run- a tributary of Wabash River. The existing drainage pattern was reviewed by the Board utilizing G.I.S.

Responding to the Surveyor's request, Mr. Roeshlein stated there was minimal erosion at the culvert as the area had not been touched in the last 50 years. The Surveyor stated clear color pictures of the metal arch pipe culvert at C.R. 400North showing the existing condition were required for the record. Photographs of the existing drainage pattern to the unnamed tributary then to the Dry Run tributary of Wabash River should be provided for the record as well. A narrative of the downstream receiving system should be included in the Drainage Report. Mr. Roeshlein stated he would provide all the information as required and make it part of the final drainage report. The Surveyor stated basically this was an area that discharged to the C.R. 400North culvert. Responding to the Surveyor's inquiry, Mr. Roeschlein stated the emergency spillway would be moved to the west of its current location.

The Surveyor stated he recommended final approval with the conditions as stated on the April 29, 2011 Burke memo. There was no public comment. David Byers made a motion to grant final approval with the conditions as stated on the April 29, 2011 Burke memo for Spitznagle Borrow Pit. John Knochel seconded the motion. The Spitznagle Borrow Pit was granted final approval with conditions as stated on the April 29, 2011 Burke memo.

Petition to Encroach Otterbein Regulated Drain#112

The Surveyor reviewed a Petition to Encroach on the Otterbein Regulated Drain #112 submitted by the Town of Otterbein and presented to the Surveyor office by Butler Fairman and Seifert Inc. (B.F.S.) on April 18, 2011. The encroachment was located on Oxford Street within the Town of Otterbein and approximately 115 feet into the Otterbein Regulated Drain #112 easement. He recommended approval as submitted. There was no public comment. David Byers made a motion to grant approval of the Petition to Encroach on the Otterbein Regulated Drain#112 submitted by the Town of Otterbein. John Knochel seconded the motion. The Petition to Encroach on the Otterbein Regulated Drain #112 was approved as submitted.

Petition to Encroach Vanderkleed Regulated Drain/Huntington Farms Phase 4

David Byers made a motion to table the Petition to Encroach on the Vanderkleed Regulated Drain submitted Cripe Architects & Engineers to the June 1, 2011 meeting. John Knochel seconded the motion. The Petition to Encroach on the Vanderkleed Regulated Drain was tabled to the June 1, 2011 meeting.

Zach Beasley

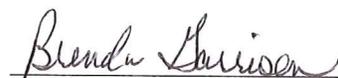
The Surveyor stated he had two Regulated Drain Hearings he would like to schedule with the Board. The John Hengst Regulated Drain and the John Blickenstaff Regulated Drain. He had the report and assessments ready to be presented to the Board. He had been in contact with landowners benefitted by both drains. David Byers made a motion to schedule the two Regulated Drain Hearings as requested by the Surveyor. John Knochel seconded the motion. The John Hengst #117 Regulated Drain and the John Blickenstaff #11 Regulated Drain Hearings were scheduled for June 1, 2011. The Hearings would follow the regular scheduled Drainage Board meeting.

Public Comment

As there was no public comment, John Knochel made a motion to adjourn. The meeting was adjourned.


Thomas P. Murtaugh, President


David Byers, Vice President


Brenda Garrison, Secretary


John Knochel, Member

Tippecanoe County Drainage Board
Minutes
June 1, 2011
Regular Meeting

Those present were:

Tippecanoe County Drainage Board President Thomas Murtaugh, Vice President David Byers, member John Knochel, County Surveyor Zachariah Beasley, Drainage Board Attorney Dave Luhman, Drainage Board Engineering Consultant Dave Eichelberger from Christopher B. Burke Engineering Limited, and Drainage Board Secretary Brenda Garrison. Board President Tom Murtaugh was absent for the approval of minutes and the Nanshan project presentation only.

Approval of Minutes

John Knochel made a motion to approve the May 4, 2010 Regular Drainage Board minutes as written. David Byers seconded the motion. The May 4, 2011 Drainage Board meeting minutes were approved as written.

Nanshan America Mass Earthwork and Grading

Jim Pence from the Schneider Corporation appeared before the Board to request final approval for Nanshan America Mass Grading. The site consisted of approximately 50 acres located on the southwest corner of U.S. 52 and C.R. 350S (Veterans Memorial Parkway) and within the city limits of Lafayette. He also requested an encroachment on the Upper JN Kirkpatrick Regulated Drain. He stated this project was granted a one hundred fifty feet (150') easement from the Park 350 Partners for a drainage ditch alongside the Park 350 site and the ditch would outlet into the Upper JN Kirkpatrick Regulated Drain. He noted they were constructing the outlet channel with a temporary sediment trap connecting to JN Kirkpatrick drain to maintain sediment runoff, both in the interim condition of mass grading and the ultimate construction of the outlet into the ditch. Mr. Pence requested final approval for Nanshan America mass earthwork and grading as well as approval for the encroachment on the Upper JN Kirkpatrick regulated drain.

The Surveyor then reviewed the site location and plans reiterating this project would be located in the City of Lafayette. He explained the open ditch would be constructed along the southwestern portion of the site which would outlet into the JN Kirkpatrick Regulated Drain. He noted the Board was hearing this project to approve the drainage - mass earthwork and grading only. He stated a petition to encroach on the JN Kirkpatrick regulated drain was submitted for this project as well. He recommended final approval with the conditions as stated on the May 16, 2011 Burke memo for Nanshan America Mass Earthwork and grading. John Knochel made a motion to grant final approval with the conditions as stated on the May 16, 2011 Burke Memo for Nanshan America mass earthwork and grading. David Byers seconded the motion. The Nanshan America Mass Earthwork and Grading was granted final approval with the conditions as stated on the May 16, 2011 Burke Memo. John Knochel then made a motion to grant the encroachment on the Upper JN Kirkpatrick Regulated drain as submitted. David Byers seconded the motion. The Petition to Encroach on the Upper JN Kirkpatrick Regulated Drain was accepted as requested. There was no public comment on this project.

Chapelgate Sr. Apts.

Arthur Kaiser from Evergreen Planners (Indianapolis Indiana) appeared before the board requesting final approval for the Chapelgate Senior Apartments project. The site was located south of US 52 and west of Co. Rd. 300 W (Klondike Rd.) and consisted of approximately 6.9 acres with the apartment building location in the northeast corner. Earthwork for this project received final approval during the February 2011 Drainage Board meeting. He noted the removal of the site within the flood zone was approved and a retaining wall was constructed along the eastern portion of the site as planned. The site was ready for the final drainage improvements and construction of the apartment building. He requested final approval for the project. The Surveyor requested the status of as builts for the compensatory storage area. Mr. Kaiser stated they had been completed and he would submit those to the Surveyor office as requested. Mr. Kaiser also stated he had received the required letter from FEMA certifying the building location out of the flood hazard area. The Surveyor noted his office would require copies of all documentation from FEMA as well as the previously mentioned as builts for the file. He then recommended final approval with the conditions as stated on the May 25, 2011 Burke memo for Chapelgate Sr. Apartments. Responding to Mr. Murtaugh's inquiry, the Surveyor noted directly west of the building site location (less than 1000 feet) 2 detention basins were excavated to compensate for the fill area of the building site. He stated the requested as builts submittal regarded the excavation of the detention basins. David Byers made a motion to grant final approval with the conditions as stated on the

May 25, 2011 Burke memo for Chapelgate Sr. Apartments. John Knochel seconded the motion. Chapelgate Sr. Apartments was granted final approval with the conditions as stated on the May 25, 2011 Burke memo. There was no public comment.

Huntington Farms Phase 4 (previously tabled from May 2011 Drainage Board meeting)

David Byers made a motion to remove from the table of the May 4, 2011 Drainage Board meeting, Huntington Farms Phase 4 project. John Knochel seconded the motion. The project was opened for discussion. Joe Coutts from Cripe Architects and Engineers (Indianapolis Indiana) appeared before the board to request final approval for the Huntington Farms Phase 4 project. The site was located between Co. Rd. 200 N (Lindberg Rd.) and SR 26 West- west of Co. Rd. 300 W (Klondike Rd.) and consisted of approximately 9.89 acres. This phase was the continuation of the overall 75 acre Huntington Farms development site. Mr. Coutts stated Mr. Lee Brand's concern from the previous May meeting was addressed. He reviewed the plan as a 4 inch tile or outlet pipe would be tied into the existing 12 inch clay Vanderkleed drain tile. A section approximately 60 feet in length of the Vanderkleed tile would be replaced and a "berm" (not a compacted bank) would be constructed above it to provide protection for the outlet. The 4 inch tile would be approximately a foot lower than the main outlet pipe of the detention basin. He noted in smaller rainfall events (up to approximately an inch) Mr. Brand should not see any water from the pond. In larger rainfall events he would see runoff however as the pond drained down the runoff would decrease. He met with Mr. Brand onsite and received his approval for the plan. He stated they felt it was a viable way to address the nuisance runoff which crossed his property. This would be included on the revised construction plans when resubmitted. A petition to encroach on the Vanderkleed Legal Drain easement had been submitted regarding this plan. He requested a waiver from item one under the Stormwater Quality section of the April 27, 2011 Burke memo regarding the 80% removal requirement as this was the last phase of the development approved in 1996 prior to the existing Stormwater Quality Ordinance. Mr. Coutts requested approval of the petition and final approval for the project at that time. The Surveyor stated they had reviewed the resubmitted plans and Mr. Coutts had addressed many of the concerns previously stated by the Board at the May meeting. Mr. Coutts had also met with landowner Mr. Lee Brand and addressed his concerns for the nuisance runoff over his property. He then recommend final approval with the conditions as stated on the April 27, 2011 Burke memo. Responding to Mr. Byer's inquiry, Mr. Eichelberger stated concerning the circumstance of the previously submitted and approved master drainage plan (prior to the Stormwater Quality ordinance in effect at this time) for the overall Huntington Farms project and the fact of the limitations within the site and their TSS removal percentage was at approximately 70 % he felt the project could be approved with an amended condition regarding the TSS removal percentage to 70%. David Byers made a motion to amend item number one under the Stormwater Quality section within the April 27, 2011 Burke memo to a 70% TSS removal John Knochel seconded the motion. The April 27, 2011 Burke memo regarding item number one under Stormwater Quality was amended to read 70% TSS removal. David Byers made a motion to grant final approval with the conditions as stated on the April 27, 2011 Burke memo with the amended item number one under Stormwater Quality to read 70% TSS removal for the Huntington Farms Phase 4 project. John Knochel seconded the motion. Huntington Farms Phase 4 was granted final approval with the conditions as stated and amended in the April 27, 2011 Burke memo. A petition to encroach on the Vanderkleed legal drain was submitted for this project and tabled at the May meeting as well. David Byers made a motion to open for discussion the Petition to Encroach on the Vanderkleed Legal Drain. John Knochel seconded the motion. The petition was opened for discussion. David Byers made a motion to grant approval of the encroachment on the Vanderkleed legal drain as petitioned. John Knochel seconded the motion. The petition to encroach on the Vanderkleed legal drain was approved as submitted. There was no public comment.

Cottages on Lindberg

Steve Roeshlein from Vester and Assoc. appeared before the Board to request final approval for the Cottages on Lindberg project. The site was located northeast of Co. Rd. 250 W and Co. Rd. 200 N (Lindberg Road) intersection and consisted of approximately 18 acres. He noted comments on the May 31, 2011 Burke memo were being addressed and revised plans would be submitted as required. The Surveyor reviewed the site for the Board using GIS. This site was directly west of the existing Willowbrook Apartment complex. There would be 129 structures. This was a high density development. The major concern of the Surveyor's office was that the construction plans previously submitted indicated two or three of the buildings did not have the required freeboard minimum. He noted he would not sign off on the plans without this being addressed and revised. He noted it was difficult to understand by the plans how the runoff would access the ditch from the paved surface at the driveway location. He had a concern that the runoff would not route down the street. There were other issues but these were the major concerns and would need to be addressed. He indicated using the GIS website the area in question for the Board. Mr. Eichelberger also reviewed the area in question and reviewed existing construction plans. Responding to Mr.

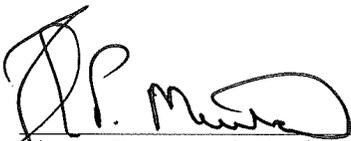
Byers' concern regarding locations of the buildings on the existing construction plans, Mr. Roeshlein stated they would be relocated and revised plans would be submitted to the Surveyor's office. Several structures were located within or close to the emergency runoff area. The Surveyor indicated on the GIS site the area in question for the Board. Mr. Eichelberger then reviewed the areas in question and the existing plans for the board. The Surveyor then recommended final approval with the conditions as stated on the May 31, 2011 Burke memo. Due to time restraints approval and the fact the Surveyor must sign off on plans before APC would approve the final plat, drainage approval was requested. Mr. Travis Triniton owner of the project site approached the Board and requested to move forward with the approval with conditions. The Surveyor stated it would have to be turned around fast and he would NOT sign off on the plan if not revised as discussed and submitted in a timely manner. The Attorney clarified a verbiage should be added under Stormwater Quantity item #1 of the May 31, 2011 Burke memo that revised plans submitted would be to the satisfactory to the Surveyor and that which verified there was a minimum of one foot of freeboard under **each** structure. David Byers made the motion to amend Stormwater Quantity number one on the May 31, 2011 Burke memo with the added verbiage as stated by the Attorney. John Knochel seconded the motion. Item number one under Stormwater Quantity was amended with the added verbiage "revised plans submitted would be to the satisfactory to the Surveyor and would verify there was a minimum of one foot of freeboard under **each** structure". David Byers made a motion to grant final approval with the conditions as stated on the May 31, 2011 Burke memo for Cottages on Lindberg. John Knochel seconded the motion. Cottages on Lindberg was approved with the conditions as stated and amended on the May 31, 2011 Burke memo. There was no public comment.

Petition to Partially Vacate the Felbaum Branch of the Berlowitz Regulated Drain

Dan Teder from Reiling, Teder and Schrier LLC appeared before the Board and submitted a Petition to Partially Vacate the Felbaum Branch of the Berlowitz Regulated Drain. The site was located just north of the McCarty Lane extension on the east side of Co. Rd. 550 E within the development to be known as Hawthorne Lakes. The Surveyor reviewed the site and route of the Branch for the Board using the GIS website. He recommended approval to the Board. David Byers made a motion to grant the partial vacation of the Felbaum Branch of the Berlowitz Regulated Drain. John Knochel seconded the motion. The Petition to partially vacate the Felbaum Branch of the Berlowitz Regulated Drain was approved as submitted.

Public Comment

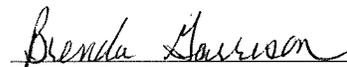
As there was no public comment John Knochel made a motion to adjourn. The meeting was adjourned.



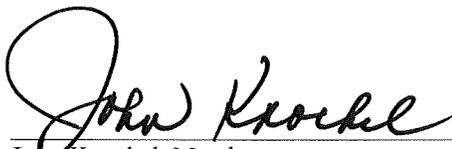
Thomas P. Murtaugh, President



David Byers, Vice President



Brenda Garrison, Secretary



John Knochel, Member

Tippecanoe County Drainage Board
July 12, 2017
Regular Meeting Minutes

Those present were:

Tippecanoe County Drainage Board President Thomas P. Murtaugh, Vice President David S. Byers, member Tracy Brown, County Surveyor Zachariah Beasley, Drainage Board Attorney Doug Masson, Drainage Board Secretary Brenda Garrison and Drainage Board Engineering Consultant Dave Eichelberger from Christopher B. Burke Engineering LLC. Evan Warner-G.I.S. Technician and James Butcher-Project Manager, both with the Surveyor Office, were also in attendance.

Approval June 7, 2017 Regular Meeting Minutes

Approval June 7, 2017 Grant Cole #19 Regulated Drain Hearing Minutes

Approval June 7, 2017 F.E. Morin #57 Regulated Drain Hearing Minutes

Approval June 7, 2017 Moses Baker #114 Regulated Drain Hearing Minutes

Approval June 14, 2017 Upper J. Berlowitz Stormwater Conveyance Bid Award Hearing Minutes

David Byers made a motion to approve the June 7, 2017 Regular meeting and the additional Regulated Drain Hearing minutes as written. David Byers commended Brenda Garrison regarding the efficiency in the completion of the numerous meeting minutes along with other duties. Tracy Brown seconded the motion. Motion granted.

F.E. Morin#57 Regulated Drain/ Reconstruction Bid Opening

President Murtaugh referred to Attorney Masson for the presentation of the F.E. Morin Regulated Drain reconstruction bids submitted for consideration. Attorney Masson read the bids submitted as follows: M.G. Underground Brazil Indiana-\$497,265.00, Maxwell Farm Drainage Inc. Crawfordsville Indiana-\$229,980.00, Timewell Tile/A.D.I. Timewell Illinois-\$238,600.00, Huey Excavating Sandborn Indiana-\$205,899.00. David Byers made a motion to take the bids under advisement during which time a review would be performed by the Surveyor's Project Manager. Once the review of the contract figures and documents was complete, award the bid prior to the close of today's meeting. Tracy Brown seconded the motion. Motion granted.

Mason's Ridge Subdivision Obstruction Petition/H.O.A. Agreement

The Surveyor reminded the Board a Petition to Remove an Obstruction was submitted by Scott Jones to his office. During the June 7, 2017 Board meeting the obstruction was discussed in detail. The Board tabled the obstruction hearing and directed all individuals involved to come to an agreement on removing the obstruction in Masons Ridge Subdivision at that time. Mason's Ridge Subdivision Homeowners Association President Steve Cook approached the Board to present an update. He stated an agreement had been reached between the affected lot owners and H.O.A. regarding removal of the obstruction. He noted the obstruction would be removed by August 31st or sooner. He thanked the Board. Responding to Mr. Murtaugh's inquiry, Atty. Masson stated the Petition to Remove Obstruction was officially on the table, however there was no other action required.

Zach Beasley/Other Business

Cox/Vanderkleed Regulated Drain

The Surveyor requested the Board to schedule a landowner hearing for the Cox/Vanderkleed Regulated Drain reconstruction on September 11, 2017 directly following the regular meeting. David Byers motioned to hold a landowner Reconstruction Hearing on the Cox/Vanderkleed reconstruction on Sept. 11th 2017 to directly follow the regular meeting at 10 a.m. Tracy Brown seconded the motion. Motion carried.

Upper Berlowitz Stormwater Conveyance Project (Pilot Channel)

The Surveyor informed the Board a pre-construction meeting was held for the Berlowitz Interim Stormwater Conveyance project on August 1, 2017 with Atlas Excavating Inc. Weather permitting; the project should be started in 2-3 weeks as the Surveyor office was to provide digital line work due to the changes made by St. Franciscan Alliance Hospital. Reiterating

the Surveyor's comments, Attorney Masson stated he was preparing a M.O.U. between the County and St. Franciscan Alliance Health. This will allow the construction to begin prior to the formal documents being ironed out.

**Multiple Projects Update
Huffman Weimert Drain**

The Surveyor informed the Board the Huffman Weimert Drain was scheduled for a hearing on August 2, 2017. He met two contractors on site who would present quotes for the job. He expected it to be taken care of in the near future if all goes well at the hearing.

JB Anderson Drain

The Surveyor informed the Board Dave Stevenson -largest benefited acre landowner within the JB Anderson Regulated Drain watershed (approximately 300 acres) - has withdrawn his support for overall reconstruction of said drain. He reminded the Board two informal landowner meetings were held regarding reconstruction of the overall drain. With Mr. Stevenson's withdrawal of support, the percentage of landowners in favor of an overall reconstruction dropped below 50%. Therefore the full reconstruction was off. However, Mr. Stevenson stated he was in support of a maintenance rate increase of \$30.00 per acre. This increase would allow monies to be collected for maintenance work on the open portion (approx. 3-4 miles) of the drain. The Surveyor stated he hoped to set a date and time for a Maintenance Increase Hearing to set the rate as stated on the J.B. Anderson Regulated Drain before the end of the year or first part of next year.

John McLaughlin Regulated Joint Drain (with Montgomery County) Watershed Study

David Eichelberger Christopher Burke Engineering stated his firm had started on the hydrology portion of the John McLaughlin Regulated Drain Watershed Study. He noted the study was on course and would present an update at the next joint meeting.

F.E. Morin Regulated Drain Bid Award

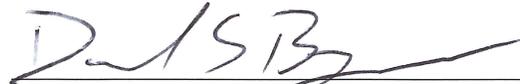
James Butcher, Project Manager stated all the bids were in order as read aloud earlier in the meeting. David Byers made a motion to accept the bid for the F. E. Morin Regulated Drain Reconstruction from Huey Excavating of Sandborn Indiana in the amount of \$205,899.00. Tracy Brown seconded the motion. Motion carried. Bart Maxwell of Maxwell Farm Drainage approached the Board and stated he thought the pipe that was used in the low bid was polypropylene and the contract's bid specifications called for 100% virgin polyethylene. He stated the polypropylene pipe was quite different and it would be prudent for the Board to review the materials closely to be used by the contractor. Responding from the Attorney's recommendation, David Byers motioned to accept the lowest bidder -Huey Excavating – contingent on compliance with contract bid specifications - in the event they do not; authorize the Surveyor to enter into contract with the second lowest bidder compliant to all contract specifications. Tracy Brown seconded the motion. The Attorney stated the supplemental motion on the floor overrides the previous motion.

Public Comment

As there was no other public comment, David Byers made a motion to adjourn. The meeting was adjourned.



Thomas P. Murtaugh, President



David S. Byers, Vice President



Brenda Garrison, Secretary



Tracy Brown, Member

TIPPECANOE COUNTY DRAINAGE BOARD
November 1, 2017
Drainage Board Meeting Minutes

Those present were:

Tippecanoe County Drainage Board President Thomas P. Murtaugh, Vice President David Byers, member Tracy Brown, County Surveyor Zachariah Beasley, Drainage Board Attorney Doug Masson, Engineering Consultant Lenny Noens from Christopher B. Burke Engineering LLC and Drainage Board Secretary Brenda Garrison. Evan Warner-G.I.S. Technician and James Butcher-Project Manager, both with the Surveyor Office, were also in attendance.

Approval of Oct 4, 2017 Drainage Board Meeting Minutes

David Byers made a motion to approve the October 4, 2017 Regular meeting minutes of the Drainage Board as written. Tracy Brown seconded the motion. Motion carried.

N.W. Box #12 /Marshall Branch Regulated Drain Dredging Contract

President Tracy Brown referred to the Attorney for the opening of the dredging contract bid regarding the N.W. Box #12 Regulated Drain. He read the bid as follows; Rick Sutton in the amount of \$30,082.51/ Tony Garriott in the amount of \$18,628.25/ Huey Excavating in the amount of \$24,888.00. The President thanked the bidders for their submittals and noted the Project Manager would check the submittals for compliance with the bid specifications. The Board would then award the bid at the end of this meeting.

All State Fastener

Randy Peterson of AbonMarche Consultants and Starr Associates appeared before the Board to present All State Fastener project for approval. The site was located south of US 52 at the southwest corner of Co. Rd. 400 South and Co. Rd. 500 East and consisted of approximately 10.24 acres. The first phase of the project (approximately 4 to 5 acres) would be the construction of a new facility along with parking, drives and an entrance off Co. Rd. 400 South. An overall plan consisted for the entire 10.24-acre site with future phases as well. This project was located within the J.N. Kirkpatrick drainage impact area which required a restricted release rate. Due to several factors underground detention was designed for this site. The emergency route was designed from the southwest corner toward US 52 and southerly to the newly extended J.N. Kirkpatrick Regulated Open Drain. He stated they agreed with the conditions as stated on the October 17, 2017 Burke memo and requested approval at that time. The Surveyor stated approval from INDOT and the County Highway Dept. as well as proof of easement to the JN Kirkpatrick drain outlet was required prior to onsite construction. The Surveyor recommended approval with conditions as stated on the October 17, 2017 Burke memo. There was no public comment. Tracy Brown made a motion to approve with conditions as stated on the October 17, 2017 Burke memo the All State Fastener project. David Byers seconded the motion. Motion carried.

Zach Beasley/Other Business

Maintenance Bonds:

The Surveyor presented the following Maintenance Bonds for acceptance by the Board: Maintenance Bond#1231748 submitted by Merritt Contracting for Concord Ridge Section 1 and written by the Cincinnati Insurance Company in the amount of \$39,011.53 additionally Maintenance Bond#1231749 submitted by Merritt Contracting for Avalon Bluffs Section 2 and written by the Cincinnati Insurance Company in the amount of \$10,966.82 for approval by the Board. David Byers made a motion to approve Maintenance Bond #1231748 for Concord Ride Section 1 and Maintenance Bond #1231749 for Avalon Bluffs Section 2 as submitted by Merritt Contracting and presented by the Surveyor to the Board. Tracy Brown seconded the motion. Motion carried.

Drain Projects:

The Project Manager stated the low bid for the N.W. Box#12/Marshall Branch Dredging Contract submitted by Tony Garriott followed the specifications. Tracy Brown made a motion to accept the Tony Garriott bid of \$18,628.25 for the N.W. Box Drain #12/Marshall Branch Dredging Project. David Byers seconded the motion. Motion carried.

**Drain Project (s) Update:
Upper Berlowitz Stormwater Interim Conveyance Project**

A site visit was conducted on the Berlowitz Upper End Stormwater Conveyance project. The location of the jobsite was between St. Elizabeth Hospital and Indiana University Hospital. Surveyor Beasley, Commissioners Tracy Brown and David Byers, along with Landowner Jerry Schmidt and his realtor Steve Shook toured the construction site and everything is on schedule except for the outlet pipe installation from the first pond to the southwest corner of McCarty Lane as the weather has been an issue lately and caused a bit of a setback. Other than this issue the project was moving along very well. He reminded the public this was a pilot channel.

Cox Vanderkleed Regulated Drain #127 Reconstruction Project

The Surveyor noted the Cox Vanderkleed reconstruction would be started the first part of next week. He noted the Cox Vanderkleed Reconstruction, the Upper Berlowitz construction, and the F.E. Morin Regulated Drain Reconstruction represented two agricultural and one urban drain reconstruction projects this year. He noted a total of 4 Urban Drains and approximately 33 miles of tile reconstruction projects have been completed since 2010.

There was no public comment.

David Byers made a motion to recess and reconvene after the Drain Maintenance Hearings scheduled to follow this meeting. Tracy Brown seconded the motion. Motion carried. The regular Drainage Board meeting would reconvene after the scheduled Drain Maintenance Hearings have been held.

Reconvened:

Harrison High School Tennis Complex

Pat Jarboe with TBIRD Design Services appeared before the Board to present the Harrison High School Tennis Complex project (ten court complex). The site was located at the east side of Co. Rd. 50 West between Co. Rd. 500 North and Co. Rd. 600 North and on the south side of the Grant Cole Regulated Drain and consisted of approximately 2.7 acres. He noted the School Corporation was relocating the tennis courts to south of the Grant Cole Drain. Due to multiple detention ponds etc. onsite, he requested the approval to combine the multiple drainage projects into one. He stated they conferred with the October 27, 2017 Burke memo and were currently in the process of receiving a DNR (Department of Natural Resources) permit for construction within a floodway for the access walkway. He noted nonnative species would be removed from the corridor for security and safety issues. He stated the bridge would stay located over the ditch and would be for emergency access only. The School continues to outgrow itself and creative thinking is warranted regarding placement of additions etc. onsite. The Surveyor reiterated detention would be provided as part of the future expansion projects and agreed with their plans. They have met and reviewed the proposed plans for any potential problems to downstream landowners in the interim. He recommended approval with the conditions as stated on the October 27, 2017 Burke memo. There was no public comment. David Byers made a motion to approve the Harrison High School Tennis Complex with the conditions as stated on the October 27, 2017 Burke memo. Tracy Brown seconded the motion. Motion carried.

Public Comment

There was no public comment. David Byers made a motion to adjourn. The meeting was adjourned.



Thomas P. Murtaugh, President



David S. Byers, Vice President



Tracy Brown, Member



Brenda Garrison, Secretary

TIPPECANOE COUNTY DRAINAGE BOARD

June 6, 2018

Drainage Board Meeting Minutes

Those present were:

Tippecanoe County Drainage Board President David Byers, Vice President Tracy Brown, member Thomas P. Murtaugh, County Surveyor Zachariah Beasley, Drainage Board Attorney Doug Masson, Engineering Consultant Dave Eichelberger from Christopher B. Burke Engineering LLC and Drainage Board Executive Administrator Brenda Garrison. Evan Warner-G.I.S. Technician and James Butcher-Project Manager, both with the Surveyor Office, were also in attendance.

Approval of Minutes

Thomas Murtaugh made a motion to approve the May 2, 2018 Drainage Board minutes. Tracy Brown seconded the motion. Motion carried.

Copper Moon MASTER PLAN

Dustin Foster of American Structurepoint Inc. appeared before the Board to present the Copper Moon Master Plan for approval. The site was located at 1503 Veterans Memorial Parkway East within the City of Lafayette Indiana and consisted of approximately 10.04 acres. Mr. Foster stated the Master Plan was intended to design storm water quality and detention storage per the County Ordinance for the entire site. He noted the site drained to the Berlowitz Regional Detention Facility. He stated due to the type of outfall of the site, they over detained storm water onsite to protect downstream owners. Therefore, the current storm water discharge from the site would not be increased by the planned buildout. The Master Plan was to outline the future implementation of development in a staged form onsite. He then requested approval by the Board for the Master Plan as submitted. There were no questions from the Board. Surveyor Beasley reiterated this site was located within the City of Lafayette and the Berlowitz Drain watershed. More specifically located south of McCarty Lane, East of Veterans Memorial Parkway and Southeast of the I.U. Hospital. The Board was to approve the Master Plan's stated discharge into the Berlowitz Drain outlet. He clarified the following: the existing infiltration basin lot traversed along the eastern, northeastern portion of the property currently. It would be extended to the south and west along the south property line. He then recommended approval with the conditions as stated on the May 14, 2018 Burke memo. Tracy Brown made a motion to approve the Copper Moon Master Plan with conditions stated on the May 14, 2018 Burke memo. Thomas Murtaugh seconded the motion. Motion carried.

Zach Beasley/Other Business

Surveyor Beasley presented two Promissory Notes received on the Cox Vanderkleed Regulated Drain #127 Reconstruction for approval. The Promissory Notes were submitted by: Landowners: Byers Patricia A & Cox Kathryn W TTEE for Parcel #'s 791026100.001.00020- & 791027200.001.000020/Landowner: Jennie K. Vanderkleed for Parcel # 79102230.0001.000020. Thomas Murtaugh made a motion to grant approval for the two promissory notes pertaining to the Cox Vanderkleed #127 Reconstruction presented by the Surveyor. Tracy Brown seconded the motion. Motion carried. There was no public comment. He then presented three Promissory Notes received on the F.E. Morin #57 Regulated Drain Reconstruction for approval. The Promissory Notes were submitted by: Landowners: Gilbert Gregory E & Natalie P for Parcel #'s 791522200.003.000007 & 79152220.0003.000007/Landowner: Hadley Associates Inc. for Parcel # 79152620.0001.000007/ Landowners: Les & Judith Christianson for Parcel#79152619.0001.000007. Tracy Brown made a motion to grant approval for the three promissory notes pertaining to the F.E. Morin #57 Reconstruction as presented by the Surveyor. Tracy Brown seconded the motion. Motion carried. There was no public comment.

Drain Reconstruction Fund / Release of Mortgage

Attorney Masson informed the Board once a Reconstruction Promissory notes was paid in full by a landowner, a "Release of Mortgage" document would be required to be signed from the Drainage Board.

August Meeting

Surveyor Beasley requested due to a conflict in scheduling the August meeting date be revised to August 8, 2018. Thomas Murtaugh made a motion to set the August meeting date as August 8, 2018 at 10 a.m. Tracy Brown seconded the motion. Motion granted.

Public Comment

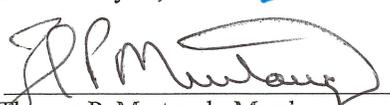
As there was no public comment, Tracy Brown made a motion to adjourn. The meeting was adjourned.



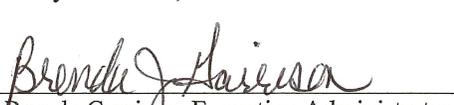
David S. Byers, President



Tracy A. Brown, Vice President



Thomas P. Murtaugh, Member



Brenda Garrison, Executive Administrator