

The meeting of the Tippecanoe County Drainage Board met on September 6, 1972, in the County Commissioner's Room in the Court House at 9:00 a.m. In attendance were: Bruce Osborn, Dale Remaly, Edward Shaw, A. Dan Ruth, Fred Hoffman and Gladys Ridder.

Minutes  
Approved  
Four Seasons

The minutes of the August 2nd, 1972 meeting were approved as read.

A new petition and Resolution to lower the required easement of 75 feet to 50 feet was brought before the Board by Thomas McCully, Attorney for the National Homes Construction Co.

STATE OF INDIANA )  
                          ) SS:  
TIPPECANOE COUNTY)

To: The Tippecanoe County Drainage Board  
Court House  
Lafayette, Indiana

PETITION

National Homes Construction Corporation, hereinafter referred to as the Petitioner, respectfully shows and petitions the Board as follows:

1. The petitioner is the owner of a certain tract of land located in the City of Lafayette, Indiana, shown on Exhibit A filed herewith. Said real estate is bounded by South Eighteenth Street on the west, the Penn Central Railroad on the northeast, and Elliott Ditch, a legal open ditch, on the south.

2. The petitioner proposes to develop the westerly portion of said real estate for multi-family housing and easterly portion for single family housing as shown on Exhibit A.

3. There is presently a statutory 75' right-of-way in favor of the Board extending from the top edge of the bank of such ditch on which no permanent structures may be placed.

4. This Board may modify said right-of-way and in the opinion of the Petitioner the same may be modified from 75' to 50' without adversely affecting the public interest or the rights of the Board.

5. Such modification of the right-of-way to 50' from the top edge of the bank will permit development of the real estate as set forth on Exhibit A.

WHEREFORE, the Petitioner requests that the Board modify the statutory right-of-way from 75' to 50' along the north side of Elliott Ditch from South Eighteenth Street easterly to the Penn Central Railroad.

NATIONAL HOMES CONSTRUCTION CORPORATION  
By /s/ Thomas R. McCully  
Thomas R. McCully, Its Attorney

STUART, BRANNIN, RICKS & SCHILLING  
801 The Life Building  
Lafayette, Indiana 47902  
317-742-8485

Attorneys for Petitioner

RESOLUTION

WHEREAS, National Homes Construction Corporation has filed with this Board a petition requesting a modification of the statutory right-of-way along the north side of Elliott Ditch from South 18th Street easterly to the Penn Central Railroad; and

WHEREAS, such modification is in the public interest and will not adversely affect the Board, the Surveyor, or their duly authorized representatives in the performance of their duties in connection with said Ditch;

NOW, THEREFORE, Be it resolved the The Tippecanoe County Drainage Board that right-of-way along the north side of Elliott Ditch between South 18th Street and the Penn Central Railroad be and the same hereby is reduced to fifty (50) feet from the top edge of the bank.

Adopted this 6th day of September, 1972.

/s/ Bruce Osborn

/s/ Dale Remaly

/s/ Edward Shaw

After careful consideration the Board moved to approve the reduction.

Overlaps  
in  
Acreage

The Secretary brought it to the attention that several overlaps in acreage had reached the tax duplicate and were in need of correction. The Board asked the Engineer if he would check them out and determine what corrections should be made.

Ditches  
Referred

The Board referred the following ditches to the Engineer to prepare for a maintenance fund: S. K. Richards ditch in Lauramie Twp., Clyde W. Richards ditch in Lauramie Twp., John Toohey ditch, Sheffield Twp. and Alfred Burkhalter ditch in Sheffield Twp. of Tippecanoe County and Madison Twp. in Clinton County.

The Engineer opened the hearing on the E. F. Haywood Ditch by reading his report and making his recommendations to the Board. Included in his recommendations were many area changes due to overlaps with the J. Kellerman ditch. Those changes were as follows:

Andrews, Mabel McDill---N NW Sec.25 Twp 21 R5 80 acres to 45 acres  
Conner, James V & Bobbie J.---Pt NE NE Sec24 Twp 21 R5 5acres to 2.92 acres  
Kellerman, James S.--- Pt E SE Sec. 13 Twp 21 R5 33.12 acres to 23.12 acres  
Kellerman, James S. ---Pt N FR SW Sec 18 Twp 21 R4 42.00 acres to 4 acres  
Kellerman, James S. ---S NW Sec 25 Twp 21 R5 80 acres to 8 acres  
Kellerman, James S.---N NW SW Sec 25, Twp 21 R5 20.00 acres to 00  
Kellerman, James S. ---S NW SW Sec 25 Twp 21 R5 20 acres to 00  
Linville, Rec I & John A---Pt NW SW Sec 18 Twp 21 R4 31.50 acres to 22.50 acres  
Rayle, Clyde & Maude A.---Pt NE NE Sec 24 Twp 21 R5 3.00 acres to 00  
Smith, Paul E & E. Loren---Pt NE NE Sec 24 Twp 21 R5 6.25 acres 3.65 acres  
Towne, Richard D & Betty J---Pt NE NE Sec 24 Twp 21 R5 5.00 acres to 2.92 acres

Those in attendance were: Robert Haywood, Robert Leader, Phyllis Leader, Mabel M. Andrews, Bob Kirkpatrick, Joe Ratcliff and Spencer Congram. Joe Ratcliff and Robert Leader spoke against establishing a maintenance as did most of those talking for the group. Spencer Congram spoke in favor of establishing a maintenance fund pointing out all the benefits to be derived from having government help. After much controversy the Board asked the group if they wished to vacate the ditch, take it out of the County's hands and maintain it themselves. Mr. Osborn explained they would have to petition to do so and call another meeting but no one wanted to do that. The group then asked the Board to grant them one year to do their own repairs and come back for a new hearing with a lower assessment. Upon motion by Bruce Osborn, seconded by Dale Remaly, the Board granted a continued hearing to be held on September 5, 1973 instructing the Engineer that he should check the ditch for a progress report at that hearing.

9:30 a.m.  
hearing on the  
E.F. Haywood Ditch

The Engineer opened the hearing on the John L. Hengst ditch by reading his report and making his recommendations to the Board. Those in attendance were: J. Q. Kerkhoff, Thomas C. Schroeder and Ogle Bell. All in attendance were in agreement that this ditch needed reconstructing. The group asked the Engineer if he would do the engineering necessary and provide them with figures and call a new hearing. Mr. Ruth agreed to help them and said it would possibly be next spring before a new hearing could be called. The tile part of the ditch needed to be replaced with an open ditch through the Amstutz, Bell and Mennen farms. The Board so moved to wait until thereconstruction could be done before establishing a maintenance fund.

10:30 a.m.  
Hearing on the  
John L. Hengst  
Ditch

The Engineer opened the continued hearing on the Lewis Jakes ditch by reading his report and making his recommendations to the Board. Those in attendance were: Vincent Pearl, Cecelia Pearl, Richard J. Lehe, Robert S. Jewett, Charles Kerkhove, Ruth Beutler, Marguerite Beutler, Dorothea Saathoff, Wayne Keim, Joyce Keim and Lawrence Jones. The Engineer reported that at the upper end of this ditch the tile was in real good condition but the south end was badly in need of repair. Mr. Keim said he would not object to an open ditch through him. The group asked the ASCS representative, Charles Kerkhove, if his office would cost share with them in this project and he assured them that they would but that each individual would have to apply for his own share. He then explained how to go about making application and the Engineer volunteered to see that all involved in this watershed area were properly informed. With the line between what is maintenance and reconstruction being so fine, the group felt they would rather set up a \$1.00 per acre maintenance fund and make their repairs soon and from this fund. The Board decided that in this case the maintenance would serve their purpose best so moved to establish a \$1.00 per acre assessment maintenance fund.

11:30 a.m.  
Hearing on the  
Lewis Jakes  
Ditch

The Engineer opened the continued hearing in the Mary Southworth ditch by reading his report and making his recommendations to the Board. Those in attendance were: Gladys Larrabee, Jackie Kerker, and Charles M. Kirkpatrick. The Engineer recommended vacating all of the tile portion of this ditch and maintaining only the open part of the ditch including the headwall. However, after considerable discussion it was agreed that the portion abandoned would begin at the East line of the Shidler line and continue to State Road 26. With the tile portion being vacated the \$1.00 per acre assessment was not necessary so the Engineer suggested a \$.30 per acre assessment and all were in agreement. Upon motion by Bruce Osborn, seconded by Dale Remaly and made unanimous by Edward Shaw, the Board moved to establish a \$.30 per acre assessment.

1:30 p.m.  
Hearing on the  
Mary Southworth  
Ditch

Order & Findings and Certificates of Assessments Having established a maintenance fund on two ditches, namely the Lewis Jakes and the Mary Southworth, the Board signed the Certificates of Assessment and the Order and Findings for both ditches.

Upon motion made and carried the meeting adjourned.

Bruce Osborn  
Bruce Osborn, Chairman

Dale Remaly  
Dale Remaly, Vice Chairman

Edward J. Shaw  
Edward Shaw, Board Member

ATTEST:

Gladys Ridder  
Gladys Ridder, Exec. Secretary

**Tippecanoe County Drainage Board**  
**Minutes**  
**June 7, 2006**  
**Regular Meeting**

**Those present were:**

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

**Approval of Minutes**

John Knochel made a motion to approve the May 3, 2006 Regular Drainage Board minutes as written. Ruth Shedd seconded the motion. The May 3, 2006 Regular Drainage Board meeting minutes were approved as written.

**Clarian Arnett Hospital/Early Release Grading Plan**

Jon Perry of Gresham Smith and Partners appeared before the Board to request final approval for the Early Release Grading Plan. The overall site consisted of 115 acres located east of County Road 500 East south of McCarty Lane. Mr. Perry stated his request today did not include hospital construction or site infrastructure. The grading plan consisted of approximately 62 acres of the overall site and involved approximately 400,000 cubic yards of material. Vegetated swales, filter strips and a sediment basin would be utilized to satisfy the water quality requirements. He requested final approval for the Early Release Grading Plan as presented to the Board.

The Surveyor stated the Felbaum Branch of the Berlowitz Regulated Drain ran along the east side of the site and was to be located before the mass earthwork was started. To his knowledge it was vacated to the south and intercepted into the new storm sewer along the east side of 500 East. He added that generally regulated drain easements are approximate and it would be prudent to field locate said branch. An onsite investigation would be required to ensure the location of said branch to verify the June 1, 2006 Burke memo statement of no variances or encroachments proposed.

The Surveyor recommended final approval for the Clarian Arnett Hospital Early Release Grading Plan with conditions listed on the June 1, 2006 Burke memo in addition to the field verification of the Felbaum Branch location before earth work begins. John Knochel made a motion to grant final approval for the Clarian Arnett Hospital Early Release Grading Plan with conditions as listed on the June 1, 2006 Burke memo in addition to a field verification of the Felbaum Branch location. Ruth Shedd seconded the motion. The Clarian Arnett Hospital Early Release Grading Plan was granted final approval with conditions.

**West Branch Tippecanoe County Library**

Kent Schumacher with Troyer Group appeared before the Board to request final approval for the West Branch of the Tippecanoe Library. The site was located within the Lindberg Village Development on the northeast corner of County Road 200 North (Lindberg Road) and Cushing Drive just west of County Road 300 West (Klondike Road). A portion would drain to the right of way of Lindberg Road and Cushing Drive, with the remaining directed north through a swale into an existing storm sewer system connected to a detention basin within the development.

The Surveyor stated this plan was in compliance with the original approved plan for the Lindberg Village Development and recommended final approval with the conditions as stated on the May 18, 2006 Burke memo. John Knochel made a motion to approve the West Branch Tippecanoe Library with the conditions as stated on the May 18, 2006 Burke memo. Ruth Shedd seconded the motion. The West Branch Tippecanoe Library was granted final approval with conditions.

**Wabash Township Fire Station #1**

The Surveyor presented Wabash Township Fire Station #1 to the Board, located in a minor subdivision on County Road 300 West (Klondike Road). The Surveyor noted the existing Stormwater Ordinance granted Surveyor's discretion on determination of minor subdivision drainage board approvals depending on their size. ~~He~~The site was reviewed by the Board utilizing GIS. In order to expedite the process for the Township, he stated he had given the Area Plan Commission approval for this project so they may proceed on the final plat process. A First Amendment to the Storm Sewer Easement was provided granting the fire station approval for partial construction in the existing storm sewer easement along the south side of the site. The proposed drainage plan indicated a reduction in the discharge rate and impact on the existing 18" culvert under County Road 300 West (Klondike Road). The Surveyor recommended final approval with the conditions as stated on the May 30, 2006 Burke memo. John Knochel made a motion to grant final approval for Wabash Township Fire Station #1 with the

conditions as stated on the May 30, 2006 Burke memo. Ruth Shedd seconded the motion. The Wabash Township Fire Station #1 was granted final approval with conditions.

#### **TSC South Elementary School aka Woodland Elementary**

Pat Jarboe with TBIRD Designs Inc. appeared before the Board to request final approval for the TSC South aka Woodland Elementary School project. The site consisted of approximately 33 acres on the north side of County Road 450 South and approximately 1 mile east of County Road 250 East. The site would be accessed from a proposed road off of County Road 450 South. Mr. Jarboe stated the site was located within the J.N. Kirkpatrick Regulated Drain Impact Area. The JN Kirkpatrick Regulated Drain proposed reconstruction would adjoin the north side of the site and serve as the final outlet. In cooperation with the County Surveyor's office, temporary detention basins would be constructed and utilized until said reconstruction was complete. He was in agreement with conditions on the May 26, 2006 Burke memo and would continue to coordinate this project with the Surveyor's office. He requested final approval for the project as presented.

The Surveyor stated they have had several meetings with TBIRD Designs and the School Corporation concerning this project as well as multiple meetings with landowners in the Upper JN Kirkpatrick watershed concerning the Reconstruction of the Upper End east of Concord Road. The new open ditch construction was on track. There would be some property cut off due to the new open channel. The various parties involved (L.U.R., Lohrman, Daugherty Farms, and Kirkpatrick) were in discussions regarding adjoiner agreements. To his knowledge they were partially complete. He was in possession of a final set of reconstruction plans and felt the Drainage Board's Consultant would have the project ready for letting no later than August or September. While the temporary outlet swale would provide a positive outlet for the detention pond, he believed the new channel would be in construction before there would be a need for it. Therefore under Variance/Encroachment of the May 26, 2006 Burke memo it should be changed to read "The temporary offsite swale must be completed by the time a request is submitted for Certificate of Occupancy" He stated he felt the ditch would be constructed and the School Corporation would not need to spend the additional funds. The detention ponds would need to be constructed.

The Surveyor recommended final approval with conditions as stated on the May 26, 2006 Burke memo with the exception of the revision under Variance/Encroachment to read "The temporary offsite swale must be completed by the time they request a Certificate of Occupancy". Pat Jarboe added they would continue to work with the Surveyor's office on the sequencing of both projects. John Knochel made a motion to grant final approval for the TSC South Elementary School aka Woodland Elementary with the conditions as stated on the May 26, 2006 Burke memo with the exception of the revision under Variance/Encroachment to read "The temporary offsite swale must be completed by the time they request a Certificate of Occupancy". Ruth Shedd seconded the motion. The TSC South Elementary School aka Woodland Elementary School was granted final approval with conditions.

#### **Watkins Glenn Part 6 Phase 2**

Robert Gross and Paul Dietz from R.W. Gross and Associates appeared before the Board to request final approval for Watkins Glenn Part 6 Phase 2. The site consisted of approximately 17 acres located on the west side of County Road 400 East north of County Road 200 North. Mr. Gross stated this would be the last phase of Watkins Glenn South. He stated Pond A and Pond B were located in Part 5 of the subdivision and were constructed with extra capacity in anticipation for the routing of a planned detention pond located in the northwest corner of Part 6 to the said existing ponds. However with the construction of Polo Fields Subdivision, Pond B would be utilized to a greater degree. Paul Dietz stated the project area was surrounded by vegetated two foot bottom swales on the south, west and east sides. In response to the Surveyor's inquiry, Paul stated there was no impact on the elevation of Pond A. The Pond B level would increase however it was in compliance with the existing Ordinance, as there was a considerable amount of reserve in Pond B. The site was reviewed on GIS by the Board. The Surveyor noted proof of notification to the downstream owners should be provided to the Surveyor's office.

The Surveyor then recommended final approval with conditions as stated on the May 23, 2006 Burke memo. In response to KD's inquiry, he stated the ponds had addressed the water quality issues set forth by the Ordinance. John Knochel made a motion to grant final approval with the conditions as stated in the May 23, 2006 Burke memo. Ruth Shedd seconded the motion. Watkins Glenn Part 6 Phase 2 was granted final approval with the conditions.

#### **Eastatoe Phase 1 & 2**

Paul Diets from R.W. Gross and Associates appeared before the Board to request final approval for the Eastatoe Phase 1 & 2, a minor subdivision. The site consisted of approximately 24 acres located on the northwest corner of County Road 850 East and State Road 26. The Surveyor interjected the project was bordered by a "natural stream" (unnamed tributary to Wildcat Creek) and not the Hoffman Regulated or the Hangst Drain. Photographs of the existing conditions of said stream were added to the project file. Paul stated while a small amount of the site outlet to a side ditch at 850 East, the majority would ultimately outlet to the stream. He noted the three foot bottom swales were vegetated and check dams would be utilized to minimize erosion. He then requested final approval for Eastatoe Phase 1 & 2 Minor Subdivision.

The Surveyor (after an onsite visit) had met with a property owner to the north who expressed concern to his office. He assured the landowner the overall runoff would be decreased through two of the ravines with one of the three remaining equal due to the fact the site was being converted from agricultural ground to a grassed site. The Surveyor noted under Stormwater Quality of the May 23, 2006 Burke memo condition 2 should be well defined (through the restrictive covenants or other means) to ensure minimal erosion of the steep ravines. In response, the developer Mr. Greg Sutter confirmed they would assure this through the Restrictive Covenants. The Surveyor stated each individual site plan would be reviewed to ensure requirements were met. He stated while making an onsite visit, there was burnt remains at the top of a ravine which needed to be addressed by removal or some other means - as this was not sufficient fill. He recommended final approval with the conditions as stated in May 30, 2006 Burke memo and the added condition of written assurance for well defined tree preservation along the ravines as well as the existing burnt material on top of ravine to be addressed. (As a side note he stated as the site's runoff would be reduced onsite detention was not necessary.) John Knochel made a motion to grant final approval for Eastatoe Minor Subdivision Phases 1 & 2 with conditions as stated in May 30, 2006 Burke memo and the added conditions for well defined tree preservation along the ravines and the existing burnt material on top of ravine to be addressed. Ruth Shedd seconded the motion. Eastatoe Minor Subdivision Phase 1 & 2 was granted final approval with conditions.

**Maintenance Bond(s)  
Performance Bond**

The Surveyor presented Maintenance Bond #1753003 submitted by Atlas Excavating in the amount of \$43,462.50 for Harrison Highlands Phase 1; Maintenance Bond #3481609 submitted by Fairfield Contractors in the amount of \$11,942.00 for Prophets Ridge Phase 2; Maintenance Bond #5019648 submitted by R.W. Davis Contracting in the amount of \$11,585.00; Maintenance Bond #104632497 submitted by Milestone Contractors in the amount of \$3200.00; a Maintenance Bond (no number) from Farmers Bank for Hickory Hills III Ph 1 Sec 3 in the amount of \$12,219.90 as well as a Performance Bond (no number) from Farmers Bank for Hickory Hills III Ph 1 Sec 3 in the amount of \$15,730.00 (due to pending drainage issues to be addressed) for acceptance by the Board. (The Surveyor noted due to the weather there were a few drainage items which needed to be completed. The punch list of the items to be completed was attached to the Performance Bond) John Knochel made a motion to accept the Maintenance Bonds as well as the Performance Bond as presented to the Board by the Surveyor. Ruth Shedd seconded the motion. The aforementioned Bond's were accepted as presented.

**Steve Murray**

The Surveyor informed the Board he and the Drainage Board Secretary would be meeting with the Montgomery County Drainage Board at their July 24<sup>th</sup>, 2006 regular meeting to discuss the eight joint drains which serve both counties at their request. He invited the Board members to attend as well if their schedules allowed. The Surveyor noted Montgomery County Drainage Board members have attended Tippecanoe County Drainage Board Meetings in the past and they have been working this past year diligently to improve their drain record keeping. T

**Public Comment**

As there was no public comment, John Knochel made a motion to adjourn. Ruth Shedd seconded the motion. 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

December 8, 2010

Regular Meeting

### Those present were:

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

### Approval of Minutes

David Byers made a motion to approve the November 3, 2010 Regular Drainage Board minutes and the November 3, 2010 Audley Oshier Regulated Drain #60 Hearing minutes as written. John Knochel seconded the motion. The November 3, 2010 Regular Drainage Board meeting minutes and the November 3, 2010 Audley O'Shier hearing minutes were approved as written.

### 2011 Drainage Board Meeting Dates

David Byers made a motion to approve the 2011 Drainage Board meeting dates as presented. John Knochel seconded the motion. The 2011 Drainage Board meeting minutes were approved as submitted. The Secretary will post these dates on the website and send out to media.

### Wea Substation /Tipmont R.E.M.C.

Jim Pence from Schneider Engineering appeared before the Board to present the Wea Substation/Tipmont R.E.M.C. for final approval. The site consisted of approximately 4.63 acres and located just north of County Road 450 South and west of the intersection of County Road 450 South and County Road 450 East. Access would be provided from County Road 450 South. The majority of the site's runoff outlet northwest into the existing JN Kirkpatrick Regulated Drain, and the remaining outlet to the County Road 450 South side ditch. Mr. Pence stated they agreed with conditions stated on the December 3, 2010 Burke memo. He requested final approval with the conditions as stated on the December 3, 2010 Burke memo. He stated Steve Traylor from Tipmont R.E.M.C. was in attendance today. Construction of the facility would start in the spring of 2011. Responding to Mr. Byers' inquiry, Jim stated the existing substation located approximately 0.5 miles from the site was owned by Duke Energy not R.E.M. C. He also noted a permit pending with the Highway department was for the access drive. David Byers made a motion to approve the Tipmont R.E.M.C. Wea Substation with conditions as stated on the December 3, 2010 Burke memo. John Knochel seconded the motion. David Byers withdrew the motions as stated to discuss the requested Variance and Encroachment Petition before the final approval was given. Mr. Pence requested a variance to the Stormwater Ordinance regarding Chapter 3 and more specifically as the required 30 feet easement to be reduced down to 10 feet. He stated due to the proposed 12 inch storm pipe to be located underground below and parallel to an existing overhead transmission line and high powered gas main utility easements, the requested 10 foot easement was sufficient to maintain the infrastructure when necessary. This was also at the request of Mr. Standiford the landowner. The Surveyor recommended approval of the variance. David Byers made a motion to approve lowering the required variance from 30 feet to 10 feet as requested. John Knochel seconded the motion. The requested easement variance was lowered to 10 feet as requested. A Petition to Encroach on the J. N. Kirkpatrick Regulated Drain was submitted for approval at that time. John Knochel made a motion to grant the petition to encroach on the J.N. Kirkpatrick Regulated Drain easement. David Byers seconded the motion. The Petition to Encroach on the J.N. Kirkpatrick Regulated Drain was approved as submitted. David Byers then made a motion to approve the Tipmont R.E.M.C. Wea Substation with conditions as stated on the December 3, 2010 Burke memo. John Knochel seconded the motion. The Wea Substation was granted final approval with the conditions as stated on the December 3, 2010 Burke memo.

### Chapelgate Senior Apartments/Earthwork & Grading

Dan Teder Attorney with Reiling, Teder and Schrier appeared before the Board to present Chapelgate Senior Apartment Earthwork & Grading for final approval. He noted Art Kaser with Evergreen planners; Dave Tilman and Joe Whitsett owners of Chapelgate Apartments were in attendance today and would answer any questions the Board may have. The site consisted of approximately 6.90 acres and was located south of U.S. 52 west of County Road 300 West (Klondike Road). The site's grading and placement of fill would be located within the floodplain of Indian Creek. It would be used to construct on-

site floodplain compensation ponds (2) and prepare the site for future construction of buildings and parking areas. One of the ponds would be located within the floodway of the Indian Creek; however no fill would be placed within the floodway of the creek. He stated a Dept. of Natural Resource (D.N.R.) approval would be required for one pond and there would be no increase to the existing runoff. He reiterated at this time the approval was for the earthwork and grading only as they planned to return to the Board for approval of the detailed construction plans regarding the building and parking areas. Responding to Mr. Murtaugh inquiry, Mr. Teder stated they would be working closely with D.N.R. during the process of construction of the pond in question. Mr. Kaser stated there would be some fill in the floodplain area of the site. Responding to Mr. Knochel's inquiry, it was noted that all excavated materials would be used on site. Mr. Kaser stated they agreed with the conditions as set forth in the December 3, 2010 Burke memo and requested approval. Mr. Murtaugh stated the area had been discussed in length by the Drainage Board. A master drainage study was planned by the Board regarding the potential impact of development within Indian Creek watershed. Mr. Teder stated the owners understood the present conditions of the site and were willing to work closely with the Surveyor on this project to insure adequate drainage. Discussion was held regarding the release rate requirement for future building and parking area construction on site. The Surveyor reiterated historically this area has had problems with the drainage and his office was looking at this closely. A more restricted release rate would be required as one condition for any future planned construction approvals. Dave Eichelberger stated it would be prudent to use the most restrictive release rate from the Ordinance and Technical Standards of .07 cfs per acre for the 10 year and .23 cfs per acre for the 100 year in their calculations as they start to develop the site. He noted they should check with the Surveyor's office in case the master drainage study had been completed before submission. If it was completed at that time they would need to follow the master drainage study recommendation regarding release rates. Responding to Mr. Teder's inquiry, Mr. Luhman stated the area's landowners were presently circulating a petition to establish a new regulated drain regarding Indian Creek north of the railroad. It was not known when the petition would be submitted. He also noted any time there was a catastrophic flood in the area; the Board has heard multiple complaints etc. regarding the lack of drainage. He continued this area may well be declared a Drainage Impact Area if the study indicated it. Mr. Teder asked if his clients submitted a future building and parking area construction plan using .1 cfs rate before the study was completed, would they have to refigure and resubmit their plans. Mr. Luhman stated no they would not be required after the fact. Mr. Eichelberger noted if possible they should use .1 cfs release rate for their future development calculations. Boone County (as a result of a newly established master drainage study) cut their release rates to .1 and .25 cfs. Joe Whitsett owner of Chapelgate Apartments stated they had many conversations with the neighbors in the area. They certainly planned for drainage improvement of the area and being good neighbors. Mr. Eichelberger stated the existing pond was a constructed wetland put in as a BMP measure as well as the channel from past development. Due to flood elevations there was no way the ponds could be used as detention and the developer was fully aware of that. John Knochel made a motion to grant final approval with the conditions as stated on the December 3, 2010 Burke memo for Chapelgate Senior Apartments Earthwork & Grading only. David Byers seconded the motion. Chapelgate Senior Apartments Earthwork and Grading only was granted final approval with the conditions as stated on the December 3, 2010 Burke memo.

### **Industrial Pallet Master Drainage Study**

Patrick Williams of TBird Designs Inc. appeared before the Board to submit Industrial Pallet Master Drainage Study for final approval. He noted Jay Wiegand was in attendance as well. The site consisted of approximately 26 acres and was located on the east side of U.S. 52 approximately a quarter mile just north of State Road 28. Currently the west side of the site was developed for business. This portion of the site drained west to east. The submitted Master Drainage Study would bring their current development into compliance as well as the eastern portion of the site. Two variances for the project were requested. A half acre of impervious area on the west side and a quarter acre of impervious area for the south side was planned to expand driveways and a small amount of business storage. A variance from the storm water quantity and quality was requested for these portions. In addition an emergency route was provided for offsite drainage on the south and east side of the site. There would be a small meadow or grass swale for some treatment in the area. No additional impervious area runoff would be sent to that area of the site. He stated he was available for questions at that time. Responding to Dave Byers inquiry, Mr. Williams noted they expect the storm water quality to be improved. There was presently a small amount of offsite runoff which ran to a natural depression/swale on the site. The development would impact this area of the site. The flow would bypass the pond because it was physically impossible to get the runoff into it. Hence it would be bypassed to its natural outlet and be used for emergency flow only. Storage would be provided within the swale. Discussion was held concerning the existing offsite runoff flow and the present conditions. From the culvert under the railroad the runoff crossed over the road into the ditch system. After construction instead of runoff routing through the property offsite runoff will be routed around the property. Pat Jarboe stated while the offsite runoff would be reduced it would be outlet to the same location at present. Responding to the Surveyor's inquiry, Pat Williams stated the existing onsite drainage tile would be abandoned and they would not be connecting to it. After the construction of the pond and new outlet the tile would remain in place and basically act as a farm tile for acreage to the north and noted there were private tiles tying into it. They were only proposing to obtain the Master Drainage Study approval only at this time. When the time came for construction to cross County Road

1075 South they would seek approval not only from the Surveyor Office but from County Highway as well. Pat Jarboe noted there had been discussion with the highway department regarding the culvert at that location. Regarding Dean Rusk's (5983 Broadview Road Colfax In.) inquiry, Mr. Williams stated the underdeveloped portion of the site would flow into and be contained in the pond. Marshall Palmer (10818 E 1075 S Clarks Hill In.) asked if the gas station, diner and lodge runoff flowed to his tract. Mr. Williams stated he believed it flowed south and into a depression area. The natural depression area straddled Industrial pallet's site and the south site. Mr. Weigand stated they have kept that area mowed however it was not owned by them. (small triangle tract) Pat Williams noted there would be no change on the Lincoln Lodge Property site and no investigation had been done regarding wetland etc of the depression area. Mr. Eichelberger stated when the project is submitted for approval a report would be required regarding the possible wetland issue. Kenny Johnson of Johnson Excavating (2105 S CR930W Clarks Hill In) responded to Mr. Murtaugh' inquiry and stated there was a 6 inch tile that went into an 8 inch tile in the undeveloped portion of the site. Mr. Palmer noted his property was directly north of the site. He has one area of his property which acts as a nice bio-filter full of willows, cat tails etc. and he did not want to see it destroyed. Mr. Williams stated any future expansion would be designed and based on a plan adhering to the Ordinance requirements. Tom Osborne (8536 E 1000S Clarks Hill In) asked if they had a Rule 6 permit. Jay Wiegand responded they had applied for a Rule 6 permit from Ind. Dept of Environmental Management (IDEM). He stated they were also required to do quarterly testing of any and all industrial contaminates specifically tailored to their business. He stated it was public information and could be obtained from IDEM. An engineer firm from Indianapolis performed the testing on a quarterly basis. He stated they have had a Rule 6 permit since 2006. A chain of custody of the samples was followed and they were submitted to IDEM for testing. He noted they have had no compliance issues to date. Mr. Eichelberger noted while a copy of the Rule 6 permit was on hand, a copy of the SWPPP was not. The Surveyor requested a copy of the report from IDEM (specifically the testing results) be submitted and recommended it to be a condition of approval today. Mr. Eichelberger suggested the developers submit a copy of their latest annual report from IDEM which includes testing data and any recent correspondence from IDEM as well. A current annual report would show key information from all the periods to date and would be sufficient. Mr. Wiegand noted they do have some industrial waste water which is totally separate from their storm water. They presently haul this waste offsite to a facility in Indianapolis as it is cheaper than to route the waste to the plant at present time. Eventually the industrial waste will be routed to the Clarks Hill Waste Water Plant. Currently only sewage from their restroom facilities are pumped to Clarks Hill Waste Water facility. He noted any and all industrial waste water was hauled off their site to a facility in Indianapolis. Responding to Dean Rusk's inquiry, Mr. Weigand stated their drinking water was tested by IDEM as well. Mr. Palmer stated at the present time there was a black sludge with the runoff from the site. Mr. Williams noted the pond was designed to treat for sediment, and approximately 80% of the sediment should be eliminated from the outflow. He also reiterated the release rate from the larger 2 acre pond would be restricted as the Ordinance allows. Responding to Mr. Murtaugh' inquiry, Pat stated presently the onsite ponds were undersized. Dave Luhman noted due to the additional onsite area retained in the pond the release rate would continue for a longer duration. Mr. Eichelberger stated it would create a higher volume, longer duration; the peak discharge would be about the same. During the 100 year storm the project site would produce 8 cfs (assuming fully developed) release rate, which was several times less than the contribution of the farm field at present. He also stated there were 10 year and 100 year flood restriction plates as well. Mr. Luhman, Board Attorney reiterated the developers were requesting approval for a master drainage study only for their future development plans. When they were ready to construct anything on site they would have to appear before the Board and plans would be reviewed for compliance to the Stormwater Ordinance. Action today would set the general ground rules however they would still be held to the standards as set in the Ordinance for the project at that time. Mr. Eichelberger stated that the two variance request would not be appropriate until the applicant submitted future plans for actual construction improvements on the site. David Byers made a motion to approve the Industrial Pallet Master Drainage Study with the conditions as stated on the December 3, 2010 Burke memo and the added condition of submission of the most recent IDEM report. John Knochel seconded the motion. The Industrial Pallet Master Drainage Study was approved with the conditions as stated on the Dec. 3, 2010 Burke memo and the added condition of submission of the most recent IDEM report.

#### **Uniform Fee Schedule Ordinance/Amended for Alcohol Certification Permit Fees**

The Surveyor presented the Uniform Fee Schedule amended to include a fee for the Alcohol Certification Permit Fees. He noted presently several counties were charging a fee for the process of said forms. In 2006 the law changed that businesses were to get annual renewal of their license which included obtaining a location certification permit from the County Surveyor office. The forms were more frequently submitted and required a significant amount of staff time and effort. Other County's fees for renewal were reviewed before setting the price at \$100.00. He noted the fee was for the service and costs associated with the renewal process. John Knochel made a motion to approve the Uniform Fee Schedule Ordinance/Amended for Alcohol Certification Permit Fees as presented. David Byers seconded the motion. The Uniform Fee Schedule was approved as amended.

### **J. Berlowitz Regulated Drain#08 / Partial Vacation request**

The Surveyor presented an order to partially vacate a portion of the J. Berlowitz#08 regulated drain. He explained this was an item included within the previously submitted Clarian/Arnett/County Agreement regarding the Berlowitz Regional Storage Facility. The order involved the Berlowitz tile portion which was routed through the subject property only. He noted the agreement was previously approved by the Drainage Board and Commissioners. He requested approval at that time. David Byers made a motion to grant the vacation order as presented by the Surveyor. John Knochel seconded the motion. Order #2010-12-DB Vacating a Portion of the Berlowitz Regulated Drain in Tippecanoe County Indiana was approved as submitted. The Attorney noted a second condition of the agreement was to reduce the right of entry for the relocated Berlowitz drain to 25 feet and would be effective as of the deed transfer date was recorded. John Knochel made a motion to grant approval of the reduction of the right of entry on the J. Berlowitz regulated drain relocated portion to 25 feet. David Byers seconded the motion. The J. Berlowitz regulated drain right of entry was reduced to 25 feet as requested. (Relocated portion only)

### **Audley Oshier Regulated Drain**

The Surveyor noted his office sent out request for quotes on the Audley Oshier regulated drain. Quotes were received and the job was awarded to Tony Garriott as lowest bidder. He will begin work as soon as weather permits.

### **Petition to Encroach on the John McCoy #50 Regulated Drain**

The Surveyor presented a Petition to Encroach on the John McCoy #50 Regulated Drain submitted by Gary D. Kirkham. He stated the location was just south of the Wea School Road on Co. Rd. 200 East. The residence was located on the west side of the road with an existing driveway. The relocated drive would be over said drain. The county regulated tile would be replaced under the drive as well as an additional 10 feet to each side. (Approximate total - 40 feet.) David Byers made a motion to grant approval of the Petition to encroach on the J. McCoy Regulated Drain as presented. John Knochel seconded the motion. The Petition to encroach on the J. McCoy Regulated Drain #50 was approved as presented.

### **Petition to Reconstruct/Calvin Lesley Regulated Drain #48**

The Surveyor presented a Petition to reconstruct on the Calvin Lesley Regulated Drain #48 submitted to the Surveyor office by Jack Buck and Paul Pence. The Lesley drain tile was located at Co. Rd. 750 East and north of Co. Rd. 300 North (just north of East Tipp. Middle School). It involved approximately 55 parcels and 900 acres within the watershed of this drain. He noted approximately 60-70% of the benefitted landowners signed the petition. John Knochel made a motion to approve the submission of the petition and direct the Surveyor to prepare a report for the Board. David Byers seconded the motion. The Petition to reconstruct on the Calvin Lesley Regulated Drain was approved as submitted and the Board referred the Petition back to the Surveyor to prepare a report.

### **Petition to Establish a New Regulated Drain Maintenance Fund/John Hengst Drain**

The Surveyor presented a Petition to Establish a New Regulated Drain Maintenance Fund for the John Hengst Regulated Drain. Mr. Jack Buck submitted the petition. The Surveyor noted there was no maintenance fund set on this drain and stated approximately 60% of benefitted landowners signed the petition. John Knochel made a motion to refer the petition back to the Surveyor for a report. David Byers seconded the motion. The Petition to Establish a New Regulated Drain Maintenance Fund regarding the John Hengst Drain was approved as submitted and referred to the Surveyor for a report.

### **Petition to Establish a New Regulated Drain Maintenance Fund/Combs Tile**

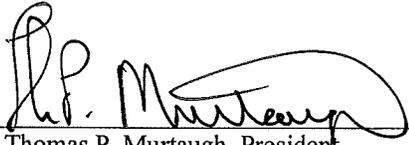
The Surveyor presented a Petition to Establish a New Regulated Drain and Maintenance Fund for the Combs tile Legal drain submitted by Jack Buck. The Surveyor stated this tile was NOT a County Regulated Drain and at this time was a private system. He stated approximately 72% of benefitted landowners signed the petition and were in agreement with Mr. Buck. The Attorney noted the requirement was 10% of the acreage or 25% of the value. David Byers made a motion to approve the petition as submitted and refer it back to the Surveyor for a report. John Knochel seconded the motion. The Petition to Establish a NEW Regulated Drain and Maintenance Fund regarding the Combs tile was approved as submitted and referred back to the Surveyor for a report.

**Maintenance Bond/ Tipmont R.E.M.C/ Battleground Substation**

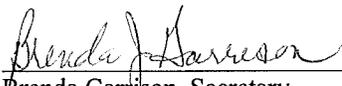
The Surveyor presented Maintenance Bond #929506906 in the amount of \$15,000.00 from Garmong Construction Services dated November 12, 2010 received from Tipmont R.E.M.C. Battleground for approval by the Board. He recommended Board approval. John Knochel made a motion to grant approval for the Maintenance Bond #929506906 in the amount of \$15,000.00 from Garmong Construction Services dated November 12, 2010 received from Tipmont R.E.M.C. Battleground. David Byers seconded the motion. Maintenance Bond #929506906 in the amount of \$15,000.00 from Garmong Construction Services dated November 12, 2010 received from Tipmont R.E.M.C. regarding the Battleground substation was approved as submitted.

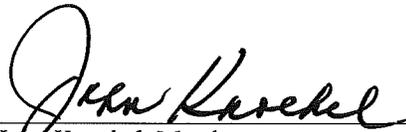
**Public Comment**

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

  
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Thomas P. Murtaugh, President

  
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David Byers, Vice President

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

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

# Tippecanoe County Drainage Board

Minutes

May 4, 2011

Regular Meeting

## Those present were:

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

## Approval of Minutes

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

## Industrial Pallet Expansion

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

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

## Huntington Farms Phase 4

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

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

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

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

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

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

#### **Spitznagle Borrow Pit**

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

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

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

**Petition to Encroach Otterbein Regulated Drain#112**

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

**Petition to Encroach Vanderkleed Regulated Drain/Huntington Farms Phase 4**

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

**Zach Beasley**

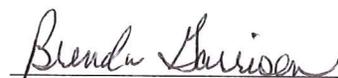
The Surveyor stated he had two Regulated Drain Hearings he would like to schedule with the Board. The John Hengst Regulated Drain and the John Blickenstaff Regulated Drain. He had the report and assessments ready to be presented to the Board. He had been in contact with landowners benefitted by both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

**Public Comment**

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

  
Thomas P. Murtaugh, President

  
David Byers, Vice President

  
Brenda Garrison, Secretary

  
John Knochel, Member

## Tippecanoe County Drainage Board

Minutes

June 1, 2011

John Hengst # 117

Drain Hearing

### Those present were:

Tippecanoe County Drainage Board President Thomas Murtaugh, Vice President David Byers, member John Knochel, County Surveyor Zachariah Beasley, Drainage Board Attorney Dave Luhman and Drainage Board Secretary Brenda Garrison.

The Surveyor informed the Board he had been approached by landowners within the John L. Hengst Legal Drain watershed. Those landowners requested reconstruction of said drain and a maintenance fund be established for county maintenance. This drain had never had a maintenance fund established and was in disrepair. Mr. Jack Buck 4300 North County Line Road East Delphi Indiana 46923 submitted a signed petition to reconstruct the John L. Hengst Drain to his office. The petition was signed by approximately 80% of the benefitted landowners. Since the submittal of the petition, the Surveyor performed a field inspection and a reconstruction report was completed. Utilizing the GIS Website and aerials for review, the Surveyor submitted the following reconstruction report to the board for consideration. He stated the following: "Reconstruction Report on the John L. Hengst #117 Regulated Drain Tippecanoe County Drainage Board April 18, 2011. "The John L. Hengst Drain was originally established as "John L. Hengst et al" by the Superior Court of Tippecanoe County, Indiana on September 24, 1917, Report #388. The drain and its watershed is located in Sections 13, 22, 23 and 24 of Township 23 North and Range 3 West in the political Township of Perry, Tippecanoe County, Indiana. Upon reading through historical files available in the Tippecanoe County Surveyors Office it is apparent that a hearing was set to establish a maintenance fund on the John L. Hengst Drain at 10:30 a.m. on September 6, 1972. The meeting minutes indicate that several land owners were in attendance and all were in agreement that the John L. Hengst Drain was in need of reconstruction. County Surveyor Dan Ruth agreed to help with said reconstruction and indicated that it would possibly be spring of 1973 before a new hearing could be called. Mr. Ruth also indicated that the tile needed to be replaced with an open ditch from CR 900E Easterly or upstream to approximately CR 1025E. Mr. Ruth also prepared a proposed maintenance report dated August 28, 1972. However, with good intentions evident by all there are no further records indicating that anything was completed beyond 1972. By using information available in the 1970's the proposed 1972 maintenance report indicates a watershed area totaling 563.4 acres and being totally within Tippecanoe County. It is the judgment of the Tippecanoe County Surveyor based on testimony from benefitted landowners; Geographical relationship to other County Regulated Drain Watersheds and 2 foot contour information available in the year 2011, that the total benefitted watershed area is 449.6 acres. According to the proposed 1972 maintenance report there is 9870 lineal feet of tile main and 2815 lineal feet of branch tile. These distances are consistent with the original construction plans from 1917. The longest tile is 18" (inch) in diameter. After onsite inspection and investigation, it is the recommendation of the Tippecanoe County Surveyor that as of April 2011 there is 9100 lineal feet of tile main, 2815 lineal feet of branch tile and 200 lineal feet of open ditch which stops on the West Right of Way of CR 900E. In the 1970's an open ditch was proposed to replace the tile however, today landowners agree the decrease in tillable acres is a concern and therefore the tile will be replaced. It is the judgment of the Tippecanoe County Surveyor that a sum of approximately \$57,000.00 is needed to reconstruct and improve the existing drainage system. An assessment of \$26.00 per acre and a \$150.00 minimum over a five year period is recommended. This will generate \$12,832.50 per year and a total of \$64,164.00 over a five year period. Assuming the reconstruction and improvements are complete 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 a maintenance rate of \$12.00 per acre with a \$75.00 minimum. Respectfully submitted by: Zachariah E. Beasley Tippecanoe County Surveyor"

He entertained questions by the Board at that time. Responding to Mr. Byers, the Surveyor reviewed the watershed tracts area utilizing G.I.S. program. He noted 449.6 acres were within the watershed and 82.6% (360 acres total) of the benefitted landowners had signed the petition. He had spoken with each of the landowners who signed the petition and they had indicated their approval for the maintenance fund establishment and also reconstruction of the drain. The assessment sheets were presented to the Board for review. Mr. Jack Buck (in attendance) was asked if he would like to speak, he stated he was in favor of this reconstruction. The Surveyor reviewed the main tile location for the Board. He stated the main tile basically cut across the east half of Mr. Brian Andrews 349 North 900 East Lafayette Indiana 47905 tract and routed from that area in a northeasterly direction. A new outfall would be constructed at this location and an 18" plastic pipe would be installed to the north property line of Mr. Robert Rockwell 9238 SR 26 East Lafayette Indiana 47905. The main tile continued in a northeasterly direction, crossed Co. Rd. 1025 East and stopped just north of Co. Rd. 100 North. There were areas along the route which would need approximately 20-30 feet of replacement tile. The majority of the work would be in the lower third

of the watershed area, from Co. Rd. 900 East to approximately a half mile east of Co. Rd. 900 East. Responding to Mr. Murtaugh's inquiry, the Surveyor stated he would like to start the reconstruction this year when the crops were out. The landowner's assessments would not start until May of 2012. The attorney then read one remonstrance letter into the official minutes: Received from Lawrence and Lana Kelly 209 North 900 East Lafayette Indiana 47905 (tract located south of Brian Andrews tract) into the record as follows: "To whom it may concern: We are the owners of the property at 209 N 900 East, Lafayette Indiana 47905. We recently received a letter regarding an assessment on our property to cover reconstruction and maintenance of the above named drain. According to the letter we have 2.3599 acres that benefit from this drain. It also stated the fees are \$26 per acre with a minimum \$150 per tract for reconstruction and \$12 per acre with a minimum \$75 per tract for maintenance after the reconstruction is paid off. We don't feel that our property has 2.3599 acres that benefit from this drain. We do benefit from it, but at the most maybe one acre. We've come to this conclusion because any time it rains heavy we have a lot of water that just stands on our property while very little drains to the driveway and on down to the Hengst drain. We also have a perimeter drain around our house which drains towards the Hoffman ditch on the south side of our property. We also feel that the minimum charge is too high since we would be charged more than double and almost triple the per acre charge. This would be similar to someone fueling up an SUV for \$100 at the gas station compared to someone fueling up with a gas efficient automobile for \$50 but still being charged \$100 because someone set a minimum fuel up. If we look at the per acre charge only for the 449.6 acres your letter states benefits from this drain. Then the \$57,000 cost for reconstruction would be paid off in 5 years. So, why is there even a need for a minimum charge when the per acre charge looks to be more than acceptable? Therefore, we feel that the costs being assessed to us are extremely high compared to what we actually benefit from the Hengst Ditch. Please consider our objection and review the minimum charge for all landowners. Also, please consider reviewing our total acres benefited. Thank you. Sincerely, Lawrence and Lana Kelly 209 North 900 East Lafayette Indiana 47905 Legal Description: PT SW 23/23/3W 05.36 acres "The Surveyor noted he had read the letter previously however, he felt the fee for the reconstruction cost was fair. At the western portion of the watershed on the eastern side of Co. Rd. 900 East there were several 5 acre lots. Some were totally benefited some were partially benefited. He had thought it could be as high as \$30 per acre for the reconstruction initially. With that being said at \$30 per acre and 5 (acre tract) times \$30 (per acre) was \$150.00. He felt the minimum fee was fair and equitable to all within the watershed. These were the smallest tract landowners who were at the lower end of the watershed and would greatly benefit from the reconstructed drain. Compared to the cost to the agricultural producers within the watershed these landowners cost was minimal. Basically this is approximately 12-14 dollars per month. Also this particular landowner had approximately 2.5 acres benefited out of the 449.6 acres total.

The Attorney then read the Findings and Order for the Reconstruction and Annual Maintenance in the matter of the John L. Hengst Drain #117.

BEFORE THE TIPPECANOE COUNTY DRAINAGE BOARD

IN THE MATTER OF THE JOHN L. HENGST DRAIN #117:

FINDINGS AND ORDER FOR RECONSTRUCTION AND ANNUAL MAINTENANCE

This matter came to be heard upon the reconstruction report and schedule of assessments prepared by the Tippecanoe County Surveyor and filed on April 18, 2011. Certificate of mailing with notice of time and place of hearing to all affected landowners was filed. Notice of publication of time and place of hearing in the Lafayette Journal & Courier, Lafayette Leader were filed. Remonstrances were 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 Tippecanoe County Surveyor and schedule of assessments were filed in the office of the Surveyor on April 18, 2011.
- (2) The Petition for Establishment of the John L. Hengst Drain as a regulated drain was filed November 30, 2010 and thereafter referred to the Tippecanoe County Surveyor for a report.
- (3) Notice of filing of the reconstruction report and the schedule of assessments 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.
- (4) Notice of the time and place of this hearing was given by publication in the Journal & Courier and The Lafayette Leader newspapers of general circulation in Tippecanoe County, Lafayette Indiana more than ten (10) days prior to this hearing.
- (5) The legal drain consists of 200.00 feet of open ditch.
- (6) The legal drain consists of 9100 lineal feet of main tile and 2815 lineal feet of branch tile.
- (7) The present condition of the ditch is poor and in need of repair.
- (8) The ditch needs the following maintenance at present:  
Replace 2800 lineal feet of 18" (inch) tile and clearing.
- (9) There is now \$2626.16 owed to the General Drain Fund for past maintenance on this ditch.
- (10) The ditch drains 449.60 acres total.

- (11) Estimated annual benefits to the land drained exceed repairs and maintenance costs and consists of general tile replacement.
- (12) A fund for annual maintenance should be established.
- (13) In order to provide the necessary maintenance fund, a reconstruction assessment of \$26.00 per acre and a \$150.00 minimum over a five year period is recommended. This will generate \$12,832.50 per year and a total of \$64,164.00 over a five year period. Assuming the reconstruction and improvements are complete 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 a maintenance rate of \$12.00 per acre with a \$75.00 minimum.
- (14) The assessment list filed herewith should **not** be amended.
- (15) The assessment list filed herewith is fair and equitable and should be adopted.
- (16) The assessment should be collected starting with the **May 2012** taxes.

FINDINGS AND ORDER FOR RECONSTRUCTION AND ANNUAL MAINTENANCE CONTINUED:  
NOW, THEREFORE, IT IS ORDERED THAT:

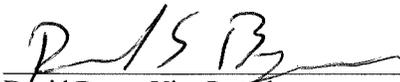
- (1) The John L. Hengst a Regulated Drain under the provisions of Indiana Code 36-9-27, et seq.
- (2) In order to provide the necessary maintenance fund, a reconstruction assessment of \$26.00 per Acre and a \$150.00 minimum over a five year period is recommended. This will generate \$12,832.50 per year and a total of \$64,164.00 over a five year period. Assuming the reconstruction and improvements are complete 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 a maintenance rate of \$12.00 per acre with a \$75.00 minimum.
- (3) The Schedule of Assessments filed herewith is adopted and made a part thereof.
- (4) The first annual assessment shall be collected with the **May 2012** taxes.

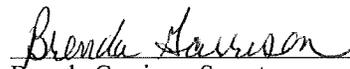
**DATED** at Lafayette, Indiana this 1<sup>st</sup> day of June 2011 by the Tippecanoe County Drainage Board.

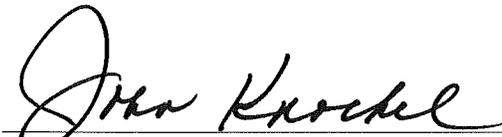
There was no public comment.

David Byers made a motion to accept the Findings and Order as stated by the Attorney. John Knochel seconded the motion. The John L. Hengst drain was established to have a maintenance fund and the reconstruction as stated by the Attorney and read into the official minutes. David Byers made a motion to adjourn the hearing. The Hearing was adjourned.

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

  
\_\_\_\_\_  
David Byers, Vice President

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

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

**Tippecanoe County Drainage Board**  
**March 14, 2012**  
**Regular Meeting Minutes**

**Those present were:**

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

**Approval of Minutes**

Tom Murtaugh made a motion to approve the January 4<sup>th</sup> Regulated Drain Hearing and the January 4<sup>th</sup> Regular Drainage Board Meeting minutes as written. John Knochel seconded the motion. The December 7<sup>th</sup> Regulated Drain Hearings and the December 7<sup>th</sup> Regular Drainage Board Meeting minutes were approved as written.

**Winding Creek Section 6**

Clem Kuns from TBird Design Services appeared before the Board to present Winding Creek Section 6 for final approval. The site was located south of County Road 600 North and west of County Road 75 East on approximately 25 acres. He noted a master drainage plan for this area was approved in 1998 by the Board. This Section was the last section of the overall development. The northern boundary of this section adjoined the Coyote Crossing Golf Course. The onsite detention facility was originally designed to accommodate a portion of this section as well. The existing pond outlet would be modified with stormwater quality measures. Part of the northern portion drained uncontrolled to the Cole Ditch after passing through the Coyote Crossing Golf Course. All minor modifications of the existing pond were indicated on the construction plans. Plans called for lowering the existing spillway 2 feet (presently a grassy Berm). Regarding crossing the Golf Course, they were presently looking for wetlands in the area which may need to be accommodated or mitigated. A signed agreement was obtained from the Golf Course owners in order to proceed with the construction and permitting process. The construction plans were reviewed with the Golf Course owners. The exhibit which indicated the exact locations of the proposed crossings was reviewed with them specifically. IDEM and DNR permitting was presently in the process phase. Responding to Mr. Knochel's inquiry, Clem stated safety signs and flotation equipment were proposed for the pond ramp area. However, the ramp was not on the property being developed for this section. Therefore additional safety accommodations were not included in the plans. He noted there were future development plans for a clubhouse close to the area of the pond. After a lengthy discussion with the Board Attorney, the Board concluded additional pond safety requirements would be addressed at the clubhouse project's drainage approval presentation.

A variance regarding the TSS removal rates was requested and he noted several stormwater quality measures for the majority of the site were planned. He asked for approval of the variance and project at that time. Responding to Tom Murtaugh's inquiry, Clem stated the L-shaped outlot indicated on the plans was designed for Utility and Drainage Easements. A mound was proposed to be located there to block the view of the treatment plant. It was noted American Suburban and Indiana American Water both have infrastructure in this area. Tom Lawrence, 8 Grapevine Court West Lafayette 47906- Lot 118 of Winding Creek Subdivision Section 1, appeared before the Board as the Homeowners Association Representative for Winding Creek Subdivision. He stated the clubhouse project was indefinitely delayed until more monies were collected by the Association. Mr. Byers stated pond safety was very important to the Board and it was prudent to address this before construction on the clubhouse was started. The Board would address this at that time. The Surveyor stated while the pond was designed and approved under the 1998 Drainage Ordinance, efforts were made to achieve the current TSS required rate for this section of the project. In addition, he noted a meeting had been held to specifically discuss certain issues of them being the safety and TSS rate. As a result of the meeting, he stated measures taken were sufficient and recommended approval of the variance request. Tom Murtaugh made a motion to grant the variance as requested. John Knochel seconded the motion. Winding Creek Section 6 was granted a Variance to the Stormwater Quality requirement. After confirming safety measures were currently on the plans, Tom Murtaugh made a motion to grant Winding Creel Section 6 final approval with the conditions as stated on the March 9, 2012 Burke memo. John Knochel seconded the motion. Winding Creek Section 6 was granted final approval with conditions as stated on the March 9, 2012 Burke memo.

**Reserve at Raineybrook Phase II**

Kyle Betz of Fisher and Associates appeared before the Board to present Reserve at Raineybrook Phase II for final approval. The site was located west of the new U.S. 231 South and north of County Road 500 South and consisted of 7.48 acres. Original plans called for 39 units for this phase of the project; however the revised and current plan indicated 30 single family residential units to be located on site. The Overall Raineybrook development was approved by the Board in January March 14, 2012

2001; Phase II was included in the plans submitted at that time. Drainage for this phase of the project was served by two existing outlets. Approximately 1/3 of the project site drained into the southwest corner through a previously constructed drainage outlet and the remaining runoff drained into a natural pond known as Corley Pond. Runoff from this phase eventually discharged to Little Wea Creek. Kyle stated the schematics had not changed from the original drainage plan for the site. No modifications were planned for the natural pond with the exception of the installation of an outlet pipe and the associated materials for its placement. Responding to Mr. Knochel's inquiry, Kyle stated while the developer acknowledged safety concerns, the pond was not located on the developer's property. Kyle stated he felt it was best to discuss signage and safety box issues with the Home Owners Association or the developer of Raineybrook Subdivision. He stated it would be a better benefit to serve all the lots adjacent to the pond and not just the five new lots associated with this phase only. Responding to John Knochel, he stated the Raineybrook development project was presented to the Drainage Board in 1994 and prior to any County Pond Safety Ordinances. The Reserve at Raineybrook development project was included in the Master Drainage Study and then presented to the Board in 2001. The Surveyor stated the uniqueness of this pond was that it was natural and not manmade. Kyle stated due to the natural uniqueness of the pond it was likely the slopes did not follow the present day ordinance standards. The pond was located in a conservation easement- as a wetland covered most of the pond.

The Board Attorney, Dave Luhman, inquired whether the width of the easement at the discharge pipe location into the pond was wide enough for emergency vehicles to access. Kyle confirmed the easement was wide enough for emergency vehicles to access the pond during an emergency. He stated there was common area which a blanket easement covered. Dave Eichelberger noted due to the blanket easement a variance was not required. However, where there was not a building pad indicated on the plans, the blanket easement should be indicated throughout the plans when submitted. Kyle agreed with Mr. Murtaugh in that a mulch trail circled the pond. Mr. Eichelberger suggested the mulch trail should be changed to a hard surface wide enough to accommodate emergency vehicles as well as pedestrian traffic. Kyle noted they were reviewing making a portion of the trail -where the drainage easement crossed -a hard surface and leaving the remaining trail mulch. Mr. Eichelberger stated he did not feel that area alone would be sufficient for vehicle traffic in emergency situations. The Attorney stated this would be an ongoing issue for the Board as developers use ponds existing prior to the Safety Ordinance and with different ownership as outlets. Most ponds existing prior to the Safety Ordinance did not have safety ramps, safety boxes etc. as it was not required when the projects were presented for approval by the Board. In this case the pond was surrounded by existing homes on the east and the south sides which made it difficult to access in an emergency. Emergency vehicles would have no choice but to access this pond from the west side. Requiring a total hard surface on the trail surrounding the pond would accommodate emergency vehicles. Responding to Mr. Betz, Mr. Murtaugh noted the open lots adjacent to the pond was indeed wooded, very steep and would not be suitable for access to the pond. He noted he thought the most northern portion of the pond at the service road location would be the best access area to the pond.

The Surveyor stated precedent had been set on new phases or sections of a project -approved prior to the current Stormwater Ordinance- regarding the current TSS rate requirement. Developers should attempt to reach the required 80% TSS removal rate on all subsequent phases/sections of a previously approved project. Based on the March 9, 2012 Burke memo comments, it appeared there was no attempt to reach the 80% TSS rate (stormwater quality requirement). Therefore, from a technical standpoint he could not recommend the variance be granted. He informed the Board his office did discuss the safety issues surrounding the pond (warning signs, rescue equipment etc.) with Mr. Betz in a meeting prior to the Burke memo stated. The comment Mr. Betz made at that time was "They would take the issue under consideration". It appeared none of the suggestions regarding safety were included in the most recent plans. To do nothing as far as safety concerns because the pond was under different ownership was worrisome and bothersome to him. Therefore he would not recommend the variance as requested to the Board. As the remaining conditions on the memo were minor, he recommended project approval with the conditions as stated on the March 9, 2012 Burke Review Memo. Hearing no motion for the approval of a variance, the request was not approved by the Board. Responding to Mr. Murtaugh' inquiry, Dave Luhman stated the Board could not require safety measures around the natural pond adjacent to the project site. Had the pond been a constructed detention pond owned by the same developer, the Board would have that option. The Board could (although not required) request the developer in a good faith effort volunteer to provide safety signs in adjoining areas of the pond. Mr. Murtaugh asked if the developer would be willing to install safety signs and safety boxes where appropriate on their site. Mr. Greg Milakis developer of the project and present, stated he would be willing to add safety measures such as signs and safety equipment boxes. Due to this agreement, Tom Murtaugh made a motion to grant final approval with the conditions as stated in the March 9, 2012 Burke Review memo. John Knochel seconded the motion. Reserve at Raineybrook Phase II was granted final approval with conditions as stated on the March 9, 2012 Burke memo. The conditions included the agreed addition of safety signs and safety boxes to be located in the common area near the pond and the 5 lot locations which adjoined the pond indicated on the plans.

### **Zachariah Beasley /Inspection Results: Hawthorne Ridge Subdivision**

The Surveyor noted the Homeowner Assoc. President for Hawthorne Ridge Subdivision and a couple landowners appeared before the Board in January 2012. They discussed several drainage concerns they had within the subdivision regarding what they felt was drainage from adjoin tracts. He noted his office made a site visit to the areas of concern. He gave a power point presentation to the Board of the inspection. He stated, the developer of St. Andrews Church reminded him at the 2006 Drainage Board Meeting it was a condition of approval the developer walk the downstream conveyance system and take photographs of the current condition before the church was built. Dale Snipes Stormwater Coordinator within the Surveyor's office walked the downstream conveyance area as was done before the church was constructed. The power point presentation included the developer's 2006 photographs with the 2012 photographs taken by Mr. Snipe's inspection. The photographs were taken roughly every 500 feet and stopped at County Road 500 North. He noted the photos indicated the channel itself was still relatively straight. He informed the Homeowners Association debris from yards such as yard clippings, brush etc. should be removed from side slopes of the ditch. The debris kills vegetation which would cause erosion to the ditch at a faster rate. Noticeable erosion occurred during this time at the manhole location. However this amount of erosion was not uncommon as the time frame between photographs was 6 years. He noted a landowner had armored the bank with rip rap which was a good practice. At the private bridge location (Martins Blueberry Patch site) there appeared to be silt built up since the 2006 photographs were taken. This had caused some obstruction of the stream's flow. Responding to Mr. Byers' inquiry, the Surveyor noted this was a private stream/creek therefore his office could not maintain it. D.N.R. would allow a private landowner with a required permit to remove the built up silt. He concluded the presentation by stating based on the 2006 current condition photographs and present day photographs; it did not appear a substantial problem was created by the St. Andrews Church project. The stream looked no different than any other stream in the county would during a 6 year time frame. With the armoring of the ditch in some locations using rip rap it actually was in better shape than a lot of private ditches within the county. He stated did not feel St. Andrews Church project have caused a negative impact on this subdivision drainage. The Church was built as designed and approved by the Board in 2006. Regarding the homeowners specific concerns he stated the orifice plate and aqua swirl were in place as designed. The Surveyor noted this was a large watershed area as there was approximately 700-800 acres if not more. He informed the landowners the Revised Stormwater Quality Ordinance was revised this year (Jan. 2012) to control the more frequent storm events and was confident it would assist in the drainage of future developments.

### **Zachariah Beasley/Petitions**

The Surveyor presented four Petitions to Encroach submitted by Duke Energy regarding their Line Relocation project. The project started roughly around the Town of Concord south of Lafayette and extending south of Tippecanoe County into Montgomery County crossing 4 regulated drain locations involving 3 regulated drains, with one drain being encroached in two areas. The following drains were being encroached upon: Frank Kirkpatrick (2 Locations), Train Coe and Romney Stock Farm Regulated Drains. The Surveyor noted his office met the Duke Representatives on site and the tile locations were marked for them. Duke Energy was very cooperative in this process. The Surveyor recommended approval for the Encroachment Petitions as submitted. Tom Murtaugh made a motion to grant approval for the Duke Energy Line Relocation project's Petitions to Encroach on the Frank Kirkpatrick, Train Coe and Romney Stock Farm Regulated Drains. John Knochel seconded the motion. The Petitions to Encroach on the Frank Kirkpatrick, Train Coe and Romney Stock Farm Regulated Drains were approved as submitted.

The Surveyor presented a Petition to Encroach on the S.W. Elliott Regulated Drain #100 Branch #14 submitted by TBird Design Svc. for the Warehouse of Lafayette project. The location was east of Concord Road and south of Brady Lane. The Surveyor recommended approval of the petition as submitted. Tom Murtaugh made a motion to grant approval for the Warehouse of Lafayette Petition to Encroach on the S.W. Elliott #100 Branch #14 Regulated Drain. John Knochel seconded the motion. The Petition to Encroach on the S.W. Elliott #100 Branch #14 Regulated Drain submitted by TBIRD Design Svc. Regarding the Warehouse of Lafayette project was approved as submitted.

### **Zachariah Beasley/ BONDS**

The Surveyor presented Performance Bond #B-0353260 for the Tippecanoe County Indoor Soccer Facility in the amount of \$85,700 and submitted by JBD Builders for approval by the Board. Tom Murtaugh made a motion to approve Performance Bond # B-0353260 for the Tippecanoe County Indoor Soccer Facility in the amount of \$85,700 and submitted by JBD Builders. John Knochel seconded the motion. Performance Bond # B-0353260 for the Tippecanoe County Indoor Soccer Facility was approved as submitted. Performance Bond #105534123 for the Duke Energy Line Relocation Project in the amount of \$20,000 was submitted by Duke Energy for approval by the Board. Tom Murtaugh made a motion to approve Performance Bond #105534123 for the Duke Energy Line Relocation Project in the amount of \$20,000 submitted by Duke Energy. John Knochel seconded the motion. Performance Bond #105534123 for the Duke Energy Line Relocation Project in the amount of \$20,000 and submitted by Duke Energy was approved by the Board. Maintenance Bond #105717687 for the

Harrison High School project in the amount of \$21,000.00 and submitted by MacDougal & Pierce. Tom Murtaugh made a motion to grant approval for the Maintenance Bond #105717687 for the Harrison High School project in the amount of \$21,000.00 and submitted by MacDougal & Pierce. John Knochel seconded the motion. Maintenance Bond #105717687 for the Harrison High School project in the amount of \$21,000.00 and submitted by MacDougal & Pierce was approved as submitted. Maintenance Bond #105717693 for Huntington Farms Section 4 in the amount of \$5055.10 and submitted by Fairfield Contractors for approval by the Board. Tom Murtaugh made a motion to grant approval of Maintenance Bond #105717693 for Huntington Farms Section 4 in the amount of \$5055.10 and submitted by Fairfield Contractors. John Knochel seconded the motion. Maintenance Bond #105717693 for Huntington Farms Section 4 in the amount of \$5055.10 and submitted by Fairfield Contractors was approved by the Board.

### **Regulated Drain Updates**

Responding to Mr. Knochel's request, the Surveyor stated he would be willing to continue the status update on the following drains. Moses Baker #113, John Blickenstaff #11, John Saltzman #70 /2 Stage Ditch Regulated Drains. As there were no landowners present to comment regarding the drains, the aforementioned drain updates were continued to the April 4, 2012 meeting as requested.

### **John Hengst Regulated Drain #117 Amended Findings and Order**

The Attorney noted after review of the Findings and Order from the March meeting regarding the John Hengst #117 Regulated Drain Reconstruction, there were two typographical errors that need to be corrected. Those changes were the total watershed acreage amount (492.085 acres) and the amount of reconstruction assessment (\$150.00) due from Kopf Jerry W Patricia W State Key #79-08-23-300-004.000-009/ Previous Parcel #112-02300-0199. Therefore he read the **Amended Findings and Order** into the record as follows:

BEFORE THE TIPPECANOE COUNTY DRAINAGE BOARD- IN THE MATTER OF THE JOHN L. HENGST DRAIN #117:  
FINDINGS AND ORDER FOR RECONSTRUCTION AND ANNUAL MAINTENANCE AMENDED

This matter came to be heard upon the reconstruction report and schedule of assessments prepared by the Tippecanoe County Surveyor and filed on July 15, 2011 and **amended on March 13, 2012**. Certificate of mailing with notice of time and place of original hearing to all affected landowners was filed. Notice of publication of time and place of hearing in the Lafayette Journal & Courier, Lafayette Leader were filed. Remonstrances were filed. Evidence was presented by the Tippecanoe County Surveyor and landowners affected were present at original hearing date and time. 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 Tippecanoe County Surveyor and schedule of assessments were filed in the office of the Surveyor on April 18, 2011.
- (2) The Petition for Establishment of the John L. Hengst Drain as a regulated drain was filed November 30, 2010 and thereafter referred to the Tippecanoe County Surveyor for a report.
- (3) Notice of filing of the reconstruction report and the schedule of assessments 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.
- (4) Notice of the time and place of this hearing was given by publication in the Journal & Courier and The Lafayette Leader newspapers of general circulation in Tippecanoe County, Lafayette Indiana more than ten (10) days prior to this hearing.
- (5) The legal drain consists of 200.00 feet of open ditch.
- (6) The legal drain consists of 9100 lineal feet of main tile and 2815 lineal feet of branch tile.
- (7) The present condition of the ditch is poor and in need of repair.
- (8) The ditch needs the following maintenance at present:  
Replace 2800 lineal feet of 18"(inch) tile and clearing.
- (9) There is now \$2626.16 owed to the General Drain Fund for past maintenance on this ditch.
- (10) **The total watershed acres was amended on March 13, 2012 by the Tippecanoe County Drainage Board to correct a clerical error only and reflect the true and correct amount of 492.085 acres of which the ditch drains.**
- (11) Estimated annual benefits to the land drained exceed repairs and maintenance costs and consists of general tile replacement.
- (12) A fund for annual maintenance should be established.
- (13) In order to provide the necessary maintenance fund, a reconstruction assessment of \$26.00 per Acre and a \$150.00 minimum over a five year period is recommended. This will generate \$12,832.50 per year and a total of \$64,164.00 over a five year period. Assuming the reconstruction and improvements are complete 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 a maintenance rate of \$12.00 per acre with a \$75.00 minimum.

(14) The assessment list filed herewith was amended to reflect the true and correct schedule of payment for the following landowner: Kopf Jerry W Patricia W State Key #79-08-23-300-004.000-009/ Previous Parcel #112-02300-0199. The amended schedule of assessment was due to clerical error on this parcel only.

(15) The amended assessment list filed herewith is fair and equitable and should be adopted.

(16) The amended assessment should be collected starting with the **May 2012** taxes.

**NOW, THEREFORE, IT IS ORDERED THAT:**

(1) The John L. Hengst is a Regulated Drain under the provisions of Indiana Code 36-9-27, et seq.

(2) In order to provide the necessary maintenance fund, a reconstruction assessment of \$26.00 per acre and a \$150.00 minimum over a five year period is recommended. This will generate **\$14,026.18** per year and a total of **\$70,130.90** over a five year period. Assuming the reconstruction and improvements are complete 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 a maintenance rate of \$12.00 per acre with a \$75.00 minimum.

(3) The **March 13, 2012 Amended Schedule of Assessments** filed herewith is adopted and made a part thereof.

(4) The first annual assessment shall be collected with the **May 2012** taxes.

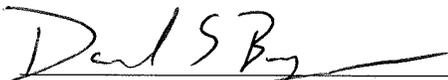
**DATED** at Lafayette, Indiana this **13th day of March 2012**. Tippecanoe County Drainage Board signature lines and attested by the Secretary. Tom Murtaugh made a motion to approve the Amended Findings and Order on the John Hengst #117 Regulated Drain as presented by the Attorney. John Knochel seconded the motion. The Amended John Hengst #117 Regulated Drain Findings and Order was approved as presented.

**Hearings**

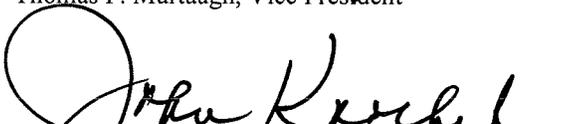
The Surveyor requested a reconstruction hearing date for the Combs Ditch located in Perry Township. His office received a Petition to Reconstruct for this ditch. Tom Murtaugh made a motion to schedule May 4, 2012 for a reconstruction hearing regarding the Combs Ditch to immediately follow the regular scheduled Drainage Board meeting on that date. John Knochel seconded the motion. May 4, 2012 immediately following the regular scheduled meeting, the Combs Ditch Reconstruction Hearing was scheduled.

**Public Comment**

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

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

  
\_\_\_\_\_  
Thomas P. Murtaugh, Vice President

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

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

**Tippecanoe County Drainage Board**  
**April 4, 2012**  
**Regular Meeting Minutes**

**Those present were:**

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

**Approval of Minutes**

John Knochel made a motion to approve the March 14, 2012 Regular Meeting minutes as written. David Byers seconded the motion. John Knochel made a motion to approve the March 14, Special Hearing minutes. David Byers seconded the motion. The March 14, Regular Meeting minutes were approved as written. The March 14, 2012 Special Hearing minutes were approved as written.

Mr. Murtaugh entered the meeting at this time.

**Reserve @ Raineybrook Phase II/ Variance**

Kyle Betz from Fisher and Associates appeared before the Board and asked for approval of a Variance from the Stormwater Quality TSS removal rate requirement portion of the Stormwater Quality Management Ordinance. He noted the developer Mr. Greg Milakis was in attendance as well. The project itself was located west of the new U.S. 231 South and north of County Road 500 South and consisted of 7.48 acres. The variance was presented last month for approval. At that time the Surveyor did not recommend approval to the Board. Since that meeting, Mr. Betz has worked diligently on a modified plan that addressed the stormwater quality concerns of the Surveyor's Office. He stated this plan met the Surveyor's office requirements. He provided an exhibit for the Board which indicated the stormwater quality areas within the project. He noted 7 basins were indicated that would outlet into the newly constructed drainage system within this phase. Added since the last meeting was a water quality treatment structure (manhole, hydro-dynamic separator) placed near the end of the storm run. The structure would treat all 7 basins. The combination of all 7 basins in the drainage systems (approx. 4 acres) covered most of the homes and impervious surface included in this phase which drained to the pond. The system's outlet drained to the private pond known as "Corley Pond". The water would be treated by the devices prior to entering the aforementioned private pond. There were approx. 5 lots to the east that drained directly to "Corley Pond" however they would be pretreated by yard swales, vegetation, and a buffer area before entering the pond. The north and far west portions of the site (along edge perimeters) would be converted to grass areas. There would be no buildings or impervious areas in these locations. These areas would flow directly to the north and west untreated- as no developed conditions existed within these locations. The primary basin in the southwest portion of the development was covered by an existing storm system therefore the variance was requested. The Surveyor stated final approval with conditions was granted at the last meeting of the Board for this project and today's request was only for a variance for TSS removal requirement. He recommended approval of the Variance as requested. Tom Murtaugh made a motion to grant approval of the Variance for the TSS Removal requirement within the Ordinance. John Knochel seconded the motion. The Variance to the TSS Removal rate for the Reserve at Raineybrook Phase II project was granted.

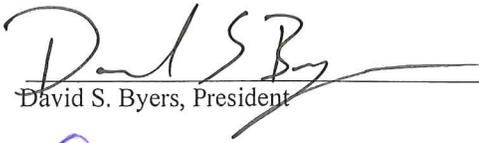
**Zach Beasley/ Other Business**

The Surveyor stated at this time there were approximately 8 miles of various county regulated drains under maintenance or reconstruction. The John Hengst #117 Regulated Drain consisted of approximately 3000 feet of 18 inch tile under reconstruction and was 95% complete. The Moses Baker #114 Regulated Drain dredging project was approximately 95% complete as well. The John Blickenstaff #11 Regulated Drain dredging project consisted of approximately 2.5 miles. He informed the Board there had not been any maintenance performed on this drain for almost 30 years. The John Saltzman #70 Regulated Drain was a unique project. The Drain project was located on property owned by Brian Buck and outlet into the North fork of the Wildcat Creek. Mr. Buck had contacted the Surveyor's office requesting maintenance on the drain. The Surveyor noted the Wildcat Creek was presently on the impaired bodies list with IDEM. The Surveyor stated he contacted The Nature Conservancy as they actively promote 2 stage ditch projects. The landowner Mr. Buck was in agreement with a 2 stage ditch project on his tract to improve the drainage. Resulting from the Surveyor's contact, The Nature Conservancy has

donated approximately \$20,000.00 for the John Saltzman Drain 2 stage ditch project. Those monies would be deposited into the John Saltzman Drain Maintenance Fund once received. He then explained how a 2 stage ditch functions and reviewed photographs of the project with the Board. Responding to Mr. Knochel's inquiry, the Surveyor noted Michael Rinehart of Rinehart Excavating was awarded the Bid for the 2 stage ditch project. There were no questions from the Board.

**Public Comment**

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

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

  
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Thomas P. Murtaugh, Vice President

  
\_\_\_\_\_  
John Knochel, 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**

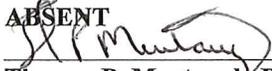
- 1.) Drains in need of Reconstruction
  - a. Elliott, S.W. (#100)
  - b. J.B. Anderson (#02) (Clarks Hill Portion)
  - c. Edwards (Not Maintained)
  - d. McBeth (Not Maintained)
  - e. F.E. Morin (#57)
  - f. Marion Dunkin (#25)
  - g. Huffman-Weimert (Not Maintained)
- 2.) Hearing and Rates Established 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

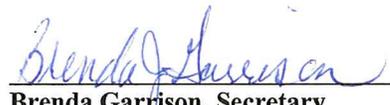
*Please see Classification of Drains- Exhibit A on file in the Tippecanoe County Surveyor office and Office of the Tippecanoe County Auditor*

ABSENT

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

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

  
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**Tracy Brown, Member**

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

**Tippecanoe County Drainage Board**  
**September 11, 2017**  
**Drainage Board Minutes**

**Those present were:**

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

**#46 J.N. Kirkpatrick Regulated Drain Dredging Project Quotes:**

Regarding the J.N. Kirkpatrick Regulated Drain #46 dredging project, Attorney Masson opened the following quotes:

Tony Garriott: \$79,516.40- Huey Excavating: \$82,845.00

Thomas Murtaugh stated the quotes would be taken under advisement and if in compliance would be awarded at the end of today's meeting.

**Approval of Minutes**

**August 2, 2017 Regular Minutes**

**August 2, 2017 Huffman Weimert #125 Regulated Drain Hearing Minutes**

David Byers made a motion to approve the August 2, 2017 Regular Drainage Board Meeting minutes and the Huffman Weimert Regulated Drain #125 Hearing minutes as written. Tracy Brown seconded the motion. Motion carried.

**Romney Regional Sewer District**

George Lewis of GRW Engineers appeared before the board to request approval of the Romney Regional Sewer District project. The site consisted of approximately 2 acres and was located on the north side of C.R. 1200 South southeast of the town of Romney Indiana. Runoff would be collected via swales and conveyed to a bio-retention basin located within the southern portion of the site. The bio-retention basin would outlet into an unnamed tributary of Romney Stock Farm Regulated Drain #109. (A petition to encroach on the Romney Stock Farm Regulated Drain #109 was approved by the Board in the August 2017 regular meeting.) Mr. Lewis stated he was working with the County Highway Department to address any concerns they may have. He noted they were in agreement with the August 28, 2017 Burke memo and would follow up with appropriate documentation. He requested approval at that time. Responding to the Surveyor's inquiry regarding entrance off the highway, Mike Spencer (in attendance) confirmed the Highway Dept. had been consulted and were working with Mr. Lewis. The Surveyor recommended approval with the conditions as stated in the August 28, 2017 Burke memo. David Byers made a motion to approve the Romney Regional Sewer District project with the conditions as stated in the August 28, 2017 Burke memo. Tracy Brown seconded the motion. Motion carried.

**Country Squire Subdivision**

Justin Frazier with TBIRD Design Services Corp. appeared before the board to request approval for Country Squire Subdivision. The site was located on approximately 5.6 acres of an overall 12 acre site north of US 52 on Morehouse Road. Colony Pines Subdivision was located to the north and Country Squire Estates (apartment complex) to the south of the current project's location. A dry detention basin would be constructed and outlet into the existing storm sewer infrastructure to the north within Colony Pines Development. The detention's runoff was conveyed through the Colony Pines stormwater system and ultimately to the Dempsey Baker regulated drain into the Hadley Lake regulated drain. Mr. Frazier stated they had no objections to the September 6, 2017 Burke memo and requested approval at that time. He confirmed downstream notification was complete and the proof of notification would be submitted to the Surveyor's office for the record.

The Surveyor emphasized the site discharged into an existing storm pipe located in the southwest corner of the Colony Pines site, and that which the northwest dry detention basin for Country Squire Subdivision was located as well. He noted his concern of the emergency routing plan was addressed. The designers went above and beyond what the Ordinance required. They mapped the entire conveyance north through Colony Pines and provided an exhibit of that route as well. The Surveyor pointed out two items of concern. The first was the finding that in the existing condition today the 100 year emergency routing with the pipe being blocked (which was a worst case scenario) the Condominium to the west of the emergency route and immediately north of the Country Squire project, the 100 year elevation was basically at the finished floor elevation then routed out to the street then north to the Dempsey Baker regulated drain. The second item to point out was in the proposed condition, the existing situation would improve. They proposed to regrade the swale through Colony Pines which would give the unit to the west a one foot freeboard elevation and more to the unit on the east side. He thanked the designers for their

public safety point of view and going the extra mile. Responding to the Surveyor's inquiry, Mr. Frazier stated they had every intention to meet with the H.O.A. of Colony Pines Development to obtain an agreement regarding any work planned within the Colony Pines development. The Surveyor then recommended approval with the conditions as stated on the September 6, 2017 Burke memo. Responding to David Byers inquiry of fencing around the pond, the Surveyor confirmed it was a dry detention pond and the design met the ordinance standards. Tracy Brown stated the Board appreciated the extra effort given for the public's future safety. Mr. Frazier acknowledged it was their job to provide plans which was in the best interest of all those involved. Tracy Brown made a motion to approve the Country Squire Subdivision with conditions as stated on the Sept. 6, 2017 Burke memo. David Byers seconded the motion. Motion carried.

**Zach Beasley**

**A&M Thomas Joint Regulated Drain #105 Waiver Request**

Surveyor Beasley presented a letter from the Carroll County Surveyor requesting a waiver of an upcoming Maintenance Increase Hearing on the Andrew and Mary Thomas #125 joint regulated drain. The Surveyor stated he and the attorney had reviewed the request. He informed the Board Carroll County had the majority of acreage benefitted within the watershed and were the administrators for this drain. He recommended the Board approve the waiver, noting Carroll County had approximately 95% of the benefitted acreage. David Byers made a motion to grant a waiver of attendance as requested by the Carroll County Surveyor for the Maintenance Increase Hearing on the joint regulated drain known as the Andrew and Mary Thomas #105. Tracy Brown seconded the motion. Motion carried.

**Lindberg Village Phase 6 Subdivision Maintenance Bond**

The Surveyor presented Maintenance Bond #1231743 in the amount of \$77,417.07, dated Sept. 11, 2017 written by Cincinnati Ins. Co. regarding the Lindberg Village Phase 6 Subdivision for approval. Tracy Brown made a motion to grant approval for Maintenance Bond #1231743 in the amount of \$77,417.07, dated Sept. 11, 2017 written by Cincinnati Ins. Co. for the Lindberg Village Phase 6 Subdivision. David Byers seconded the motion. Motion carried.

**John L. Hengst #117 Regulated Drain/ Branch #08**

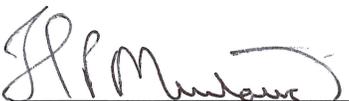
The Surveyor requested a reconstruction hearing for Branch #08 of the John L. Hengst Regulated Drain #117 to be held on November 1, 2017 immediately following the regular scheduled meeting of the Board. David Byers made a motion to set the reconstruction hearing date for Branch #08 of the John L. Hengst Regulated Drain #117 on Nov. 1, 2017 immediately after the monthly meeting of the board. Tracy Brown seconded the motion. Motion carried.

**#46 J.N. Kirkpatrick Regulated Drain Dredging Project Quotes**

After compliance review of the #46 J.N. Kirkpatrick Regulated Drain Dredging Project Quotes and finding they were in order, Tracy Brown made a motion to award the JN Kirkpatrick #46 Regulated Drain Dredging project to Garriott Excavating in the amount of \$79,516.40. David Byers seconded the motion. Motion carried. Thomas Murtaugh thanked those that submitted a quote for this project.

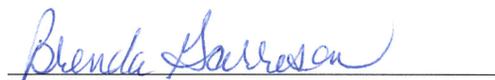
**Public Comment**

As there was no public comment, David Byers moved to adjourn. The meeting was adjourned.

  
Thomas P. Murtaugh, President

  
David S. Byers, Vice President

  
Tracy A. Brown, Member

  
Brenda Garrison, Secretary

**TIPPECANOE COUNTY DRAINAGE BOARD**  
**November 1, 2017**  
**Drainage Board Maintenance Hearing Minutes**  
**John Hengst #117 Regulated Drain**  
**Branch #08**

**Those present were:**

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

President Thomas Murtaugh opened the John Hengst #117 Branch #08 Maintenance Hearing and referred to the Surveyor for his presentation to the Board. He noted the drain's watershed was located in Sections 13, 22, 23 and 24, Township 23 North and Range 3 West in the political township of Perry, Tippecanoe County, Indiana. Branch #08 of the Hengst Drain was specifically located in Section 23 of Perry Township. The Surveyor gave a brief background on the drain. Branch #08 was located immediately east of CR. 900 East within the rear portion of the tracts and/or lots at that location. The proposed J. Hengst tile Branch #08 would begin at the recently reconstructed 18" tile main on the Kopf property and extend northwesterly for approximately 660 feet to a point on the Etter property. The maintenance work would be paid with the current regulated drain maintenance funds at no additional assessment to the landowners. Branch #08 traversed from the main tile north onto the Paul Etter property. Mr. Etter had interest in tiling of his property and desired to tie into said branch. However, in its current condition the branch was not functioning properly. The branch tile was old and broken in places. For the tile to function properly it would require maintenance. He stated if he had known this during the reconstruction process; the work would have been completed at that time.

Landowners affected were contacted. One landowner has not responded, and that landowner's name and address was Thomas Lee 421 North CR. 900 East 47905. Notification letters have been sent and there has been no response to date from Thomas Lee or a representative for him. This was the reason for the hearing today. If after 20 days there is no response, the maintenance work on branch #08 would be conducted as requested. Three of the four landowners whom this affected were in attendance. Mr. Thomas Lee was not and has not contacted the Surveyor's office or Drainage Board regarding this issue to date. Landowners Antalis, Etter and Kopf have all discussed this issue with the Surveyor's office, speaking either with the Surveyor or his project manager Mr. James Butcher. There was no additional rate per acre proposed. This branch would be repaired using the current maintenance funds in place.

Attorney Masson stated the meeting was not required by Indiana Code since the drain already had a maintenance fund in place and the work was maintenance. The Surveyor reiterated by Drainage Code a landowner has 20 days to file a remonstrance against any planned maintenance and if not, the branch maintenance would be completed.

Responding to Thomas Murtaugh's inquiry, Mr. Paul Etter stated he thought Mr. Lee had abandoned the property, as there had been no one living at the residence - to his knowledge for the last 6 months. He stated Mr. Lee's stepson had been living there for the past 5 years. He added the basement had been flooded repeatedly and no maintenance had been done on the property for approximately the last 6 months.

John Antalis 405 North 900 East Lafayette Indiana 47905 approached the Board. Mr. Antalis stated Mr. Etter approached him years ago to put in an open ditch in the rear of their property near the location of the tile. He told Mr. Etter he was not interested in doing that however, he would not be opposed to something underground. He was previously unaware there was a tile located in the vicinity. He noted there were mature trees approximately 100 years old in the rear of his property with a dry stream bed parallel to the tile branch. There is a pool that forms only in the spring time which flowed into the stream bed (running south to the main tile). He stated all homes along the County Road in this location were built in the front of the property near the road except Mr. Thomas Lee's. He noted Mr. Etters property had the least amount of land benefited within the drain's watershed. He stated he had never had standing water on his property and noted he had conformed the back third of his property into trails, pollinator gardens, pesticides free natural habitat- and was raising honey bees. The trees located in the rear of his property are 40-50 feet in height. He noted that he read the Indiana Code drain statute and 70 feet of each side of a tile had to be tree free. He stated he was not happy about that as he had several wild blueberry bushes and trees growing in the location of the tile. He expressed he did not understand why the county would want to spend the money since the affected landowners would not benefit by it in his opinion except possibly Mr. Lee- who has abandoned the property. With the natural stream bed in the rear of his property he never has had standing water.

The Surveyor stated he and/or one of his staff would meet onsite and to see what could be done regarding removal of the trees.

Paul Etter 437 North 900 East Lafayette Indiana 47905 approached the Board. He stated he was the landowner who requested the repair of the branch tile. He noted back in the early 1970's when they graded CR.900 East and parceled the properties; the County created a bend in the road. Two properties were very much affected by that and water would pond several months out of the year. The properties were his and Mr. Lee's. He is seeking access to alleviate the ponding issue on his tract of land. He noted his parcel was originally a part of agricultural farm ground and tile locations were not known for certain as several tiles were located on the old farm ground. He noted he has had this problem for 15 years. He had hoped the reconstruction of the Combs Drain (located in the front of his parcel) and the Hengst Drain's main tile would help alleviate his issues. However, the property seemed to be wetter now than prior to the reconstructions. He stated an unknown tile located on his parcel may have been cut off during the process. He stated he thought this was his only option to alleviate the issue of ponding water. He stated a natural swale on his tract was partially obstructed with 60-year-old trees near the location of the tile. The Surveyor interjected this was a county regulated drain without a maintenance fund and noted the branch tile location was shown on historical maps in his office. A segment of the old tile on the southern end was left in place near the woods, and the new reconstructed main rerouted. With the natural lay of the land it was assumed the old main was located close to the dry stream bed. The Surveyor noted that he has been onsite many times including the woods area. He noted he would keep the tree removal at a minimum due to cost and the natural aesthetics of the land. However, trees would have to be removed for the branch to function properly.

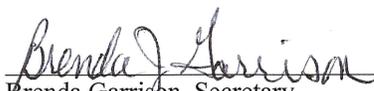
The Surveyor asked Mr. Jerry Kopf 401 North 900 East Lafayette Indiana 47905 if he would like to speak. Mr. Kopf approached the board. He informed the board he was hesitant to have maintenance work completed as he did not see much improvement after the reconstruction of the main tile. He stated he was hesitant because he still has land that was wet, and he did not want any more damage done to his property during the maintenance. However, if this would help alleviate the wet areas he was not against it.

Thomas Murtaugh thanked the landowners for their input today. Attorney Masson stated the Surveyor had the right to conduct maintenance work within the drainage easement as the board relied on his professional judgement. David Byers stated it was a regulated tile with a maintenance fund which allowed the Surveyor to maintain the tile. If in this case, it is in the best interest of the landowners then he approved of the work. The Surveyor noted the reason for this meeting was solely because he was unable to contact Mr. Thomas Lee 421 North 900 East Lafayette Indiana 47905 and did not want to "trample" on their rights as a benefitted landowner. Having this hearing insured he had exercised due diligence in this case and provided Mr. Lee an opportunity to voice any possible concerns. He reiterated in normal operating procedures, he would meet with the landowners, discuss the issues and proceed from there without the board's involvement. Responding to Tracy Brown, the Surveyor stated he has a staff member onsite during drain maintenance and/or reconstructions. However, the nature of the work does create issues from time to time but those are dealt with in the best manner possible. An onsite meeting would be held with the three landowners involved. They would walk the area in question and accommodate the landowner's concerns (i.e. mark any trees to be saved) as much as possible. He noted any tree 12 inches in diameter or larger, they normally do not want to remove- due to the cost and aesthetics of the land. Solid pipe would be used in some areas to help eliminate tree roots impacting the tile. Thomas Murtaugh stated the Surveyor had the consensus of the Board to move forward on this project as proposed.

There was no other public comment. David Byers made a motion to adjourn the Hearing as held. The Maintenance Hearing was adjourned.

  
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Thomas P. Murtaugh, President

  
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David S. Byers, Vice President

  
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Brenda Garrison, Secretary

  
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Tracy Brown, Member