

SYNOPSIS OF

Minutes of the Regular Meeting of the Tippecanoe County Drainage Board held in the County Commissioners Room in the Court House at 9:00 a.m., on Tuesday, May 4th, 1971.

Present at Meeting Present at the meeting were Bruce Osborn, Chairman, Dale Remaly, Vice Chairman, Edward Shaw, Board Member along with A.D. Ruth, Jr., Engineer, G. Richard Donahue, Atty., Bill Martin, SCS, John Garrott, Surveyor, Larry Clerget, Deputy Surveyor, Ken Raines, Reporter and Gladys Ridder, Secretary.

Minutes Approved It was moved by Mr. Osborn, seconded by Mr. Remaly and made unanimous by Mr. Shaw to accept the minutes of the April 6, 1971 meeting with one correction.

E.W. Andrews Ditch At 9:30 a.m., there was a hearing on the maintenance report for the E. W. Andrews ditch. Three people involved in this water shed area attended. They were Mr. Charles Kerkhove, Eugene Sheets and Robert Kerkhove, all of whom felt the \$100 per acre as suggested by the Engineer in his report would be adequate and acceptable. Upon motion made by Bruce Osborn seconded by Dale Remaly and made unanimous by Edward Shaw, the Board declared the E.W. Andrews Maintenance Fund established.

Floyd S. Kerschner Ditch At 10:30 a.m., there was a hearing on the maintenance report for the Floyd S. Kerschner drain. Present at the hearing were Lorice Bails, Lina Kerschner, Glenn Heaton, W. A. Medley, Anna Hickman and Josephine Martin, all persons involved in this water shed area. After some discussion the landowners decided to try the Engineer's suggestion of \$ 1.00 per acre altho the majority felt it a bit high. Mr. Heaton asked the Board to please change the amount of acreage charged against him because of a change of tile on his farm. The tile

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May 4th, 1971 Meeting ( continued)

now causes the water to run more to another ditch and less water to this one. The Board accepted his request. Upon motion made by Mr. Remaly, seconded by Mr. Shaw and made unanimous by Mr. Osborn the Maintenance Fund of the Floyd S. Kerschner ditch was established.

Train Coe Ditch Mr. Dan Ruth suggested an informal meeting with the people in the Train Coe Ditch water shed area to see how they felt about setting this ditch up for reconstruction as it needs so much. This meeting is to be held at the next regular meeting at 2:00 p.m.

Order of Findings and Certificate of Assessments The Board then signed the Certificate of Assessments and the Order of Findings for both the E. W. Andrews and Floyd S. Kerschner ditches.

Ditches Referred to Engineer The motion made by Bruce Osborn and seconded by Dale Remaly, made unanimous by Edward Shaw to refer the following ditches for the Surveyor and Engineer's consideration; Thomas Ellis ditch (Lauramie Twp.), Elijah D. Fugate (Lauramie & Randolph Twps.), Gustave Swanson ( Lauramie Twp.), Frank Kirkpatrick (Lauramie & Randolph Twps.), and Jesse B. Anderson ( Lauramie Twp.). All of these ditches were to be set up for maintenance.

A. Suggestion Mr. Bill Martin, Conservationist brought out how important it was to always check the change of use of the ground in determining the run off of the water. His suggestion was to always inspect the ground carefully.

Elmer Thomas Ditch Report \*\*\* Mr. Ruth gave a progress report on his meeting with the State Highway Department with regards to the State putting the tile under State Road # 225. The State assured Mr. Ruth that when Tippecanoe County was ready to reconstruct the Elmer Thomas ditch that they would do their part in tiling under the highway.

Meeting Adjourned Upon motion by Mr. Bruce Osborn, seconded by Dale Remaly and made unanimous by Mr. Edward Shaw, the meeting adjourned.

ATTEST:

Gladys Ridder  
Gladys Ridder, Secretary

Bruce Osborn  
Bruce Osborn, Chairman

Dale Remaly  
Dale Remaly, Vice Chairman

Edward J. Shaw  
Edward Shaw, Board Member

\*\*\* Notice to Adjoining Counties Mr. Ruth presented two letters to the Board for approval. One to the Drainage Board of White County and one to the Drainage Board of Montgomery County asking them to waive their interest in the Andrew P. Brown ditch (White Co.) and the Elijah D. Fugate ditch ( Montgomery Co.) both of which more than 80% of the water shed area lies in Tippecanoe County. The Board approved.

## MINUTES OF THE AUGUST 3, 1971 MEETING.

Minutes of the Regular Meeting of the Tippecanoe County Drainage Board held in the County Commissioners Room in the County Court House at 9:00 a.m., Tuesday, August 3, 1971.

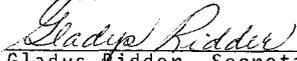
- Present at Meeting** Those present at the meeting were: Bruce Osborn, Dale Remaly, Edward Shaw, Richard Donahue, Dan Ruth, John Garrott, Larry Clerget, Gladys Ridder and Ruth Schneider.
- Minutes Approved** Upon motion made from Dale Remaly, seconded by Edward Shaw, the minutes of the July 6, 1971 meeting were approved as read.
- Ditches referred to Engineer** The Board referred the following ditches to the Engineer for a Maintenance Fund set up: Moses Baker, Lauramie township; Jacob Taylor, Jackson and Wayne townships; Hester B. Motsinger, Wabash township, Romney Stock Farm, Lauramie and Randolph townships.
- 9:30 a.m. Herman Beutler Hearing** At 9:30 a.m., the Chairman of the Board opened the hearing on the Herman Beutler Ditch. Those attending this meeting were as follows: Arnold Burkhardt, Albert Albright, H. S. Congram, Robert L. Smith, Ralph Booher, and R. L. Leonard. There were no remonstrances filed on this ditch. Mr. Congram suggested a channel was needed to protect the main headwall from collapsing. Mr. Ruth said the Drainage Board would be glad to work with the SCS Office to help plan a new open drain. The Engineer recommended \$1.00 per acre assessment be placed on this ditch. Most of those present felt it was hardly enough and asked for the maximum. Therefore the maintenance fund was set at \$1.10 per acre.
- 10:30 a.m. Crist & Fassnacht Hearing** At 10:30 a.m., the Board's Chairman opened the hearing on the Crist & Fassnacht Ditches. Those present at said hearing were: James L. Primmer for Percy McDill, Omer Murphy, Ada Lewis, Everett Berninger, Harry Smith, John Brown and Dale Brown. The Engineer read all remonstrances and his recommendations to the Board. George Berninger's acreage on his notice, should have read 55 acres instead of 80 acres. By Board action these two ditches were combined into one ditch now known as the Crist-Fassnacht Ditch. Although the Engineer felt 75¢ per acre was needed, all persons present were in favor of an assessment of 50¢ per acre. The Board agreed that the maintenance fund be established at 50¢ per acre.
- 11:30 a.m. Fugate Hearing** At 11:30 a.m., the Engineer open the Fugate Ditch Hearing by reading of the maintenance report. There were no remonstrances filed. The following persons were present at said meeting: H.S. Congram, Roy A. Smith, Max DeVault, and Geneva DeVault and Mary Kitsmiller. Mr. Roy Smith stated that there were 70 rods of broken tile; one mile south of county line on Ralph Wise's property. During the discussion it was agreed that the repair of the 70 rods would not come under maintenance but would be a reconstruction project. The Engineer suggested that the Fugate and Kirkpatrick Ditches be combined but those present didn't agree. Because the Kirkpatrick Ditch was in better condition than the Fugate Ditch those people did not want their money to pay for maintenance on the Fugate Ditch. Therefore the ditches were not combined. All land owners attending were in favor of \$1.00 per acre maintenance fund. On motion made and carried the Board established the maintenance fund of \$1.00 per acre.
- Order & Findings and Cert. of Assessment Signed** Upon establishment of maintenance funds on the aforementioned ditches, the Board signed the Order and Findings and the Certificates of Assessment.
- 1:30p.m. Frank Kirkpatrick** At 1:30 p.m., the Chairman of the Board opened the hearing on the Frank Kirkpatrick Ditch by reading of the maintenance report. Those attending the hearing were: Roy Smith, Mabel McDill Andrews and Mrs. Mary Kitsmiller. In discussing the pros and cons on both Fugate and Kirkpatrick Ditches, it was agreed not to combine them. Because of the condition of the Fugate Ditch it wasn't fair to take maintenance from the Kirkpatrick Ditch to fix the Fugate Ditch. All of the owners were in favor of the \$1.00 assessment. On motion made and carried the Board established the maintenance fund at \$1.00 per acre.
- 2:30 p.m. McFarland and Oshier Branch Ditch** At 2:30 p.m., the Board's chairman opened the hearing of the McFarland and Oshier Branch Ditch. The maintenance report and remonstrances were read by the Drainage Engineer. Those attending said hearing were: Anna Boesch, Marshall Farms representative, Lynn Hawkins, Audley Oshier, and Mark Briar. The land owners on the Oshier Branch wanted to remain by themselves. Attorney Richard Donahue, suggested to continue the hearing until November 2, 1971.
- Upon motion by Edward Shaw, seconded by Bruce Osborn, the Board adjourned.

  
Bruce Osborn, Chairman

  
Dale Remaly, Vice Chairman

  
Edward Shaw, Board Member

ATTEST:

  
Gladys Ridder, Secretary

## MINUTES OF THE TIPPECANOE COUNTY DRAINAGE BOARD SEPTEMBER 7, 1971.

The minutes of the regular meeting of the Tippecanoe County Drainage Board held in the Commissioners Room in the Court House at 9:00 a.m., on Tuesday, September 7, 1971.

- Present at Meeting Those present at the meeting were: Bruce Osborn, Dale Remaly, Edward Shaw, Dan Ruth, Dick Donahue, John Garrott, Larry Clerget, Byron Parvis, Gladys Ridder and Ruth Schneider.
- Minutes Approved Upon motion by Bruce Osborn seconded by Dale Remaly the minutes of the August 3, 1971 meeting were approved as read.
- Ditches Referred to Engineer Upon motion by Dale Remaly seconded by Edward Shaw the Board referred the following ditches to the Engineer to prepare for a maintenance report. Floyd Coe (Lauramie Township), Marian Dunkin (Jackson and Wayne Townships), John McCoy (Wea Township).
- Kepner Industrial Tract Mr. Ruth, Drainage Board Engineer, stated on August 5, 1971, Mr. Paul Hamman was in the office with regards to the Kepner property east of town. At that time Mr. Ruth stated, he told Mr. Hamman that a 60 inch pipe would be adequate in the area of the Kepner land if the other recommendations of Dr. Spooner's report were followed.
- Engineers Request Mr. Ruth suggested to the Board that one month we have a meeting but no public hearings. This was done so that we might catch up on uncompleted work. He preferred the month of December. The Board agreed to the suggestion and gave approval.
- John Dooley Maintenance Hearing 1:30 Those present for the maintenance hearing of the John Dooley Ditch were: H. Spencer Congram, Lawrence Treece, William P. Martin, Charles Brown, Iness L. Brown, Chester W. Dill, and Mr. and Mr. Keith McMillin. The engineer opened the hearing by reading the Engineer's report. Mrs. Keith McMillin and Larry Treece were the main objectors and spoke for the rest. They asked the Board not to establish a maintenance fund but to grant them a continuance without date.
- Replacement of Board Member Dale Remaly havein previously disqualified himself to serve in the proceedings concerning the Elmer E. Thomas Ditch and said fact having been duly certified to the judge of the Tippecanoe Circuit Court by Gladys Ridder, Board's Executive Secretary and Warren B. Thompson, Judge Tippecanoe Circuit Court having duly appointed Claude Acheson to serve as a special member of the Board in all proceedings concerning the Elmer E. Thomas Drain. The certification and order of appointment being shown in Judges Journal 138, at page 17, in the records of the Tippecanoe Circuit Court. Claude Acheson appearing is sworn and undertakes his duties and obligations as a member of the Tippecanoe County Drainage Board in the proceedings concerning the Elmer E. Thomas Ditch.
- Elmer E. Thomas Maintenance and Reconstruction Hearing 10:30 The engineer opened the hearing on the reconstruction report by explaining the plans and leaving the meeting open to a question and answer period. Those in attendance were: Dale Remaly, Roy Smith, Robert Gross, Dave E. Gross, Charles Scowden, Katherine and B. Norman DeBoy, Hazel Holmes Gephart, Lawrence Krug, C. Jeanette Dodson, Francis E. Ziegler, Marjorie A. Connolly, Nancy J. Keller, Floyd Lamb, Lucille Banes Williams, Patty W. Garrott, Chester S. Yerkes, R. J. Baker, E. E. Franklin, R. D. Franklin, E. L. Bryant, C. E. Floyd and R. D. Sterrett, of the State Department of Natural Resources, Robert Gross said if the engineer would promise him that the area would be drained and that it would take care of the spring water (that area has several springs) that he would definitely before it. Both Mr. Ruth and Mr. Martin assured them the plans were designed to take care of surface water and it would be up to the individual to see that his own spring water found its way to the drain. Floyd Lamb asked the Board to take his land out of the drainage area for he was sure none of his ground drained that way. The Engineer said he would check it and then inform him of his findings. After lengthy pro's and con's the Board decided to continue this hearing upon motion of Bruce Osborn, Seconded by Ed Shaw, they moved to continue this hearing at 9:30 a.m., on December 7, 1971. Mr. Remaly said if this area was not drained now he felt the situation would continue to get worse and eventually be a health hazard. Mr. Barnett felt if this land was properly drained it could be very valuable.
- Harrison B. Wallace 11:30 At 11:30 a.m. the engineer opened the hearing on the Harrison B. Wallace ditch by reading his report on the condition of this drain. Those in attendance were: Fred B. Pell, Lloyd Howey, representative of Home Investment Company, Inc.; Mrs. C. L. McCorkley, Mr. and Mrs. Harold Freed, and Roy A. Smith. Both the Howey's and the Pell's felt their acreage was in error and that they were double assessed, so the Engineer said we would check the records to see if this were true and notify them later. It was noted that some had taken beautiful care of their ditch while others had done nothing and that it wasn't quite fair to have to charge them all the same with the ditch in such good condition in some parts. The Board agreed to lower the assessment from \$1.00 to \$.75. Upon motion by Bruce Osborn, Seconded by Ed Shaw the maintenance fund was established.
- Mr. William K. Schroeder came to the Board with a personal problem between he and his neighbor and the Board took no action for this was not under their jurisdiction.
- The engineer opened the hearing on the Waples-McDill Drain at 1:30 p.m. by reading to the Board his recommendation. Mr. Floyd Wilcox came in prior to the hearing and ask the Engineer to check his acreage. In

Waples-McDill doing so Mr. Ruth corrected the acreage in Section 16 from 120 acres to 40 acres due to a private ditch that drains the balance. Those attending were: Floyd Wilcox, Orville J. Parvis, Gladden Skinner, Ken Rauch, and Velma Brown. No objections had been filed so by motion of Bruce Osborn, seconded by Dale Remaly and made unanimous by Ed Shaw the sum of \$1.00 per acre was established.

1:30

Informal Meeting

The engineer opened the informal hearing of the Train Coe Ditch by informing the Board that he felt the Train Coe Ditch could be reconstructed for not more than \$17.50 per acre.

Mr. *Cruik* informed the engineer that he had talked to Mr. Barton Maxwell and as he had quoted a good price for the installation of tile ask that a tile ditch be considered rather than an open ditch. He was informed that if there was any indication that a tile drain might be economical it would be given ever consideration.

The engineer told those in attendance and the Board that he would prepare plans and specifications and hold a public hearing; said hearing be perhaps early spring.

Upon motion be Bruce Osborn, seconded by Dale Remaly the Board adjourned.

*Bruce Osborn*  
Bruce Osborn, Chairman

*Dale Remaly*  
Dale Remaly, Vice Chairman

*Edward J. Shaw*  
Edward Shaw, Board Member

ATTEST:

*Gladys Ridder*  
Gladys Ridder, Secretary

The regular monthly meeting of the Tippecanoe County Drainage Board was held in the County Council Room in the Tippecanoe County Court House with the following members present: Bruce Osborn, Robert F. Fields, Edward Shaw, A. Dan Ruth, Jr. Fred Hoffman and Gladys Ridder.

MINUTES SIGNED

The secretary read the minutes of the May 5th, 1974 meeting and upon motion of Robert Fields, seconded by Bruce Osborn and made unanimous by Edward Shaw, the minutes were approved as read.

WADDELL BRANCH  
of  
ANDERSON DITCH

Mr. Arthur Waddell came before th Board asking them if it was possible to reconstruct a branch of the J. B. Anderson ditch without assessing all of the people on the ditch. The Attorney said that that branch could be reconstructed by only the property owners in the watershed being involved. The Board asked the Surveyor to begin reconstruction plans and plan to hold a reconstruction hearing when the engineering was complete. Mr. Waddell reported that a neighbor had built a dam and stopped the natural flow of the water. The attorney said any individual could be sued for doing this and the order to remove it would come from the judge.

ELMER THOMAS

The Surveyor told the Board that again he was being approached to get the Elmer Thomas reconstruction hearing ready for advertising. The Engineer was asked to determine a new cost and re-compute the assessments and advertise for a new hearing.

MCLAUGHLIN DITCH

Mr. Osborn reported that he consulted with the property owners in the area of the McLaughlin ditch and they were considering improving the ditch. An open ditch in the place of broken tile.

PETITION FOR RECONSTRUCT

Mr. Isaac Voss presented the Board with petitions for reconstruction of the Frank Kirkpatrick ditch and the Elijah Fugate ditch. The Board asked the Surveyor to prepare the necessary engineering and assessments for same and to set up a reconstruction hearing.

9:30 a.m.  
MAINTENANCE HEARING ON  
REBECCA GRIMES DITCH

The Surveyor opened the hearing on the Rebecca Grimes ditch by reading his report and making his recommendations to the Board. Two people attended this hearing and they were: Isaac Hoss and Arthur Waddell. Mr. Hoss said a Mr. Kirkhoff had put new tile in on his farm and paid his own bill. He also said that he needed 50 rods of 16 inch tile on his farm. After a discussion as to the benefits received from having a maintenance fund, it was decided to establish a one dollar (\$1.00) per acre assessment. Up on motion of Edward Shaw, seconded by Bruce Osborn and made unanimous by Robert Fields, a \$1.00 per acre assessment was established.

10:00 a.m.  
MAINTENANCE HEARING ON  
J. KELLY O'NEALL

The Engineer opened the maintenance hearing on the J. Kelly O'Neill ditch by reading his report and making his recommendations to the Board. He explained that this was the third hearing on this ditch because to add to the ditch the law requires a new hearing and that two new branches had been added by request. The Board agreed and made them a part of the Legal drain. Those in attendance were: Edward J. Purdy, Walter Holtman, R. Stanley St. John and Ruby G. St. John. All were in agreement that a maintenance fund was needed so upon motion of Bruce Osborn, seconded by Robert Fields and made unanimous by Edward Shaw, a \$1.00 per acre assessment was established.

ORDER & FINDINGS  
AND  
CERTIFICATES OF  
ASSESSMENTS

Upon the establishment of the two ditches, namely J. Kelly O'Neill and the Rebecca Grimes, the Board signed the order and findings and the certificate of assessments. On motion made and carried the meeting adjourned.

*Robert F. Fields*  
Robert F. Fields, Chairman

*Bruce Osborn*  
Bruce Osborn, Vice Chairman

*Edward J. Shaw*  
Edward J. Shaw, Member

ATTEST:  
*Gladys Ridder*  
Gladys Ridder, Exec. Secretary

The regular meeting of the Tippecanoe County Drainage Board was held on December 10, 1975 with the following members present: Robert F. Fields, Bruce Osborn, William Vanderveen, Robert L. Martin, Fred Hoffman and Gladys Ridder. Also joining our Board was Carroll Beeson, Don Yount and Sam Boots from the Montgomery County Surveyor's office and Drainage Board.

Upon the reading of the minutes of the November 26th, 1975 called meeting, Robert F. Fields moved to accept the minutes as read. Bruce Osborn seconded that motion and William Vanderveen made it unanimous.

Minutes Approved

Robert Fields opened the maintenance hearing on the John Lofland ditch ( including Miller and McBeth branches) and asked the Surveyor for his report and recommendation. Don Smith, tenant for Elizabeth Steele, reported the McBeth branch was in need of reconstruction. The attorney explained to him that that would be a new hearing. Mr. Martin felt we should start at the outlet and work on the other branches as time would allow. The Kellerman-Leaming watershed that is the outlet for many branches such as Romney Stock Farm, Lofland, Fugate, Kirkpatrick, Morin, etc., needs to be dredged first and then as the outlet is made operational then take care of the branches according to those most in need.

9:30 a.m. Maintenance hearing

Those in attendance were: Isaac Bercovitz, Jack DeVault, Don Smith and Larry Bennett.

J. Lofland ditch

All in attendance had one thing in common and that was to get something started in the area before things got any worse. In the years past nothing had been done and all felt the time to do something was now!

The Drainage Board instructed the Surveyor to get the necessary engineering work done and hold a hearing for reconstruction as soon as the figures are available.

Richard Donahue for

Richard Donahue, Attorney for Robert Gurnick, came before the Board and asked the Board to remove a dam on the right-of-way of the S. W. Elliott ditch. The "dam" had been caused by Maurice House's tenant plowing too close to the ditch.

R. Gurnick

The Drainage Board said they had taken the advice of the County Attorney inasmuch as this was a legal problem and not one of the Drainage Board. The S. W. Elliott ditch had not been damaged in any way, only the run-off water could not get to it because of the earthen dam.

Eugene Johnson for Daugherty ditch

E. Eugene Johnson came before the Board with a request to replace approximately 1000 feet of tile on the Chas. Daugherty ditch and replace it in a new location close to the legal drain but in a place where the coverage would be better. It was discussed as to whether Mr. Johnson would take it upon himself with the hope of collecting from the others involved or ask the Surveyor to set up a reconstruction hearing. To relocate the ditch to acquire greater fall and coverage, as was suggested by the SCS office, was also discussed and the Board said that could be done at the reconstruction hearing.

Mr. Martin said he would meet with Mr. Jack Wisley and Mr. Johnson at 2:30 p.m. on Thursday so they could discuss it further.

Arthur Waddell on Anderson branch

Mr. Arthur Waddell came before the Board and said a year ago he had carried a petition to reconstruct a branch of the Jesse B. Anderson ditch and the Board had instructed the former surveyor to do the necessary engineering. The Board reiterated that request to the new surveyor and when the work is done and estimates ready to hold a reconstruction hearing according to benefits and damages.

Upon the motion of Robert Fields, seconded by Bruce Osborn and made unanimous by William Vanderveen the Board adjourned.

*Robert F. Fields*  
Robert F. Fields, Chairman

*William Vanderveen*  
William Vanderveen, Vice Chairman

*Bruce Osborn*  
Bruce Osborn, Board Member

ATTEST:

*Gladys Ridder*  
Gladys Ridder, Executive Secretary

TIPPECANOE COUNTY DRAINAGE BOARD  
WEDNESDAY, JANUARY 6, 1988

The Tippecanoe County Drainage Board met Wednesday, January 6, 1988 in the Community Meeting Room of the Tippecanoe County Office Building, 20 North Third Street, Lafayette, Indiana 47901.

Chairman Bruce Osborn called the meeting to order at 8:30 A.M. with the following being present: Eugene R. Moore and Sue W. Scholer Boardmembers, Michael J. Spencer Surveyor, Mark Houck Drainage Consultant, J. Frederick Hoffman Drainage Attorney, and Maralyn D. Turner Executive Secretary. Others present are on file.

This being the first meeting of the year Chairman Osborn ask Mr. Hoffman to preside over the meeting to conduct the election of officers.

Mr. Hoffman asked for nominations for Chairman, Sue W. Scholer nominated Bruce V. Osborn Chairman, seconded by Eugene R. Moore, there being no other nominations Mr. Osborn was elected Chairman of the Board.

Mr. Hoffman asked for nominations for Vice-Chairman, Sue W. Scholer nominated Eugene R. Moore, seconded by Bruce V. Osborn, there being no further nominations Eugene R. Moore was elected Vice-Chairman of the Board.

Sue W. Scholer moved to appoint J. Frederick Hoffman Drainage Board Attorney, seconded by Eugene R. Moore, unanimous approval.

The Board had agreed to have Mark Houck as Drainage Board Consultant.

Sue W. Scholer moved to appoint Maralyn D. Turner as the Executive Secretary of the Drainage Board, seconded by Eugene R. Moore, unanimous approval.

Mr. Hoffman read the Active Ditches for the year of 1988.

E.W. Andrews, Julius Berlovitz, Herman Beutler, Michael Binder, John Blickenstaff, M.W. Box, A. P. Brown, Buck Creek (Carroll County) Train Coe, County Farm, Darby Wetherhill (Benton County), Christ Fassnacht, Marion Dunkin, Christ Fassnacht, Issac Gowen (White County) Martin Gray, Thomas Haywood, E.F. Haywood, Harrison Meadows, Lewis Jakes, Jenkins, James Kellerman, Frank Kirkpatrick, John A. Kuhns, Mary McKinney, Wesley Mahin, Samuel Marsh (Montgomery County) F.E. Morin, Hester Motsinger, Audley Oshier, Emmett Raymon (White County) a letter of January 5, 1988 is on file from White County requesting ditch be active, Arthur Rickerd, Abe Smith, Gustavel Swanson, Treece Meadows, Wilson-Nixon (Fountain County) Simeon Yeager, S.W. Elliott, Dismal Creek, and Shawnee Creek.

Ditches which have been inactive and need to be made active are Jesse Anderson, Dempsey Baker, Floyd Coe, Shawnee Creek.

Inactive ditches John Amstutz, Delphine Anson, Newell Baker, Nellie Ball, A.P. Brown, Alfred Burkhalter, Orrin Byers, Grant Cole, J.A. Crips, Chas Daughtery, Fannie Devault, Jess Dickens, Thomas Ellis, Martin V. Erwin, Elijah Fugate, Rebecca Grimes, Fred Hafner, E.F. Haywood, George Ilgenfritz, George Inskeep, Eugene Johnson, F.S. Kerschner, Amanda Kirkpatrick, James Kirkpatrick, Calvin Lesley, John McCoy, John McFarland, Absalm Miller, Ann Montgomery, J. Kelly O'Neal, Lane Parker, James Parlon, Calvin Peters, Franklin Resor, Peter Rettereth, Alexander Ross, James Sheperdson, John Saltzman, Ray Skinner, Joseph C. Starrett, Wm A. Stewart, Alonzo Taylor, Jacob Taylor, John Toohay, John VanNatta, Harrison Wallace, Sussana Walters, William Walters, McDill Waples, J&J Wilson, Franklin Yoe.

Luther Lucas ditch is made inactive and to be combined into the Dismal Creek ditch.

Mr. Osborn asked if first and second alternates could be appointed to be representatives for Tri-County ditches? Mr. Hoffman advised the board to go ahead and appoint them, if this isn't proper action can be taken later. The following representative and alternates were appointed for the following ditches.

Hoffman ditch, Eugene R. Moore, Sue W. Scholer was appointed first alternate and Bruce V. Osborn second alternate.

McLaughlin ditch, Bruce Osborn, Eugene R. Moore first alternate, and second alternate Sue W. Scholer.

Michael stated he had received a letter from Benton County in regards to the Darby Wetherhill ditch and he asked the board to appoint a representative and alternates for this ditch.

Sue W. Scholer is representative, first alternate Eugene R. Moore, second alternate Bruce V. Osborn.

Otterbein Ditch representative will be Sue W. Scholer, first alternate Eugene R. Moore, second alternate Bruce V. Osborn.

Michael asked that the Secretary send letters to each county informing them of the appointments.

Michael Spencer presented a Petition received from Purdue Research Foundation to vacate a portion of the Dempsey Baker Ditch lying south of the north right-of way line of County Road 350 North and lying in the east half of the southeast quarter, Section 1, Township 23 North, Rge 5 West, and the North 50 acres more or less of the West half of

## January 6, 1988 Drainage Board Meeting Continued

the south west quarter, Section 6, Township 23 North, Range 4 West, all in Wabash Township, Tippecanoe County, Indiana.

Michael stated a hearing date would have to be set when assessment list is received.

Bruce Osborn asked where they were going with the water? Michael stated he felt it was through holding ponds then metered out to the same place it has always gone, Hadley Lake.

Bruce Osborn stated the board has never vacated a portion where it still drains through the existing legal drain. Mr. Hoffman answered no, if they are going to use the drain they can't vacate, if they are not going to use it then it can be vacated. Mr. Hoffman stated there would be a question of taking them out of the Watershed in regards to assessments. They will still have to pay their assessment as they are remaining in the watershed, the Purdue Research should be notified of this. If this is for the upper end this will help. Mark Houck stated there is a problem of metering at the same rate, but it will increase the volume of water going to Hadley Lake. They will have to meet the ordinance.

Many questions need to be answered before action is taken.

## VALLEY FORGE

Valley Forge

Michael J. Spencer informed the board that a letter of Credit for \$62,000.00 to cover half the cost of installation of the permanent drainage system, this was through Tippecanoe Development Corporation. Roy Prock is new owner of Valley Forge he wants to substitute a new \$62,000.00 letter of credit for the other one since he is the new owner. Michael has talked with Mr. Hoffman there will be no problem to do this, accept the construction bond needs to be secured for deposit for Mr. Prock just like originally had been presented by Tippecanoe Development Corporation before the old one can be released and except new one from Mr. Prock. Mr. Hoffman stated they will have to present an agreement along with the Letter of Credit then the other can be released.

## MEETING TIME CHANGE

Eugene Moore moved to change meeting time of the Drainage Board from 8:30 A.M. to 9:00 A.M., seconded by Sue W. Scholer, motion carried.

## JOHN HOFFMAN DITCH

JOHN HOFFMAN DITCH

Bruce Osborn called the meeting to order at 9:15 A.M.

Tri-County Board representatives are Eugene R. Moore Tippecanoe County, William Lucas Clinton County, and Charles Sutton Carroll County.

Mr. Hoffman conducted election of officers.

William Lucas nominated Eugene R. Moore as Chairman, seconded by Charles Sutton, there being no other nominations Eugene Moore was elected Chairman.

Eugene R. Moore nominated William Lucas as Vice-Chairman, seconded by Charles Sutton, there being no other nominations William Lucas was elected Vice-Chairman.

Eugene R. Moore nominated Maralyn D. Turner as Secretary, seconded by Charles Sutton, there being no other nominations Maralyn D. Turner was elected Secretary.

Mr. Hoffman was chosen to serve as the Attorney for the board when the board was first formed, he will continue to serve.

Mr. Osborn thanked the property owners for coming to this informal meeting. He informed them that nothing would be decided officially, it is an opportunity for the property owner to see what has happened up to this time.

After Michael J. Spencer presents the project questions may be asked.

Michael J. Spencer, surveyor introduced those present Maralyn D. Turner, Secretary, J. Frederick Hoffman Attorney, Sue W. Scholer, Bruce V. Osborn, and Eugene R. Moore Tippecanoe County Commissioners, William Lucas Clinton County Commissioner and Neal Conner Clinton County Surveyor, Grover West Carroll County Surveyor, and Charles Sutton Carroll County Commissioners, and Mark Houck Tippecanoe County Drainage Consultant.

Mr. Spencer presented Construction Estimates in Phases I, Alternate I, Alternate II, Alternate III, and Alternate IV, and Phase II. This estimate was done by Robert Gross engineer with Stewart Kline and Associates.

Mr. Spencer asked for questions.

Bob Power asked if there was tile in there at the present time? Answer yes, Phase I the tile would come out. Alternate I would be to dig the tile out approximately 6" below the existing tile, under Alternate II lowering it 4'. This is to gain grade. The area being discussed on the ditch is at 900 E.

Lola Harner asked how are you digging 4' and stopping at 900 East wouldn't you have to continue on west? Michael answered they would have to continue west of 900 East, this wouldn't be to far west as the ravine system drops off.

Mr. Power asked if a bridge would have to be put across 900 East? Michael stated they

felt the culvert was the right size and would carry the water, it is just too high.

Mr. Power asked if a tile could be put in without tearing up the road? Michael stated he did not think this could be done without tearing up the road.

Mr. Moore asked how many acres in the watershed? Total acres 2420. There may be a difference of 80 acres, this would be checked.

Mr. Power asked how much is coming out of maintenance fund? There is no maintenance fund on the ditch at this time, if a tile hole breaks it is up to the landowner to do the repairs.

Jesse Barr asked would the soil change? Answer the dirt will not be changed, just better drainage. Mr. Barr asked if the ditch was going to be the same size at 1025 East. Answer at the road 1025 108" round pipe, two 72" round pipe, two 84" and at 900 East 14'10" X 9'1" structural plate pipe arch.

Neal Dexter asked how much water will come down into Coffee Run ditch. Michael stated the same amount of water would be coming down. Mrs. Harner and Mr. Dexter were concerned about the erosion and damage.

Mr. Hoffman asked if there was a positive outlet. Answer it goes into a ravine system that eventually gets to the Wildcat creek. Mr. Hoffman asked how far from the end of the legal drain to the Wildcat. Answer give or take one and half to two miles.

LaVonne Scheffee had concern of gravel and the culvert being closed shut. Michael stated this is the reason he has pointed out the culvert sizes at the different road crossings.

Elwood Burkle asked that the cost be discussed. Mr. Spencer pointed out that the last page of the estimate summarizes the cost.

Mr. Spencer explained the Indiana Drainage Codes to the landowners. The decision is made by the property owners.

Mr. Barr asked who is responsible for drainage on property? County is responsible for the road crossings, property owners is responsible for drainage on their own property.

Elwood Burkle asked what depth would tile be? Answer some of the cuts would be 10-11 feet deep from the existing ground. Banks would be a lot higher than they are now. Michael stated at 900 East 1/4 mile east it is 5 feet below the bottom of the existing water way.

Mr. Hoffman stated the property owners should consider extending the legal drain down to the Wildcat to maintain the valleys, as there is problems if you don't have a positive outlet especially one with this size. There is no control over the valleys as it is now. He felt this would not add that much to the cost.

Jerry Frey stated he is constantly fixing blow holes. It is getting continuously worse. They are finding that the tiles are shifting. He feels the major problem is at the outlet. It has been severely neglected. There are tree roots and tiles that have floated up out of the system. He feels the first thing to do would be fixing and opening up the outlet.

Mr. Power asked in the estimate has consideration been taken in the area west of 900 East? No. Mr. Power felt this would be essential. Michael answered until a legal drain is extended down that way they can't do anything with it, they can do some corrective measures directly downstream from the road. He has to work with the starting and stopping points of the ditch, this is what he had to work with.

At this point Mr. Hoffman explained the procedures of making legal drain west of 900 East.

Malcomb Miller stated he agrees with Jerry Frey's statement. Mr. Miller's concern is the hardship the assessments would make for the property owners.

Jerry Frey stated they can't seem to hold the blow holes, each spring they are back and bigger holes. Mr. Frey doesn't know what causes this except another ditch was added about four years ago this makes more pressure from the upland it's coming down in such a velocity causing the problem.

Debbie Lineback asked what kind of time frame are you talking about as she carried petition in 1982. Mr. Hoffman stated it probably wouldn't take the time that he did previously.

Mr. Moore asked the feeling of the property owner.

LaVonne Scheffee asked if there was any rules in regards to health and sanitation? Thirty years ago when they purchased their property you couldn't jump over the ditch, now there is refrigerators and other debris making the ditch level. She doesn't understand why the farmer doesn't have to keep it cleaned out. She complained about the road grader grading gravel making a wall at the ditch.

Mr. Osborn stated the board is powerless in regards to debris in the ditches until there is a maintenance fund set up. Maintenance fund is needed.

January 6, 1988 Drainage Board Meeting Continued

Jerry Frey asked who has authority? Mr. Hoffman explained the board is the authority.

Mr. Frey is for starting a legal drain with a maintenance fund, but he feels that the money should be brought forward to be spent on opening up the outlet and fixing the main tile. Try to get by with what they have with maintenance.

Malcomb Miller supports Mr. Frey's statement.

Mr. Moore asked Michael if a maintenance fund could be set up and just clean or does it come under reconstruction?

Michael stated they would be maintaining what there is now.

Mrs. Scheffee asked how this would help? Mr. Hoffman stated it would be taking the ditch back to it's original condition.

Mr. Lucas asked if there was an estimate for a maintenance clean out? NO. Michael felt it would just take a week to get an estimate put together. Mr. Lucas stated it would probably take two years to get a maintenance fund set up. Michael stated for a few years the fund could be set at a high figure and then lowered.

Debbie Lineback stated when she carried the petition around and 80-90% of the property owners stated it should be an open ditch, it never worked from day one.

Elwood Burkle stated that those living north and east of the Clinton and Carroll County line would receive no benefits by opening the bottom portion yet they would be paying for it. There are too many obstruction.

Dale Fossnock stated: His ancestors stated that when the ditch was put in, it never worked.

Glen Kelly stated there were six of them that worked on the ditch where the tile comes out. This was 30 years ago.

Mrs. Glen Kelly stated it cost her \$100.00 to get a petition in 1982 out of her pocket. She was informed that there is a standard petition form now and there would be no cost for the petition. Mrs. Kelly stated they have willows and to get rid of them the water has to be taken care of.

Glen Kelly stated there are two 6" raises in the ditch, one is on the Bogan property and the woods.

Question was asked was it constructed that way? Yes. When the ditch was built it was built by the people.

Michael stated the grade can be checked.

Mr. Barr would agree to keep the water going.

Mr. Scheffee stated when they first came to the area there were no problems he feels it has to be open all the way.

Mrs. Kelly stated they have two ponds on their property, water is over the road most of the time, getting out is a problem most of the time. Even when it was dry this summer it was wet.

Mrs. Harner stated this has been a problem for many years.

Mrs. Scheffee stated a lot of the problem was created when 900 East was reconstructed.

Grover West asked how many small acreages were in the watershed. His concern is the break down in lots and acreage.

Mrs. Harner stated the assessment doesn't seem fair.

Kenneth Walker stated there is peat in the area of the Ford property, reason for so much water in the area.

Neal Conner stated that it would be spring of 1989 to get a maintenance fund in to affect.

After much discussion Mr. Spencer asked for show of hands.

Phase I Alternate I, Phase II Dig Open ditch up to where the two branches come together and tile system. Approximate Cost \$200.00 acre. Vote 7.

Open Ditch all the way. Approximate Cost \$242.00 per acre. Vote 8.

Maintenance. Assessment per acre to be set possible classifications. Vote 5.

The vote going for an open ditch all the way Mr. Spencer will get estimates and hold another meeting to present findings to the property owners.

There being no further business the meeting adjourned at 10:30 A.M.

*Bruce V. Osborn*

Bruce V. Osborn, Chairman

*Sue W. Scholer*

Sue W. Scholer, Boardmember

*Eugene R. Moore*

Eugene R. Moore, Boardmember

ATTEST:

*Maralyn D. Turner*

Maralyn D. Turner  
Executive Secretary

TIPPECANOE COUNTY DRAINAGE BOARD  
WEDNESDAY, JANUARY 4, 1989

The Tippecanoe County Drainage Board met in regular session Wednesday, January 4, 1989 at 9:00 A.M. in the Community Meeting room of the Tippecanoe County Office Building, 20 North Third Street, Lafayette, Indiana.

The meeting was called to order by J. Frederick Hoffman, County Attorney for the reorganization of the Drainage Board for 1989. Those present were: Bruce V. Osborn, Eugene R. Moore, Sue W. Scholer, Michael J. Spencer, J. Frederick Hoffman, and Maralyn D. Turner, others in attendance are on file.

Mr. Hoffman asked for nominations for Chairman of the Board. Bruce V. Osborn nominated Eugene R. Moore as Chairman seconded by Sue W. Scholer, there being no further nominations Eugene was elected Chairman of the Board.

Mr. Hoffman asked the newly elected Chairman Eugene R. Moore to preside over the meeting.

Eugene Moore asked for nominations for Vice-Chairman, Bruce V. Osborn nominated Sue W. Scholer for Vice-Chairman, seconded by Eugene R. Moore, there being no further nominations Sue W. Scholer was elected Vice-Chairman.

Eugene R. Moore asked for nominations for Secretary, Bruce V. Osborn nominated Maralyn D. Turner as Secretary, seconded by Eugene R. Moore, no further nominations from the floor for secretary Maralyn D. Turner was elected.

Bruce V. Osborn moved to appoint J. Frederick Hoffman as Drainage Attorney for the year 1989, seconded by Sue W. Scholer, unanimous approval.

Mr. Hoffman read the Ditch Assessments for Active and Inactive ditches. The following ditches being Inactive for 1989 are: John Amstutz, Jesse Anderson, Dempsey Baker Newell Baker, Nellie Ball, A.P. Brown, Orrin Byers, Floyd Coe, Grant Cole, J.A. Cripe, Fannie DeVault, Jess Dickens, Martin V. Erwin, Elijah Fugate, Rebecca Grimes, Geo Ilgenfritz,

George Inskeep, Lewis Jakes, E.Eugene Johnson, F.S. Kerschner, Amanda Kirkpatrick, John A. Kuhns, Calvin Lesley, Luther Lucas, John McCoy, John McFarland, Absalm Miller, Ann Montgomery, J. Kelly O'Neal, Lane Parker, James Parlon, Calvin Peters, Franklin Resor, Peter Rettereth, Alexander Ross, James Sheperdson, John Saltzman, Ray Skinner, Joseph C. Sterrett, Wm. A. Stewart, Alonzo Taylor, Jacob Taylor, John Toohey, John VanNatta, Harrison Wallace, Sussana Walters, McDill Waples, Lena Wilder, J&J Wilson, Franklin Yoe.

The following ditches read are Active Ditches: E.W. Andrews, Delphine Anson, Juluis Berlovitz, Herman Beutler, Michael Binder, John Blickenstaff, N.W. Box, Buck Creek(Carroll County), Train Coe, County Farm, Darby Wetherill(Benton County), Marion Dunkin, Crist/Fassnacht, Issac Gowen(White County), Martin Gray, E. F. Haywood, Thomas Haywood, Harrison Meadows, Jenkins, James Kellerman, Frank Kirkpatrick, Mary McKinney, Wesley Mahin, Samuel Marsh(Montgomery County), Hester Motsinger, Aduley Oshier, Emmett Raymon(White County), Arthur Richerd, Abe Smith, Mary Southworth, Gustavel Swanson, Treece meadows, Wilson-Nixon(Fountain County), Simeon Yeager, S.W. Elliott, Dismal Creek, Shawnee Creek.

The following ditches read were made Active for 1989: Alfred Burkhalter(Clinton County), Charles Daugherty, Thomas Ellis, Fred Hafner, James Kirkpatrick, F. E. Morin, William Walters, and Kirkpatrick One. Michael Spencer wanted the Martin Gray to be included in the Active, it had been read as active, but for the records read in the Make Active. Sue W. Scholer moved to activate the ditches as read, seconded by Bruce V. Osborn, unanimous approval.

Alfred Burkhalter ditch joint with our County the Board secretary should send a letter to the Tippecanoe County Auditor and the Clinton County Auditor.

Michael stated in June 1987 a hearing was held to combine the Treece Meadows branch with S. W. Elliott ditch. These maintenance funds need to be combined and treated as the S.W. Elliott ditch. Sue W. Scholer moved to combine the maintenance funds on the Treece Meadows with the S. W. Elliott ditch treat them all as one, seconded by Bruce V. Osborn, unanimous approval.

J. Frederick Hoffman asked if the Treece Meadows was considered designated branch under the S. W. Elliott ditch? Michael answered it is; Treece Meadows has a beginning point and ending point.

Michael Spencer received a letter signed by two property owners, Malcomb Miller and Jerry Frey on the John Hoffman requesting that the board set up a maintenance fund. A hearing was held in 1988 for reconstruction, this did not go too well. Some were going to try to contact the downstream property owners to make it a legal drain all the way down to Coffee Run. Hearing nothing these property owners are requesting a maintenance fund.

Mr. Hoffman stated this is the ditch that does not have a positive outlet. Correct. They hope to make a positive outlet with the maintenance funds.

Michael will have to make a maintenance report before a hearing can be held. Discussion continued.

Jim Strother property owner 3876 Kensington Drive concerned about drainage of the Orchard Park Subdivision. Michael told Mr. Strother he had received Preliminary submittal that was requested from the engineer to supply with more information, but that

HOFFMAN  
DITCH

information has not been received. Michael will notify Mr. Strother when he receives the information and when the project comes before the board.

Sue W. Scholer asked Don Sooby, of the Lafayette City Engineer office where are we on McCarty Lane, is it progressing. Mr. Sooby stated a public hearing will be held January 26, 1989, no other meeting has been set up.

There being no further business the meeting adjourned at 9:25 A.M. Next meeting will be February 1, 1989.

*Eugene R. Moore*

Eugene R. Moore, Chairman

*Bruce V. Osborn*

Bruce V. Osborn, Board Member

*Sue W. Scholer*

ATTEST: *Maralyn D. Turner*  
Maralyn D. Turner, Executive Secretary

TIPPECANOE COUNTY DRAINAGE BOARD  
REGULAR Meeting January 3, 1990

The TIPPECANOE County Drainage Board met Wednesday, January 3, 1990 in the Community Meeting room of the TIPPECANOE County Office Building 20 North Third Street, Lafayette, Indiana.

Those present were Bruce V. Osborn and Sue W. Scholer, Board Members; Michael J. Spencer, Surveyor; Todd Frauhiger, Drainage Consultant; J. Frederick Hoffman, Drainage Attorney; and Maralyn D. Turner, Executive Secretary, others present are on file.

The meeting was called to order at 9:00 a.m. by Drainage Attorney J. Frederick Hoffman. Mr. Hoffman stated that it is time for election of officers for a new year.

Bruce V. Osborn nominated Sue W. Scholer for chairman of the board, seconded by Sue W. Scholer, motion carried, there being no other nominations from the floor Sue was elected Chairman of the Board.

Sue W. Scholer chairman continued the meeting asking for nomination for Vice Chairman, Sue W. Scholer nominated Bruce V. Osborn as Vice-Chairman, seconded by Bruce, motion carried, there being no other nominations from the floor Bruce was elected Vice-Chairman.

Bruce V. Osborn nominated Maralyn D. Turner as Secretary, seconded by Sue W. Scholer, there being no other nominations from the floor Maralyn was elected Executive Secretary.

Bruce V. Osborn moved to accept J. Frederick Hoffman's continued services as Drainage Attorney for the year 1990, seconded by Sue W. Scholer, motion carried.

Michael J. Spencer recommended to continue the services of the Chris Burke Engineering, LTD as Drainage Engineer Consultant for the year 1990. Bruce V. Osborn moved to accept Michael's recommendation, seconded by Sue W. Scholer, motion carried.  
1990 DITCH ASSESSMENTS

Fred Hoffman read the following ditches to be made Active for assessments in May 1990. Jesse Anderson, A.P. Brown, Orrin Byers, John McFarland, Ann Montgomery, and the J. Kelly O'Neal.

Ditches that are In Active are: John Amstutz, Dempsey Baker, Nellie Ball, N.W. Box, Alfred Burkhalter, Floyd Coe, Grant, Cole, J. A. Cripe, Fannie Devault, Marion Dunkin, Jess Dickes, Martin V. Erwin, Crist/Fassnacht, Elijah Fugate, Rebecca Grimes, Harrison Meadows George Ilgenfritz, George Inskeep, Lewis Jakes, Jenkins, E. Eugene Johnson, F. S. Kerschmer, Amanda Kirkpatrick, James Kirkpatrick, John A. Kuhns, Calvin Lesley, John McCoy, Mary McKinney, Absalm Miller, Lane Parker, James Parlon, Calvin Peters, Franklin Resor, Peter Rettereth, Arthur Richard, Alexander Ross, James Shepherdson, John Saltzman, Ray Skinner, Joseph C. Sterrett, Wm A. Stewart, Alonzo Taylor, Jacob Taylor, John Toohey, John VanNatta, Harrison Wallace, Sussana Walters, McDill Waples, J. & J. Wilson, Franklin Yoe, and Shawnee Creek.

Ditches that are Active are: E. W. Andrews, Delphine Anson, Herman Beutler, Michael Binder, John Blickenstaff, Buck Creek (Carroll County), Train Coe, Darby Wetherill (Benton County), Thomas Ellis, Issac Gowen (White County), Martin Gray, Fred Hafner, E.F. Haywood, Thomas Haywood, James Kellerman, Frank Kirkpatrick, Wesley Mahin, Samuel Marsh (Montgomery County), Hester Motsinger, Audley Oshier, Emmett Raymon (White County), Abe Smith, Mary Southworth, William Walters, Wilson-Nixon (Fountain County), Simeon Yeager, S. W. Elliott, Dismal Creek, and Kirkpatrick One.

Bruce V. Osborn moved that the ditches that were read to be made active become active on the May 1990 Assessment, seconded by Sue W. Scholer, motion carried.

COUNTRY CHARMS

John Fisher asked that this be continued until next meeting February 7, 1990.

TRASH TRANSFER

John Fisher presented site drawings. Outlet goes into the Flood Plan. Mr. Hoffman asked who owns the Flood Plan? Leroy Barton. Question as to if it would increase the flow and the speed onto Barton. Question do you have permission from Mr. Barton? Answer - No. Mr. Hoffman stated that permission should be received from Leroy Barton. Mr. Fisher stated they are providing rip-rap, it will not increase the velocity. Mr. Fisher pointed out that they had met with the Soil Conservation and have worked out the one condition of erosion control. Mr. Hoffman asked if Mr. Barton knew about this meeting? NO. Presentation and discussion continued.

Bruce V. Osborn asked John Fisher to explain the plans to the Barton's.

Michael stated that the water is tributary to that area now, it will go through a pond now instead of sheet drainage.

Mr. Hoffman stated they should have their chance to object, so that they can't say we are damaging their property.

Sue W. Scholer stated there are two recommendations made.

1. The erosion control. 2. The calculations.

Bruce V. Osborn moved to give approval to the drainage control for the Trash Transfer with exception of #9 and the other recommendations as stated in the Christopher Burke

COUNTRY  
CHARMS

TRASH  
TRANSFER

Engineering, LTD review, plus letter from downstream from Burton's, seconded by Sue W. Scholer.

✓  
DIMMENSION

DIMENSION CABLE

CABLE

George Schulte engineer from Ticen and Associates presented site plans. Property is located in the Treece Drainage Watershed area. The water shed area was analyzed to determine the high water elevation that would be in the channel. Their detention storage volume that they calculated was above the high water elevation of the ditch along north property line. They did decrease the allowable release rate from 2.11 cfs down to .4 cfs, there is about 3.3 acres in the site. They are increasing the volume required for storage on site.

Sue W. Scholer asked about the plans for maintenance on that ditch? Basically they are assuming that the owner would maintain the entire site, this is reason for putting 3-1 slopes on the ditch.

Mr. Hoffman asked if it was a new ditch, George again stated it is an existing ditch. The ditch at this time is full of brush, weeds, etc, it is not a legal drain.

George stated they are asking for final drainage approval.

Mr. Hoffman asked if George's client would be willing to participate in the cost of a more substantial drainage improvement in the area. Mr. Shulte stated he could not answer that question, but he feels he would be willing. Bruce asked if conditions had been met? Michael Spencer answered, no, there is one other conditions and that is that the City of Lafayette review this project, as of January 2, 1990 this area is in side the City Limits as is Wal-Mart. Mr. Sooby has not seen the plans presented. Discussion continued.

Mr. Hoffman stated this is not a subdivision, but should have the same kind of restriction as subdivisions. Mr. Hoffman asked that a letter be received from the developer stating they will participate in their fair share of the improvement when the major improvement is made. Michael asked if he was talking about facility on site. Answer-yes. Maintenance on site and that they would assist in making that area a part of the legal drain, and that they will participate in the cost of improving the Wilson Branch. Michael asked if they should provide a letter stating that they will maintain their on site system. Mr. Hoffman stated he would like for it to be in form that can be recorded, so it will run with the land should the land be sold.

George asked what things are needed for approval? 1. Participate in the improvements of the Wilson Branch. 2. Cost of improvements. 3. Maintain the one on the premises, and if they don't the County would have the right to maintain it and assess the cost. Incorporate the existing drain on the north side of the site into the Treece drain or Wilson Branch.

A letter is needed from the owner for the above mentioned items to Michael. Michael asked that the city review and give their approval be added as they are involved.

Sue asked if the board understands correctly that the City still wants that maintenance to run to the County on the regulated drain. Mr. Sooby answered, he thinks that is correct.

Bruce V. Osborn moved to give approval with the four recommendations being met, seconded by Sue W. Scholer.

WAL-MART

WAL- MART

Clifford Norton representing Wal-Mart and George Davidson of Horne Properties presented drainage plans. Michael stated the plans meet the county restriction on the limited release rate. Michael pointed out at the last meeting Mr. Long was present and brought up the fact of emergency routing for drainage which is a problem in this area, and at that time Michael stated he had Christopher Burke Engineering LTD looking at the Wilson Branch from Ross Road where the Simon improvement would end with the 100 year design flow in the channel. He had him look all the way up through Treece Meadows on what design would be required or Channel section would be required to get from Ross Road up to Treece Meadows. Michael has received the report this morning. Basically what he says in his report is to properly move the 100 year storm event from the north end of Treece Meadows or where open channel turns and goes back west through the Subdivision, looking at approximately 40 foot bottom width on the channel and 2-1 side slopes from there down to the Wilson Branch in some fashion. They have had some preliminary locations for the channel so he would have some idea for lengths to work with as far as grades to get the water down there, basically at this time to pass the 100 year storm event is to provide a 40 foot bottom width channel with 2-1 side slopes down to the Wilson Branch, then continue down the Wilson Branch taking out the trees and re-grading the bottom and side slopes down to Ross Road in order to get the water to the regional detention facility that will be constructed. Michael stated this is a starting point as there are allot of alternatives that can be put in there. This is basically what Channel section they are looking at. The crossings of Creasey Lane and McCarty Lane will need bridge openings of approximately 600 square foot openings to pass the 100 year storm event. Bruce asked if this was visible? Mr. Norton stated anything is visible. Bruce asked if this was to go in during the other construction? Michael answered it would take a petition for re-construction of the Wilson Branch of the Elliott ditch. Michael feels that we are at the point now where a petition is needed from the watershed area. More study is needed. While the land is open is the time to get something started. Cost estimates and plans will have to be put together. Michael can not put a time element on it, the area is hot enough for development and something needs to be done. Discussion of petition.

WAL-MART CONTINUED  
JANUARY 3, 1990 DRAINAGE BOARD MEETING

Mr. Davidson stated that Wal-Mart has no problem at all to work with the rest of the watershed and are willing to pay their fair share of the assessment.

Tom McCully representing Long Tree Limited went over what Long Tree Limited went through when they were developing Burberry Subdivision. The problem is at the South end at Treece drain and Wilson Branch, pipe put in 1978 creates constriction of everything upstream from there. Discussion of Cost in 1978, and the over all problem of the area. At that time the owners agreed to put an assessment based upon the cost, which amounted to approximately \$1,000.00 per acre. Today's presentation does try to address the problem all the way from the north end of Treece down to the Wilson Branch on down to the Elliott ditch. Tom stressed that if we don't look at an over all picture we are not going to get anything accomplished. What has to be done is as property is developed everybody agrees to participate to get the problem corrected. At this time we have an open ditch going into a 24" pipe. Discussion continued.

Tom McCully stated that probably this should be an Urban drain not a rural drain. Convert to Urban drain and reconstruct. Long Tree Limited is willing to cooperate. Again he stressed that everybody is going to have to be in agreement that the problem needs corrected and go from there. The longer this goes the more expense it is going to be. Discussion continued.

Michael stated that in the interim there is a plan that could be done temporarily to get the emergency routing out of the Subdivision. This is going to take cooperation from the people involved.

Bruce asked Mr. Norton if they are going to be asking for road cuts on Creasey, answer yes, they have two entrance, and one on Highway 26.

Mr. Hoffman stated Wal-Mart will have to have some type of document stating they will participate in and pay their fair share of the cost of the improvement, and maintain what else they will be putting in there, if they don't the county will have the right to go in and maintain, then assess them for the cost.

Sue Scholer suggested that Michael call a meeting with all property owners involved in the development.

Michael stated that Burke Engineering brought to his attention that this could be a lengthy project, but in the mean time the board should look at a temporary diversion swale, not a major structure. Mr. Hoffman asked if there was a place for it and Michael replied it can be done, however it will not be easy. Michael stated this would be everybody north of Treece Meadows who wants to develop. Michael wanted more time to think. Mr. Sooby was concerned about property owner saying let the other guy do it.

Mr. Davidson asked Michael if he was satisfied with their drainage analysis, answer - yes.

Mr. Norton stated there are two ways that Wal-Mart can go. He asked if the board could give approval subject to meeting the qualifications to avoid another meeting or bring up all the criteria that they need to submit and have another meeting.

Sue W. Scholer stated that the board would be requiring all the essential things stated and final approval passed would be subject to all things presented to Michael and approved by the attorney and the City of Lafayette. Sue stated possibly the board should make a requirement as Wal-Mart goes through the process of their development some of the other things needed will be based on getting a meeting and something temporary with all people involved who are developing in that area.

Mr. Davidson again stated they would agree in participating in what ever effort is made out in that area. They would like to leave the meeting this morning with some idea of construction cost so they can build their budget. He stated they could have a letter back to Michael tomorrow committing to the things the board is trying to accomplish.

Michael Spencer and Don Sooby will work together to come up with satisfactory proposals. Don stated that lionslyng share of the burden may fall on Wal-Mart to do something temporary, as no body wants to do anything until their development is ready to move. Wal-Mart wants to move ahead with their development and if the interim facilities are necessary for this to get board approval, but not the total cost is going to fall on Wal-Mart. Discussion continued.

Michael asked if a credit could be given back to Wal-Mart at a later date of what they would put in on the interim? Mr. Sooby stated that the interim facility is not going to contribute much toward the long term, it really isn't a down payment on the ultimate facilities.

Mr. Davidson asked how will the development fully affect the Treece Meadows. Michael answered hopefully up to a 100 year storm event by calculations it should reduce the downstream affect, its above the 100 year storm event that is of concern. Currently there is 80 cfs coming off for a 10 year storm. Discussion continued.

Sue W. Scholer asked what needs to be done to get the total process going?

Mr. Hoffman stated if Michael feels there is a need for reconstruction as an Urban drain Michael should report that to the Board and then the process can start for making it an Urban drain for reconstruction. That's on the long term. A Petition is not needed all that is necessary is a letter from Michael Spencer surveyor stating that it needs to be an Urban drain and it can be done as an Urban drain. Statement should state that if it is reconstructed as an Urban drain it will drain the area properly. Michael should present a letter to the Board.

Mr. Hoffman agreed with Mr. Sooby's statement that Wal-Mart is going to have to pay most of the cost of the temporary facility as the other property owners can say they are not ready to develop and we don't see the need for this until we develop. Discussion continued.

Items needed from Wal-Mart are: Letter of Commitment for Maintenance of the drain facilities that they build. In the letter a commitment for participation in the original program and that Wal-Mart pay their fair share of reconstruction and if they do not maintain the drainage on their property the county would have a right to come in and do the maintenance and make assessment for the cost. Mr. Hoffman wanted this to be in a recordable fashion so it will run with the land.

The Wal-Mart was asked to come back Tuesday January 9, 1990 at 9:30 A.M. for re-convened session. Due to not having a quorum of Board Members the January 9 meeting was postponed until Wednesday January 17, 1990 at 9:00 A.M..

## STATE ROAD

## STATE ROAD 38 PROJECT AGREEMENT

## 38 PROJECT AGREEMENT

Agreement with the State on Hwy 38 the detention pond and drainage. The County will receive \$50,000.00 if it is installed prior to the time the State goes to work on the 38 Project, if the County does not have it installed the County does not get the \$50,000.00 and the State puts it in. This is based on when the work starts. Discussion.

Fred stated that he and Michael had reviewed the agreement and it meets the standards. This goes along with the meeting held October 1988 on the Highway 38 Project. Agreement is on file.

Bruce V. Osborn moved to accept the agreement of State Highway 38 and the water problems, seconded by Sue W. Schuler, unanimous approval.

## ORCHARD PARK

## ORCHARD PARK

Michael Spencer Surveyor, presented Fee Proposal prices to provide field survey for the Orchard Park Legal Ditch Project. Earlier two different companies had presented prices for doing surveying work for the project. There was quite a bit of difference in the prices submitted so a more defined scope of work was presented to different companies and Michael has received the following submittals.

Todd Frauhiger read the Companies and their figures this is for the entire watershed area. This would include aerial mapping, contour map for the watershed, all existing pipes within the water shed, their reaches and sizes, inverts, the ravine system all the way down to the Wildcat creek.

Ticen Shulte and Associates	\$31,900.00
John E. Fisher	\$22,372.00
MTA	\$21,680.00
Vester's and Associates	\$24,990.00

The services that were included are:

Aerial Control Survey. Vertical and Horizontal survey to provide control for aerial mapping will be provided.

Establish Baselines. Baselines will be established, referenced, and tied to the horizontal mapping control. These base lines will follow, as closely as possible, the flow lines of the defined ravines.

Investigation of Existing Storm Sewer Facilities. Existing storm sewers and culverts within the watershed will be located, identified and surveyed for length and elevation. This information will be provided in the form of survey field notes. Aerial Mapping of the ravine will be provided, scribed on mylar. Contours will be at one foot intervals, scale will be 1"=100' or as other wise specified. Baselines will be superimposed on the mapping.

THE ITEMS READ ARE NEEDED FOR THE ENTIRE WATERSHED

Descriptions of Easements. Descriptions of proposed easements from each land owner involved will be provided. Easements will most likely be described as a horizontal distance beyond a specified elevation on the bank of the ravine.

Todd stated the quicker the surveyors could get started the better they could get a proper survey, each would like to get to it as soon as possible and no later than February as leaves will be starting and they can not get a true picture. One of the figures presented is only good through February. After that date it may increase the aerial photography figure. If it is delayed longer it could be late 1990 before work could be completed.

Time is needed to go through the presentations, Michael will come back at the next meeting with findings.

Meeting recessed until Tuesday January 9, 1990, January 9, 1990 meeting was re-scheduled for Wednesday January 17, 1990.

**TIPPECANOE COUNTY DRAINAGE BOARD  
REGULAR MEETING  
FEBRUARY 5, 1992**

The Tippecanoe County Drainage Board met Wednesday, February 5, 1992 in the Community Meeting Room of the Tippecanoe County Office Building, 20 North Third Street, Lafayette, Indiana with Keith E. McMillin calling the meeting to order.

Those present were: Keith E. McMillin, Chairman, Nola J. Gentry and Hubert Yount, Tippecanoe County Commissioners, Michael J. Spencer, County Surveyor, Ilene Dailey, Chris Burke Consulting Engineers, J. Frederick Hoffman, Drainage Board Attorney, and Dorothy M. Emerson, Executive Secretary Drainage Board.

The first item on the agenda was to approve to the minutes of the meeting for the last Drainage Board meeting on January 8, 1991. Nola Gentry moved to approve the minutes, seconded by Hubert Yount. Unanimously approved.

**CARROLL COUNTY JOINT DRAIN**

Mike Spencer, County Surveyor stated Keith McMillin and Hubert Yount needed to be appointed to the Carroll County Joint Drain for the Andrew and Mary Thomas Drains.

Nola Gentry motioned to appoint Keith McMillin and Hubert Yount to the Carroll County Joint Drain for the Andrew and Mary Thomas Drains.

Hubert Yount, seconded. Motion carried.

**DRAINAGE BOARD ATTORNEY CONTRACT**

Mike presented the Board with a contract for the Drainage Board Attorney J. Frederick Hoffman, that needed to be executed for 1992.

Hubert Yount moved to approve the contract between Tippecanoe County Drainage Board and J. Frederick Hoffman as Attorney for said group.

Nola J. Gentry, seconded. Motion carried.

**ACTIVE AND INACTIVE DITCHES**

Nola Gentry moved to include the active and inactive ditches into the February minutes and mail the appropriate notices to the surrounding counties. Hubert Yount, seconded. Motion carried.

The following is a list of the active and inactive ditch assessment list for 1992.

DRAINAGE BOARD ASSESSMENT LIST				
DITCH No.	DITCH	TOTAL 4 YEAR ASSESSMENT	1991	1992
1	Amstutz, John	\$5,008.00	Inactive	Inactive
2	Anderson, Jesse	\$15,675.52	Active	Active
3	Andrews, E.W.	\$2,566.80	Active	Active
4	Anson, Delphine	\$5,134.56	Active	Active
5	Baker, Dempsey	\$2,374.24	Inactive	Inactive
6	Baker, Newell	\$717.52	Inactive	Inactive
7	Ball, Nellie	\$1,329.12	Inactive	Inactive
8	Berlovitz, Juluis	\$8,537.44	Inactive	Inactive
9	H W Moore Lateral (Benton Co)			Active
10	Binder, Michael	\$4,388.96	Active	Active
11	Blickenstaff, John	\$7,092.80	Inactive	Inactive
12	Box, NW	\$11,650.24	Inactive	Inactive
13	Brown, A P	\$8,094.24	Active	Active
14	Buck Creek (Carroll Co)		Active	Inactive
15	Burkhalter, Alfred	\$5,482.96	Inactive	Active
16	Byers, Orrin	\$5,258.88	Inactive	Inactive
17	Coe, Floyd	\$13,617.84	Inactive	Inactive
18	Coe, Train	\$3,338.56	Active	Inactive
19	Cole, Grant	\$4,113.92	Inactive	Inactive
20	County Farm	\$1,012.00	Active	Active
21	Cripe, Jesse	\$911.28	Inactive	Inactive
22	Daughtery, Charles E.	\$1,883.12	Active	Active
23	Devault, Fannie	\$3,766.80	Inactive	Inactive
25	Dunkin, Marion	\$9,536.08	Inactive	Inactive
26	Darby, Wetherill (Benton Co)		Active	Active
27	Ellis, Thomas	\$1,642.40	Active	Inactive
28	Erwin, Martin V	\$656.72	Inactive	Inactive
29	Fassnacht, Christ	\$2,350.56	Inactive	Inactive
30	Fugate, Elijah	\$3,543.52	Inactive	Inactive
31	Gowen, Issac (White Co)		Inactive	Active
32	Gray, Martin	\$6,015.52	Active	Inactive
33	Grimes, Rebecca	\$3,363.52	Inactive	Inactive
34	Hafner, Fred	\$1,263.44	Active	Active
35	Haywood, E.F.	\$7,348.96	Active	Active
36	Haywood, Thomas	\$2,133.12	Active	Active
37	Harrison, Meadows	\$1,532.56	Inactive	Inactive
39	Inskeep, George	\$3,123.84	Inactive	Inactive
40	Jakes, Lewis	\$5,164.24	Inactive	Inactive
41	Johnson, E. Eugene	\$10,745.28	Inactive	Inactive

41 Johnson, E. Eugene	\$10,745.28	Inactive	Inactive
42 Kellerman, James	\$1,043.52	Active	Inactive
43 Kerschner, Floyd	\$1,844.20	Inactive	Inactive
44 Kirkpatrick, Amanda	\$2,677.36	Inactive	Inactive
45 Kirkpatrick, Frank	\$4,226.80	Active	Inactive
46 Kirkpatrick, James	\$16,637.76	Inactive	Active
47 Kuhns, John A	\$1,226.96	Active	Inactive
48 Lesley, Calvin	\$3,787.76	Inactive	Active
50 McCoy, John	\$2,194.72	Inactive	Inactive
51 McFarland, John	\$7,649.12	Active	Inactive
52 McKinny, Mary	\$4,287.52	Inactive	Inactive
53 Mahin, Wesley	\$3,467.68	Active	Active
54 Marsh, Samuel (Montgomery Co)		Inactive	Inactive
55 Miller, Absalm	\$3,236.00	Inactive	Active
56 Montgomery, Ann	\$4,614.56	Active	Inactive
57 Morin, F.E.	\$1,434.72	Active	Active
58 Motsinger, Hester	\$2,000.00	Active	Active
59 O'Neal, J. Kelly	\$13,848.00	Active	Active
60 Oshier, Aduley	\$1,624.88	Active	Active
61 Parker, Lane	\$2,141.44	Inactive	Active
62 Parlon, James	\$1,649.96	Inactive	Active
63 Peters, Calvin	\$828.00	Inactive	Inactive
64 Rayman, Emmett (White Co)		Active	Active
65 Resor, Franklin	\$3,407.60	Inactive	Active
66 Rettereth, Peter	\$1,120.32	Inactive	Inactive
67 Rickerd, Aurthur	\$1,064.80	Inactive	Inactive
68 Ross, Alexander	\$1,791.68	Inactive	Inactive
69 Sheperdson, James	\$1,536.72	Inactive	Inactive
70 Saltzman, John	\$5,740.96	Inactive	Inactive
71 Skinner, Ray	\$2,713.60	Active	Active
72 Smith, Abe	\$1,277.52	Active	Active
73 Southworth, Mary	\$558.08	Active	Active
74 Sterrett, Joseph C	\$478.32	Inactive	Active
75 Stewart, William	\$765.76	Inactive	Active
76 Swanson, Gustav	\$4,965.28	Active	Active
77 Taylor, Alonzo	\$1,466.96	Inactive	Inactive
78 Taylor, Jacob	\$4,616.08	Inactive	Inactive
79 Toohy, John	\$542.40	Inactive	Inactive
81 VanNatta, John	\$1,338.16	Inactive	Inactive
82 Wallace, Harrison B.	\$5,501.76	Inactive	Inactive
83 Walters, Sussana	\$972.24	Inactive	Inactive
84 Walters, William	\$8,361.52	Active	Active
85 Waples, McDill	\$5,478.08	Inactive	Active
86 Wilder, Lena	\$3,365.60	Inactive	Inactive
87 Wilson, Nixon (Fountain Co)		Inactive	Inactive
88 Wilson, J & J	\$736.96	Inactive	Inactive
89 Yeager, Simeon	\$615.36	Active	Active
90 Yoe, Franklin	\$1,605.44	Inactive	Inactive
91 Dickens, Jesse	\$288.00	Inactive	Inactive
92 Jenkins	\$1,689.24	Inactive	Inactive
93 Dismal Creek	\$25,420.16	Active	Active
94 Shawnee Creek	\$6,639.28	Active	Active
95 Buetler/Gosma	\$19,002.24	Inactive	Active
96 Kirkpatrick One	\$6,832.16	Active	Inactive
97 McLaughlin, John	\$0.00	Inactive	Inactive
98 Hoffman, John	\$72,105.03	Active	Active
99 Brum, Sarah (Benton Co)		Active	Active
100 S.W.Elliott	\$227,772.24	Active	Active

#### DISCUSSION ON TILE BIDS

Mike Spencer presented a tile bid that had been inadvertently returned to the bidder. Fred Hoffman opened the bid.

Mike stated he had received two proposals for Professional Services on the Berlovitz Watershed Study, one from Christopher Burke Engineering and one from Ticen, Schulte and Associates. Mike recommended Christopher Burke Engineering the lowest bidder.

Nola moved to approve the proposal from Christopher Burke Engineering for the Berlovitz Ditch Study. Hubert, seconded. Motion carried.

#### JOHN HOFFMAN DRAIN

Mike stated to the Board that work will be done on the Hoffman Drain at a cost less than \$25,000.00. Since it was under \$25,000.00 Mike requested quotes be done on the project rather than bids since quotes are faster.

Mike read the proposal into the minutes.

#### TO WHOM IT MAY CONCERN:

The Tippecanoe County Drainage Board is interested in taking quotes for maintenance work on the John Hoffman Ditch, beginning at the tile outlet which is located along County Road 900 East just north of State Road 26 East.

Work will consist of dredging approximately 1000 feet of channel down stream of the tile outlet, cleaning out road culvert under 900 East. Then clearing trees over and along the tile for some 4000 feet to the east.

After the clearing all tile holes will be fixed and or wide joints patched, then the waterway over the tile will be graded as directed by the Surveyor. When all work is completed all disturbed areas will be seeded.

There will be a pre-quote site visit held at the site on February 19th, 1992 at 9:00 am.

Written quotes will be on a per foot basis for dredging, clearing and grading of waterway.

Tile repair will be on time and material basis. Seeding will be lump sum.

Quotes will be due on March 4th at 11:00 am in the Tippecanoe County Auditors Office.

For further information please contact the Tippecanoe County Surveyor, Mike Spencer at 423-9228.

Discussion followed.

Hubert Yount moved to accept quotes for the John Hoffman Drain. Nola, seconded. Motion carried.

**HADLEY LAKE DRAIN**

Mike stated that West Lafayette Wetland Delineation Study will be done on February 15. We need to have that before we advertise for the proposals for engineering work.

**PINE VIEW FARMS**

Roger Kottlowski, Weitzel Engineering and Tom Stafford, Melody Homes presented their drainage plans for Pine View Farms to the Drainage Board.

Discussion followed.

Mike Spencer recommended preliminary approval to the Board.

Nola moved to grant preliminary approval contingent on completion of restrictions and receipt of the recorded easements or agreements.

Hubert Yount, seconded. Motion carried.

Being no further business, Hubert Yount moved to adjourn the Drainage Board meeting. The next regular scheduled meeting will March 4 at 8:30 AM and will reconvene at 11:00 AM for quotes on the John Hoffman Drain.

Keith E. McMillin  
Keith E. McMillin, Chairman

Nola J. Gentry  
Nola J. Gentry, Member

Hubert D. Yount  
Hubert D. Yount, Member

ATTEST: Dorothy M. Emerson  
Dorothy M. Emerson, Executive Secretary

**Tippecanoe County Drainage Board**  
**Minutes TRANSCRIPT**  
**Regular Meeting**  
**January 6, 1993**

The Tippecanoe County Drainage Board met Wednesday, January 6, 1993 in the Community Meeting Room of the Tippecanoe County Office Building, 20 North Third Street, Lafayette, Indiana, with Nola Gentry calling the meeting to order for the re-organization of the Board. She then turned it over to J. Frederick Hoffman, Drainage Board Attorney to preside.

Those present were: Nola J. Gentry, Hubert Yount, Bill Haan, Tippecanoe County Commissioners, Michael J. Spencer, County Surveyor, Ilene Dailey, Christopher Burke Consulting Engineer, J. Frederick Hoffman, Drainage Board Attorney, Hans Peterson, Paul Elling, Project Engineers SEC Donohue, Greg Griffith, Great Lakes Chemical Corporation, Josh Andrews, West Lafayette Development Director, Opal Kuhl, West Lafayette City Engineer, and Shelli Hoffine Drainage Board Executive Secretary.

J. Frederick Hoffman, Drainage Board Attorney asked for nominations from the floor for the Board President. Commissioner Gentry nominated Commissioner Haan for President, seconded by Commissioner Yount. Unanimously approved.

Mr. Hoffman then turned the meeting over to Commissioner Haan to preside over the remainder of the meeting.

Commissioner Haan asked for nominations from the floor for the Board Vice President. Commissioner Haan nominated Commissioner Gentry for Vice President, seconded by Commissioner Yount. Unanimously approved.

Commissioner Haan asked for nominations from the floor for the Board Executive Secretary. Commissioner Gentry nominated Shelli Hoffine for Executive Secretary, seconded by Commissioner Yount. Unanimously approved.

The first item on the agenda was to approve the minutes of the meeting for the Drainage Board meeting on December 2, 1992. Hubert Yount moved to approve the minutes of December 2, 1992, seconded by Commissioner Gentry. Unanimously approved.

**Hire the Attorney**

Commissioner Gentry moved to appoint J. Frederick Hoffman as Attorney for the Drainage Board, seconded by Commissioner Yount. Motion carried.

**Active and Inactive Ditches for 1993**

Mr. Hoffman suggested putting the active and inactive ditches in the January minutes. Mr. Hoffman also read them aloud to the Board.

**ACTIVE DITCHES**

<u>Number</u>	<u>Names</u>
2	Anderson, Jesse
3	Andrews, E.W.
4	Anson, Delphine
9	See #103
12	Box, N.W.
13	Brown, Andrew
18	Coe, Train
20	County Farm
22	Daughtery, Charles
26	Darby, Wetherill (Benton Co.)
29	Fassnacht, Christ
34	Haffner, Fred
35	Haywood, E.F.
37	Harrison Meadows
38	Ilgenfritz, George (combined with Dismal)
45	Kirkpatrick, Frank
46	Kirkpatrick, James
48	Lesley, Calvin
49	Lucas, Luther (combined with Dismal)
53	Mahin, Wesley
55	Miller, Absalom
57	Morin, F.E.
58	Motsinger, Hester
59	O'Neal, J. Kelly
60	Oshier, Aduley
61	Parker Lane
62	Parlon, James, (combined with Shawnee)
65	Resor, Franklin
71	Skinner, Ray
72	Smith, Abe
73	Southworth, Mary
74	Sterrett, Joseph C.
76	Swanson, Gustav

- 84 Walters, William
- 89 Yeager, Simeon
- 91 Dickens, Jesse
- 93 Dismal Creek
- 94 Shawnee Creek
- 95 Buetler, Gosma
- 98 See #101
- 99 See #102
- 100 Elliott, S.W.
- 101 Hoffman, John
- 102 Brum, Sophia (Benton Co)
- 103 Moore H.W. (Benton Co)

INACTIVE DITCHES

<u>Number</u>	<u>Names</u>
1	Amstutz, John
5	Baker, Dempsey
6	Baker, Newell
7	Bell, Nellie
8	Berlovitz, Julius
10	Binder, Michael
11	Blickenstaff, John M.
14	Buck Creek (Carroll Co.)
15	Burkhalter, Alfred
16	Byers, Orin J.
17	Coe, Floyd
19	Cole Grant
21	Cripe, Jesse
23	Devault, Fannie
24	Deer Creek
25	Dunkin, Marion
27	Ellis, Thomas
28	Erwin, Martin
30	Fugate, Elijah
31	Gowen, Isaac (White Co.)
32	Gray, Martin
33	Grimes, Rebecca
36	Haywood, Thomas
39	Inskeep, George
40	Jakes, Lewis
41	Johnson, E. Eugene
42	Kellerman, James
43	Kerschner, F.S.
44	Kirkpatrick, Amanda
47	Kuhns, John
50	McCoy, John
51	McFarland, John
52	McKinney, Mary
54	Marsh, Samuel (Montgomery Co)
56	Montgomery, Ann
63	Peters, Calvin
64	Rayman, Emmett (White Co.)
66	Rettereth, Peter
67	Rickerd, Arthur
68	Ross, Alexander
69	Sheperdson, J.A.
70	Saltzman, John
75	Stewart, William
77	Taylor, Alonzo
78	Taylor, Jacob
79	Toohey, John
81	Van Natta, John
82	Wallace, Harrison
83	Walters, Sussana
85	Waples, McDill
86	Wilder, Lena
87	Wilson, Nixon (Fountain Co.)
88	Wilson, J & J
90	Yoe, Franklin
92	Jenkins
96	Kirpatrick One
97	McLaughlin, John

**Storm Water Drainage Improvement Plan**

Hans Peterson and Paul Elling from SEC Donohue presented the Stormwater Drainage Improvement Plan for the Cuppy-McClure watershed. Mr. Peterson discussed the project overview and objectives, project design criteria and constraints, hydrologic/hydraulic analysis, alternative improvements and recommendations, permits, and the schedule.

Mr Peterson discussed the alternative improvements.

Alternative #1 Low flow pipe and high flow channel.

The cost of the low flow pipe and high flow channel - \$930,000.00

The pipe in this alternative would be two to three feet deep under the ground from the Celery Bog to U.S. 52 then opens up and flows under US 52 with the existing pipe, then drops down into another pipe and flows on down to Hadley Lake.

Mr. Hoffman asked how big the pipe would be?

Mr. Peterson answered the pipe ranges in size from 36 inches to 42 inches.

Alternative #2 All pipe improvements.

The cost of all pipe improvements - \$1,570,000.00

Pipe size ranges from 54 inches to 60 inches.

This alternative would run completely under the ground from Celery Bog to Hadley Lake that is the main reason for the high cost. Mr. Peterson said this would look the nicest after it is complete.

Alternative #3 All channel improvements.

The cost of all channel improvements - \$755,000.00

This alternative does not have any pipe. It is a standard open channel all the way from Celery Bog down to Hadley Lake. There would have to be a concrete lining treatment at the bottom of the channel.

Mr. Peterson recommended alternative was #1 the low flow pipe and high flow channel.

Mr. Hoffman asked on these changes of easement are they giving and taking from the same landowners or taking from some landowners and giving others?

Mr. Peterson said based on the assessment map that we have, it is generally give and take on the same properties except for one parcel. Parcel #13 looks like we are taking.

Mr. Hoffman assumed there will be a petition for reconstruction to make those changes in easement.

Commissioner Gentry answered there will be a reconstruction hearing.

Discussion followed.

Bening no further business Commissioner Gentry moved to adjourn until February 3, 1993 at 8:30 a.m., seconded by Hubert Yount.

Meeting adjourned.

  
William D. Haan, President

  
Nola Gentry, Vice President

  
Hubert Yount, Member

ATTES:   
Shelli Hoffine, Executive Secretary

TIPPECANOE COUNTY DRAINAGE BOARD  
REGULAR MEETING  
JANUARY 5, 1994

The Tippecanoe County Drainage Board met Wednesday January 5, 1994 in the Community meeting room of the Tippecanoe County Office Building, 20 North Third Street, Lafayette, Indiana with William D. Haan calling the meeting to order.

Those present were: Tippecanoe County Commissioners William D. Haan, Nola J. Gentry, Hubert D. Yount; Tippecanoe County Surveyor Michael J. Spencer; Drainage Board Attorney J. Frederick Hoffman; Drainage Board Engineering Consultant Jon Stolz and Drainage Board Secretary Shelli Hoffine.

ELECTION OF 1994 OFFICERS

Mr. Hoffman asked nominations for the President of the Tippecanoe County Drainage Board. Commissioner Haan nominated Commissioner Gentry, seconded by Commissioner Yount. Unanimously approved.

Mr. Hoffman turned the meeting over to Commissioner Gentry to preside.

Commissioner Gentry asked nominations for Vice President of the Tippecanoe County Drainage Board. Commissioner Gentry nominated Commissioner Haan, seconded by Commissioner Yount. Unanimously approved.

-APPOINTMENTS-

Commissioner Haan moved to appoint Shelli Hoffine for Executive Secretary of the Tippecanoe County Drainage Board, seconded by Commissioner Yount. Unanimously approved.

Commissioner Haan moved to appoint J. Frederick Hoffman as Attorney for the Tippecanoe County Drainage Board pending an agreement of a contract, seconded by Commissioner Yount. Unanimously approved.

Commissioner Yount moved to extend the existing contract into 1994 for Christopher Burke Engineering, LTD. to provide engineering services to the Tippecanoe County Drainage Board pending review of the contract, seconded by Commissioner Haan. Unanimously approved.

-MEETING DATES FOR 1994-

January 5, 1994	July 6, 1994
February 2, 1994	August 3, 1994
March 9, 1994	September 7, 1994
April 6, 1994	October 5, 1994
May 4, 1994	November 2, 1994
June 1, 1994	December 7, 1994

Commissioner Haan moved to accept the meeting dates for the Tippecanoe County Drainage Board, seconded by Commissioner Yount. Unanimously approved.

Commissioner Yount moved approve the minutes from the last Drainage Board meeting held December 1, 1993. Seconded by Commissioner Haan. Unanimously approved.

Joe Bumbleburg asked the Board to approve a resolution for vacation of a drainage easement located on a part of lot 5 in Capilano By the Lake Subdivision, Phase I. The drainage easement ended up in the middle of lot 5 when it was replatted.

Mr. Spencer stated he has been out to the site, Mr. Cunningham of Vester and Associates checked the easement and it definitely will not cause a problem with the lot or any of the adjoining lots. Mr. Spencer recommended the vacation of the drainage easement in lot 5, Capilano By the Lake Subdivision, Phase I.

The petition and the resolution to vacate a portion of a drainage easement on lot 5, Capilano by the lake subdivision, Phase I is on file in the Tippecanoe County Surveyor's Office.

Commissioner Yount moved to approve the resolution to vacate a portion of an easement on lot number 5, Capilano by the Lake Subdivision, Phase I, seconded by Commissioner Haan. Unanimously approved

#### HAWKS NEST SUBDIVISION, PHASE I

Greg Hall, Intercon Engineering, asked the Board for final approval of Hawks Nest Subdivision, Phase I and the detention ponds for the entire project. Mr. Hall also, requested a variance for exceeding the four foot of depth in Basin A.

Mr. Spencer stated he recommended approval of Phase I and the detention ponds.

Mr. Hall stated there will be eighteen lots in Phase I, one detention basin will be located in this phase.

Commissioner Haan asked if the permits from the IDNR have been processed?

Mr. Stolz stated that the portion that was requiring a permit has been moved from the floodplain and no longer requires a permit.

Commissioner Yount moved to grant the variance to exceed the maximum four foot depth in Basin A, seconded by Commissioner Haan. Unanimously approved.

Commissioner Yount moved to grant final approval of Hawks Nest Subdivision, Phase I and the detention basin for the entire project, seconded by Commissioner Haan. Unanimously approved.

#### TRIPLE J POINTE SUBDIVISION

Bob Grove, representing Smith Enterprises, asked for preliminary approval of Triple J Pointe Subdivision, which involves fifteen acres with 75 lots, located off Old Romney Road and County Road 250 South. The proposal is to detain the water offsite which will hold seventy two acres of offsite runoff, then take the ten year flow through the subdivision to a basin that will hold the 15 acres of developed subdivision, a pipe will carry the runoff from the basin to an existing structure of Ashton Woods Subdivision detention system. The ditch will be used as overflow for runoff that exceeds the 10 year flow.

Commissioner Yount asked if pipe along Old Romney Road would be in the road right-of-way if so, has the County Highway Department approved a permit for the pipe?

Mr. Grove stated yes, we are proposing to put the pipe in the right-of-way and no, we have not obtained a permit from the Highway Department.

Mr. Spencer stated the Highway Department has a set of plans, but he has not heard a report from them.

Commissioner Yount asked about the use of the pond offsite easement?

Mr. Grove stated that G. Mark Smith will be preparing an agreement for the easement.

Mr. Spencer stated John Fisher did a drainage study of the Wea-Ton drainage area, in the report it shows the watershed area delineated certain runoff values for sub-areas within the watershed area. Ashton Woods kept in compliance with the idea for sub-areas to be within the watershed area, at that time, the Board accepted the idea. Ashton Woods created an outlet for the Wea-Ton watershed area and during construction they have created the outlet channel and incorporated their storage area with Old Romney Heights storage area. In the study, there are recommendation about how water moves to the east as development progresses. A pipe was sized under Old Romney Road at the end of the channel to pick up water to the east. Triple J Pointe Subdivision does not comply with this idea as far as construction of proper pipe size under Old Romney Road to convey the water from the east.

Mr. Grove stated Smith Enterprises asked John Fisher for the drainage study, but were not able to obtain a copy. It was decided to make an alternate route from the project's outlet to go along the east side of Old Romney Road in an easement just outside the right-of-way, provide a manhole and a crossing based on a 10 year predeveloped flow from the Wea-Ton area.

Commissioner Gentry suggested getting a meeting set up between the Commissioners, the Surveyor, Smith Enterprises, Mr. Gloyeske, and Mr. Fisher.

Commissioner Yount moved to continue Triple J Pointe Subdivision with Mr. Grove's consent until after the above meeting has been held, seconded by Commissioner Haan. Unanimously approved.

#### HARRISON & MCCUTCHEON HIGH SCHOOLS IMPROVEMENTS

Kyle Miller, Triad and Associates, presented the Board with the plans to improve Harrison High School and McCutcheon High School. Harrison and McCutcheon will be adding approximately one acre of roof to the existing structures over what is now parking lot signifying no increase in the volume of runoff for either plan. Harrison's storm sewer pipes run around the perimeter of the school, some of the pipe are undersized and will be replaced along with all new pipe to go around the perimeter of the constructed area. All roof drainage will run into the storm sewer then to an existing pipe and discharge into the **Cole Ditch/"Burnett Creek"**. Mr. Miller indicated a portion of one existing outfall pipe will be replaced and a permit from the IDNR is required for construction in the floodway area.

Commissioner Gentry asked what the design is of the outfall pipe into the creek?

Mr. Miller stated there will an end section on the pipe and that rip-rap will be placed on both sides of the banks.

Mr. Miller explained that McCutcheon High School storm sewer pipes run the perimeter of the existing structure and outlets into the **Wea Creek**. The

improvements will replace what is now asphalt and the storm sewer pipe around the perimeter of the constructed area.

Commissioner Yount moved to approve Harrison High School's final improvement plan subject to the approval of the permit from the IDNR, seconded by Commissioner Haan. Unanimously approved.

Commissioner Yount moved to approve McCutcheon High School's final drainage improvement plan, seconded by Commissioner Haan. Unanimously approved.

ACTIVE DITCHES FOR 1994

Ditch No.	Ditch Name	Four Year Assessment	Balance Fund 94
2	Anderson, Jesse	\$15793.76	\$11549.19
3	Andrews, E.W.	2566.80	987.71
4	Anson, Delphine	5122.56	1365.36
8	Berlovitz, Juluis	8537.44	7288.07
13	Brown, Andrew	8094.24	4625.60
14	Buck Creek (Carroll Co.)		
15	Burkhalter, Alfred	5482.96	4285.72
20	County Farm	1012.00	(994.25)
26	Darby, Wetherill (Benton Co.)		
27	Ellis, Thomas	1642.40	760.68
29	Fassnacht, Christ	2350.56	965.04
31	Gowen, Issac (White Co.)		
33	Grimes, Rebecca	3363.52	3357.75
37	Harrison Meadows	1532.56	-0-
48	Lesley, Calvin	3787.76	1622.08
53	Mahin, Wesley	3467.68	2864.18
54	Marsh, Samuel (Montgomery Co)		
57	Morin, F.E.	1434.72	-0-
58	Motsinger, Hester	2000.00	1090.53
59	O'Neal, J. Kelly	13848.00	7398.17
60	Oshier, Aduley	1624.88	-0-
64	Rayman, Emmett (White Co.)		
67	Rickerd, Arthur	1064.80	842.58
71	Skinner, Ray	2713.60	(64.53)
72	Smith, Abe	1277.52	1053.33
73	Southworth, Mary	558.08	314.04
74	Sterrett, Joseph C.	478.32	-0-
76	Swanson, Gustav	4965.28	(1473.83)
84	Walters, William	8361.52	6716.94
87	Wilson, Nixon (Fountain Co.)		
89	Yeager, Simeon	615.36	342.15
91	Dickens, Jesse	288.00	-0-
93	Dismal Creek	25420.16	86.15
<b>94</b>	<b>Shawnee Creek</b>	<b>6639.28</b>	<b>-0-</b>
95	Buetler, Gosma	19002.24	16368.00
100	Elliott, S.W.	227772.24	76956.82
101	Hoffman, John	72105.03	34631.86
102	Brum, Sophia (Benton Co)		
103	Moore H.W. (Benton Co)		
104	Hadley Lake	65344.56	4402.77
105	Thomas, Mary (Carroll Co)		
106	Arbegust-Young (Clinton Co)		

INACTIVE DITCHES FOR 1994

Ditch No.	Ditch Names	Four Year Assessment	Balance Fund 94
1	Amstutz, John	\$5008.00	\$5566.86
5	Baker, Dempsey	2374.24	2814.71
6	Baker, Newell	717.52	2016.73
7	Bell, Nellie	1329.12	2077.51
10	Binder, Michael	4388.96	5513.73
11	Blickenstaff, John M.	7092.80	7994.87
12	Box, N.W.	11650.24	15333.92
16	Byers, Orin J.	5258.88	7337.50
17	Coe, Floyd	13617.84	18262.88
18	Coe, Train	3338.56	7923.36
19	Cole Grant	4113.92	9940.56
21	Cripe, Jesse	911.28	1557.87
22	Daughtery, Charles	1883.12	2290.95
23	Devault, Fannie	3766.80	7764.58
25	Dunkin, Marion	9536.08	12390.41
28	Erwin, Martin	656.72	1095.68
30	Fugate, Elijah	3543.52	5114.39
32	Gray, Martin	6015.52	8253.80
34	Hafner, Fred	1263.44	1559.07
35	Haywood, E.F.	7348.96	7564.29
36	Haywood, Thomas	2133.12	2799.85
39	Inskeep, George	3123.84	7655.03
40	Jakes, Lewis	5164.24	6026.73
41	Johnson, E. Eugene	10745.28	14592.35
42	Kellerman, James	1043.52	1063.29
43	Kerschner, F.S.	1844.20	4618.29
44	Kirkpatrick, Amanda	2677.36	3110.15
45	Kirkpatrick, Frank	4226.80	4440.35
46	Kirkpatrick, James	16637.76	16816.54
47	Kuhns, John	1226.96	1528.87
50	McCoy, John	2194.72	3182.80
51	McFarland, John	7649.12	8766.27
52	McKinney, Mary	4287.52	5791.10
55	Miller, Absalm	3236.00	5168.30
56	Montgomery, Ann	4614.56	5250.77
61	Parker Lane	2141.44	3261.19
63	Peters, Calvin	828.00	2327.12
65	Resor, Franklin	3407.60	5659.22
66	Rettereth, Peter	1120.32	1975.43
68	Ross, Alexander	1791.68	3895.39
69	Sheperdson, J.A.	1536.72	3609.60
70	Saltzman, John	5740.96	6920.20
75	Stewart, William	765.76	900.58
77	Taylor, Alonzo	1466.96	3447.90
78	Taylor, Jacob	4616.08	6544.52
79	Toohey, John	542.40	1069.50
81	Van Natta, John	1338.16	2714.51
82	Wallace, Harrison	5501.76	6573.81
83	Walters, Sussana	972.24	2061.09
85	Waples, McDill	5478.08	9188.51
86	Wilder, Lena	3365.60	4921.20
88	Wilson, J & J	736.96	5639.22

90	Yoe, Franklin	1605.44	2509.75
92	Jenkins	1689.24	2549.43
96	Kirpatrick One	6832.16	11352.18
97	McLaughlin, John		

OTHER BUSINESS

Mr. Spencer asked if section six, letter F of the Drainage Ordinance, Submittal and Consideration of Plans, could be clarified to clear up questions pertain to the twenty days submittal deadline being twenty working days or twenty calendar days.

Commissioner Yount suggested changing the twenty days to thirty calendar days and requiring a review memo from the County Engineering Consultant to the petitioner, ten days prior to the hearing date.

Mr. Hoffman stated he will write an amendment to the Drainage Ordinance, letter F in section six, Submittal and Consideration of Plans, to change the twenty days submittal to thirty calendars days and the Surveyor will make a report to the petitioners not less than ten days prior to the hearing date.

**GREAT LAKES CHEMICAL**

Mr. Spencer stated all the landowners along the proposed channel have been informed of the Great Lakes project, the County has a complete set of construction plans, a drainage report, and Army Corp of Engineers permit. The County does not have IDNR or the IDEM, but those have been filed and should be approved soon. Ken Baldwin had some question for insurance reasons on fencing around the sediment basin before the water goes into **Hadley Lake**. The County will contribute \$700,000.00 dollars out of that the County has spent approx \$150,000.00 on Engineering, the Engineer's construction estimate is 1,040,000.00.

Commissioner Gentry asked what the time table is on advertising for reconstruction, and does the project have to be advertised before the bidding or concurrent with the bid process?

Mr. Hoffman stated the advertising has to be done before the bid processing. The County would have to give thirty to forty day notice and then have the hearing, if approved the bidding can go out, all that together would take about three months.

Judy Rhodes asked if there was any legal document showing West Lafayette committing to an agreement of participation in this project?

Commissioner Gentry stated that the County has a signed worksheet by Nola J. Gentry and Mayor Sonya Margerum showing the break down of contribution between the State of Indiana, Tippecanoe County and the City of West Lafayette for Great Lakes Chemical Corporation/**Cuppy McClure** watershed project

Ms. Rhodes asked and received a copy of the worksheet.

Being no further business Commissioner Yount moved to adjourn until February 2, 1994, seconded by Commissioner Haan. Unanimously approved.

TIPPECANOE COUNTY DRAINAGE BOARD  
 REGULAR MEETING  
 FEBRUARY 1, 1995

The Tippecanoe County Drainage Board met Wednesday February 1, 1995 in the Community meeting room of the Tippecanoe County Office Building, 20 North Third Street, Lafayette, Indiana with William D. Haan calling the meeting to order.

Those present were: Tippecanoe County Commissioners William D. Haan, Nola J. Gentry, Gene Jones; Tippecanoe County Surveyor Michael J. Spencer; Drainage Board Attorney pro-tem David Luhman; and Drainage Board Secretary Shelli Muller.

The first item on the agenda was to approve the minutes from the last Drainage Board Meeting held January 4, 1995. Commissioner Gentry moved to approve the minutes, Seconded by Commissioner Jones. Motion carried.

ACTIVE AND INACTIVE DITCH LIST 1995

Mr. Luhman read the active ditch list into the minutes.

Ditch No.	Ditch Name	Four Year Assessment	Balance Fund 94
2	Anderson, Jesse	15793.76	\$15745.45
3	Andrews, E.W.	2566.80	1385.41
4	Anson, Delphine	5122.56	1302.37
13	Brown, Andrew	8094.24	5365.93
14	Buck Creek (Carroll Co.)		
16	Byers, Orrin	5258.88	4453.68
18	Coe Train	3338.56	112.19
20	County Farm	1012.00	(724.45)
26	Darby, Wetherill (Benton Co.)		
27	Ellis, Thomas	1642.40	874.96
29	Fassnacht, Christ	2350.56	630.15
31	Gowen, Issac (White Co.)		
33	Grimes, Rebecca	3363.52	(5780.23)
35	Haywood, E.F.	7348.96	6405.57
37	Harrison Meadows	1532.56	399.99
42	Kellerman, James	1043.52	513.73
46	Kirkpatrick, James	16637.76	13804.40
48	Lesley, Calvin	3787.76	511.43
51	McFarland, John	7649.12	6823.11
52	McKinney, Mary	4287.52	2344.53
54	Marsh, Samuel (Montgomery Co)		
57	Morin, F.E.	1434.72	264.90
58	Motsinger, Hester	2000.00	184.36
59	O'Neal, J. Kelly	13848.00	9902.13
60	Oshier, Aduley	1624.88	429.56
64	Rayman, Emmett (White Co.)		
65	Reser, Franklin	3407.60	(1799.25)
71	Skinner, Ray	2713.60	2003.50
73	Southworth, Mary	558.08	470.62
74	Sterrett, Joseph C.	478.32	120.35
76	Swanson, Gustav	4965.28	(314.21)
87	Wilson, Nixon (Fountain Co.)		
89	Yeager, Simeon	615.36	515.63

91	Dickens, Jesse	288.00	93.96
93	Dismal Creek	25420.16	5408.64
94	Shawnee Creek	6639.28	1004.91
100	Elliott, S.W.	227772.24	95756.64
102	Brum, Sophia (Benton Co)		
103	Moore H.W. (Benton Co)		
104	Hadley Lake	65344.56	15588.62
105	Thomas, Mary (Carroll Co)		
106	Arbegust-Young (Clinton Co)		

Mr. Luhman read the inactive ditch list into the minutes

Ditch No.	Ditch Names	Four Year Assessment	Balance Fund 94
1	Amstutz, John	\$5008.00	\$5797.94
5	Baker, Dempsey	2374.24	2931.55
6	Baker, Newell	717.52	2100.45
7	Bell, Nellie	1329.12	2163.76
8	Berlowitz, Julius	8537.44	9835.71
10	Binder, Michael	4388.96	4844.52
11	Blickenstaff, John M.	7092.80	7352.92
12	Box, N.W.	11650.24	14523.89
15	Burkhalter, Alfred	5482.96	5661.22
17	Coe, Floyd	13617.84	19021.00
19	Cole Grant	4113.92	10353.24
21	Cripe, Jesse	911.28	1622.55
22	Daughtery, Charles	1883.12	2386.04
23	Devault, Fannie	3766.80	8086.91
25	Dunkin, Marion	9536.08	11422.15
28	Erwin, Martin	656.72	1141.16
30	Fugate, Elijah	3543.52	5326.70
32	Gray, Martin	6015.52	6440.23
34	Hafner, Fred	1263.44	1380.75
36	Haywood, Thomas	2133.12	2916.09
39	Inskeep, George	3123.84	7972.80
40	Jakes, Lewis	5164.24	5493.58
41	Johnson, E. Eugene	10745.28	13692.14
43	Kerschner, F.S.	1844.20	4165.28
44	Kirkpatrick, Amanda	2677.36	3239.28
45	Kirkpatrick, Frank	4226.80	4754.52
47	Kuhns, John	1226.96	1592.33
50	McCoy, John	2194.72	3185.39
53	Mahin, Wesley	3467.68	3878.12
55	Miller, Absalm	3236.00	5382.84
56	Montgomery, Ann	4614.56	5468.74
61	Parker Lane	2141.44	3276.36
63	Peters, Calvin	828.00	2423.73
66	Rettereth, Peter	1120.32	2057.43
67	Rickerd, Arthur	1064.80	1148.17
68	Ross, Alexander	1791.68	4057.08
69	Sheperdson, J.A.	1536.72	3759.44
70	Saltzman, John	5740.96	7207.47

72	Smith, Abe	1277.52	1430.16
75	Stewart, William	765.76	937.96
77	Taylor, Alonzo	1466.96	3591.02
78	Taylor, Jacob	4616.08	6759.96
79	Toohy, John	542.40	1113.90
81	Van Natta, John	1338.16	2827.20
82	Wallace, Harrison	5501.76	6195.61
83	Walters, Sussana	972.24	2146.65
84	Walters, William	8361.52	8906.49
85	Waples, McDill	5478.08	9569.95
86	Wilder, Lena	3365.60	5125.49
88	Wilson, J & J	736.96	5873.30
90	Yoe, Franklin	1605.44	2613.93
92	Jenkins	1689.24	2655.25
95	Butler-Gosma	19002.24	20988.51
96	Kirkpatrick One	6832.16	11653.93
97	McLaughlin, John		
101	Hoffman, John	72105.03	55880.51

Mr. Spencer stated the John Hoffman Ditch is on a three year assessment which started in 1991 with a ten dollar an acre assessment. It is now necessary for the Board to schedule a meeting between Clinton, Carroll and Tippecanoe Counties to reduce the assessment.

Commissioner Haan appointed himself and Commissioner Gentry to serve on the Tri County Board.

#### CHRISTOPHER B. BURKE ENGINEERING CONTRACT

Mr. Luhman stated after reviewing the original contract from Christopher B. Burke Engineering a few items were discussed and changes were made. The contract was revised with one exception on page 6 paragraph 24. The suggested revision was if a contractor was doing work based upon the Engineers plans the contractor would indemnify Burke for any damages to Burke because of the contractors negligence. Also suggested was to include Burke as a named insured on the insurance policy. Mr. Luhman explained the main reason for the suggestion was so the County and Christopher B. Burke Engineering would not be held liable.

Commissioner Gentry moved to approve the contract with Christopher B. Burke Engineering, LTD., and authorize the President of the Board to sign the contract, seconded by Commissioner Jones. Motion carried.

#### OTHER BUSINESS

Mr. Spencer presented the Board with the reforestation proposal for the Cuppy-McClure Drain, which will comply with the DNR requirements for a 2 to 1 mitigation on tree removal. The Parks Department for the City of West Lafayette suggested sites for the trees replacement. Mr. Spencer explained he wanted the Board to be aware of the progress and that Mr. Ditzler of J.F. New will submit the plan to Dan Ernst of the Indiana Department of Natural Resources.

Being no further business, Commissioner Gentry moved to adjourn until March 1, 1995, seconded by Commissioner Jones. Meeting adjourned.

TIPPECANOE COUNTY DRAINAGE BOARD  
REGULAR MEETING  
JANUARY 3, 1996

The Tippecanoe County Drainage Board met Wednesday January 3, 1996 in the Commissioners Meeting Room of the Tippecanoe County Courthouse, Lafayette, Indiana with William D. Haan calling the meeting to order.

Those present were: Tippecanoe County Commissioners William D. Haan, Nola J. Gentry, and Gene Jones; Tippecanoe County Surveyor Michael J. Spencer; Drainage Board Attorney J. Frederick Hoffman; Drainage Board Engineering Consultant Dave Eichelberger, and Drainage Board Secretary Shelli Muller.

ELECTION OF OFFICERS

The first item on the agenda was to elect new officers for 1996.

Mr. Hoffman opened the floor to nominations for President.

Commissioner Haan nominated Commissioner Gentry.

Commissioner Haan moved to close nominations for president, seconded by Commissioner Jones. Motion carried, Commissioner Gentry was elected.

Mr. Hoffman turned the meeting over to the President.

Commissioner Gentry asked for nominations for Vice President.

Commissioner Haan nominated Commissioner Jones for Vice President.

Commissioner Haan moved to close nominations for Vice President, Commissioner Gentry seconded. Motion carried, Commissioner Jones was elected.

APPOINTMENTS TO THE BOARD

The next item on the agenda is to renew the contracts with Hoffman, Luhman & Busch as the law firm.

Commissioner Haan moved to renew the 1995 contract with Hoffman, Luhman and Busch, seconded by Commissioner Jones. Motion carried.

Mr. Spencer presented the Board with two proposals for the contract with Christopher B. Burke Engineering Limited.

- 1) A proposal for professional engineering services on a varied rate depending on specified standard charges.
- 2) a proposal for professional engineering services on a fixed rate of \$50.00 per hour.

Commissioner Gentry asked for a report on the number of engineering review hours in 1995 for all the projects submitted in 1995. The discussion of which contract to be used will be continued at the February meeting.

Commissioner Haan moved to extend the 1995 contract with Christopher B. Burke Engineering Limited for one month into 1996, seconded by Commissioner Jones. Motion carried.

Commissioner Haan moved to reappoint Shelli Muller as Drainage Board Secretary for 1996, seconded by Commissioner Jones. Motion carried.

1996 ACTIVE/INACTIVE DITCH LIST

Mr. Hoffman asked for the active and inactive ditches to be placed in the minutes.

Commissioner Haan moved to place the 1996 active/inactive ditch list the minutes, seconded by Commissioner Jones. Motion carried.

1996 - ACTIVE/INACTIVE DITCH LIST

ACTIVE

E.W. ANDREW, ANSON-DEPHINE, JULIUS BERLOWITZ, BEUTLER-GOSMA, ANDREW BROWN, TRAIN COE, COUNTY FARM, THOMAS ELLIS, FASSNACHT-CRIST, REBECCA GRIMES, HARRISON MEADOWS, EUGENE JOHNSON, JAMES KELLERMAN, AMANDA KIRKPATRICK, FRANK KIRKPATRICK, JAMES KIRKPATRICK, CALVIN LESLEY, MARY MCKINNEY, F.E. MORIN, KESTER MOTSINGER, J. KELLY O'NEAL, AUDLEY OSHIER, FRANKLIN RESER, SKINNER RAY, JOSEPH STERRETT, GUSTAV SWANSON, JACOB TAYLOR, JESSE DICKENS, DISMAL CREEK, SHAWNEE CREEK, SAMUEL ELLIOTT, JOHN HOFFMAN, BUCK CREEK, DARBY-WETHERHILL, ISSAC GOWEN, SAMUEL MARSH, EMMETT RAYMAN, WILSON-NIXON, SOPHIA BRUMM, H.W. MOORE, MARY THOMAS, ARBEGUST-YOUNG

INACTIVE

JOHN AMSTUZ, JESSE ANDERSON, DEMPSEY BAKER, BAKER VS NEWELL, NELLIE BALL, MICHAEL BINDER, JOHN BLICKENSTAFF, NATHANIEL BOX, ALFRED BURKHALTER, ORIN BYERS, FLOYD COE, GRANT COLE, JESSE CRIPE, CHARLES DAUGHERTY, FANNIE DEVAULT, MARION DUNKIN, MARTIN ERVIN, ELIJAH FUGATE, MARTIN GRAY, FRED HAFNER, E.F. HAYWOOD, THOMAS HAYWOOD, GEORGE INSKEEP, LEWIS JAKES, FLOYD KERSCHNER, JOHN KUHN, JOHN MCCOY, JOHN MCFARLAND, WESLEY MAHIN, ABSOLEM MILLER, ANN MONTGOMERY, PARKER LANE, CALVIN PETER, PETER RETTERETH, ARTHUR RICHERD, ALEXANDER ROSS, JAMES SHEPHERDSON, JOHN SALZMAN, ABE SMITH, MARY SOUTHWORTH, WILLIAM STEWART, ALONZO TAYLOR, JOHN TOOHEY, JOHN VANNATTA, HARRISON WALLACE, SUSSANA WALTERS, WILLIAM WALTERS, WAPLES-MCDILL, LENA WILDER, J&J WILSON, SIMEON YEAGER, FRANKLIN YOE, JENKINS, KIRKPATRICK ONE, MCLAUGHLIN, JOHN HOFFMAN

Commissioner Gentry mentioned the ditches that are in red:

COUNTY FARM, REBECCA GRIMES, FRANKLIN RESER, GUSTAV SWANSON

Mr. Spencer read a letter he received from Betty J. Michael.

"December 29, 1995

Nola J. Gentry, President  
Board of Commissioners

Michael J. Spencer  
County Surveyor

Re: Interest on Drainage Funds

At the Fall County Auditor's Conference held by the State Board of Accounts, a session was held concerning drainage ditches, charges, billings, investments, interest, etc.

The County Board of Accounts supervisors instructed the Auditors and personnel concerning the above issues. We were informed that most Counties put interest earned on Drainage funds into the County General Fund since County general pays for expenses such as tax bills, Surveyor and Drainage Board Budgets.

An alternative in some cases is to credit this interest to the County Drain Fund (unapportioned). When we inquired about the feasibility of apportioning the monthly interest into more than 100 separate drainage funds, the answer was a dead silence of incredibility that this was being done.

We have double-checked this information with District Board of Accounts personnel and have been told that there is nothing in the statutes that mandates interest should go into each Drain fund or even into the County General Drain Fund.

Therefore, as of January 1, 1996, we will be willing to allocate the monthly interest to either the General Drain Fund or to the County General Fund but NOT to each individual Drain account. Please let me know your preference.

Sincerely,

Betty J. Michael"

Mr. Hoffman stated the ditches are trust funds and the landowners in the watershed areas know the ditches are earning interest, it would not be appropriate to discontinue the investment.

Commissioner Haan moved to direct Mr. Hoffman to write a letter stating per the agreement that was made when the ditches were established the interest was to be allocated, but the Board is willing to distribute the interest on a semimonthly bases to coincide with the spring & fall settlements, seconded by Commissioner Jones. Motion carried.

Commissioner Haan moved to approve the 1996 Drainage Board schedule, seconded by Commissioner Jones. Motion carried.

#### APPROVAL OF MINUTES

Commissioner Haan moved to approve the minutes from the December 6, 1995 Drainage Board meeting, seconded by Commissioner Jones. Motion carried.

#### BRENTWOOD COMMUNITY

Mr. Spencer stated Brentwood Manufacture Home Community is located off US52 West, South of the Elk's Country Club. They asked for preliminary drainage approval, which he recommended as long as the IDNR approved the construction within a floodway. There are approximately 280 lots on 60 acres with a dry bottom retention pond.

Mr. Spencer explained the retention pond does not comply with the Ordinance therefore the developer is asking for a variance. The Ordinance requires a 48 hour discharge time, the plans actual peak discharge is closer to 75 hours.

Commissioner Haan moved to grant preliminary approval to Brentwood Community contingent on the approval of construction in a floodway from IDNR, revised calculations and the request for the variance to the Ordinance, seconded by Commissioner Jones. Motion carried.

#### SOUTHERN MEADOWS

Mr. Spencer recommended granting Southern Meadows Subdivision final approval. The development is located at the corner of South 18th Street and 350 South within the City of Lafayette. Mr. Spencer explained the development needs approval from the County Drainage Board because it drains to the Elliott Ditch. At the Urban review meetings it was determined any development below the railroad tracks draining into Elliott Ditch would be allowed to direct release into the Ditch without onsite detention. The development includes a water amenity onsite, which water will flow into and out, but is not being planned as a detention pond and does not comply with the requirements of the Ordinance. Mr. Spencer had a question as to whether or not the pond would have to comply with the requirements of the Ordinance.

Mr. Hoffman stated the pond would not have to meet the Ordinance requirements as long as it does not affect the drainage.

Mr. Spencer explained the site drains to the pond.

Commissioner Haan stated if the majority of the site drains to the pond it is a retention pond and should meet the requirements of the Ordinance.

Ron Miller, Schneider Engineering, stated the current discharge in a one hour storm duration to Elliott is 2.7 hours. With the installation of a 42 inch pipe draining from the water amenity discharge into the Elliott in a one hour storm will be a little over an hour.

Commissioner Haan moved to grant final approval of Southern Meadows Subdivision with the condition the pond meets the Drainage Board Ordinance requirement for a non-fenced pond, seconded Commissioner Jones. Motion carried.

#### VILLAGE PANTRY #564R

Mr. Spencer introduced Village Pantry #564R, which is located at the corner of Brady and Concord, East of the existing Village Pantry. Weihe Engineering submitted final drainage plans and after the review it was recommended to grant final approval with the variance of a 12 inch pipe to a 10 inch concrete pipe for the outfall of the proposed detention area in order to limit the discharge.

Commissioner Haan moved to grant the variance of the Ordinance from a 12 inch required pipe to a 10 inch proposed pipe, seconded by Commissioner Jones. Motion carried.

Commissioner Haan moved to grant final approval of Village Pantry #564R, seconded by Commissioner Jones. Motion carried.

#### PETITION TO ESTABLISH O'FERRALL LEGAL DRAIN

Mr. Hoffman excused himself from the meeting 9:45 a.m.

Mr. Spencer asked the Board to acknowledge the petition to establish the O'Ferrall Legal Drain, branch of the Alexander Ross Ditch as a valid petition.

Commissioner Haan moved to acknowledge the petition as a valid petition to establish the O'Ferrall Legal Drain, branch of the Alexander Ross Ditch and the petition represents over 10 percent of the effect landowners, seconded by Commissioner Jones. Motion carried.

Mr. Hoffman returned to the meeting at 9:57 a.m.

#### ALEXANDER ROSS DITCH EASEMENT REDUCTION

Mr. Spencer explained on the Meijer site two branches of the Alexander Ross Ditch were described, one on the Southeast corner of the site and the other along the West side of the site. After the construction of the site it was discovered the pipe described along the West side of the site is not actually on the Meijer site. Meijer is asking the description of the pipe on the West side be corrected and the easement on the Southeast corner be reduced from 75 feet to 25 feet center of the pipe either side.

Mr. Hoffman stated Mr. Spencer will have to define the easement as only being on the Southeast corner of the site and redefine the easement on the West side of the property.

Commissioner Haan moved to reduce the easement of the Alexander Ross Ditch located at the Southeast corner of the Meijer site from 75 feet to 25 feet either side of the center of the pipe, seconded by Commissioner Jones. Motion carried.

Commissioner Haan moved to direct Mr. Spencer to correct the Survey maps to show the actual location of the Alexander Ross Ditch and document that the ditch does not run through the West side of the Meijer property, seconded by Commissioner Jones. Motion carried.

Commissioner Gentry asked Mr. Spencer to do a field check on the erosion of the Alexander Ross Ditch bank behind Meadowbrook Subdivision.

#### SANWIN APARTMENTS

Bob Grove presented the Board with Sanwin Apartments drainage plan and asked for preliminary approval. Located North of US52 West and East of County Road 250 West, the site consist of 3.11 acres and is planned to include a multi-family development with 63 units and a commercial area along the highway. After review from Christopher B. Burke Engineering consultant a revised preliminary plan was submitted addressing the concerns of the memo. The majority of the site, in the

revised plan, drains to the Northeast and Ken Baldwin will provide a 20 foot easement for a 12 inch outlet pipe that runs from the Northeast corner of the site to the existing McClure Ditch.

Commissioner Haan moved to grant preliminary approval of Sanwin Apartments, seconded by Commissioner Jones. Motion carried.

Cuppy-McClure - update

Mr. Spencer stated the notices for the hearing to be held February 7, 1996 on the reconstruction of the Cuppy-McClure Drain were sent January 2, 1996.

Mr. Spencer stated RUST Environmental & Infrastructure has submitted several proposals for construction inspection.

Commissioner Gentry suggested Mr. Spencer get other bids for the construction inspection or consider in-house inspections.

Being no further business Commissioner Haan moved to adjourn until February 7, 1996, seconded by Commissioner Jones. Meeting adjourned.

DRAINAGE BOARD MINUTES      JANUARY 3, 1996 REGULAR MEETING

TIPPECANOE COUNTY DRAINAGE BOARD  
 REGULAR MEETING  
 FEBRUARY 5, 1997

The Tippecanoe County Drainage Board met Wednesday February 5, 1997 in the Tippecanoe Room of the Tippecanoe County Office Building, Lafayette, Indiana with Commissioner Hudson calling the meeting to order.

Those present: Tippecanoe County Commissioners Kathleen Hudson and Gene Jones, Tippecanoe County Surveyor Michael J. Spencer, Tippecanoe County Drainage Board Attorney Cy Gerde, Engineering Consultant David Eichelberger, and Drainage Board Secretary Shelli Muller.

Commissioner Hudson stated Commissioner Chase resigned Monday February 3, 1997 which created a vacancy in the position of Vice President to the Drainage Board. She nominated Commissioner Jones to fill the vacancy, seconded by Commissioner Jones. Motion carried to elect Commissioner Jones as Drainage Board Vice President.

The first item on the agenda was to approve the minutes from the meeting held December 11, 1996. Commissioner Jones moved to approve the minutes, seconded by Commissioner Hudson. Motion carried.

Commissioner Jones moved to approve the minutes of the last meeting held January 8, 1997, seconded by Commissioner Hudson. Motion carried.

Mr. Gerde asked for the active and inactive ditch list to be placed in the minutes and a motion be made to approve the list.

ACTIVE DITCH LIST 1997

DITCH NO	DITCH	PRICE PER ACRE	TOTAL 4 YEAR ASSESSMENT	1996 YEAR END BALANCE
4	Anson, Delphine	\$1.00	\$5,122.56	\$2,677.72
8	Berlovitz, Juluis	\$1.25	\$8,537.44	(\$2,933.43)
13	Brown, A P	\$1.00	\$8,094.24	\$7,921.94
14	Buck Creek	\$0.00		\$1,385.55
15	Burkhalter, Alfred	\$1.50	\$5,482.96	\$4,129.61
18	Coe, Train	\$0.50	\$3,338.56	\$1,306.84
20	County Farm	\$1.00	\$1,012.00	(\$381.25)
25	Dunkin, Marion	\$1.50	\$9,536.08	\$9,285.65
26	Darby, Wetherill	\$1.50		\$1,106.43
27	Ellis, Thomas	\$1.00	\$1,642.40	\$1,483.50
29	Fassnacht, Christ	\$0.75	\$2,350.56	\$2,124.49
31	Gowen, Issac	\$0.00		\$101.76
33	Grimes, Rebecca	\$3.00	\$3,363.52	(\$10,770.77)
35	Haywood, E.F.	\$0.50	\$7,348.96	\$1,283.61
37	Harrison, Meadows	\$1.00	\$1,532.56	\$463.71
41	Johnson, E. Eugene	\$3.00	\$10,745.28	\$8,137.10
42	Kellerman, James	\$0.50	\$1,043.52	\$693.98
43	Kerschner, Floyd	\$1.00	\$1,844.20	(\$2,254.41)
44	Kirkpatrick, Amanda	\$1.00	\$2,677.36	\$781.97
45	Kirkpatrick, Frank	\$1.00	\$4,226.80	(\$7,821.61)
48	Lesley, Calvin	\$1.00	\$3,787.76	\$2,440.88
51	McFarland, John	\$0.50	\$7,649.12	\$7,160.70

54	Marsh, Samuel		\$0.00		\$0.00
55	Miller, Absalm		\$0.75	\$3,236.00	\$2,221.92
57	Morin, F.E.	\$1.00	\$1,434.72	(\$1,130.43)	
58	Motsinger, Hester	\$0.75	\$2,000.00	(\$348.42)	
59	O'Neal, J. Kelly	\$1.50	\$13,848.00	(\$1,975.03)	
60	Oshier, Aduley		\$0.50	\$1,624.88	\$1,048.80
64	Rayman, Emmett	\$0.00			\$326.57
65	Resor, Franklin	\$1.00	\$3,407.60	(\$2,025.96)	
74	Sterrett, Joseph	\$0.35	\$478.32		\$276.65
76	Swanson, Gustav	\$1.00	\$4,965.28		\$1,351.62
82	Wallace, Harrison		\$0.75	\$5,501.76	\$5,408.79
84	Walters, William	\$0.00	\$8,361.52		\$7,999.20
87	Wilson, Nixon		\$1.00		\$158.62
89	Yeager, Simeon		\$1.00	\$615.36	(\$523.86)
91	Dickens, Jesse		\$0.30	\$288.00	\$206.26
93	Dismal Creek		\$1.00	\$25,420.16	\$8,652.86
<b>94</b>	<b>Shawnee Creek</b>		<b>\$1.00</b>	<b>\$6,639.28</b>	<b>\$3,411.51</b>
95	Buetler/Gosma		\$1.10	\$19,002.24	\$9,981.77
100	S.W.Elliott	\$0.75	\$227,772.24	\$174,474.74	
102	Brum, Sarah		\$1.00		
103	H W Moore Lateral				
104	Hadley Lake Drain	\$0.00			\$38,550.17
105	Thomas, Mary		\$0.00		
106	Arbegust-Young	\$0.00			
108	High Gap Road	\$13.72			0.00
109	Romney Stock Farm	\$12.13			0.00

INACTIVE DITCH LIST 1997

	DITCH	PRICE	TOTAL	1996
	PER ACRE	ASSESSMENT	4 YEAR	YEAR END
			BALANCE	
AA				
1	Amstutz, John	\$3.00	\$5,008.00	\$5,709.97
2	Anderson, Jesse	\$1.00	\$15,793.76	\$21,291.57
3	Andrews, E.W.	\$2.50	\$2,566.80	\$2,847.14
5	Baker, Dempsey	\$1.00	\$2,374.24	\$3,270.71
6	Baker, Newell	\$1.00	\$717.52	\$2,343.45
7	Ball, Nellie	\$1.00	\$1,329.12	\$2,414.08
10	Binder, Michael	\$1.00	\$4,388.96	\$5,244.63
11	Blickenstaff, John	\$1.00	\$7,092.80	\$8,094.49
12	Box, NW	\$0.75	\$11,650.24	\$15,935.84
16	Byers, Orrin	\$0.75	\$5,258.88	\$5,266.89
17	Coe, Floyd	\$1.75	\$13,617.84	\$19,495.56
19	Cole, Grant	\$1.00	\$4,113.92	\$9,688.52
21	Cripe, Jesse	\$0.50	\$911.28	\$1,810.25
22	Daughtery, Charles	\$1.00	\$1,883.12	\$2,662.08

23	Devault, Fannie	\$1.00	\$3,766.80	\$8,650.12
28	Erwin, Martin V	\$1.00	\$656.72	\$1,273.19
30	Fugate, Elijah		\$1.00 \$3,543.52	\$6,272.90
32	Gray, Martin		\$1.00 \$6,015.52	\$7,478.52
34	Hafner, Fred		\$1.00 \$1,263.44	\$1,336.75
36	Haywood, Thomas	\$1.00	\$2,133.12	\$3,253.45
39	Inskeep, George	\$1.00	\$3,123.84	\$8,267.68
40	Jakes, Lewis		\$1.00 \$5,164.24	\$6,039.76
46	Kirkpatrick, James		\$1.00 \$16,637.76	\$21,244.63
47	Kuhns, John A		\$0.75 \$1,226.96	\$1,467.00
50	McCoy, John	\$1.00	\$2,194.72	\$3,009.24
52	McKinny, Mary		\$1.00 \$4,287.52	\$4,326.98
53	Mahin, Wesley		\$3.00 \$3,467.68	\$4,346.05
56	Montgomery, Ann	\$1.00	\$4,614.56	\$4,717.40
61	Parker, Lane		\$1.00 \$2,141.44	\$3,658.56
63	Peters, Calvin		\$1.00 \$828.00	\$2,704.13
66	Rettereth, Peter	\$0.75	\$1,120.32	\$1,511.11
67	Rickerd, Aurthur	\$3.00	\$1,064.80	\$1,281.00
68	Ross, Alexander	\$0.75	\$1,791.68	\$4,348.39
69	Sheperdson, James	\$0.75	\$1,536.72	\$4,194.37
70	Saltzman, John		\$2.00 \$5,740.96	\$6,867.50
71	Skinner, Ray		\$1.00 \$2,713.60	\$2,961.68
72	Smith, Abe	\$1.00	\$1,277.52	\$1,595.63
73	Southworth, Mary	\$0.30	\$558.08	\$677.23
75	Stewart, William	\$1.00	\$765.76	\$1,046.47
77	Taylor, Alonzo		\$1.00 \$1,466.96	\$4,006.46
78	Taylor, Jacob		\$0.75 \$4,616.08	\$5,066.61
79	Toohy, John		\$1.00 \$542.40	\$1,207.75
81	VanNatta, John		\$0.35 \$1,338.16	\$3,089.01
83	Walters, Sussana	\$0.75	\$972.24	\$2,395.01
85	Waples, McDill		\$1.00 \$5,478.08	\$9,781.97
86	Wilder, Lena		\$1.00 \$3,365.60	\$5,718.48
88	Wilson, J & J		\$0.50 \$736.96	\$6,552.77
90	Yoe, Franklin		\$1.00 \$1,605.44	\$2,916.35
92	Jenkins		\$1.00 \$1,689.24	\$3,014.50
96	Kirkpatrick One	\$0.00	\$6,832.16	\$13,956.64
97	McLaughlin, John	\$0.00	\$0.00	\$0.00
101	Hoffman, John		\$1.00 \$72,105.03	\$3,502.62

Commissioner Jones moved to approve the active and inactive ditches for 1997, seconded by Commissioner Hudson. Motion carried.

#### 1997 CONTRACTS

##### ENGINEERING CONTRACT

Mr. Gerde stated he commends the contract written for Christopher B. Burke Engineering, Limited, but some verbiage was changed to better protect the County's interest.

Mr. Eichelberger stated the changes will be made and the contract ready for signature at the March meeting.

##### ATTORNEY CONTRACT

Mr. Gerde stated the contract for Drainage Board Attorney is ready for approval and the signature of the Drainage Board. The contract is the same format as Mr. Hoffman's contract with a few changes; date, name and hourly rate changed to \$140.00 per hour also, the last paragraph was added to the contract.

Commissioner Hudson read the paragraph that was added:

"All parties hereto agree not to discriminate against any employee or applicant for employment with respect to his hire tenure, terms, conditions or privileges of employment or any matter directly or indirectly related to employment, because of his race, religion, color, sex, disability, handicap, national origin or ancestry. Breach of this convenient may be regarded as a material breach of the contract."

Commissioner Jones moved to approve the contract for Drainage Board Attorney, seconded by Commissioner Hudson. Motion carried. The entire contract is on file in the County Surveyor's Office.

#### **JAMES N. KIRKPATRICK DITCH**

Mr. Spencer asked that the **James N. Kirkpatrick Ditch** proposal discussion be continued until the March meeting allowing time to fill the vacancy of the third Drainage Board member.

Commissioner Hudson moved to continue the discussion of the James N. Kirkpatrick Ditch proposals until the March Drainage Board Meeting, seconded by Commissioner Jones. Motion carried

#### **OBSTRUCTION OF DRAINS**

Mr. Spencer referred to the following "PETITION TO TIPPECANOE COUNTY DRAINAGE BOARD TO REMOVE OBSTRUCTION IN MUTUAL DRAIN OF MUTUAL SURFACE WATERCOURSE" the "DRAINAGE BOARDS POWER EXTENDED TO PRIVATE DRAINS" article in "Indiana Prairie Farmer" and Indiana Code amendment act No. 1277. All of these documents are on file in the County Surveyor's Office. Mr. Spencer wanted the Commissioners to be aware of and have a discussion on this issue. Mr. Spencer felt this law was to protect against man-made obstructions and asked Mr. Gerde to examine the possibility of the law including natural obstructions.

Mr. Gerde gave an example of where this law could be taken into effect. The first being on North 9th Street Road, north of Burnetts Road, the current condition causes water to travel across the road producing a hazardous condition. The reason for the water across the road is due to drainage problems outside the County Road Right-of-Way.

Mr. Steve Murray, Executive Director, Tippecanoe County Highway Department, stated another persistent problem is 200 South, east of the South fork of the Wildcat Creek. Mr. Murray explained no actual source of funding is available to work on obstruction of drains which do not have a maintenance fund. Mr. Murray asked the Drainage Board to consider creating a fund which would help the Surveyor's Office and the Highway Department to determine what action could be taken. Mr. Murray stated when a problem becomes severe enough the County Highway Department will clean out an obstruction that is off county road right-of-way to protect the road way, but the funds used for the clean-up are funds that could be used elsewhere.

Commissioner Jones stated Steve Wettschurack told him that FEMA was going to help out with the situation on North 9th Street.

Mr. Murray pointed out with the older residential subdivision the storm water system were allowed to outlet into privately owned ravines, there is no funding available to help with maintenance on these situations. If the storm water system becomes plugged or breaks down causing the streets to flood the County Highway Department has repaired the problem, using funds that were not intended for that type of repair.

Mr. Gerde's understanding is that in the majority of those situation the County does not have an easement, which cause a legal problem for the County.

Mr. Spencer stated in all cases where the County has worked out side the easement a complaint was filed therefore the landowners are willing to grant entry onto their land.

#### MARCH DRAINAGE BOARD MEETING DATE

Mr. Spencer explained the March 1997 Drainage Board meeting date needs to be changed, if possible. Mr. Gerde is going to be out of town on the scheduled meeting date of March 5, 1997.

Discussion of the next Drainage Board Meeting, after an agreed date and time, Commissioner Hudson stated the next Drainage Board meeting will be Tuesday, March 11, 1997 at 9:00 a.m.

Being no further business Commissioner Hudson moved to adjourn until Tuesday, March 11, 1997 at 9:00 a.m., seconded by Commissioner Jones. Meeting adjourned.

# TIPPECANOE COUNTY DRAINAGE BOARD

February 4, 1998

regular meeting

## **Those present were:**

Tippecanoe County Commissioners Ruth Shedd, and John Knochel, County Surveyor Mike Spencer, Drainage Board Attorney Dave Luhman, Drainage Board Engineering Consultant Dave Eichelberger and Drainage Board Secretary Shelli Muller.

The Tippecanoe County Drainage Board met Wednesday, February 4, 1998, in the Tippecanoe Room of the Tippecanoe County Office Building, 20 North 3<sup>rd</sup> Street, Lafayette, Indiana with Commissioner Shedd calling the meeting to order.

The first item on the agenda was to approve the minutes from the October 15, 1997 and December 19, 1997 regular Drainage Board meetings. Commissioner Knochel moved to approve the minutes, seconded by Commissioner Shedd. Minutes Approved.

## **MIKE MADRID COMPANY**

Bob Gross, and Craig Rodarmel of R.W. Gross and Associates, presented the Board with final drainage plans of Mike Madrid Company, located west of I-65, in the northeast portion of the intersection of Swisher Road and the Rail Road. Mr. Gross explained at the south end of the site an existing 15 inch culvert under Swisher Road is the outlet. In the post-developed condition the same 15 inch pipe will be used for the outlet of the site with two sub basin. The sub basin at the north and east sides of the site will outlet into a 12 inch pipe under the driveway and then flow into the 15 inch outlet pipe under Swisher Road. The second sub basin will be at the south end of the site and outlet through a 12 inch pipe with a 4.25 inch diameter orifice on the end to restrict the flow before outletting into the 15 inch pipe under Swisher Road. Mr. Gross explained neither of the two basins will be very deep, but they will be spread over a large area.

Mr. Spencer stated he recommends final approval with the condition the applicant receives approval from the County Highway Department for use of the road right-of-way as site detention.

Commissioner Shedd asked where the emergency overflow will go and who owns the property the overflow will go on?

Mr. Gross stated Mike Madrid Company owns the property for the proposed emergency overflow.

Commissioner Knochel moved to grant final approval of the Mike Madrid Company drainage plan with the condition the applicant receives approval from the County Highway Department, seconded by Commissioner Shedd. Motion carried.

## **DRAINAGE BOARD 1998 CONTRACTS**

### **Attorney**

Mr. Spencer presented the Board with a 1998 contract from Hoffman, Luhman and Busch Law Firm for their services to the Tippecanoe County Drainage Board.

Commissioner Knochel moved to approve the 1998 contract with Hoffman, Luhman and Busch Law Firm, seconded by Commissioner Shedd. Motion carried.

**Engineering Consultant**

Mr. Luhman presented the Board with a 1998 contract from Christopher B. Burke Engineering, LTD. for engineering consultant services for the Tippecanoe County Drainage Board.

Mr. Luhman suggested continuing the 1998 contract with Christopher B. Burke Engineering, Ltd. until some language is included, which is in the agreement from January 3, 1995 contract. Christopher B. Burke Engineering, Ltd. could copy the 1995 contract and update it to include the current rates.

Commissioner Knochel moved to continue the 1998 engineering consultant contract with Christopher B. Burke until the March 4, 1998 Drainage Board Meeting, seconded by Commissioner Shedd. Motion carried.

**1998 ACTIVE AND INACTIVE DITCH LIST**

Mr. Luhman read the 1998 active and inactive ditch list.

**ACTIVE DITCH LIST**

- 4. Delphine Anson    8. Julius Berlovitz    10. Michael Binder    14. Buck Creek
- 16. Orrin Byers    18. Train Coe    20. County Farm    26. Darby Wetherill
- 31. Issac Gowen    33. Rebecca Grimes    34. Fred Hafner    35. E.F. Haywood
- 37. Harrison Meadows    41. Eugene Johnson    42. James Kellerman    43. Floyd Kerschner
- 44. Amanda Kirkpatrick    45. Frank Kirkpatrick    47. John Kuhns    48. Calvin Lesley
- 52. Mary Mckinney    54. Samuel Marsh    55. Absalm Miller    57. F.E. Morin
- 58. Hester Motsinger    59. J. Kelly O’Neal    60. Audley Oshier    64. Rayman Emmett
- 65. Franklin Reser    67. Aurthur Rickerd    71. Skinner Ray    74. Joseph Sterrett
- 76. Gustav Swanson    78. Jacob Taylor    87. Wilson Nixon    89. Simeon Yeager
- 91. Jesse Dickens    93. Dismal Creek    **94. Shawnee Creek**    101. John Hoffman
- 102. Sophia Brumm    103. H.W. Moore    105. Mary Thomas    106. Arbegust Young
- 108. High Gap Road    109. Romney Stock Farm

**INACTIVE DITCH LIST**

- 1. John Amstutz    2. Jesse Anderson    3. E.W. Andrew    5. Dempsey Baker
- 6. Newell Baker    7. Nellie Ball    11. John Blickenstaff    12. N.W. Box
- 13. A.P. Brown    15. Alfred Burkhalter    17. Floyd Coe    19. Grant Cole
- 21. Jesse Cripe    22. Charles Daughtery    23. Fannie Devault    25. Marion Dunkin
- 27. Thomas Ellis    28. Martin Erwin    29. Crist-Fassnacht    30. Elijah Fugate
- 32. Martin Gray    36. Thomas Haywood    39. George Inskeep    40. Lewis Jakes
- 46. J.N. Kirkpatrick    50. John McCoy    51. John McFarland    53. Wesley Mahin
- 56. Ann Montgomery    61. Parker Lane    63. Calvin Peters    66. Peter Rettereth
- 68. Alexander Ross    69. James Sheperdson    70. John Saltzman    72. Abe Smith
- 73. Mary Southworth    75. William Stewart    77. Alonzo Taylor    79. John Toohey
- 81. John VanNatta    82. Harrison Wallace    83. Sussana Walters    84. William Walters
- 85. Waples McDill    86. Lena Wilder    88. J & J Wilson    90. Franklin Yoe
- 92. Jenkins    95. Beutler-Gosma    96. Kirkpatrick One    100. S.W. Elliott

Commissioner Knochel moved to approve the 1998 ditch assessment list, seconded by Commissioner Shedd. Motion carried.

**OTHER BUSINESS**

Mr. Spencer brought to the Board's attention a public notice from the Corp. of Engineers regarding the proposed wetland constructed above a county regulated tile drainage system the **John McCoy Ditch** located south of Wea School along County Road 200 East. Mr. Spencer explained there have been some concern from the property owners in the watershed area with what the Corp. has proposed. Mr. Spencer asked the Board if the County should have an informational meeting regarding the wetland?

Commissioner Knochel moved to have an information meeting with all the effected landowner in the area of the proposed wetland, seconded by Commissioner Shedd. Motion carried.

Mr. Spencer asked if the 30 day requirement for a public notice would be in affect with this meeting only being an informational meeting?

Mr. Luhman stated no, not for an informational meeting because it is not being reconstruted, the assessment is not going to change and there is not going to be any legal affect on the landowners.

**MINUTE BOOK**

Mr. Luhman explained that there was a question as to whether or not a ledger size minute book was required to be used, if not, than could the minute book be changed to a letter or legal size. Mr. Luhman stated he could not find any statue where a ledger size book had to be used.

Commissioner Shedd granted approval to change the size of the minute book from ledger to letter, beginning with the 1998 Drainage Board minutes.

Being no further business, Commissioner Knochel moved to adjourn until March 4, 1998, seconded by Commissioner Shedd. Meeting adjourned.

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Ruth Shedd, President

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Shelli Muller, Secretary

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Kathleen Hudson, Vice President

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John Knochel, Member



# TIPPECANOE COUNTY DRAINAGE BOARD

February 3, 1999

Regular Meeting

**Those present were:**

Tippecanoe County Commissioners Ruth Shedd and John Knochel, County Surveyor Mike Spencer, Drainage Board Attorney Dave Luhman, Drainage Board Engineering Consultant Dave Eichelberger and Drainage Board Secretary Shelli Muller.

The Tippecanoe County Drainage Board met Wednesday, February 3, 1999, in the Tippecanoe Room of the Tippecanoe County Office Building, 20 North 3<sup>rd</sup> Street, Lafayette, Indiana with Commissioner Shedd calling the meeting to order.

The first item on the agenda is to approve the 1999 Active and Inactive Ditch Assessment List. Mr. Luhman read the list.

ACTIVE

Delphine Anson Brown	Julius Berlowitz	Michael Binder	A.P.
Buck Creek Wetherhill	Train Coe	County Farm	Darby
Christ Fassnacht Hafner	Issac Gowen	Rebecca Grimes	Fred
E.F. Haywood Kirkpatrick	Harrison Meadows	Floyd Kerschner	Amanda
Frank Kirkpatrick McKinny	Calvin Lesley	John McFarland	Mary
Samuel Marsh Aduley Oshier	F.E. Morin Emmett Rayman	Hester Motsinger Franklin Reser	J.Kelly O'Neal Aurthur
Rickerd Joseph Sterrett	Gustav Swanson	Jacob Taylor	William
Walters Wilson Nixon	Simeon Yeager	Jesse Dickens	Dismal
Creek Kirkpatrick One	John Hoffman	Sophia Brum	HW Moore
Lateral Mary Thomas	Arbegust-Young	Jesse Anderson	

INACTIVE

John Amstutz	James Shepardson	E.W. Andrew	
Dempsey Baker			
Newell Baker	Nellie Ball	John Blickenstaff	NW Box
Alfred Burkhalter	Orrin Byers	Floyd Coe	Grant
Cole			
Jesse Cripe	Charles Daughtery	Frannie Devault	Marion
Dunkin			
Thomas Ellis	Martin Erwin	Elijah Fugate	Martin
Gray			
Thomas Haywood	George Inskeep	Lewis Jakes	Eugene
Johnson			
James Kellerman	James Kirkpatrick	John Kuhns	John
McCoy			
Wesley Mahin	Absalm Miller	Ann Montgomery	Parker
Lane			

Calvin Peters Saltzman Skinner Ray William Stewart	Peter Rettereth  Abe Smith  John Toohey Sussane Walters  Franklin Yoe	Alexander Ross  Mary Southworth  John VanNatta McDill Waples  Jenkins  S.W. Elliott	John    Lena    Hadley
<b>Shawnee Creek</b>			
Buetler/Gosma Lake High Gap Rd	John McLaughlin  Romney Stock Farm		

Commissioner Knochel moved to approve the list of Active and Inactive Ditch Assessment for the year 1999, seconded by Commissioner Shedd. Motion carried.

**WATKINS GLEN SUBDIVISION, PHASE 4, PART 3**

Tim Beyer of Vester and Associates, asked the Board for preliminary approval of Watkins Glen Subdivision, Phase 4, Part 3 located off County Road 400 East. The proposed subdivision consists of 9 lot on a 5 acre site. Mr. Beyer asked for a variance from the Drainage Ordinance that requires on-site detention. The majority of the proposed plan drains to an existing pipe and then to an existing detention facility for Watkins Glen South, Part V. The facility has the capacity to handle the additional runoff of Phase 4, Part 2.

Mr. Spencer recommended granting the variance for no on-site detention and preliminary approval of the drainage plan for Watkins Glen, Phase 4, Part 3.

Commissioner Knochel moved to grant preliminary approval of Watkins Glen, Phase 4, Part 3 and to grant the variance allowing no on-site detention, seconded by Commissioner Shedd. Motion carried.

**SEASONS FOUR SUBDIVISION, PHASE III**

Roger Fine, of John E. Fisher and Associates, asked the Board for approval of the outlet pipe for Seasons Four Subdivision, Phase III. The City of Lafayette requires the project to receive approval from the Tippecanoe County Drainage Board because of the outlet pipe into the **Elliott Ditch**. Mr. Fine informed the Board a DNR permit is pending for work in the floodway.

Mr. Spencer recommended approval of the outlet pipe, subject to the project receiving the DNR permit.

Commissioner Knochel moved to approve the outlet pipe into **the Elliott Ditch** for Seasons Four Subdivision, Phase III, subject to the approval of the DNR permit, seconded by Commissioner Shedd. Motion carried.

Being no further business, Commissioner Knochel moved to adjourn until March 3, 1999 at 10:00 a.m., seconded by Commissioner Shedd. Motion carried.

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Ruth Shedd, President

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Shelli Muller, Secretary

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Kathleen Hudson, Vice President

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John Knochel, Member

# TIPPECANOE COUNTY DRAINAGE BOARD

February 9, 2000

Regular Meeting

## **Those present were:**

Tippecanoe County Commissioners Kathleen Hudson, John Knochel and Ruth Shedd, County Surveyor Stephen Murray, Drainage Board Attorney Dave Luhman, Drainage Board Engineering Consultant Dave Eichelberger and Drainage Board Secretary Doris Myers.

The Tippecanoe County Drainage Board met Wednesday, February 9, 2000, in the Tippecanoe Room of the Tippecanoe County Office Building, 20 North 3<sup>rd</sup> Street, Lafayette, Indiana with Commissioner Kathleen Hudson calling the meeting to order.

The first item on the agenda is to approve the minutes from the January 12, 2000, Regular Drainage Board Meeting and minutes from the January 21, 2000, Special Drainage Board Meeting. Commissioner Knochel moved to approve the minutes of January 12, 2000, Regular Drainage Board Meeting and January 21, 2000, Special Drainage Board Meeting, seconded by Commissioner Shedd. Motion carried.

Commissioner Hudson welcomed Stephen Murray, as new County Surveyor, to his first meeting with the Drainage Board.

## **CROSSPOINTE APARTMENTS SUBDIVISION**

Wm. R. Davis with Hawkins Environmental gave presentation for Crosspointe Apartments Subdivision. This site is located east of Creasy Lane, south of Weston Woods Subdivision and east of the **Treعه Meadows Relief Drain**. The applicant proposes to construct apartments and associated parking. The stormwater management plan for this area was the subject of previous studies conducted as part of the Amelia Avenue extension over the **Treعه Meadows Relief Drain**. Two issues from C.B. Burke Engineering report to be discussed. First issue is ponding of waters on project. The parking lot plans were intended to pond 7" of water. Second issue concerning previously discharge channel that has been schematic approved for the drainage of this site. Their intention is to use this channel for draining this site. If not approved as is a modification can be brought before the board.

Commissioner Hudson asked Dave Eichelberger to explain about the wet bottom ponds.

Dave Eichelberger, Drainage Board Engineering Consultant, stated the previous stormwater management plan indicated that portions of this development would drain to proposed wet-bottom ponds prior to discharging to the **Treعه Meadows Relief Drain**. However, it does not appear these ponds are proposed as part of this subject development on their plans. Are these ponds already in place, are they going to be constructed as part of this project or are they going to have some interim outlet to the **Treعه Meadow Relief Drain** between now and then? If are wanting final approval may need to have condition that proposed ponds are constructed or proposed outlet is approved.

Steve Murray asked Wm. R. Davis what was their intent.

Wm R. Davis commented there is another project that has risen to this area. The project is not moving very rapidly. They want to get these projects temporarily constructed as did in schematic approval of wet-bottom channel as part of this project.

Commissioner Hudson asked if these outlets would be the ones carrying water over parking lot. Answer was no.

Commissioner Hudson asked what was going to be done about the water ponding over the parking lot area.

Steve Murray stated 7" water ponding over parking lot is allowable by ordinance. This is backwater from 100-year flood as composed to conventional ponding for storage in the lot.

Steve Murray asked if there was a duration limit.

Dave Eichelberger stated none that he is aware of.

Commissioner Knochel moved to grant final approval to Crossepoint Apartments Subdivision subject to the outlets being constructed as part of this project, seconded by Commissioner Shedd. Motion carried.

#### **WABASH NATIONAL SITE DETENTION**

Wm. R. Davis with Hawkins Environmental gave presentation for Wabash National Site Detention. This is a 340-acre site located north of C.R. 350 South, between Concord Road and U.S. 52. This is a schematic design for Wabash National and is the second time for reviewing this site. We are trying to come up with an overall plan for final development of Wabash National property. They are not placing structures, etc, but are determining the amount of improved surface they can have, what areas need to be stoned, types of drainage, etc. Currently there is a tile branch of **Elliott Ditch** traversing this property. At present a lot of water stands on this property. We are proposing how to move this water in a developed condition. Will be stoning parts of the property after constructing diversion ditches. Will be removing tile in the **Elliott Ditch** Branch and make open drain. The present detention pond is adequate for future use. Wm. R. Davis is asking for approval of schematic design for Wabash National Site Detention.

Dave Eichelberger suggests preliminary approval of the ditch network and final approval of the continued use of the existing detention pond.

Commissioner Knochel moved to grant preliminary approval of the ditch design for the Wabash National Site Detention and final approval for the drainage pond, seconded Commissioner Shedd. Motion carried.

#### **WILLIAMS COMMUNICATIONS – FIBER OPTIC CABLE**

Harold Elliott with Williams Communications gave presentation to install fiber optic cable communication system. This cable will stretch from Atlanta, Cincinnati, Indianapolis and through Chicago. Part of this system will go through a portion of Tippecanoe County. Have received permits for the road crossings. Had been working with Mike Spencer for permits on drainage ditches. They had sent a letter earlier, recommended by Mike Spencer, explaining what they were going to do. Mr. Elliott stated he thinks they should have a permit due to all the bonding, etc. Mr. Elliott's purpose for being here today is to go over project, find out for sure what they do want, and get bond, etc. ready for the next meeting.

Commissioner Hudson asked Mr. Elliott if he received Dave Luhman's letter.

Mr. Elliott's comment was yes. Mr. Elliott stated they have included what Mr. Luhman asked for. Mr. Elliott had a question on drawing for each ditch. Can they use what we use as a typical ditch crossing with it put to the ditch we are crossing? Instead of a complete profile of each ditch.

Dave Luhman asked if it would be similar to what is used on highways. If so, that would be adequate. Mr. Elliott commented yes. Williams Communications will furnish drainage board with a complete list of where line is as built.

Steve Murray stated he would like Mr. Elliott to give as much information possible to the contractor, so they can narrow down their area to start being aware that there may be a legal drain there.

Mr. Elliott commented there would be a crew out to survey each of the legal drains so contractor knows exactly where they start and will be. They are running a minimum of 42" below ground. Some of the survey work is being done now.

Steve Murray asked if they would trench or plow the lines.

Mr. Elliott stated the plan was to plow. When you go across ditches we know you can't plow. So we will be trenching these lines.

Steve Murray stated they would want the cable trenched not plowed. When you trench you can see turned up broken tiles. When you plow there is no visible evidence of broken tiles. May be 3 to 5 years before drain collapses and backs up. A lot of counties have gone too only allowing trenching now days as opposed to plowing.

Commissioner Knochel stated his concern was when turning up some private tiles who will repair. They want someone who is knowledgeable to do the field tile repair.

Mr. Elliott commented he had talked with Mike and would like for the drainage board to hire someone in our county to act as an inspector to find the legal drains and bill Williams Communications for that service.

Steve Murray commented his concern is finding an inspector. It doesn't matter if the drainage board hires or if Williams Communications hires. Stephen thinks it would be better if drainage board hired the inspector.

Mr. Elliott asked about a pay scale agreement. This can all be worked out when I come back for the next meeting.

Steve Murray asked what is your construction schedule.

Mr. Elliott stated this year, this spring. It depends on all the permits coming in and all the easements that are being required one way or the other.

Steve Murray felt comfortable with this if they are willing to work under the drainage board conditions.

Mr. Elliott suggested the \$5,000 bond might not be large enough. There is more potential damage than \$5,000.

Dave Luhman recommends \$25,000.00 bond. Wait on final draft at the March 1, 2000 meeting for details.

Mr. Elliott will return for the March 1, 2000, meeting with final draft and details.

## **2000 ACTIVE AND INACTIVE DITCH ASSESSMENTS**

Mr. Luhman read the 2000 active and inactive ditch list

### ACTIVE

Jesse Anderson	Delphine Anson	Julius Berlovitz	Michael Binder
A.P. Brown	Buck Creek	Orrin Byers	Train Coe
County Farm	Thomas Ellis	Christ Fassnacht	Issac Gowen
Rebecca Grimes	Fred Hafner	E.F. Haywood	Harrison Meadows
James Kellerman	Floyd Kerschner	Amanda Kirkpatrick	Frank Kirkpatrick
Calvin Lesley	John McFarland	Mary McKinny	Samuel Marsh
Ann Montgomery	F.E. Morin	Hester Motsinger	J. Kelly O'Neal
Aduley Oshier	Emmett Rayman	Franklin Resor	Aurthur Rickerd
Joseph C. Sterrett	Gustav Swanson	Nixon Wilson	Simeon Yeager
Jesse Dickens	Dismal Creek	<b>Shawnee Creek</b>	Kirkpatrick One
John Hoffman	Sarah Brum	HW Moore Lateral	Mary Thomas
Arbegust-Young	High Gap Road	Romney Stock Farm	Darby Wetherill Ext 2
Darby Wetherill Reconstruction			

INACTIVE

John Amstutz	E.W. Andrews	Dempsey Baker	Newell Baker
Nellie Ball	John Blickenstaff	NW Box	Alfred Burkhalter
Floyd Coe	Grant Cole	Jesse Cripe	Charles E. Daughtery
Fannie Devault	Marion Dunkin	Darby Wetherill	Martin V. Erwin
Elijah Fugate	Martin Gray	Thomas Haywood	George Inskip
Lewis Jakes	E.Eugene Johnson	James Kirkpatrick	John A. Kuhns
John McCoy	Wesley Mahin	Absalm Miller	Lane Parker
Calvin Peters	Peter Rettereth	Alexander Ross	James Sheperdson
John Saltzman	Ray Skinner	Abe Smith	Mary Southworth
William Stewart	Alonzo Taylor	Jacob Taylor	John Toohey
John VanNatta	Harrison B. Wallace	Sussana Walters	William Walters
McDill Waples	Lena Wilder	J & J Wilson	Franklin Yoe
Jenkins	Buetler/Gosma	S.W. Elliott	Hadley Lake Drain

Commissioner Knochel moved to approve the list of Active and Inactive Assessment for the year 2000, seconded by Commissioner Shedd. Motion carried.

**OTHER BUSINESS**

**PETITION FOR ENCROACHMENT ON UTILITY & DRAINAGE EASEMENT LOT 63, RED OAKS SUBDIVISION**

Steve Murray gave presentation of this petition for encroachment on utility & drainage easement Lot 63, Red Oaks Subdivision. The petition for encroachment reads as follows: The undersigned, John L. Maloney, who owns 609 Bur Oak Court, does hereby request permission of the Tippecanoe County Commissioners and the Tippecanoe County Drainage Board to encroach 25 feet into the utility and drainage easement at the rear side of their home on Lot 63, Red Oaks Subdivision, Wea Township, Tippecanoe County, Indiana, as shown on the diagram hereto attached and made a part of this petition. Diagram will be on file in surveyor's office. Stephen commented the real concern is the 25 feet encroachment will be too far down the bank and into the water level. This could be an obstruction if maintenance needs to be done to the bank for erosion purposes or pipe out fall. A 10-foot encroachment will bring to the top of bank. Stephen stated he would not recommend any more encroachment then to the top of the bank.

Commissioner Hudson asked if 10 foot would encroach into the utility and drainage easement.

Steve Murray commented without an actual survey tying the house to the lot lines we wouldn't know for sure. It would appear the 10-foot at the top of bank is roughly the easement line that they want to encroach into. If we do not grant requirement for encroachment they can not go any further than the top of bank.

Commissioner Hudson asked if Bill Augustin of Gunstra Builders was aware of this being on the agenda.

Steve Murray commented he had talked to Bill Augustin this week and thought he was aware of the agenda.

Commissioner Knochel asked if they wanted to build a deck and if it was already built.

Steve Murray answer was didn't believe so. Chris from surveyor's office had been out in the last month and took pictures. No deck was in the pictures.

Dave Luhman asked if they wanted to resubmit this petition for an amendment asking for a lower amount of encroachment. If the Drainage Board denies this petition they can resubmit another petition.

Commissioner Knochel moved to deny request for 25 foot encroachment on utility and drainage easement for Lot 63, Red Oaks Subdivision, Wea Township, Tippecanoe County, seconded by Commissioner Shedd. Motion carried.

**CHICAGO TITLE INSURANCE COMPANY**

Dave Luhman gave presentation regarding request of letter from Drainage Board to Chicago Title Insurance Company. The property is located at 3815 SR 38 E known as the **Kyger Bakery**. There has already been a dry closing on the sale. There are 2 buildings that come within the 75-foot easement. The Chicago Title Insurance Company in order to issue their title insurance need letter from Drainage Board acknowledging that buildings on this property were constructed prior to the requirement of the 1965 Drainage Act and are thus legally located structures and do not constitute illegal encroachments. Have tax records from Fairfield Township Assessors Office that show these structures were built in 1948. Dave Luhman presented Commissioner Hudson with letter on Drainage Board stationery for signature stating these structures were built prior to the requirements of the 1965 Drainage Act and are thus legally located structures and do not constitute illegal encroachments. Dave Luhman has reviewed this with Mr. Bumbleburg, who represents Kyger, and has his approval.

Commissioner Knochel moved president of Drainage Board to sign this letter stating the building were built before 1965 and do not constitute illegal encroachments, seconded by Commissioner Shedd. Motion carried.

Being no further business Commissioner Knochel moved to adjourn meeting, seconded by Commissioner Shedd. Meeting adjourned.

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Kathleen Hudson, President

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Doris Myers, Secretary

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John Knochel, Vice President

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Ruth Shedd, Member

**Tippecanoe County Drainage Board**  
**Minutes**  
**July 3, 2002**  
**Regular Meeting**

**Those present were:**

Tippecanoe County Drainage Board KD Benson President, Ruth Shedd Vice President, and John Knochel member, County Surveyor Steve Murray, Drainage Board Attorney Dave Luhman, Drainage Board Engineering Consultants Dave Eichelberger and Kerry Daily from Christopher B. Burke Engineering Limited, and Drainage Board Executive Secretary Brenda Garrison and Robert Evans.

**Approval of June 6 Minutes**

Ruth Shedd made the motion to approve the June 6, 2002 minutes, with John Knochel seconding. The being no objections, the motion carried and the minutes were approved.

**Montgomery County Joint Drains**

Montgomery County Commissioner Bill McCormick and Montgomery County Surveyor Larry Utz appeared before the Board to discuss Joint Drains between the two Counties. Larry Utz informed the Board in reference to the Rebecca Grimes Ditch that the Montgomery County Drainage Board had waived their rights in 1974, according to their records. Presently there were tile holes on this Drain in their county and he asked the status of the fund balance. Steve reviewed the present balance of the fund and the route of the Rebecca Grimes tile. The balance of the **Rebecca Grimes** ditch was in the red due to maintenance repairs exceeding the assessments collected. He added that this was unfortunately true of several Drains throughout the County at present. He stated there was another Grimes Ditch crossing over county lines, however this drain did not have a maintenance fund. He stated his office would do a review of Regulated Drains with maintenance assessments in the future, and those drains needing an increase of assessment would be presented to the Board for action. A number of the drains' yearly assessments should be increased to accommodate rising costs of maintenance, and a drain could be vacated if landowners affected were unwilling to accept the increase.

He then reviewed the process of notification for Joint Drains' upcoming yearly assessments with adjoining Counties. Steve asked Larry if there were any other concerns he may have had. Larry stated the Martin Gray Ditch was in pretty good shape. Steve stated the **Kirkpatrick One** was in good shape due to maintenance work previously done on the Tippecanoe County side. The **Fugate Ditch** was recently surveyed, and north of 1200 South in Tippecanoe County approximately 1000 feet of blown out tile existed, which had resulted in an open ditch.

Commissioner Bill Montgomery then spoke to the Board and stated the correspondence in 1974 from Tippecanoe County on the **Rebecca Grimes Ditch** requested Montgomery County waive their rights to participate on a Joint Board. The Drainage Board from Montgomery County was unsure as to whether a response was sent. Steve stated he would check the records and inform them of any findings. Steve added while an adjoining County may have waived their rights on a particular drain, he believed it prudent to inform them of any major work done on a drain. Regarding Joint Drains and due to the size of acreage involved in their County, Bill thought it would be wise to waive rights where applicable. As President of Montgomery County Drainage Board, he requested a letter from this Board suggesting a waiver of rights pertaining to the Leader-Newton Joint Drain. He would submit it to the Montgomery County Drainage Board at their next meeting and respond thereafter. This drain had the majority of benefited land in Tippecanoe County with approximately 72 acres benefited in Montgomery County. In reference to raising an assessment rate, Steve stated regardless of rights waived, a Joint Board meeting might be necessary. Steve then confirmed a letter concerning the **Leader-Newton Drain** would be mailed in time to present at their next Drainage Board's meeting. Bill stated drains that had a balanced watershed between the counties could be discussed at a later date.

Steve spoke regarding the **John Mclaughlin Drain**. A Tri-County Drain between Tippecanoe, Clinton and Montgomery Counties, it had been in litigation for the last eight to ten years. He asked the Drainage Board Attorney to check the status of the litigation. Benton County Commissioner Bill McCormick and Surveyor Larry Utz thanked the Board and Surveyor for the time allotted to present their concerns.

### **Lilly May Estates**

Richard Fidler, Surveyor of Indianapolis Indiana, appeared before the Board on behalf of the developer Greg Weilbaker and owner Mr. Frank Howard to present Lilly May Estates Subdivision for conditional approval. The proposed project was located on the west side of State Road 25, approximately one and one quarter of a mile north of I-65 and just north of the NorthBrook Subdivision in Fairfield Township. The site consisted of 18.48 acres and included 21 single-family residential lots. The Area Plan Commission approved the preliminary plat for the project on August 15, 2001.

The first waiver requested concerned the proposed onsite dry detention. Mr. Fidler provided the Board with Exhibit B, a photograph of onsite dry detention, taken in Marion County. He further explained the lots in the picture were used passively as a recreation area and were wet only on occasion. He also noted, as it had been a very wet spring, the area shown in the exhibit had not experienced any standing water. He felt the Lilly Mae Estates' dry detention site would be comparable if not better than the exhibit. The second waiver requested concerned the required timeframe of pond drainage. The submitted calculations showed only two and one-half inches of complying with the present Ordinance. The third waiver requested was the maximum depth allowed by the Ordinance. The maximum depth on the site is 5.8 feet, which is 1.8 feet above the maximum allowable depth of four feet for dry detention facilities. The proposed site rests upon fifty feet of sand and gravel, and the applicant was confident this would indeed help in drainage of the site. Videotape taken by Mr. Howard was provided to the Surveyor and Engineers for their viewing prior to the meeting. This tape showed drainage onsite after a considerable rainfall, which resulted in very little if any standing water. The applicant felt this was due to the soil condition, and while the drainage computations showed four to five feet of water on this site, the applicant felt soil conditions would ensure this was rarely the case. The detention would be largely limited to the back of Lots 1,2,3,4, and 6, touch the swale in Lot 7 and briefly touch the South corner of Lot 5. Several well logs from the area were submitted to the Engineers to verify the fifty to sixty feet of sand and gravel. Drainage Board Engineering Consultant Dave Eichelberger confirmed the borings were received and indicated sand and gravel onsite. Commissioner John Knochel stated he had lived in that area most of his life and had never seen water pond on the proposed site.

Steve stated he was prepared to recommend final approval with conditions as stated on the June 28, 2002 Burke memo. Ruth made the motion of approval for the three waivers, with the third waiver subject to the Surveyor's approval. John Knochel seconded the motion. The motion carried. Ruth Shedd made the motion of final approval for Lilly May Estates with the conditions stated on the June 28, 2002 Burke memo, and John Knochel seconded the motion. As there were no objections the motion carried.

### **Purdue Research Park**

James Farny of Bernardin, Lochmueller and Associates appeared before the Board representing the City of West Lafayette regarding the expansion of Purdue Research Park. This was a 64-acre expansion of the existing industrial research park located east of Kent Avenue, south of Kalberer Road and west of Yeager Road in the City of West Lafayette. The drainage of said site ran north, crossed Kalberer Road and into the **Baker-Dempsey Regulated Drain**. The project consisted of 11 building lots and 2 outlots which drained into the Baker-Dempsey Regulated Drain. A 40-acre tract lying south of the site also drained into the Baker-Dempsey Regulated Drain.

The total area under design in the project was approximately 90 acres. A proposed detention lake would be constructed just south of Kalberer Road, with an outlet tied into an existing storm sewer that lay along Kalberer Road. The existing storm sewer pipe was 24 inches in diameter. The outlet structure would be a 2-stage structure, which consisted of a 21-inch primary pipe and a 24-inch secondary pipe. Mr. Farny stated they would comply with Christopher Burke's conditions within the June 27, 2002 memo. The **Baker Dempsey Regulated Drain** is vacated to the south of Kalberer Road. In response to the drainage consultant's inquiry regarding potential for welling on the site, documentation of mitigation had been provided. Approval would be sought from the City of West Lafayette Engineer's office as suggested in the June 27, 2002 Burke memo. Mr. Farny then offered to provide documentation if requested. The project was reviewed by the Board's Engineering consultant to determine the impact on the regulated drain. As they had complied with the county's drainage ordinance, Steve stated the impact on the regulated drain would be nominal.

Steve also stated condition seven in the memo was not applicable to this project, and was a standard condition. Since the site was inside the West Lafayette city limits, it would not be necessary to provide a copy of the restrictive covenants. Discussion was held pertaining to that portion of the Baker-Dempsey Drain which had been vacated. A confirmation would be sought, although Steve felt it had been vacated. He recommended to the Board final approval with conditions based on the June 27, 2002 Burke memo.

Ruth Shedd moved for final approval on Purdue Research Park Phase II Part III with conditions excluding condition number seven in the June 27, 2002 Burke memo. John Knochel seconded the motion. There being no objections, the motion carried.

### **Wea Township Baseball Fields**

Pat Jarboe with T-Bird Design appeared before the Board representing the Wea Township Summer Recreation Board. The proposed site was being leased to the Recreation Board by the Tippecanoe School Corporation. The 20.9-acre development proposed was located on the west side of County Road 150 East, south of County Road 430 South and south of the Wea Ridge campus.

The site was designed so proposed runoff would drain using surface features which follow existing flow paths. This was an agriculture field and portions to be disturbed would be covered with aglime and/or grass for infields of the proposed baseball diamonds. Calculations of the 100-year storm event would be improved from the current condition of the agriculture field. KD was pleased this site was available to the youth for use and commented as such.

Steve recommended final approval with conditions as stated in the June 28, 2002 Burke memo. Ruth made the motion to waive the standard detention requirements as stated in the Burke June 28, 2002 memo, and John Knochel seconded. Ruth Shedd then made the motion for final approval with conditions stated on the June 28, 2002 Burke memo. John Knochel seconded the motion and the motion carried. The motion carried with no objections.

### **Paramount-Lakeshore Subdivision**

Tim Beyer with Vester and Associates appeared before the Board with an exhibit of the proposed Paramount Lakeshore site. This was a 29-acre commercially zoned site located on the north side of U.S. 52 between Morehouse Road and County Road 250 West (McCormick Road). The **Cuppy-McClure Regulated Drain** ran through the southwest portion of the site via a 48-inch concrete pipe. At this time only transportation and stormwater drainage facilities would be constructed to accommodate future lot development. One wet bottom and two dry bottom detention ponds would be constructed onsite. Each pond would drain directly into the **Cuppy-McClure Regulated Drain**. At the north property line a portion of the proposed street would drain through curb inlets into an existing offsite storm sewer within the Lakeshore Subdivision to the north. Two petitions for encroachment pertaining to the **Cuppy-McClure Regulated Drain** had been submitted to the Surveyor. Steve discussed the right of ways with this site, pertaining to future maintenance of the regulated drain. Excavation of the road in the event of possible maintenance on the regulated drain in the future was discussed. Steve stated there had been instances of pavement over regulated drains, and the life of a 48-inch pipe was typically 30-50 years. Dave Eichelberger reiterated it was a relatively new pipe and should have a long design life. There was more of a chance of future maintenance work needed on the proposed street than the drain underneath it.

Ruth Shedd moved for a waiver on the requirements of maximum depth as stated in condition two of the June 28, 2002 memo and John Knochel seconded. The motion carried. Ruth then made a motion for final approval with conditions as stated on the June 28, 2002 Burke memo. John Knochel seconded the motion and the motion carried. The petitions for encroachment were tabled until the August meeting, allowing the Drainage Board Attorney to review them.

### **Harrison Highlands Phase 1**

Tim Beyer with Vester & Associates then spoke on behalf of the developer for Harrison Highlands Subdivision Phase 1. This site was located east of County Road 50W, north of County Road 600N and south of County Road 650N. The overall site was approximately 102 acres to be subdivided into 220 lots. The proposed Phase 1 site was 52 acres and would be subdivided into 122 single-family lots with 2 outlots. Burnett Creek flows through the northwestern portion of the overall site. The northern portion of the site drains directly to the creek. Storm sewers and swales direct a majority of the developed condition runoff to a wet detention pond, which would be constructed within the southeast portion of the site. Tim stated as a result of speaking with the Highway Department, a new ditch would be constructed along the south side of the pond and drain to **Burnetts Creek**.

The runoff from the site and any offsite runoff would be routed through the new ditch to Burnetts Creek. The pond's overall release rate to the creek was in compliance with the Drainage Ordinance. Discussion was held pertaining to the future development and the access to such. Steve asked if the developer would access the future site by crossing the creek. Tim responded the developer had access from 650N as well and had not made the final decision as of yet.

KD asked about the turning lane on 600N to be constructed for this development. Tim assured KD it was in the plans and would be constructed. This would be coordinated with the Highway Department.

KD asked about the frequency of the flooding of the creek and if the plans allowed for sufficient detention of runoff in order to lessen the impact into the creek. Historically Burnett Creek has had flooding problems. Steve stated he had discussed this with the Drainage Board Engineers and was satisfied the developer has complied with the Drainage Ordinance. He felt the drainage construction should help with the flooding problems in the future. Dave Eichelberger stated the flood plain issues had been reviewed as well and confirmed with Tim those issues had been approved by Department of Natural Resources.

Steve recommended final approval with conditions as stated on the July 1, 2002 Burke memo. Ruth Shedd made the motion for final approval with conditions as stated. John Knochel seconded the motion. With no objections, the motion carried.

#### **County Drainage Ordinance- 2002-24-cm**

Steve updated the Board on the status of the Revised County Drainage Ordinance. This would be the 2nd reading. The ordinance was approved on the first reading at the last Drainage Board and Commissioners' meetings. Having heard the ordinance read twice, Ruth Shedd moved to suspend reading of the revised Ordinance at this time. John Knochel seconded the motion. The motion carried. Ruth then moved to hear and approve Ordinance 2002-24-cm on second reading. John Knochel seconded the motion. KD asked for comments from the attendees.

Mr. Bill Davis of T-Bird Designs spoke to the Board. Bill agrees with the changes in the Ordinance and felt it was step in the right direction. His concern was the lack of authority over issues such as filling in swales by property owners, broken curbs, and not building to pad grades, etc. He felt the Building Commission should address these issues. However, as a result of some of these problems, the Drainage Board had from time to time dealt with these issues. Discussion was held regarding the Building Commission responsibilities at this time. Inspection is needed to insure the plans are carried out in compliance with the County's ordinances. Steve stated he would discuss with Bill any concerns he might have had before the next Commissioner's meeting on the 15<sup>th</sup> of July. Steve noted that changes to the ordinance might be made during the process at hand. The ordinance had been sent digitally to Consultants in the County. KD asked for additional comments from the attendees.

The Drainage Board attorney then read the roll call on voting for the County Drainage Ordinance 2002-24-cm into the record. The vote was as follows: John Knochel yes, Ruth Shedd yes, and KD Benson yes.

#### **Bonds**

Steve presented a Maintenance Bond for approval. In accepting maintenance bonds the Board was approving the construction of drainage improvements. As clarification he stated the Surveyor's office oversees the construction and the perpetuation in the future. With that said, Construction Maintenance Bond Number 400SR3756 from Atlas Excavating Inc., for \$10,000.00 for Huntington Farms Drainage Swale and pipe was presented to the Board. This bond and a letter on file guaranteed maintenance work on a 4-inch pipe that had been put into a swale previously. The pipe had been cut several times by utility companies in the past. If the pipe did not drain satisfactorily, Atlas would come in and construct a new drainage system through the back of the four or five lots if needed.

Ruth Shedd moved to accept the Construction Maintenance Bond Number 400SR3756 with Atlas Excavating, and John Knochel seconded the motion. There being no objections, the motion carried.

#### **Other Business**

Steve updated the Board on the status of the Wabash Valley Feed and Storage site drainage. Several property owners to the south spoke at the last meeting to the Board. Landowner Larry Sturgeon spoke with Steve concerning his drainage problem. Mr. Sturgeon's property was located across from Wabash Valley Feed and Storage and surrounded by Lindberg Village. Steve had assured him his drainage problem should be significantly less, once the Lindberg Village site was completed.

The Highway Department had since gone out and profiled the ditches along Klondike Road and was aware of the general drainage pattern. As plans were developed for the commercial portion of the Lindberg Village site, the drainage construction would be monitored. Steve stated he had spoke with the Drainage Board Engineers regarding those issues. Also Mr. Coulson, developer of the Wabash Valley Feed and Storage had contacted Steve after the last Drainage Board meeting, in regards to providing an outlet tile for the Wabash Valley Feed and Storage site. The project was approved at the last meeting provided Mr. Coulson worked out a written agreement with landowners downstream of the site.

Since that time, Mr. Coulson had worked out an agreement with a property owner to the east. Steve felt he had complied with the basic requirement of providing an outlet pipe for the site. However, Steve's concern was the plan had been approved with the condition as stated, and felt the Board should be aware of such.

As there was no other business to be discussed, Ruth Shedd made the motion to adjourn and John Knochel seconded. The meeting was adjourned.

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KD Benson, President

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Ruth E. Shedd, Vice President

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Brenda Garrison, Secretary

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John Knochel, Member

**Tippecanoe County Drainage Board**  
**Minutes**  
**November 6, 2002**  
**Regular Meeting**

**Those present were:**

Tippecanoe County Drainage Board KD Benson President, Ruth Shedd Vice President, and John Knochel member, County Surveyor Steve Murray, Drainage Board Attorney Dave Luhman, Drainage Board Engineering Consultant Dave Eichelberger from Christopher B. Burke Engineering Limited, and Drainage Board Executive Secretary Brenda Garrison.

**Approval of October 2, 2002 Minutes**

Ruth Shedd made the motion to approve the October 2, 2002 minutes. John Knochel seconded the motion, and the motion carried.

**Huntington Farms Subdivision Phase III Section 1**

Mr. Brian Sullivan from Congdon Engineering appeared before the Board and requested final approval for Huntington Farms Phase III Section 1. The site was located in Wabash Township between County Road 200 North (Lindberg Road) and State Road 26. It was approximately 2000 feet west of County Road 300 West (Klondike Road) and was a continuation of the existing Huntington Farms Subdivision. The site consisted of 11 acres (31 lots) out of the 39.8 acres remaining in the overall development. As part of the first two phases a detention pond was constructed in the southwest portion of the site to provide drainage for the entire area.

The Surveyor recommended final approval with conditions, excluding conditions 2,4, and 5 which had now been met. Ruth Shedd moved for final approval of Huntington Farms Subdivision Phase III Section 1 with conditions as specified. John Knochel seconded the motion. The motion carried.

**J.N. Kirkpatrick Branch #7 - Partial Reconstruction**

Alan Jacobson from Fisher & Associates appeared before the Board and requested approval of the partial reconstruction (220 feet) of tile branch #7 of the J.N. Kirkpatrick Drain. Located in the northeast corner of The Landing at Valley Lakes Phase III Subdivision site, the current tile was a 10-inch clay tile and would be replaced with a 12-inch RCP pipe with modern precast structures. The Surveyor informed the Board the request fell under I.C. 36-9-52.5. At that time he reviewed the Code for the Board. The developer would pay the entire cost of the relocation. The Surveyor stated the reconstructed portion would not adversely affect other landowners within the watershed. KD questioned the easement reduction and future access to the tile. The Surveyor stated he was satisfied with the relocation plans submitted as part of the subdivision construction plans and felt the easement was sufficient for maintenance of the tile. The Drainage Code allows for an easement reduction to 30 feet total for an urban drain. Access would be through the utility and drainage easement.

Ruth Shedd moved to grant approval of the partial reconstruction of Branch #7 of the J.N. Kirkpatrick Drain. John Knochel seconded the motion. The partial reconstruction was granted.

**Petition of Reconstruction and/or Maintenance of Drain  
Elijah Fugate Joint Drain /Tippecanoe and Montgomery Counties**

The Surveyor informed the Board a Petition was received to reconstruct or increase the maintenance fee for the Elijah Fugate County Regulated Drain. The Surveyor stated he was aware of the drain's poor condition. He had reviewed the drain several times and surveyed portions of it. There was roughly 1000 feet of original tile, which had been blown-out and/or cut out resulting in an open ditch. Mr. David Malsbury had contacted the office and circulated the petition. There were roughly 882.646 acres within the watershed, with the maintenance assessment set at \$1.00 per acre. Mr. Malsbury with 160 acres, Mr. Pendleton (82 acres) and Gary Standeford (160 acres) signed the petition. The Surveyor felt it would be feasible to increase the maintenance to \$3.00-\$5.00 an acre. The Drain was located east of US 231, crossed 1200 South and extended toward the South County line. He stated the petition was warranted. He then directed the secretary to contact Montgomery County to inform them of the submitted petition. The Board directed the Surveyor to proceed with the process according to Indiana Drainage Code.

**OTHER BUSINESS**

**Otterbein Ditch Joint Meeting July 9, 2002 Minutes**

Commissioners Ruth Shedd and KD Benson who had attended the meeting accepted the July 9th, 2002 minutes as written. The secretary was then directed to circulate the minutes and obtain signatures from all members who served on the Joint Board for the Otterbein Assessment Hearing.

**December Drainage Board Meeting Date/Time Change**

The December 4<sup>th</sup>, 10:00 a.m. meeting of the Drainage Board was changed to December 10<sup>th</sup> at 10:00 a.m., due to a scheduling conflict.

**Drain Maintenance Review**

The Surveyor informed the Board he planned to review the Drain’s accounts. He felt there were several drains that would benefit by the one-time 25% increase in maintenance fees allowable by the Drainage Code. He would report his findings to the Board at the December meeting.

As there was no other business before the Board, Ruth Shedd made the motion to adjourn. John Knochel seconded and meeting was adjourned.

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KD Benson, President

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Ruth E. Shedd, Vice President

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Brenda Garrison, Secretary

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John Knochel, Member

**Tippecanoe County Drainage Board**  
**Minutes**  
**December 10, 2002**  
**Regular Meeting**

**Those present were:**

Tippecanoe County Drainage Board KD Benson President, Ruth Shedd Vice President, and John Knochel member, County Surveyor Steve Murray, Drainage Board Attorney Dave Luhman, Drainage Board Engineering Consultants Dave Eichelberger from Christopher B. Burke Engineering Limited, and Drainage Board Executive Secretary Brenda Garrison.

**Approval of November 6, 2002 Minutes**

Ruth Shedd made the motion to approve the November 6, 2002 minutes as written. There being no objections, John Knochel seconded the motion and the motion carried.

**Benjamin Crossing Planned Development**

Mr. Pat Sheehan representative of the Schneider Corporation appeared before the Board to present Benjamin Crossing Planned Development Section One for final approval with conditions. The site was located at the northeast corner of County Road 250 East (Concord Road) and County Road 450 South in Wea Township approximately two miles south of the City of Lafayette and made up of farm fields and a small amount of wooded acreage. Pat reminded the Board that conceptual approval was obtained for the overall Development at the October Drainage Board meeting. The 160-acre site would be developed in five (5) phases. Section One (Phase One) included the construction of 205 lots and all of the proposed ponds. Onsite drainage consisted of approximately 160-acres.

The plans showed offsite drainage in Basin W (located south of the site) drained north to a culvert under County Road 450 South unto the site, through Basin C and ultimately to the Kirkpatrick Legal Drain. In addition to Basin W, a larger Basin to the east also collected to the Kirkpatrick Legal Drain and drained through the northeast corner of the site. Approximately 260-acres of overall offsite drainage drained through the site. In response to KD's inquiry, Steve informed the Board a Basin was basically the same as a sub-watershed. Pat then explained that use of Basins was an easier way to track drainage through a site.

In the proposed conditions, Section One would consist of three (3) ponds. These ponds would collect and detain the site's stormwater, then discharge to two locations. The northeast location would contain a temporary 6-inch outlet to restrict the flow to the regulated drain tile until future phases of the Kirkpatrick Ditch Regional Detention System were completed. It would be designated as a Regional Detention Facility. The pond depth would be 10 foot from the water surface. Currently within a ten-year existing condition there are approximately 40cfs, the temporary outlet would limit that to 2cfs, a substantial reduced peak discharge. The flows, collected in a small pond at the northwest portion of the site, would utilize an orifice plate to reduce the outflow to a 30-inch RCP shown extended 1,096 feet to the Concord Road Bridge. Once the final section is developed a new outlet would be installed and the temporary tile would be removed. As part of the project, an easement with the landowner to the north had been acquired for the possibility of an overland drainage system. Pat and Bill Davis had met with Mr. Standifur to review the drainage portion of the plans.

Pat requested preliminary approval for the whole site layout and final approval for Section 1 with conditions as noted in the December 5<sup>th</sup>, 2002 Burke memo. Steve stated his concern was detention ponds outletting into County Regulated Drains or private tiles. Historically this had not been done. Consideration was given in the planning of this development of the Kirkpatrick Upstream Concord Reconstruction. He recommended approval for the release on a temporary basis for Section One. He stated he did have concerns for conceptual approval for the subsequent sections/ phases and did not feel it would be prudent to approve them at this time. He asked if an easement had been obtained for the outlet of the northwest pond. Pat responded that an easement was obtained. Number six on the Dec. 5<sup>th</sup> Burke memo, should be corrected to read ... **is required** to clarify instead of applicant **should** clarify.

At that time the Surveyor recommended final approval with conditions and change thereof to Benjamin Crossing Planned Development Section 1. Ruth Shedd moved for final approval for Section One of Benjamin's Crossing Planned Development with conditions and correction to number 6 on the December 5<sup>th</sup> Burke memo. John Knochel seconded the motion and the motion carried.

**Steve Murray**

*Maintenance Bond*

Steve presented a Maintenance Bond from A&K Construction Inc. #5855821 in the amount of \$4950.00 that covered Drainage Improvement, Swales and Erosion Control outside the Public Right of Way for Saddlebrook Subdivision Part 3 Phase 3. At that time he recommended acceptance of the Bond. Ruth Shedd moved to accept the Maintenance Bond for Saddlebrook Subdivision Part 3 Phase 3 from A&K Construction. John Knochel seconded the motion and the motion carried.

*Petition to Remove Obstruction /Baxter*

Steve requested continuance until the next meeting of the petition; more work was needed before presenting his findings to the Board. KD directed the secretary to put it on the next meeting's Agenda.

*Release of Easement*

A drainage request had been received from Vester & Associates for River Bluffs Subdivision Part 2 and Replat of Lot 13 Part 1, River Bluffs Subdivision Part 4 and replat of Lot 16-18 Part 1. Discussion was held with the Attorney concerning the request and as they were no representatives in attendance, the Board chose to table it until the next meeting. Ruth Shedd moved to table the Request and John Knochel seconded the motion.

*Memo to Board*

Steve read to the Board Indiana Code #36-9-27-42 that covered a one time twenty five percent increase to regulated drains in need. The code applied to drains on assessment and that had been through the hearing process. The one time increased rate may be raised the noted percentage. He then presented to the Board a list of drains that qualify. Discussion was held concerning the list and Steve asked the Board to review and be prepared to make a decision at the January meeting. He stated he would be happy to sit down with them and review each one on the list before then. He stated many drains were in the red and needed to be dealt with accordingly. Steve then conferred with the Attorney concerning the Waiver of Rights by a County where joints drains are involved. Dave confirmed on those drains which a County had waived their rights, then a joint drainage meeting for a one time increase would not be necessary. He hoped to have a list of those drains in need of Reconstruction, in need of Assessment Increase and those in need of Reclassification to Urban Drains. Typically Urban Drains have a per acre assessment for farmland and a per lot assessment for residential. The Berlovitz Drain was an example of such a drain that would fall under the requirements for an Urban Drain status. Bill Easterbrook had presented the Surveyor with a bill for tile maintenance on the Ray Skinner Drain and Steve asked the policy of the Board for payment of repairs on drains. Ruth Shedd stated the Board should only pay for maintenance on that part of the drain which is under assessment.

**OTHER BUSINESS**

Mr. Malsbury from Lauramie Township approached the Board to discuss the condition of the Elijah Fugate Drain #30 and gave his support to Steve for the increase of assessment if proposed and encouraged the Board to look at the Drainage in Lauramie Township as a whole. Steve then reviewed for the Board the location and condition of the Elijah Fugate tile as well. There was approximately 3000 feet of tile broken down. A petition for Reconstruction had been presented to the Surveyor's office. The watershed acres involved were 822.

2003 Meeting dates and time

The Board and Surveyor, decided upon the first Wednesday of each month for 2003, as being the Drainage Board's monthly meeting day and 10 a.m. as the time. The January meeting would be held on the 8<sup>th</sup> due to the New Year holiday.

Ruth Shedd then moved to adjourn the meeting and John Knochel seconded the motion. There being no objections, the meeting stood adjourned.

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KD Benson, President

\_\_\_\_\_  
Ruth E. Shedd, Vice President

\_\_\_\_\_  
Brenda Garrison, Secretary

\_\_\_\_\_  
John Knochel, Member

**Tippecanoe County Drainage Board**  
**Minutes**  
**February 5, 2003**  
**Regular Meeting**

**Those present were:**

Tippecanoe County Drainage Board Ruth Shedd President, John Knochel Vice President, and KD Benson member, County Surveyor Steve Murray, Drainage Board Attorney Dave Luhman, Drainage Board Engineering Consultants Dave Eichelberger from Christopher B. Burke Engineering Limited, and Drainage Board Executive Secretary Brenda Garrison.

The Tippecanoe County Drainage Board met February 5th, 2003 in the Tippecanoe Room of the Tippecanoe County Office Building, 20 North 3<sup>rd</sup> Street, Lafayette, Indiana with Commissioner/President of the Drainage Board, Ruth Shedd, calling the meeting to order.

**Approval of January 8, 2003 Minutes**

John Knochel made the motion to approve the January 8th minutes with K.D. Benson seconding. As there were no objections the motion carried and the minutes were approved.

**Appointment of Secretary to Drainage Board**

K.D. Benson moved to appoint Brenda Garrison to serve as Drainage Board Executive Secretary for the calendar year of 2003. John Knochel seconded the motion and the motion carried.

**Request to Modify Drainage Easement**

Mr. Doug Mennen approached the Board to request a modification of a part of a Drainage Easement to an open ditch known as the **Stoddard Ditch**. The reduction request was located in a part of Section 31 Township 21North and Range 4W. While the ditch was a court drain, it did not have an assessment on it. He requested the Easement from the top of the bank on the east side to be modified from 75 feet to 35 feet on the property as shown on the drawing. (While the request stated 30 feet, the drawing indicated 35 feet.) The Surveyor's office did not foresee a problem with the reduction and recommended approval. John Knochel made a motion to approve the request to modify the Drainage Easement as requested from 75 feet on the east side of the Stoddard Open Ditch to 35 feet on the east side of the Stoddard Open Ditch. KD Benson seconded the motion and the motion carried.

**Petition to Vacate a Portion of Platted Easement/ Lot 7 Winding Creek Subdivision - Brett & DeEtta Hawks**

Mr. Matt McQueen representing Brett & DeEtta Hawks approached the Board. Mr. McQueen presented a petition to vacate a portion of a platted easement on Lot 7 in Winding Creek Subdivision. Approximately 200 square feet of the house built on the lot encroached on the platted utility and drainage easement. The petition would be presented on March 3<sup>rd</sup> to the Commissioners, however Mr. McQueen thought it to be prudent to request Drainage Board approval before the March 3<sup>rd</sup> meeting. The Surveyor informed the Board historically if the easement reductions were reasonable, vacations were granted. The vacated area requested was immediately around the house only, as shown on Starr and Associates drawing job # 10204827-2. While a storm sewer was located within the platted easement, the maintenance of the sewer would not be adversely affected, and no utilities would be affected. The Surveyor recommended approval of the vacation to the Board. John Knochel moved to approve the petition to vacate a portion of a platted easement on Lot 7 in Winding Creek Subdivision. KD Benson seconded the motion and as there were no objections, the motion carried.

**2003 Engineering Review Contract Proposal- Christopher B. Burke Engineering LTD**

The Surveyor informed the Board the fees in this year's Engineering Review Contract have stayed the same as the previous year, as the only change was the ownership of documents. The previous year's contract granted Christopher Burke ownership. The Surveyor stated government entities usually maintained ownership of documents. The change was made to the ownership of documents to the Government. KD inquired if there was a termination clause within the contract, as most contracts contain the clause. Mr. Luhman stated he had reviewed the contract and it included the clause. The Surveyor recommended acceptance of the proposed contract by Christopher B. Burke Engineering LTD. John Knochel made the motion to approve the Engineering Review Contract Proposal between the Tippecanoe County Surveyor Office, Drainage Board of Tippecanoe County and Christopher B. Burke Engineering LTD. KD Benson seconded the motion to approve the contract as stated and the motion carried.

### **2003 Legal Counsel Contract Proposal**

The Surveyor presented the Board with a contract between the Tippecanoe County Drainage Board and the firm of Hoffman, Luhman and Masson, P.C. to represent the Drainage Board for the calendar year of 2003. The contract did not reflect any changes from the previous year's contract. John Knochel motioned to approve the contract between Tippecanoe County Drainage Board (referred to as "the Board") and the firm of Hoffman, Luhman and Masson, P.C. for legal services for the calendar year of 2003. KD Benson seconded the motion for approval and the motion carried.

### **Steve Murray**

#### ***Drains: Active and Inactive List***

The Board members were referred to their copy of the 2003 Drain Active and Inactive List. He explained to the Board once a drain's balance reaches four times its yearly assessment, it automatically goes to inactive status. The list would be filed with the Auditor's Office and adjoining Counties which were affected also. The Surveyor had conferred with the Attorney concerning the waiver of rights by Counties in some instances and although it was not required in these instances, the Surveyor felt it would be courteous to inform them of any actions taken. Ruth Shedd stated since Drainage Board members change from time to time, it would be prudent to notify them when changes occurred. John Knochel moved to approve the Active and Inactive List of Drains presented to the Board and directed the list to be part of the official minutes record book. KD Benson seconded the motion and the motion carried.

#### *Classification of Drains Report*

##### *Drains In Need of Reconstruction*

The members of the Board were furnished with a Classification of Drains (Partial) per I.C. 36-9-27-34. The Surveyor stated the Indiana Drainage Code requires Surveyors to present this report to the Board. While this report was preliminary, he wanted to present this to them. The first item on the report was Drains in need of Reconstruction.

The first drain listed was the Julius Berlovitz on the east side of town which had a design in place for reconstruction. This is an old agricultural tile and crossed 500 East diagonally at the McCarty Lane intersection and headed northeast under I 65 eastward to 550E and 500S. The outlet is shortly north of 50 South.

The second drain listed was the Lewis Jakes ditch, a hearing held several years ago and the petition failed due to several landowners that were against converting the tile ditch to an open ditch. The Surveyor had several conversations with DNR on this ditch due to the need of waterways by landowners within the watershed. However due to the consistent break down of the tile, the landowners were unable construct a waterway. He stated a new hearing was warranted.

The third drain listed was S.W. Elliott which included Wilson Branch and Treece Meadow Relief drain was listed partially due to the future F-Lake project and because some of the branches of the drain would need to be looked at as development continues on the East side. Part of the Elliott drain had been reconstructed in the late 1980's, such as the Treece Meadow Relief Drain.

The fourth drain listed was the J.N. Kirkpatrick from upstream of Concord Road near the end at 450East had a preliminary conceptual design that had just been completed by Christopher B.Burke Engineering LTD.

The fifth drain listed was the Anson Drain in the NW part of the County, an old agricultural tile that crosses under the interstate in several locations. Several branches had broken down and were in need of major maintenance or reconstruction.

The sixth drain listed was the Elijah Fugate Drain which was being reviewed at this time, as there had been a Petition for Reconstruction or Maintenance submitted to the Surveyor's office.

The seventh drain listed was the J.B. Anderson Drain which crosses through Clarks Hill and would need attention.

##### *Drains In Need of Periodic Maintenance*

The Surveyor reviewed the list of twenty-seven drains in need of periodic maintenance. Some of the drains listed fell between major maintenance and/ or reconstruction. The maintenance needed for each drain on the list was indicated. A copy of the list would be attached to these minutes.

##### *Surveyor Recommendation of Hearings in 2003*

Supplied to the Board was a list of drains the Surveyor would recommend a hearing be scheduled for and drains to be reclassified as Urban Drains during 2003. The three drains which the Surveyor recommended a hearing be held in 2003 were as follows:

Elijah Fugate: A petition was pending at this time and a hearing would be set up in the near future.

Julius Berlovitz: A petition had been received several years ago and the drain included a large watershed area. The Surveyor felt the hearing would be well attended as the watershed area serves several Subdivisions and included prime development ground.

Lewis Jakes Ditch: The Surveyor informed the Board due to the poor condition of this drain, they had one of three options; reconstruction, raise the present rate of assessment, or vacate the drain as the drain continued to break down and was in need of constant maintenance.

### ***Urban Drain Classification for 2003***

Drainage Code 36-9-27-67 instructs the County Surveyor to recommend to the County Drainage Board any drains to be classified as Urban Drains. He informed the Board when or if drains were classified as Urban it meant the drain needed reconstruction. Presently this County had one drain within that classification, it was the S.W.Elliott Ditch. The Surveyor recommended the Julius Berlovitz and the J.N. Kirkpatrick to be reclassified as such. The Surveyor requested the reports presented be considered as drafts as he wanted to add the drain's history and explanation of recommendations. He also hoped to review the prioritization of drains on the lists. He expected to review portions of this report in the next few meetings. He also hoped to add the Moses Baker to the list of drains in need of a hearing.

At that time John Knochel asked Steve to explain the present ongoing reconstruction for the J.N.Kirkpatrick, since this drain was listed under need of Reconstruction. Steve explained the section presently under construction ran from 350 South east across Ninth Street, Eighteenth Street, and a new conspan structure at Concord Road. The old agricultural tile was outletted at the east right of way, and into the newly constructed channel at Concord Road. From that point to the east and almost to U.S. 52 was the section referred to on the list as being in need of reconstruction. Expected future development would require the reconstruction of that section. Ruth Shedd inquired if the report had been given in the past years and the Surveyor noted he had not found in the minutes where it had been done. Once the Board accepts the report, the Surveyor at that time should prepare a short and long-range plan for drainage infrastructure. Dave Luhman noted it would also be helpful to the landowners in the event of inquiry.

### ***Hearing Date and Time Set***

The following hearing date was set for the Elijah Fugate and the Moses Baker Drains. April 2, 2003 at 10:00 a.m. was set for the Elijah Fugate Drain, and April 2, 2003 at 11:00 a.m. for the Moses Baker Drain. The Drainage Board meeting was previously set for this date and would be moved up to 9 a.m. to accommodate the hearings.

## **OTHER BUSINESS**

### ***Petition for Removal of Obstruction / Ronald and Marsha Baxter***

At that time Dave Luhman excused himself from the hearing and left the room as he had represented one of the parties in the past. He would not participate in the hearing or be a part of the Boards decision in this matter.

The Surveyor informed the Board his office received a Petition to Remove an Obstruction in a Mutual Drain or Mutual Surface Watercourse located at 1237 West 625 South on August 26, 2002. The surveyor investigated and had reported it appeared to have some blockage along the swale in question between the two properties on 625 South. The names of Petitioner were Ronald and Marsha Baxter; the blockage was on the property owned by Kevin Beason at the location aforementioned. It was to be determined if the blockage was natural, man-made and/or intentionally blocked. Elevation shots were taken along the swale approximately 100-150 feet south of the south side of 625 South and showed a flat surface. Very little if any fall was the result of the shots taken. The Surveyor stated he reviewed the GIS property lines. The aerial photos indicated the blockage to be on the Beason property which started on the property line then 150 feet south of 625 and took a slight turn to the Northeast.

At that time Ruth Shedd invited the Petitioner, Mr. Baxter to approach the Board and state his position. Mr. Ronald Baxter of 1323 West 625 South, Lafayette Indiana 47909 then addressed the Board. He supplied the Board with additional pictures of the obstruction. He stated there had always been a water problem on his lot and the neighbors. A private tile, which ran under the Mr. Beason's property, has caved in and was full of tree roots. The water table had risen and no one wanted to fix the tile. Years ago it was surveyed by the previous Surveyor Mike Spencer, which showed minimal fall to the ditch. Mr. Baxter contacted John Hack approximately in 1996 and a swale was put in at his and the previous neighbor Jack Bedwell's expense.

Within months of moving in, Mr. Kevin Beason notified Mr. Baxter he wanted to fill in the swale and the ditch in front of his home. Approximately in April of 2000, Marsha Baxter inquired as to the legalities of the neighbor's actions if he filled in the swale and ditch. She was informed that as a mutual drain, he could not just fill in the ditch and swale. At that time they contacted Mr. Beason offering him copies of the statute. Mr. Beason refused the copies and did not want to work with them. On April 28, 2000 Mr. Tom Busch Attorney for Mr. & Mrs. Baxter contacted Mr. Beason by mail informing him of I. C. 36-9-27-2. After that notification, Mr. Beason had a load of dirt placed on the back of his property in order to block the water

from crossing his property. The attempt to block the water failed and the problem continued. Pictures were provided to the Board, which showed the area in question before and after the blockage. Another attempt in May of 2002 was made to correct the problem and there was nothing done. Mr. Baxter felt intent to block the drainage by Mr. Beason was demonstrated and requested the Drainage Board direct his neighbor to clean out the blockage and restore to the condition prior to Mr. Beason's moving in. Mr. Baxter stated he had been pumping water from his crawl space regularly. He also stated he realized the drainage in that area was poor and he could deal with that, however he felt this particular problem was avoidable and thus the petition was filed in August of 2002 and the matter brought in front of the Board. At that time Ruth Shedd asked to hear from Mr. Beason.

Shawn Beason approached the Board at Ruth's request. Shawn was Kevin Beason's brother and due to the death of Mr. Kevin Beason on September 1, 2002 he was co-representative of the Estate. He stated he was unaware of any problems until January 8, 2003. The notification by the Board was sent to the Law Office of Bennet, Behning and Clary, as the firm representing the Estate. Due to this Mr. Beason felt the petition should be thrown out, as he did not receive the notification personally. He stated the house is presently for sale and this procedure had stalled the process. He said his brother had discussed the issue with him in the past and he felt filling in the swale would push the water out to the ditch along the road. He asked if there were pictures or evidence that actually showed his brother filling in the ditch. He felt the cattails had grown naturally, and the tile that ran across the back yard was in poor shape at the time of his brother's purchase of the home. He did not feel the estate should be held responsible for what he thought was a natural occurrence.

At that time the Surveyor asked Mr. Baxter if a receipt existed for the previous work done on the swale and ditch. Mr. Baxter stated he was in possession of a receipt for the previous work. Himself and the previous owner of the property in question shared the cost. The Surveyor informed the Board of their options. They were to determine if blockage was intentional or whether it was a natural accumulation. The statute called for the Board to pass on to the respondent (Mr. Beason's Estate) the cost of clean out if found to be intentional. If the blockage was found to be a natural accumulation or due to lack of maintenance, both parties would bear the cost. Mr. Baxter stated lack of mowing the area had certainly contributed to the drainage problem. He also stated he felt Mr. Beason had planted a tree in the swale. Shawn Beason asked to see a picture of the tree in the swale. The Surveyor asked if the tree was voluntary and Mr. Baxter responded he felt the tree was planted and not voluntary. Mr. Beason felt the tree was voluntary. Mr. Beason requested the Board make a decision today as the house was currently for sale.

John Knochel stated he felt Mr. Baxter should have been allowed to do maintenance on the swale in the past. He agreed notification should have been sent to Mr. Beason personally and in a timely manner in order to better prepare for the hearing. He also stated Mr. Beason had the right to request a postponement and John would be inclined to agree to one. However, Mr. Beason did not want to delay it any longer. KD stated she thought it was an unintentional blockage and the cost of maintenance should be split between the two parties involved. However Mr. Baxter stated he felt it was intentional. Ruth Shedd then asked Mr. Baxter if he would be willing to share the cost of cleaning it out. He stated he was concerned with what a new neighbor would be agreeable to. The Surveyor recommended an agreement be written up between the parties before the house was sold. He also suggested a copy of the official minutes be provided to both parties for any future reference. The Board would issue an Order for the removal of the obstruction. The Surveyor asked Mr. Beason what his opinion was. Mr. Beason informed the Surveyor the estate was "upside down" as there was not much money and he wanted this to be done cost efficiently. Mr. Murray apologized to Mr. Beason for the untimely notification.

KD moved for the two neighbors to share the cost of the obstruction removal by the joint effort of Mr. Baxter and Mr. Beason. John Knochel seconded the motion and the motion carried. John then made the motion for the obstruction to be cleaned up in six months' time and KD seconded the motion. The motion carried.

Mr. Beason noted the Estate had to be wrapped up by May of this year. The Surveyor encouraged both parties to work together to accomplish the work needed in a timely and cost efficient manner.

As there was no other business before the Board, John Knochel moved for adjournment and KD seconded. The meeting was adjourned.

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Ruth E. Shedd, President

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John Knochel, Vice President

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Brenda Garrison, Secretary

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K.D. Benson, Member

**Tippecanoe County Drainage Board**  
**Minutes**  
**March 5, 2003**  
**Regular Meeting**

**Those present were:**

Tippecanoe County Drainage Board President Ruth Shedd, member KD Benson, County Surveyor Steve Murray, Drainage Board Attorney Dave Luhman, Drainage Board Engineering Consultants Dave Eichelberger and Kerry Daily from Christopher B. Burke Engineering Limited, and Drainage Board Executive Secretary Brenda Garrison. Commissioner and Vice President, John Knochel, member was absent from the meeting.

The Tippecanoe County Drainage Board met March 5th, 2003 in the Tippecanoe Room of the Tippecanoe County Office Building, 20 North 3<sup>rd</sup> Street, Lafayette, Indiana with Commissioner/President of the Drainage Board, Ruth Shedd, calling the meeting to order.

**Approval of February 5, 2003 Minutes**

K.D. Benson made the motion to approve the February 5, 2003 minutes and Ruth Shedd seconded the motion. The motion carried.

**River Bluffs Subdivision Parts 2 and 4**

Tim Beyer with Vester and Associates appeared before the Board to request final approval for River Bluffs Subdivision Parts 2 and 4. Mr. Beyer presented a map of the site which was located south of Greenview Drive and north of the intersection of Pretty Prairie Drive and County Road 500 East. The site contained approximately 14.9 acres and would be developed into twenty-nine (29) single-family, residential lots. The map also included parts one (1) and three (3) of River Bluffs Subdivision. Preliminary drainage approval had been given for the site. The lot configuration was changed from the original submission in 2001 resulting in eight additional lots and a reduction of street surfaces. Due to the size of the lots (3/4 acre) and soil on the site, the increased runoff would be minimal. Additionally, drainage swales conveyed the runoff to a large ravine that ran to Harrison Creek and ultimately to the Wabash River. Due to this, a waiver of detention requirements was requested. The State owns the property between the south boundary of the site and Harrison Creek as part of the Prophetstown State Park. The Surveyor noted due to the direct release attention had been given to insure the runoff was contained in the ravines.

K.D. Benson made the motion to waive the standard stormwater detention requirements and Ruth Shedd seconded the motion. The motion carried and the waiver was granted. The Surveyor informed the Board a final approval was recommended with the conditions of easement width, design and protection or armament within those easements. Due to problems with residents filling in drainage swales, he would need to review final easement widths to insure the swales were completely within the easements and the riprap proposed, particularly within the swales on the south boundary was designed properly.

K.D. Benson made the motion to give final approval to River Bluffs Subdivision Parts 2 and 4 with the conditions listed on the February 27, 2003 Burke Memo as well as the condition noted by the Surveyor. Ruth Shedd seconded the motion as stated and the motion carried.

**OTHER BUSINESS**

**Reconstruction Request/ Main Branch of the Kirkpatrick Regulated Drain ..... Benjamin Crossing**

Mike Wylie of Schneider Corporation approached the Board to request approval of reconstruction on the main branch of the Kirkpatrick Legal Drain located within the Benjamin Crossing Planned Development located at Concord Road and 450 S at the NE corner. The project was given final approval with conditions at the December 10th, 2002 Drainage Board meeting. The construction plans had since been signed off on, and the plat approved. This request was the final stage concerning the reconstruction of the Kirkpatrick Legal Drain located in the NE corner of the site. The existing tile would be intercepted at the east property line and rerouted through a new storm sewer which will tie back into the existing tile at the north property line. Steve informed the Board of the provision in the Drainage Code that allowed an individual to relocate and reconstruct a portion of a County Regulated Drain. The relocation and or reconstructed portion must be totally on their property and the work must be done at the individual's expense. The plans must be submitted to the County Surveyor for review.

Once reviewed it would be submitted to the Board for approval. Also a minimum of thirty feet for a drainage easement was required. At that time the Surveyor recommended approval for the relocation/reconstruction of the Main Branch of the Kirkpatrick Legal Drain as shown on the plans.

K.D. Benson made the motion for approval of the relocation/reconstruction of the Main Branch of the Kirkpatrick Legal Drain as presented before the Board. Ruth Shedd seconded the motion and the motion carried.

**Reconstruction Request/Portion of Branch #7 & #8 and Reduction of Easement associated with Branch #10 of the Kirkpatrick Legal Drain...The Commons at Valley Lakes**

Steve informed the Board the reconstruction request of a portion of Branch #7 & #8 and reduction of easement associated with Branch #10 of the Kirkpatrick Legal Drain at The Commons at Valley Lakes would not be presented as noted on the Agenda for today's meeting. The Drainage Report for the project had not been submitted in time for review by Christopher Burke. Therefore the request was continued until the April 2, 2003 meeting.

**Bonds – Maintenance**

Steve presented the Board with Maintenance Bond #5847853 for \$6264.00 from A&K Construction for acceptance concerning the Saddlebrook Subdivision Phase 3 Part 2. The Bond was for Drainage improvement, swales and erosion control outside the public right of way. Steve recommended the acceptance of said Bond. K.D. Benson made the motion to accept the Bond as presented and Ruth Shedd seconded the motion. The motion carried.

**Steve Murray**

The Surveyor received notification from White, Fountain and Montgomery Counties of their Drainage Board's approval of the twenty-five percent (25%) increase in assessment of those drains which involved their Counties. The list had been presented to the Tippecanoe Auditor for the upcoming May assessment.

The Surveyor then informed that the Board notices for the Hearing at 10 a.m. on April 2, 2003 for the Elijah Fugate Drain had been sent out and the list of assessments had been completed, copies were provided to the members. He then reviewed the options that would be presented to the landowners at that hearing.

Due to workload and the size of the watershed, the Surveyor reported the Moses Baker Drain Hearing, tentatively scheduled for April 2, 2003 at 11 a.m., would need to be rescheduled. After a discussion of dates, the Board agreed upon April 23, 2003 at 11 a.m.

Dave Luhman presented and read to the Board, the Findings and Order statement from the February 5, 2003 Obstruction Hearing.

**Baxter / Beason Obstruction Hearing Findings and Order Statement**

STATE OF INDIANA ) SS  
COUNTY OF TIPPECANOE )

BEFORE THE TIPPECANOE COUNTY  
DRAINAGE BOARD  
TO THE 2003 TERM

PETITION TO REMOVE OBSTRUCTION IN MUTUAL DRAIN/  
RONALD R. BAXTER AND MARCIA BAXTER

**FINDINGS AND ORDER**

This matter came to be heard on the Petition to Remove an Obstruction in a Mutual Drain or Mutual Surface Water Course filed by Ronald R. Baxter and Marcia Baxter on August 26, 2002. Petitioners Ronald and Marcia Baxter appear in person. Respondent Estate of Kevin Beason, Deceased, appears by Shawn Beason, Co-Personal Representative of the Estate. Hearing is held on the Petition. After having reviewed the evidence and having been duly advised in the premises, the Board now finds as follows:

1. There exists a mutual drain located between the properties of Petitioners Ronald and Marcia Baxter and the property owner by Kevin Beason, Deceased, located at 1237 West 625 South, Lafayette, Indiana, consisting of a swale and ditch.

2. That the mutual drain is obstructed by fill, growth of cattails, and a tree growing in the swale.
3. That the blockage appears to be the result of a natural accumulation due to a lack of maintenance.
4. That the Board does not find that the obstruction of the drain was created intentionally by the Respondent.
5. That removal of the obstruction will promote better drainage of the Petitioners' land and will not cause unreasonable damage to the land of the Respondent.

IT IS THEREFORE ORDERED that the obstruction to the mutual drain be removed through the joint efforts of the Petitioners and Respondent;

IT IS FURTHER ORDERED that Petitioners and Respondent, being the owners of both tracts of land benefited by the drain, which tracts of land are equally benefited thereby, shall jointly pay the cost of removing the obstruction to such mutual drain: fifty percent (50%) by Petitioners and fifty percent (50%) by Respondent.

IT IS FURTHER ORDERED that the Petitioners and Respondent shall cause the obstruction to be removed within six(6) months of the date of this Order.

SO ORDERED this 5<sup>TH</sup> day of March 2003.

At that time, Dave directed the secretary to send a copy of both the Hearing Minutes and the Findings and Order Statement to both parties by certified mail. Ruth Shedd inquired as to the appeal process if the Order was not followed. Dave reviewed that process for the Board. The Surveyor stated he felt the parties would comply with the Order.

K.D Benson made the motion to approve the Order as written and Ruth Shedd seconded the motion. The motion carried.

As there was no other business before the Board, K.D. moved for adjournment. Ruth Shedd seconded the motion and the meeting was adjourned.

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Ruth Shedd, President

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John Knochel, Vice President

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Brenda Garrison, Secretary

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KD Benson, Member

**Tippecanoe County Drainage Board**  
**Minutes**  
**April 2, 2003**  
**Regular Meeting**

**Those present were:**

Tippecanoe County Drainage Board President Ruth Shedd, John Knochel Vice President, and KD Benson member, County Surveyor Steve Murray, Drainage Board Attorney Dave Luhman, Drainage Board Engineering Consultants Dave Eichelberger and Kerry Daily from Christopher B. Burke Engineering Limited, and Drainage Board Executive Secretary Brenda Garrison.

**Approval of March 5, 2003 Minutes**

John Knochel moved to approve the minutes of the March 5, 2003 meeting. KD Benson seconded the motion and the minutes were approved.

**Shawnee Ridge Subdivision Phase 3**

Mr. Tim Beyer appeared before the Board to request final approval for Shawnee Ridge Phase 3 Subdivision. The site was located on the north side of County Road 600 North between State Road 43 and Prophets Rock Road in Tippecanoe Township. The project was not within the Battleground City Limits. The site involved 96 acres and would ultimately be developed into 190 single-family residences. Phase 1 of Shawnee Ridge was approved under the name of Battlefield Heights on August 11, 1999 and consisted of 59 lots on 22 acres. Phase 2 was renamed Shawnee Ridge and consisted of 54 lots on 19 acres, and approved on July 3, 2001. The proposed storm sewers within Phase 3 would connect to and convey runoff from portions of Phase 1 to the existing detention basin for the development, while conveying runoff from Phase 3 to the pond. The Detention Pond, located in the northeast portion of the project, had been constructed and approved during the prior phases.

The Surveyor recommended final approval with conditions as stated in the Burke memo of March 26, 2003 for Shawnee Ridge Subdivision Phase 3. He stated the conditions must be met before submission of the final construction plans. John Knochel made the motion to approve Shawnee Ridge Phase 3 for final approval with conditions as stated on the March 26, 2003 Burke memo. KD seconded the motion. Shawnee Ridge Phase 3 was given final approval with the conditions stated on the March 26, 2003 Burke memo.

**Wake Robin Estates 2 Phase 3**

Tim Beyer from Vester & Associates appeared before the Board and requested final approval for Wake Robin Estates 2 Phase 3. The site was located along the west side of McCormick Road (County Road 250 West) and north of Lindberg Road in Wabash Township. The proposed project consisted of 45 lots on approximately 19 acres. The development included the construction of a dry-bottom detention pond to accommodate runoff from an overall 32.5-acre watershed. The detention portion of the project was previously approved on September 5, 2001 for Phases 2 and 3. In addition to Phase 3 on-site impacts, the pond would control runoffs from rear-yard portions of lots in the previous phases, off-site drainage from north of the site and the areas that currently drained to a temporary detention pond in the center part of the site. A waiver for the onsite detention storage to be located on platted lots was requested. KD Benson noted the reason public hearings had been held in the past on this project was lots had been platted up to the road. The revised plat placed the pond on those lots. Steve recommended to the Board the waiver be granted. In addition to the Drainage Board's approval, IDEM and the Corps of Engineers would have to issue a permit, due to a portion of this project located within a designated wetland.

KD Benson inquired when State Highway 231 goes through this area, would the State be responsible for the interruption of the area? Steve stated the State would be responsible for any area that was disrupted in the construction of the Highway. Also, in the planning process of the Highway construction those issues would be addressed by the State. KD also asked if and when McCormick Road gets straightened out at the s curve, what would happen to the area affected? The attorney stated if the road was straightened out it might affect four or five lots. Steve stated whoever proposed the McCormick Road project would be responsible for the acquisition of right of ways, easements, etc. He stated that the final construction plans would not be signed until all conditions listed on the March 31, 2003 Burke memo were met.

KD Benson moved to grant Wake Robin Estates 2 Phase 3 a waiver for the standard onsite detention storage to be located on platted lots as requested. John Knochel seconded the motion and the waiver was granted. John Knochel moved for final approval on the Wake Robin Estates 2 Phase 3 with the conditions stated on the March 31, 2003 Burke memo. KD Benson seconded the motion and the final approval was given.

### **Foxfire @ Valley Lakes Phase 1**

Alan Jacobson from Fisher & Associates appeared before the Board to request final approval for Foxfire @ Valley Lakes Phase 1. The proposed Phase I of Foxfire @ Valley Lakes project was located on approximately 19 acres and would consist of 258 apartment units within 16 buildings, a pond and a clubhouse/pool facility. The site was located on the south side of County Road 350 South, between South 18<sup>th</sup> Street and Concord Road. Alan also requested a waiver for onsite detention storage, a reduction of the existing drainage easement, and the reconstruction of 780 feet of Branch #5 of the James N. Kirkpatrick Regulated Drain. Due to poor soil and wetland issues, approximately 15 acres would remain undeveloped.

At the Northeast corner of the site, a single drainage easement channel was proposed for both the Foxfire project and a project by G&L Development called The Villas at Stones Crossing Subdivision and would follow the common property line between the two. The present easement was 150 feet wide with 75 feet of width on each of the adjoining properties and extended south 520 feet. The existing easement was granted in the early 1990's and was related to the reconstruction of County Road 350S. There was a well-defined swale at the northern end of the easement that flared out gradually as it flowed to the south and allowed the stormwater to continue to the Kirkpatrick Ditch. The requested easement was 25 feet in width along the west side of the Foxfire project, along with a similar width on the G&L project site. Alan felt the proposed width would allow enough room for any maintenance work that may be needed in the future. Alan also informed the Board, in addition to the Drainage Board approval, the proposed easement was pending review by the City of Lafayette Engineer's Office.

The J.N. Kirkpatrick Regulated Drain was located along the southern property line of the site. The Regulated Drain was currently under reconstruction from a closed tile to an open channel and would eventually include the reach of the drain along the southern boundary of the project site. Branch # 5 of the J.N. Kirkpatrick Regulated Drain consisted of a 12-inch clay tile and flowed from northeast to southwest through the site. Originally the branch tied to the 30-inch main tile. The plans called for interception at the east property line and reconstruction as part of the site's storm sewer. A riser pipe was to be placed at the upstream end of the undisturbed portion of Branch #5 which would allow the tile to continue to function.

Steve stated he wanted to insure the riser was in the plans for possible future use of location of the tile and development. He then stated a review of the discharge had been done and it was at or below the projected amount based on land use and the study done by Burke of the Kirkpatrick Drain. He recommended a waiver of the standard onsite detention storage be granted. John Knochel made a motion to grant a waiver of the onsite standard stormwater detention storage for Foxfire at Valley Lakes Subdivision. KD seconded the motion and a waiver was granted.

Steve then recommended granting final approval with conditions as stated on the April 1, 2003 Burke memo for the Foxfire at Valley Lakes Subdivision. John Knochel made the motion to grant final approval for the Foxfire at Valley Lakes Subdivision with the conditions stated on the April 1, 2003 Burke memo. KD seconded the motion. The motion carried and Foxfire at Valley Lakes Subdivision was granted final approval with the conditions stated on the April 1, 2003 Burke memo.

Steve then recommended granting the relocation and reconstruction request of Branch #5 of the J.N. Kirkpatrick Regulated Drain, per I.C. 36-9-27-52.5. John Knochel moved to grant the relocation and reconstruction as proposed, and KD Benson seconded the motion. The relocation, reconstruction request of Branch #5 of the J.N. Kirkpatrick Drain was granted.

In regard to the easement on the 350S side ditches, Steve stated the County Highway purchased it at the time of reconstruction on 350S. It was put in for the discharge of 350 and extended down to the 150 feet easement for Branch #5 of the J.N. Kirkpatrick drain. A riprap dissipater was put in at that time and Steve felt the proposal at hand was actually an improvement, as a positive surface channel would be in place. After conferring with the attorney, he recommended the reduction of the drainage easement at the Foxfire at Valley Lakes Subdivision side from 75 feet to 25 feet as requested. The attorney stated the Commissioners could give the Drainage Board the required authority at their April 7, 2003 meeting. John Knochel made the motion to approve the reduction of easement from 75 feet to 25 feet for the J.N. Kirkpatrick Drain on the Foxfire at Valley Lakes property pending the April 7, 2003 Commissioners meeting date. KD Benson seconded the motion and as there were no objections, the motion carried.

## **The Commons At Valley Lakes Phase II**

Alan Jacobson from Fisher & Associates appeared before the Board to request final approval for the Commons at Valley Lakes Phase II Subdivision. The Subdivision was located east of 150E (South 18<sup>th</sup> Street) south of County Road 350S. Phase II would add 87 single-family slightly oversized residential lots to the overall development. Stormwater from the site would be routed to existing storm sewer systems through additional storm sewers and drainage swales. In addition, he requested approval for the partial reconstruction of the **J.N.Kirkpatrick** Ditch Branches #7, #8 and a reduction of the existing easement pertaining to Branch #10. A waiver for the standard onsite stormwater detention was also requested. He stated the runoff associated with this phase of the Commons would be less than assumed in the modeling of the project.

Alan proposed 320 feet of reconstruction on a 12-inch clay field tile known as Branch #7 of the J.N. Kirkpatrick Drain which crossed the northeast corner of the site. The downstream portions of Branch #7 had been previously reconstructed as part of the Commons at Valley Lakes Phase 1 construction. The 12-inch tile would be reconstructed to a 15-inch RCP storm sewer that would follow the eastern boundary of the site. The abandoned portions of the existing tile would be removed and vacated.

Alan proposed to remove the remaining portion of Branch #8 of the J.N. Kirkpatrick Drain. The approval for reconstruction was granted previously during the Landing At Valley Lakes Phase 2 construction. The Branch flowed to the north and crossed the southeast corner of the site as a 10-inch and 12-inch diameter clay field tile, and connected to Branch #7 just east of the site. Upstream portions of the branch were previously rerouted. Currently the flows were routed through an existing 42-inch storm sewer that crossed the eastern portion of the site and no off-site water from the south was being conveyed through the existing tile. The abandoned portion of the tile would be excavated and vacated.

A portion of Branch #10 of the J.N. Kirkpatrick Drain flowed to the northwest and impacted the western side of the site. A 10-inch clay tile crossed under 18<sup>th</sup> Street to a riser pipe approximately 80 feet east of the road. Alan's proposal for Branch #10 of the J.N. Kirkpatrick Drain was to vacate and reduce the 75 foot Legal Drain Easement located east of the riser to correspond with the eastern limits of an existing 40 foot Utility Easement and a proposed 60 foot Drainage and Utility Easement as shown on Lots 119 and 120. No alterations to the tile or the riser pipe (with the exception of raising or lowering the rim) to accommodate the grading) were proposed. The City Engineer had signed off on the drawings as the project lied within the city limits.

The Surveyor recommended to the Board granting a waiver for the standard onsite stormwater detention to allow direct release into the J.N. Kirkpatrick Legal Drain. John Knochel made the motion to grant a waiver for the standard onsite stormwater detention for the Commons at Valley Lakes Phase 2 Subdivision. KD Benson seconded the motion, and the motion carried.

The Surveyor then recommended granting final approval for the Commons at Valley Lakes Phase 2 with the conditions as listed on the April 1, 2003 Burke memo excluding # 4 of the memo. Since the project was in the city limits and the city maintains the storm sewer system, he felt condition #4 on the memo was not necessary. John Knochel moved to grant final approval as stated with the exception of condition #4 on the April 1, 2003 Burke memo for the Commons at Valley Lakes Phase 2. KD seconded the motion and as there were no objections the motion carried.

The Surveyor recommended the vacation and reduction of the current Legal Drain Easement of Branch #10. He also recommended the relocation and reconstruction of Branches #7 and #8 as proposed. John Knochel made the motion to vacate and reduce Branch #10 of the J.N. Kirkpatrick Drain as stated. He also included within the motion approval of the relocation and reconstruction of Branches #7 and #8 as stated. KD Benson seconded his motion and the motion carried.

Alan Jacobson thanked the Board for their consideration on both matters.

**Other Business**

*Letters of Credit*

The Surveyor presented an Irrevocable Letter of Credit #51004659 submitted by the Eagles Nest Corporation in the amount of \$10173.64 for Hickory Hills 3<sup>rd</sup> Subdivision Phase 1 Section 1 (AKA Eagles Nest), drawn under the Farmers Bank in Frankfort Indiana dated March 17, 2006. The Letter of Credit was intended for the storm/sewer basin and waterways construction outside the County Road Right of Way. John Knochel moved to accept the Letter of Credit submitted by Eagles Nest Corp. and presented to the Board by the Surveyor. KD Benson seconded the motion and the motion carried.

**Steve Murray**

As the Surveyor did not have any other business to present to the Board, John Knochel moved for adjournment. KD Benson seconded the motion and the meeting was adjourned.

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Ruth Shedd, President

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John Knochel, Vice President

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Brenda Garrison, Executive Secretary

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KD Benson, Member

**Tippecanoe County Drainage Board**  
**February 5, 2014**  
**Regular Meeting Minutes**

**Those present were:**

Tippecanoe County Drainage Board President David S. Byers, Vice President John Knochel, member Thomas P. Murtaugh, County Surveyor Zachariah Beasley, Drainage Board Attorney Dave Luhman, Drainage Board Secretary Brenda Garrison and Drainage Board Engineering Consultant Dave Eichelberger from Christopher B. Burke Engineering LLC. James Butcher, County Surveyor's Office Project Manager and Evan Warner County Surveyor's office G.I.S. Technician were also in attendance.

**Approval of Minutes**

John Knochel made a motion to approve the January 8, 2014 regular minutes as written. Thomas Murtaugh seconded the motion. The January 8, 2014 regular meeting minutes was approved as written.

**Annual Tile Bids**

The Board Attorney stated there were three submissions for the Annual Tile Bids Requested by the Surveyor's Office for the Board. The first submission was received from Advanced Drainage Systems. The total amount was \$8,067.21. The second submission was received from Baughman Tile Company. The submitted bid did not include a total amount therefore the Attorney read the amounts as follows: 10" Poly Smooth-Line Dual Wall w/Bell Solid Perf-\$3.75, 12" as same-\$4.38, 15" as same-\$5.58, 18" as same-\$8.53, 24" as same-\$13.86, 30" as same-\$21.49, 36" as same-\$26.10, 42" as same-\$37.94, 48" Poly Smooth-Line Dual Wall w/Bell Solid Perf -\$45.83, 10" Smooth Tee-\$43.81, 12" as same--\$58.82, 15" as same-\$82.54, 18" as same-\$122.49, 24" as same-\$178.60, 30" as same-\$289.41, 36" as same-\$444.41, 42" as same \$643.12, 48" Smooth Tee-\$753.31, 10" Outside/Split Coupling Band- 10"- \$4.59, 12" as same-\$5.83, 15" as same \$10.00, 18" as same-\$14.05, 24" as same- \$24.53, 30" Outside/Split Coupling-\$39.56, 36" Mar-Mac Coupling Band- \$117.00, 42" as same-\$125.00, 48' Mar-Mac Coupling Band-\$135.00. The final submission was from CPI Supply. The submitted bid did not include a total amount the Attorney read the amounts as follows: Corrugated Dual Wall Poly Pipe prices as follows: 10" -\$4.46, 12" -\$5.26, 15" - \$6.95, 18" -\$9.46, 24" -\$15.72, 30" -\$23.77, 36" -\$30.60, 42" -\$44.69, 48" -\$48.38, 60" - \$99.66. Prices for Pre-Manufactured HDPE Poly Tees as follows: 10"-\$63.44, 12"-\$101.54, 15"-\$142.87, 18"-\$206.28, 24"-\$249.02, 30"-\$517.63, 36"-\$630.63, 42"-\$1,057.03, 48"-\$1,325.25. Tees requiring couplers were priced as follows: 10"-\$5.89, 12"-\$7.31, 15"-\$14.05, 18"-\$27.27, 24"-\$33.79, 30"-\$62.23, 36"-\$141.39, 42"-\$204.78, 48"-\$293.32. 1-1/2"x 1/4" Spiral Corrugated Pipe prices as follows: *Galvanized Pipe*: 6" 18 Gage-\$5.85, 8" 16 Gage-\$9.03, 10" 16 Gage-\$9.91, *Aluminized Pipe* : 6" 16 Gage-\$8.99, 8" 16 Gage-\$11.83, 10" 16 Gage-\$14.88, *Asphalt Coated Pipe*: 6" 16 Gage-\$11.31, 8" 16 Gage-\$14.98, 10" 16 Gage-\$18.78. *Aluminum*: 6" 16 Gage-\$9.23, 8" 16 Gage-\$12.61, 10" 16 Gage-\$16.66. *Notes: Standard connecting bands are priced as two (2) feet of pipe.* The Attorney noted a round and arch pipe standard price list was also submitted with the bid. Responding to President Byer's inquiry, the attorney stated the Board may accept all three bids for review at this time. John Knochel made a motion to accept the bids as submitted for review. Thomas Murtaugh seconded the motion. The bids would be reviewed by the County Surveyor's Office Project Manager. There was no public comment. To be continued to the end of today's meeting.

**2014 Legal Services Contract/Hoffman Luhman Masson PC**

John Knochel made a motion to accept the 2014 Contract for Legal Services with Hoffman, Luhman and Masson PC. Thomas Murtaugh seconded the motion. The 2014 Hoffman Luhman Masson PC Legal Service Contract with the Tippecanoe County Drainage Board was accepted as presented. There was no public comment.

**Berlowitz Detention Pond #3 Final Design Professional Services Contract/Christopher B. Burke Engineering LLC**

The Surveyor presented the Berlowitz Pond #3 Final Design Professional Services Contract with Christopher B. Burke Engineering LLC for approval by the Board. He stated he had reviewed the contract and recommended approval by the Board. There was no public comment.

John Knochel made a motion to approval the contract as presented by the Surveyor to the Board. Thomas Murtaugh seconded the motion. The Berlowitz Pond #3 Final Design Professional Services Contract with Christopher B. Burke Engineering LLC was approved by the Board.

**Beck Property**

Todd Starr of Starr and Associates appeared before the Board to present Beck Property to the Board. The site was located on the west side of Co. Rd. 775 East north of State Road 26 and consisted of approximately 3.6 acres. Two new buildings were proposed with the project as well as removing the existing old concrete foundations and pads. Notifications to downstream

landowners were sent and documentation was presented to the Secretary for the project file record. The runoff discharges from northeast corner of the site along the west property line along the southern portion in existing drainage patterns. Due to no net increase in flow, a variance to Chapter 8 of the Stormwater Quality Ordinance regarding Stormwater Treatment (for projects less than 3 acres) was requested. As existing drainage patterns would be utilized and there were no practical locations on site for post-construction BMP measures, the aforementioned variance was requested for the project.

Responding to Thomas Murtaugh's inquiry, Mr. Starr stated the septic mound areas known as lagoons were currently a vegetative area and for this project treated as impervious areas. He stated further at this time they are not noticeable as over time vegetation has grown and the areas are not detectable. The owners would have to get septic approval when they apply as an office area is planned onsite. Ron Noles was aware of the plans and was willing to work with the owners on this issue. Responding to the Surveyor Mr. Starr provided the Secretary with downstream owner notifications required by Ordinance. The Surveyor stated his office recommended the variance as requested. There was no public comment.

John Knochel made a motion to grant a variance as requested. Thomas Murtaugh seconded the variance. A variance to Chapter 8 of the Stormwater Ordinance was approved as requested. The Surveyor stated they had reviewed the project and recommended approval with the conditions as stated on the January 17, 2014 Burke memo. John Knochel made a motion to approve Beck Property with the conditions as stated on the January 17, 2014 Burke memo. Thomas Murtaugh seconded the motion. Beck Property was approved with the conditions as stated on the January 17, 2014 Burke Memo.

### **Legado Development Phase 1**

Clem Kuns from TBird Design appeared before the Board to present the Legado Development Phase 1 project for approval. The site was located southwest of Conservation Club Road on the northwest side of Schuyler Avenue and consisted of approximately 11.5 acres. Springvale Cemetery was located on the west side of the proposed development. He stated a Master Drainage Plan which included the future expansions of the site was proposed. The adjoining properties' drainage - the tire site and the Cemetery - was also taken into consideration with this plan. A large detention basin constructed onsite would act as an infiltration system for the project site as well as the adjoining property aforementioned. A new entrance to Schyler Avenue was planned removing the current entrances to the site at present. He requested approval from the Board. The Surveyor asked for clarification of the phasing of the site. Clem stated this initial phase included a 6,000 square feet commercial building and 12,000 square feet engineering research building and associated parking and drives. This current phase also included the detention basin (pond). Commercial and indoor sports facility buildings for future phases along with parking and drives were anticipated in the near future and would also require Board approval. A master plan for the entire area was completed so that the future site plan approvals would adhere to the master plan presented today. The Surveyor noted soil testing, perk results, etc. had been completed and submitted for review. The Surveyor pointed out the detention basin would capture all the rain events for the area up to and including the 100 year. With the basin's design, the drainage of the Cemetery would improve immensely as this site's runoff would no longer drain onto the Cemetery tract during high-frequency rainfall events. However, if we get a 6-8 inch rainfall within 24 hours the pond would overflow and run onto the tract and follow the same current path. He noted if the pond was at a 100 year capacity, the area's flood plain would have water in it as well. The Surveyor recommended approval with the conditions as stated on the January 30, 2014 Burke memo. There was no public comment.

John Knochel made a motion to grant approval for Legado Development Phase 1 with the conditions as stated on the January 30, 2014 Burke memo. Thomas Murtaugh seconded the motion. Legado Development Phase 1 was approved with the conditions as stated on the January 30, 2014 Burke memo.

### **Burnett Creek Elementary- Additions and Renovations**

Pat Jarboe from TBIRD Design appeared before the Board and presented the Burnett Creek Elementary Additions and Renovations project for approval. The site was located on the west side of Co. Rd. 50 West south of Co. Rd. 600 North and Additions were planned on the north and south side of the existing building. He noted the approved drainage analysis was completed in 1997 with a beat the peak methodology. This method was not incorporated in the current Stormwater Ordinance. He noted beat the peak methodology did not go well with stormwater storage however both analysis were met. This resulted in a reduction of the overall release rate outletting into the County Regulated Cole Ditch and ultimately outletting into Burnett Creek. Due to the fact the developer utilizes a stormwater mgmt. plan that incorporated stormwater detention which lowered peak discharge and keeping the "Beat the Peak" methodology, Mr. Jarboe requested a variance from the current Stormwater Ordinance. He then requested a variance and approval noting the developer was in agreement with the conditions as stated on the January 29, 2014 Burke memo. The Surveyor recommended approval of the Variance and noted the "Beat the Peak" methodology was used in the previous approvals for this project site. He stated his office recommended the variance as well as approval with the conditions as stated on the January 29, 2014 Burke memo. There was no public comment.

John Knochel made a motion to grant a variance to the Stormwater Ordinance as requested. Thomas Murtaugh seconded the motion. John Knochel made a motion to grant approval with the conditions as stated on the January 29, 2014 Burke memo. Thomas Murtaugh seconded the motion. Burnett Creek Elementary School Additions and Renovations was granted a variance as well as approval with the conditions stated on the January 29, 2014 Burke memo.

**Zach Beasley**

***Waiver Request/White County Drainage Board***

The Surveyor presented a waiver request from the White County Drainage Board regarding a maintenance project for the J.C. Vannatta Branch #03 of the Joint Emmet Rayman Regulated Drain for approval. He stated as a Bi-County Drain between White County and Tippecanoe County the larger amount of acreage within the watershed is located within White County therefore White County is in charge of the administration of the drain. He spoke with the White County Surveyor concerning the maintenance project. The request was a courtesy to the Board as a Landowner Hearing was not required for completion of the project. He spoke with one landowner Mr. Haan and noted the project was located on two properties within White County. With that being said, he recommended the Board grant the waiver as requested by White County Drainage Board. The White County Surveyor Office stated they would provide this County with pertinent information of the project for our record. There was no public comment.

John Knochel made a motion to grant the waiver request to White County as requested by White County Drainage Board. Thomas Murtaugh seconded the motion. The waiver for a Joint Drainage Board regarding the maintenance project of the J.C. Vannatta Branch #03 of the Emmet Rayman Regulated Joint Drain was granted as requested. The Secretary would notify White County of the approval for the Waiver.

***Bonds***

The Surveyor presented Maintenance Bond #1028326 written by Hanover Insurance and submitted by Atlas Excavating for Winding Creek Section 5 in the amount of \$16,428.90 for acceptance by the Board. John Knochel made a motion to accept the Maintenance Bond #1028326 written by Hanover Insurance and submitted by Atlas Excavating for Winding Creek Section 5 in the amount of \$16,428.90. Thomas Murtaugh seconded the motion. Maintenance Bond #1028326 written by Hanover Insurance and submitted by Atlas Excavating for Winding Creek Section 5 in the amount of \$16,428.90 was accepted by the Board as presented by the Surveyor.

***2014 Regulated Drain Classification /Status Report***

The Surveyor presented his 2014 Regulated Drain Classification /Status Report for approval. He noted Indiana Code stated "from time to time" a classification report of the County Maintained Regulated Drains would be presented to a Drainage Board by a County Surveyor. He noted while he submitted this report yearly it was not required by Code to do so. He reminded the Board the report included information regarding drains in need of reconstruction, those submitted for a one-time rate increase (25% allowed by Code) or proposed drains in need of a landowner hearing, a list of urban drains as well as a list of drains to be vacated if any.

John Knochel made a motion to accept and approve the 2014 Classification Report with the 2014 Regulated Drain Status List. Thomas Murtaugh seconded the motion. The 2014 Regulated Drain Classification /Status Report were approved by the Board. (The secretary would submit to the Auditor for 2014 collection of regulated drain assessments as the list reflects.)

***Frank Kirkpatrick #45 and Elijah Fugate #30 Joint Regulated Drain Reconstructions***

The Surveyor requested the Board schedule a Regulated Drain Landowner Hearing on May 7, 2014 immediately following the scheduled monthly meeting. He clarified the need for two separate hearings- one for each drain as stated. He informed the Board his office had sent a Waiver Request to Montgomery County regarding waiving their right to a joint drain board. He felt since there was very little acreage in Montgomery County they would adhere to the request.

John Knochel made a motion to hold a Reconstruction Hearing on the Frank Kirkpatrick #45 Regulated Drain Reconstruction on May 7, 2014 and immediately following the scheduled 10:00 a.m. meeting of the Board. Thomas Murtaugh seconded the motion. Frank Kirkpatrick #45 Regulated Drain Reconstruction Hearing was set for May 7, 2014 immediately following the regular monthly meeting of the Board. John Knochel then made a motion to hold a Reconstruction Hearing on the Elijah Fugate #30 Regulated Drain on May 7, 2014 and immediately following the scheduled Frank Kirkpatrick Regulated Drain Reconstruction Hearing. Thomas Murtaugh seconded the motion. Elijah Fugate #30 Regulated Drain Reconstruction Hearing was set for May 7, 2014 immediately following the scheduled Frank Kirkpatrick #45 Reconstruction Hearing on same date.

**Other Business**

**Mary McKinney Regulated Drain #52 Update**

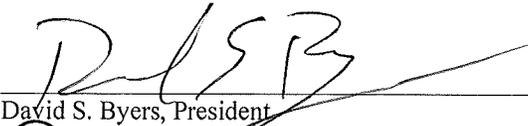
The Surveyor informed the Board his office sent 2 Waiver requests; one to Warren and one to Benton County Drainage Boards regarding waving their right to a Joint Drainage Board Hearing for the Mary McKinney#52 Regulated Drain Reconstruction planned project. Benton County waived their right to the joint board however Warren County did not. Since Warren County did not agree to the waiver a joint board was in order. Tom Hetrick Warren County Drainage Board President was elected to serve on the Joint Drainage Board for the landowner hearing of the Mary McKinney#52 Regulated Drain Reconstruction. He noted a member was also appointed from White County Drainage Board for Benton County. The member was Steve Burton, currently White County Drainage Board President. A Board member from Tippecanoe County was required for the Joint Board. He recommended a member be appointed to the Joint Board as required from Tippecanoe County Drainage Board as required. John Knochel made a motion to appoint Thomas Murtaugh. Thomas Murtaugh stated he would not be available that day. Thomas Murtaugh then made a motion to nominate David Byers to serve on the Joint Board for the Mary McKinney Regulated Drain #52. John Knochel seconded the motion. David Byers was elected to serve on the Tri-County Joint Board at the March 5, 2014 Mary McKinney #52 Regulated Drain Reconstruction Hearing. There was no public comment.

**Continued /ANNUAL TILE BIDS**

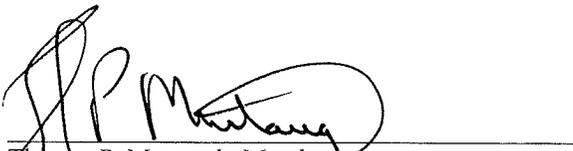
John Knochel made a motion to accept the annual tile bids which were submitted to the Board for acceptance. Thomas Murtaugh seconded the motion. There was no public comment. The Annual Tile Bids submitted were accepted as submitted by the Board.

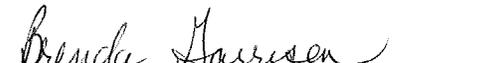
**Public Comment**

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

  
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David S. Byers, President

  
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John Knochel, Vice President

  
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Thomas P. Murtaugh, Member

  
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Brenda Garrison, Secretary

## Tippecanoe County Drainage Board

May 7, 2014

Elijah Fugate Regulated Drain #30

Hearing Minutes

### Those present were:

Tippecanoe County Drainage Board President David S. Byers, Vice President John Knochel, County Surveyor Zachariah Beasley, Drainage Board Attorney Dave Luhman, Drainage Board Secretary Brenda Garrison and Drainage Board Engineering Consultant Dave Eichelberger from Christopher B. Burke Engineering LLC. Project Manager James Butcher and G.I.S. Specialist Evan Warner were also in attendance. Member Thomas P. Murtaugh was absent. Landowners who attended signed in. A copy of the sign in sheet will follow these minutes in the official Drainage Board Minutes Book for future reference.

President David Byers opened the hearing and noted the Board had received a Waiver of Rights letter sent from the Montgomery County Drainage Board regarding this Drain Reconstruction Hearing. He then referred to the Surveyor for his report to the Board. The Surveyor read the following into the record: Elijah Fugate Regulated Drain #30 Reconstruction Report dated March 20, 2014: The Elijah Fugate Regulated Drain was originally established in 1893 in Montgomery County Circuit Court, Case Number 10973, and File Box 151. The Drain and its watershed are located in Sections 27, 28, 33 and 34 Township 21 North and Range 4 West in the political townships of Lauramie and Randolph, Tippecanoe County, Indiana. Also, Section 3 Township 20 North and Range 4 West in the political township of Madison, Montgomery County, Indiana. The watershed area currently contains a total of 814.695 acres with 68.954 acres in Montgomery County and 745.741 acres in Tippecanoe County. A maintenance rate of \$1.00 per acre was established on August 3, 1971 by the Tippecanoe County Drainage Board. On April 30, 2003 the Tippecanoe County Drainage Board approved a maintenance assessment rate of \$5.80 per acre which is the current rate. I have personally walked, driven, talked with landowners, and inspected the Elijah Fugate drainage system per the request of the landowners. Based on my investigation it is my professional judgment that to accomplish the wishes of the landowners, a new open ditch will be constructed downstream of the current subsurface tile junction of the Elijah Fugate and Frank Kirkpatrick tile system. This open ditch will be approximately 1,909 lineal feet in length and serve as the new outlet for the Elijah Fugate tile system and the Frank Kirkpatrick tile system and outlet into the Romney Stock Farm Regulated Open Ditch North of CR 1200S. Both tile systems will have their own tile outlet into the new open ditch. Land owners in the Elijah Fugate and Frank Kirkpatrick watersheds will share the cost of the new open ditch because they are both benefitted by the new outlet. There will also be approximately 2,521 lineal feet of new 18 inch tile installed from the new outlet continuing upstream that will connect to existing plastic dual wall HDPE tile that was installed in 2004. This will provide the positive flow requested by the land owners. Note: Only the benefitted acres within the E. Fugate watershed will pay for the new 18" inch tile installation. It is the judgment of the Tippecanoe County Surveyor that a sum of approximately \$102,281.15 is needed to reconstruct and improve the Elijah Fugate drainage system. Note: The previous referenced dollar value is the sum of the tile installation and the shared cost of the open ditch construction. After completion of the project there will be 11,350 lineal feet of main tile, 7,360 lineal feet of branch tile and 1,000 lineal feet of open ditch under maintenance. An assessment of \$25.50 per acre and a \$50.00 minimum over a five year period is recommended. This will generate \$104,052.11 over a five year period. Assuming the reconstruction and improvements are completed and the General Drain Fund has been repaid after the five year period, the Tippecanoe County Surveyor recommends the per acre assessment be lowered to the existing maintenance rate of \$5.80 per acre and a \$25.00 minimum, with an 8 year collection total. Damages will be awarded for loss of tillable land due to the new open ditch construction. The cost of damages will be shared by both watersheds (F. Kirkpatrick and E. Fugate), because both watersheds are benefitted by the open ditch. The shared cost for damages to the F. Kirkpatrick watershed landowners is 984.477 ac. / 1799.122 ac. = 54.72% of the total damages. The cost for damages to the E. Fugate watershed landowners is 814.695 ac. / 1799.122 ac. = 45.28% of the total damages. \$8,000.00 per acre was used as the value of the damaged land. This value was selected based on an average from recent sales of farm land in the area. Please see schedule of damages for additional details, respectfully submitted Zach Beasley. He referred to the Board for any questions. There was none. David Byers asked for public comment. There was none.

David Byers referred to the Board Attorney. The attorney read the following: Before the Tippecanoe County Drainage Board In the matter of the Elijah Fugate #30 Regulated Drain- Findings and Order Reconstruction and Annual Maintenance:

This matter came to be heard upon the reconstruction report and schedule of assessments with benefits and damages as prepared by the Tippecanoe County Surveyor and filed on March 20, 2014. The Certificate of Mailing of notice of time and place of hearing, to all affected landowners was filed. Notice of publication of time and place of hearing in the Journal and Courier, Tippecanoe County Lafayette Indiana and Journal Review, Montgomery County, Crawfordsville Indiana were filed. Remonstrances were not filed. Evidence was presented by the Tippecanoe County Surveyor and landowners affected were present. A list of those present is filed herewith. After consideration of all the evidence, the Board does now find that:

- (1) The reconstruction report of the Surveyor and the schedules of damages and benefits as determined by the board have been filed and are available for inspection in the office of the surveyor .
- (2) Notice of filing of the reconstruction report and the schedule of assessments with benefits and damages and their availability for inspection and the time and place of this hearing was mailed to all those landowners affected more than thirty (30) and less than forty (40) days before the date of this hearing.
- (3) Notice of the time and place of this hearing was given by publication in the Journal & Courier newspaper of general circulation in Tippecanoe County, Indiana and in the Journal Review newspaper of general circulation in Montgomery County, Indiana more than ten (10) days prior to this hearing.
- (4) The legal drain consists of 1,000 lineal feet of open ditch and 18,710 lineal feet of tile.
- (5) The present condition of the ditch is in need of reconstruction.
- (6) The ditch needs the following reconstruction and maintenance at present:  
New open ditch construction and new tile installation
- (7) There is now \$00.00 owed to the General Drain Fund for past maintenance on this ditch.
- (8) The ditch drains 814.695 acres total. This total includes 68.954 acres located in Montgomery County and 745.741 acres located in Tippecanoe County Indiana.
- (9) Estimated cost of reconstruction is \$102,281.15. Estimated annual cost of maintenance is \$4,788.67.
- (10) Estimated annual benefits the land drained exceed reconstruction costs.
- (11) A fund for reconstruction and annual maintenance should be established.
- (12) In order to provide the necessary reconstruction and maintenance a reconstruction fund should be established at the annual rate of \$25.50 per acre and a \$50.00 minimum and the maintenance fund will stay at the current annual rate of \$5.80 per acre and a \$25.00 minimum for an eight (8) year period.

- (13) The schedule of damages and assessments in the reconstruction are accurate and the Board hereby incorporates them by reference.
- (14) The assessment lists filed herewith are fair and equitable and should be adopted.
- (15) The assessments should be collected with the May 2015 taxes.

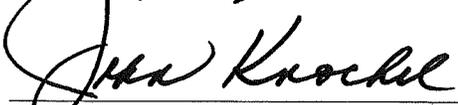
Now, therefore it is ordered that:

- (1) A reconstruction and maintenance fund is established for the Elijah Fugate #30 Regulated Drain. The reconstruction fund is established at the annual rate of \$25.50 per acre and a \$50.00 minimum and the maintenance fund will stay at the current annual rate of \$5.80 per acre and \$25.00 minimum for an eight (8) year period. The maintenance fund assessments should start collection after the five (5) year period of reconstruction is complete.
- (2) The schedule of damages and assessments for the reconstruction and annual maintenance filed herein are adopted and made a part hereof.
- (3) The first annual assessment shall be collected with the May 2015 taxes.

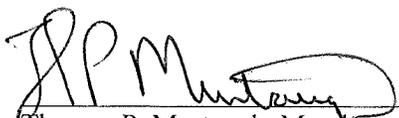
Dated at Lafayette, Indiana this 7th day of May, 2014. Tippecanoe County Drainage Board signature lines of members and attest by the secretary. John Knochel made a motion to approve the Findings and Order for the Elijah Fugate Regulated Drain #30 as read by the attorney. David Byers seconded the motion. The Elijah Fugate Reconstruction and annual maintenance was approved by the Board as presented by the Surveyor.

John Knochel made a motion to adjourn. The hearing was adjourned.

  
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David S. Byers, President

  
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John Knochel, Vice President

  
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Brenda Garrison, Secretary

  
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Thomas P. Murtaugh, Member

**Tippecanoe County Drainage Board**  
**July 9, 2014**  
**Regular Meeting Minutes**

**Those present were:**

Tippecanoe County Drainage Board President David S. Byers, Vice President John Knochel, member Thomas P. Murtaugh, County Surveyor Zachariah Beasley, Drainage Board Attorney Dave Luhman, Drainage Board Secretary Brenda Garrison and Drainage Board Engineering Consultant Dave Eichelberger from Christopher B. Burke Engineering LLC.

**Contracts BIDS Opening**

The President opened the meeting. He referred to the Attorney for the reading of Contract Bids for two projects. The Attorney read the first project known as the F. Kirkpatrick #45 and E. Fugate #30 Regulated Drain Reconstruction bids as follows: Rinehart Excavating \$356,939.45.45, Maxwell Farm Drainage Inc. \$314,644.00, Dwenger Excavating Contractors Inc. \$356,377.40. The Attorney recommended the bids be taken under advisement for review. John Knochel made a motion to take the submitted bids under advisement and review. Tom Murtaugh seconded the motion. Motion carried. The President thanked the companies who submitted bids on this project. The Bids would be reviewed and the contract awarded at the end of this meeting.

The Attorney then read the Contract Bids for the Berlowitz Pond 3 project. He read the bids as follows: Atlas Excavating Inc. \$754,486.80, Rinehart Excavating Inc. \$769,143.51, F&K Construction Inc. \$771,192.00, Thieneman Construction Inc. \$749,000.00, Fairfield Contractors Inc. \$574,263.00. He recommended the bids be taken under advisement for review. John Knochel made a motion to take the bids under advisement and review. Tom Murtaugh seconded the motion. Motion carried. The President thanked the companies who submitted bids on this project. The Bids would be reviewed and the contract awarded at the end of this meeting.

**Approval of Minutes**

John Knochel made a motion to approve the June 2, 2014 minutes as written. Tom Murtaugh seconded the motion. Motion carried. The June 2, 2014 meeting minutes was approved as written.

**Other Business:**

The Surveyor presented the Berlowitz Regional Detention Pond #3 Construction Observation Contract from Christopher B. Burke Engr. LLC in the amount of \$58,331.00 for approval by the Board. Historically the Surveyor office and Drainage Board have utilized Christopher B. Burke Engineering LLC. for the larger urban projects. The Surveyor noted as his office is very busy with agricultural drain reconstructions, Christopher B. Burke Engineering LLC. would assist in the preparation of the Urban Drain Reconstructions. This included the day to day construction observation of those urban projects. John Knochel made a motion to approve the Berlowitz Regional Detention Pond #3 Construction Observation Contract from Christopher B. Burke Engr. LLC in the amount of \$58,331.00 as presented. Tom Murtaugh seconded the motion. Motion carried. The Berlowitz Regional Detention Pond #3 Construction Observation Contract from Christopher B. Burke Engr. LLC in the amount of \$58,331.00 was approved as presented. There was no public comment.

**Bonds:**

The Surveyor presented Maintenance Bond #9122945 submitted by Gradex Inc. for the Meijer #186 West Lafayette Indiana and dated June 11, 2014 in the amount of \$103,846.00 written by Fidelity and Deposit Co. of Maryland and recommended approval by the Board. John Knochel made a motion to approve the maintenance bond as presented by the Surveyor. Tom Murtaugh seconded the motion. Motion carried. The Maintenance Bond #9122945 submitted by Gradex Inc. for the Meijer #186 West Lafayette Indiana and dated June 11, 2014 in the amount of \$103,846.00 written by Fidelity and Deposit Co. of Maryland was approved as presented by the Surveyor. The President asked if this project's runoff would negatively affect Indian Creek. Due to the drainage issues in the past which both the Board and the Surveyor's office have dealt with, the Surveyor noted the rates were actually less than the current Ordinance allows. The Surveyor reminded the Board an Indian Creek Drainage Impact Area Resolution was in force. This resolution included a stricter release rate and meetings with Meijer's engineers resulted in plans which followed those rates. The rates are actually much smaller than what the current Ordinance allows. The project in no way adds to the issues currently at hand in the Indian Creek watershed. The new store

would not make the drainage issues worse. The Surveyor stated the Maintenance Bond reflected on the Agenda regarding the S.W. Elliott Branch #11 Reconstruction project should be stricken. The Bond when reviewed was not in order as the amount was not correct. The Bond would be presented at a later date.

**Petition to Establish a New Regulated Drain**

The Surveyor requested a public hearing to be held in September regarding the Petition to Establish a New Regulated Drain presented by Brian Keene for Shepherds Point Subdivision. The location of which was Salisbury Road and County Farm Road in the southeast corner of the intersection. He reminded the Board; they had previously accepted the aforementioned Petition and directed him to submit a report for consideration of establishing a new regulated drain. His office was ready to go forward with the process. He noted the existing pond in this location was in need of maintenance at this time. John Knochel made a motion to conduct a landowner hearing for Shepherds Point Petition to Establish a New Regulated Drain on September 3, 2014 immediately following the regular scheduled meeting on that day. Tom Murtaugh seconded the motion. Motion carried.

**Contracts**

The President asked for the results of the Contract Bids at hand. James Butcher Surveyor Office Project Manager confirmed Maxwell Farm Drainage was the low bidder for the F. Kirkpatrick #45 and the E. Fugate #30 Regulated Drain Reconstruction in the amount of \$314,644.00. John Knochel made a motion to award the F. Kirkpatrick #45 and the E. Fugate #30 Regulated Drain Reconstruction project to Maxwell Farm Drainage. Tom Murtaugh seconded the motion. Motion carried. Maxwell Farm Drainage was awarded the F. Kirkpatrick #45 and the E. Fugate #30 Regulated Drain Reconstruction project by the Board. James Butcher Surveyor Office Project Manager confirmed Fairfield Contractors Inc. was the low bidder for the Berlowitz Pond #3 project. John Knochel made a motion to award the Berlowitz Pond #3 project to Fairfield Contractors Inc. in the amount of \$574,263.00. Tom Murtaugh seconded the motion. Motion carried. Fairfield Contractors Inc. was awarded the Berlowitz Pond #3 Construction project by the Board.

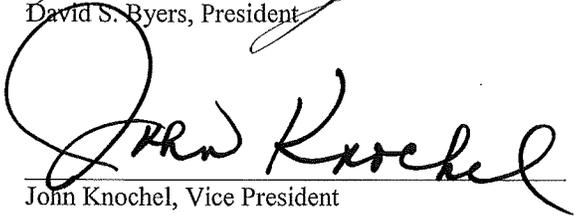
**Public Comment**

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



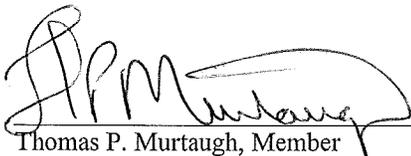
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David S. Byers, President



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John Knochel, Vice President



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Thomas P. Murtaugh, Member



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Brenda Garrison, Secretary

**Tippecanoe County Drainage Board**  
November 5, 2014  
Regular Meeting Minutes

**Those present were:**

Tippecanoe County Drainage Board President David S. Byers, member Thomas P. Murtaugh, County Surveyor Zachariah Beasley, Drainage Board Attorney Dave Luhman, 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 for Surveyor Office were also in attendance. Vice President John Knochel was absent.

**Approval of Minutes**

Tom Murtaugh made a motion to approve the October 1, 2013 regular minutes as written. David Byers seconded the motion. Motion carried.

**Zach Beasley/Bonds**

The Surveyor gave the Board an update on the F. Kirkpatrick #45 and E. Fugate #30 Reconstruction project and noted it is in the last phase of completion. He presented Maintenance Bond#601078418 in the amount of \$31,464.40 submitted by Maxwell Farm Drainage and written by Ohio Casualty Insurance for acceptance by the Board. Tom Murtaugh made a motion to accept the F. Kirkpatrick#45 and E. Fugate #30 Reconstruction Maintenance Bond as submitted by the Surveyor. David Byers seconded the motion. Motion carried.

The Surveyor presented Stones Crossing Section 4 Phase 2- Maintenance Bond#1033015 in the amount of \$29,342.20, submitted by Atlas Excavating Inc. written by the Hanover Insurance Company and recommended acceptance. Tom Murtaugh made a motion to accept the maintenance bond for Stones Crossing Section 4 Phase 2 as presented by the Surveyor. David Byers seconded the motion. Motion Carried. The Surveyor presented Winding Creek Section 7 Maintenance Bond#106174172 in the amount of \$21,374.90 submitted by Fairfield Contractors and written by the Travelers Casualty and Surety and recommended acceptance. Tom Murtaugh made a motion to accept the maintenance bond for Winding Creek Section 7 as presented by the Surveyor. David Byers seconded the motion. Motion Carried. The Surveyor presented Blackthorne Phase 2 Part 2 Maintenance Bond #106174171 in the amount of \$5,368.00 submitted by Fairfield Contractors and written by Travelers Casualty and Surety and recommended acceptance by the Board. Tom Murtaugh made a motion to accept the maintenance bond for Blackthorne Phase 2 Part 2 as presented by the Surveyor. David Byers seconded the motion. Motion Carried. The Surveyor presented Wake Robin Phase 3 Maintenance Bond#106174173 in the amount of \$27,276.70 submitted by Fairfield Contractors and written by the Travelers Casualty and Surety and recommended acceptance by the Board. Tom Murtaugh made a motion to accept the maintenance bond for Wake Robin Phase 3 as presented by the Surveyor. David Byers seconded the motion. Motion Carried.

**Public Comment**

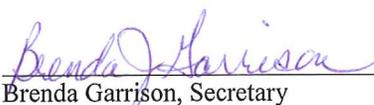
As there was no public comment Tom Murtaugh made a motion to adjourn. The meeting was adjourned.

  
\_\_\_\_\_  
David S. Byers, President

*ABSENT*

\_\_\_\_\_  
*John Knochel, Vice President*

  
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Thomas P. Murtaugh, Member

  
\_\_\_\_\_  
Brenda Garrison, Secretary

**Tippecanoe County Drainage Board**  
**February 1, 2017**  
**Regular Meeting Minutes**

**Those present were:**

Tippecanoe County Drainage Board 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. President Thomas P. Murtaugh was absent.

**Approval of Minutes**

Tracy Brown made a motion to approve the January 4, 2017 regular Drainage Board Minutes as written. David Byers seconded the motion. Motion carried.

**Franklin Yoe #90 Regulated Drain/ G. Swanson #76 Regulated Drain Maintenance Bid(s) Opening**

David Byers referred to the Attorney for the reading of the submitted bids regarding the Franklin Yoe #90 Regulated Drain and the G. Swanson #76 Regulated Drain Maintenance Projects. Attorney Masson read the following:  
Regarding the Gustav Swanson Regulated Drain #76 Maintenance Project the bids were as follows:  
Tony Garriott submitted a bid in the amount of \$49,595.80; ADI submitted a bid in the amount of \$14,594.00; Huey Excavating submitted a bid in the amount of \$24,672.00

Attorney Masson recommended the bids be taken under advisement. Tracy Brown made a motion to take the submitted bids under advisement. Once bids were reviewed for compliance by the Surveyor's office Project Manager, the Gustav Swanson #76 Maintenance Project bid could be awarded at the end of the meeting. David Byers seconded the motion. Motion carried.

Attorney Masson read the Franklin Yoe Regulated Drain #90 Maintenance Project bids as follows:  
ADI submitted a bid in the amount of \$18,563.00; Tony Garriott submitted a bid in the amount of \$33,234.56 Attorney Masson recommended the bids be taken under advisement. Tracy Brown made a motion to take the submitted bids under advisement. Once the bids were reviewed for compliance by the Surveyor's office Project Manager, the Franklin Yoe #90 Maintenance Project bid could be awarded at the end of the meeting. David Byers seconded the motion. Motion carried.

**Drainage Board 2017 Professional Engineering Assistance Contract**

David Byers referred to the Surveyor regarding presentation of the 2017 Drainage Board Professional Engineering Assistance Contract. Surveyor Beasley noted he as well as Attorney Masson had reviewed the contract. He stated contract's rates had not changed from the past 3-4 years and he saw no additional changes. He recommended approval by the Board. Responding to Tracy Brown's inquiry, the Surveyor stated this was indeed at a cost savings to the county. He had previously in years past reviewed this issue. The cost for the services was approximately \$75,000 annually versus a minimum of \$130,000 cost for the exact work by an office staff member. Tracy Brown made a motion to approve the Drainage Board Engineering Assistance Contract as presented by the Surveyor. David Byers seconded the motion. Motion carried.

**Lafayette YMCA**

David Buck from BFS appeared before the Board to present the Lafayette YMCA for drainage approval. The site was located within the City of Lafayette at the existing Point East Mobile Home Park. The Board would review this project today for drainage purposes only. Mr. Buck stated a Petition to reduce the drainage easement on the S.W. Elliott Branch #13 was submitted for approval as well. The reduction in the drain maintenance easement would leave a 30 foot easement for maintenance of said branch. He noted they had received the January 12, 2017 Burke memo and was in agreement with the conditions as noted. He requested approval at that time for both the Petition and the project's drainage.

The Surveyor stated the Board's actions today were to approve the aforementioned Petition and the project's drainage only. He noted the project site drained to Branch #13 of the S.W. Elliott drain and continued southwest along Creasy Lane and eventually to the F-Lake Detention Basin. He recommended approval to the Board for the Petition to Reduce the Easement on the S.W. Elliott Branch #13 Drain as well as approval per the January 12, 2017 Burke memo recommendation. Tracy

presented. David Byers seconded the motion. Motion carried. Tracy Brown then made a motion to approve the Lafayette YMCA per the January 12, 2017 Burke memo recommendations. David Byers seconded the motion. Motion carried.

#### **Belle Tire (Lot 4A 26 Crossing Subdivision)**

Kyle Betz of Fisher and Associates appeared before the Board to request approval for the Belle Tire project. The site was located within the City of Lafayette and more specifically on Lot 4A in 26 Crossings Subdivision approximately ¼ mile from the interchange of I-65 and SR26. The site consisted of approximately 0.94 acres. This site was adjacent to the Alexander Ross Detention Basin. The site would drain entirely to the F-Lake detention facility. He stated they agreed with the January 25, 2017 Burke memo and requested approval for the project. The Surveyor stated the project had been reviewed and noted calculations were missing from their submittal. David Eichelberger stated calculations for the detention storage were not provided to date and that would need to be provided as soon as possible. The Surveyor agreed with the Consultant and reiterated those calculations should be provided and his recommendations were contingent on this. Mr. Betz agreed to review the report and provide those calculations to the Consultants as soon as possible. Tracy Brown made a motion to grant conditional approval as stated in the January 25, 2017 Burke memo. David Byers seconded the motion. Motion carried.

#### **USGS Geological Stream Gages WREC Contract Support**

Stan Lambert from Wabash River Enhancement Corp. (WREC) appeared before the Board to request financial and administrative support of the stream gages contract with the USGS Geological Services. He stated he was requesting to share the cost of the USGS Stream Gage Contract with the Tippecanoe County Partnership for Water Quality (TCPWQ). The streams were: Little Wea at Co. Rd. 800S, S.W. Elliott Ditch at old Romney Road and Little Pine Creek at Co. Rd. 850E with the contract covering the period of Jan. 23, 2017 through Sept. 30, 2017. He noted the data collected would be available on the USGS stream monitoring site on an hourly basis. This information was used as part of Water Quality monitoring by WREC and Purdue University. He noted Sara Peel from his office presented this to the TCPWQ and was given approval by their Board to go forward with support. The Surveyor stated he would review the TCPWQ Board minutes as the MS4 Coordinator to confirm the TCPWQ's intention was to contribute up to \$10,000.00 toward the overall cost of the contract. Tracy Brown made a motion to approve the contract amended \$10,000.00 amount as submitted with the condition the Surveyor as MS4 Coordinator confirms the TCPWQ support. David Byers seconded the motion. Motion carried.

#### **Franklin Yoe#90 Regulated Drain/ G. Swanson #76 Regulated Drain Maintenance Bid(s) Award**

Tracy Brown referred to Attorney Masson for the results of the submitted bids on the F. Yoe #90 and G. Swanson #76 Drain Maintenance Projects. Attorney Masson stated the bids were in order and the recommendation was to accept the low bid on each project. Tracy Brown made a motion to grant approval of the bid from ADI regarding the Gustav Swanson #76 and the F. Yoe Regulated Drain #90 Maintenance Projects as the low bidder on each project. David Byers seconded the motion. Motion carried.

#### **2017 Classification Report/2017 Drain Assessment Activity Report**

The Surveyor presented an active and inactive drain assessment list regarding county regulated drains with maintenance funds for approval by the Board. He reviewed the annual process for the Board. Tracy Brown made a motion to approve the Active Inactive Drain list as submitted by the Surveyor. David Byers seconded the motion. Tracy Brown made a motion to approve the 2017 Classification Report provided by the Surveyor. David Byers seconded the motion. Motion carried.

#### **Zach Beasley/Other Business**

##### **Appointment of Drainage Board member to Tri-County Board**

The Surveyor stated he was contacted by Benton County Surveyor David Fisher regarding the Sophia Brumm Joint Drain. The landowners have requested a joint meeting to discuss reconstruction of several lineal feet of the tile within the S. Brumm Drain watershed. The proposed time was February 21, 2017 at 10:00 a.m. at the Benton County Courthouse. An appointment from this Board was requested. David Byers noted there was a Commissioner Meeting at the same date and time. Tracy Brown made a motion to appoint Commissioner David Byers to the Sophia Brumm Tri-County Drainage Board as requested pending a new date and time is set due to conflict. David Byers seconded the motion. Motion carried.

##### **Outstanding Reconstruction Assessments**

The Surveyor informed the Board the five year reconstruction payment cycle was coming to a close on a few of the drain reconstruction projects. With that said there were a few landowners who had not paid any payments during this five year period. His understanding was these properties which had outstanding debt for the reconstruction of a drain should be included in the tax sale. He read Indiana Code 36-9-27-86 i.e. regarding the sale of the property due to outstanding drain

reconstruction assessments and referred to Attorney Masson for his direction. He stated he was seeking a recommendation from the Board to proceed as the code dictates in these situations. He noted financially, the deficit could adversely affect the General Drain Improvement Fund and future drain maintenance and reconstruction projects.

Attorney Masson clarified that only the land affected by the delinquency could be sold, that this was not a personal judgement but a liability which stayed with the land only. He would speak with the Auditor and Treasurer to clarify the issue and start utilizing the process in this county from which the code dictates. A lien on the property not the land would be sold. Attorney Masson would follow up on this issue and those landowners who may be affected by this code. He requested authorization to contact landowners who were affected by this regulation. He stated he would work with both the Treasurer and Auditor to set the process which this County can utilize to automatically go forward with the property lien sale when warranted. There was no public comment.

Tracy Brown made a motion to give authorization to the Attorney to begin the process by sending out delinquent reconstruction assessment letters to those landowners who were delinquent as well as listing them on the tax sale when appropriate. David Byers seconded the motion. Motion carried.

Tracy Brown made a motion to adjourn. The meeting was adjourned.

Below is the Surveyor's 2017 Classification Report less Exhibit A:

### **Classification of Drains**

**Per IC 36-9-27-34**

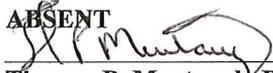
**February 2017**

- 1.) Drains in need of Reconstruction
  - a. Elliott, S.W. (#100)
  - b. J.B. Anderson (#02) (Clarks Hill Portion)
  - c. Edwards (Not Maintained)
  - d. McBeth (Not Maintained)
  - e. F.E. Morin (#57)
  - f. Marion Dunkin (#25)
  - g. Huffman-Weimert (Not Maintained)
- 2.) Hearing and Rates Established in 2011, '12, '13, '14, '15 and 2016
  - a. Michael Binder (#10)
  - b. John Blickenstaff (#11)
  - c. Train Coe (#18)
  - d. Fred Haffner (#34)
  - e. E.F. Haywood (#35)
  - f. Mary Southworth (#73)
  - g. Franklin Yoe (#90)
  - h. Jess Dickens (#91)
  - i. Romney Stock Farm (#109)
  - j. John Hengst (#117)
  - k. Calvin Lesley (#48)
  - l. Audrey Oshier (#60)
  - m. Combs Ditch (#118)
  - n. Leader Newton (#115)
  - o. Thomas Ellis (#27)
  - p. John McFarland (#51)
  - q. Hester Mottsinger (#58)
  - r. J. Kelly O'Neal (#59)
  - s. Franklin Resor (#65)
  - t. Harrison Wallace (#82)
  - u. Eldora K. Lois (#119)
  - v. Frank Kirkpatrick (#45)
  - w. Elijah Fugate (#30)
  - x. Mary McKinney (#52)
  - y. Harrison Meadows (#37)
  - z. Shepherds Point (#121)

- aa. James Kellerman (#42)
  - bb. Alonzo Taylor (#77)
  - cc. Clymer Norris (#122)
  - dd. Crist Fassnacht (#29)
  - ee. Peter Rettereth (#66)
  - ff. Ann Montgomery (#56)
  - gg. Gustav Swanson (#76)
  - hh. Nathaniel W. Box (#12)
  - ii. Lydia Hopper (#124)
  - jj. Amanda Kirkpatrick (#44)
  - kk. John McLaughlin (#97)
  - ll. Martin Erwin (#28)
  - mm. Waples McDill (#85)
- 3.) Urban Drains  
(I.C. 36-9-27-68 Urban Drains are classified as in need of Reconstruction)
- a. S.W. Elliott (#100)
  - b. Julius Berlowitz (#8) (Include Filbaum)
  - c. Alexander Ross (#48)
  - d. Cuppy McClure
- 4.) Drains in need of Periodic Maintenance  
*Please see attached sheet-Exhibit A*
- 5.) Insufficient Maintenance Funds
- a. E.W. Andrews (#03)
  - b. Floyd Kerschner (#43)
  - c. F.E. Morin (#57)
  - d. John Saltzman (#70)
  - e. Ray Skinner (#71)
  - f. Abe Smith (#72)
  - g. Joseph Sterrett (#74)
  - h. William Stewart (#75)
  - i. John Toohey (#79)
  - j. John Vannatta (#81)
  - k. Suzanna Walters (#83)
  - l. J.B. Anderson (#02)
  - m. Dismal Creek (#93)
  - n. Moses Baker (#114)
  - o. Grant Cole (#19)
  - p. Shawnee Creek (#94)
  - q. Kirkpatrick One (#96)
- 6.) Proposed Drains for hearing in the near future / Request these drains be referred to Surveyor for preparation of Maintenance Report)
- a. Andrew Brown (#13)
  - b. F.E. Morin (#57)
  - c. Parker Lane (#61)
  - d. John Vannatta (#81)
  - e. Dismal Creek (#93)
  - f. Beutler Gosma (#95)
  - g. Jacob Taylor (#78)
  - h. E.W. Andrews (#03)
  - i. Suzanna Walters (#83)
  - j. Jesse B. Anderson (#02)
  - k. Floyd Kerschner (#43)
  - l. Joe Sterrett (#74)
  - m. Moses Baker (#114)
  - n. Grant Cole (#19)
  - o. Shawnee Creek (#94)
  - p. Kirkpatrick One (#96)
  - q. John Saltzman (#70)

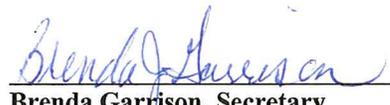
- r. Ray Skinner (#71)
  - s. Abe Smith (#72)
  - t. William Stewart (#75)
  - u. John Toohey (#79)
- 7.) Drain Assessments recommended to be raised 25% starting May 2015  
No Maintained Regulated Drains Applicable in 2017
  - 8.) Petition for New Regulated Drain referred to Surveyor
    - a. Huffman Weimert Drain (Town of Buck Creek)
  - 9.) Existing Drains referred to Surveyor for Report
    - a. Julius Berlovitz(#08) (Remaining Phases)
    - b. F.E. Morin (#57)
    - c. Huffman Weimert (Not Maintained)
    - d. Marion Dunkin (#25)
  - 10.) Drain that should be vacated
    - a. That portion of the Felbaum Branch (Part of Julius Berlovitz #08 Regulated Drain) East of County Road 550East

*Please see Classification of Drains- Exhibit Aon file in the Tippecanoe County Surveyor office and Office of the Tippecanoe County Auditor*

**ABSENT**  
  
 \_\_\_\_\_  
**Thomas P. Murtaugh, President**

  
 \_\_\_\_\_  
**David S. Byers, Vice President**

  
 \_\_\_\_\_  
**Tracy Brown, Member**

  
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**Brenda Garrison, Secretary**