Tippecanoe County Drainage Board
February 1, 2017
Regular Meeting Minutes

Those present were:

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

Approval of Minutes

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

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

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

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

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

Drainage Board 2017 Professional Engineering Assistance Contract

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

Lafayette YMCA

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

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

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

Belle Tire (Lot 4A 26 Crossing Subdivision)

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

USGS Geological Stream Gages WREC Contract Support

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

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

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

2017 Classification Report/2017 Drain Assessment Activity Report

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

Zach Beasley/Other Business
Appointment of Drainage Board member to Tri-County Board
The Surveyor stated he was contacted by Benton County Surveyor David Fisher regarding the Sophia Brumm Joint Drain. The landowners have requested a joint meeting to discuss reconstruction of several lineal feet of the tile within the S. Brumm Drain watershed. The proposed time was February 21, 2017 at 10:00 a.m. at the Benton County Courthouse. An appointment from this Board was requested. David Byers noted there was a Commissioner Meeting at the same date and time. Tracy Brown made a motion to appoint Commissioner David Byers to the Sophia Brumm Tri-County Drainage Board as requested pending a new date and time is set due to conflict. David Byers seconded the motion. Motion carried.
Outstanding Reconstruction Assessments
The Surveyor informed the Board the five year reconstruction payment cycle was coming to a close on a few of the drain reconstruction projects. With that said there were a few landowners who had not paid any payments during this five year period. His understanding was these properties which had outstanding debt for the reconstruction of a drain should be included in the tax sale. He read Indiana Code 36-9-27-86 i.e. regarding the sale of the property due to outstanding drain

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

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

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

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

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

Classification of Drains
Per IC 36-9-27-34
February 2017

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

aa. James Kellerman (#42)
bb. Alonzo Taylor (#77)
cc. Clymer Norris (#122)
dd. Crist Fassnacht (#29)
ee. Peter Rettereth (#66)
ff. Ann Montgomery (#56)
gg. Gustav Swanson (#76)
hh. Nathaniel W. Box (#12)
ii. Lydia Hopper (#124)
jj. Amanda Kirkpatrick (#44)
kk. John McLaughlin (#97)
ll. Martin Erwin (#28)
mm. Waples McDill (#85)

3.) Urban Drains
(I.C. 36-9-27-68 Urban Drains are classified as in need of Reconstruction)
a. S.W. Elliott (#100)
b. Julius Berlowitz (#8) (Include Filbaum)
c. Alexander Ross (#48)
d. Cuppy McClure

4.) Drains in need of Periodic Maintenance
Please see attached sheet-Exhibit A

5.) Insufficient Maintenance Funds
a. E.W. Andrews (#03)
b. Floyd Kerschner (#43)
c. F.E. Morin (#57)
d. John Saltzman (#70)
e. Ray Skinner (#71)
f. Abe Smith (#72)
g. Joseph Sterrett (#74)
h. William Stewart (#75)
i. John Toohey (#79)
j. John Vannatta (#81)
k. Suzanna Walters (#83)
l. J.B. Anderson (#02)
m. Dismal Creek (#93)
n. Moses Baker (#114)
o. Grant Cole (#19)
p. Shawnee Creek (#94)
q. Kirkpatrick One (#96)

6.) Proposed Drains for hearing in the near future / Request these drains be referred to Surveyor for preparation of Maintenance Report)
a. Andrew Brown (#13)
b. F.E. Morin (#57)
c. Parker Lane (#61)
d. John Vannatta (#81)
e. Dismal Creek (#93)
f. Beutler Gosma (#95)
g. Jacob Taylor (#78)
h. E.W. Andrews (#03)
i. Suzanna Walters (#83)
j. Jesse B. Anderson (#02)
k. Floyd Kerschner (#43)
l. Joe Sterrett (#74)
m. Moses Baker (#114)
n. Grant Cole (#19)
o. Shawnee Creek (#94)
p. Kirkpatrick One (#96)
q. John Saltzman (#70)

r. Ray Skinner (#71)
s. Abe Smith (#72)
t. William Stewart (#75)
u. John Toohey (#79)

7.) Drain Assessments recommended to be raised 25% starting May 2015
No Maintained Regulated Drains Applicable in 2017

8.) Petition for New Regulated Drain referred to Surveyor
a. Huffman Weimert Drain (Town of Buck Creek)

9.) Existing Drains referred to Surveyor for Report
a. Julius Berlovitz(#08) (Remaining Phases)
b. F.E. Morin (#57)
c. Huffman Weimert (Not Maintained)
d. Marion Dunkin (#25)

10.) Drain that should be vacated
a. That portion of the Felbaum Branch (Part of Julius Berlovitz #08 Regulated Drain) East of County Road 550East

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

ABSENT

Thomas P. Murtaugh, President

David S. Byers, Vice President

Brenda Garrison, Secretary

Tracy Brown, Member

Tippecanoe County Drainage Board
June 7, 2017
Regular Meeting Minutes

Those present were:

Tippecanoe County Drainage Board President Thomas P. Murtaugh, Vice President David S. Byers, member Tracy Brown, County Surveyor Zachariah Beasley, Drainage Board Attorney Mathew Salsbury, 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. Attorney Doug Masson was absent.

Approval of May 3 2017 Drainage Board Regular Meeting Minutes

David Byers made a motion to approve the May 3, 2017 Drainage Board regular meeting minutes. Tracy Brown seconded the motion. Motion carried.

J. Berlowitz Reg. Drain Stormwater Interim Conveyance Improvements /Bid Opening

Attorney Mathew Salsbury opened bids submitted for the J. Berlowitz Reg. Drain Stormwater Interim Conveyance Improvements Contract. They were as follows; F&K Construction-Base Bid $1,514,620.00: Alternate #1 $394,660.00/ Alternate #2 $399,901.00 /Alternate #3 $700.00, Atlas Excavating- Base Bid: $1,141,260.00: Alternate #1 $575,388.00 /Alternate #2 $337,330.00/ Alternate #3 $193,200.00. David Byers made a motion to take the bids under advisement and award the contract at the June 14, 2017 Drainage Board meeting. Tracy Brown seconded the motion. Motion carried.

J. Berlowitz Reg. Drain Stormwater Interim Conveyance Improvements/Construction Observation Contract/TBird Designs

The Surveyor presented a Construction Observation Contract regarding the J. Berlowitz Reg. Drain Stormwater Interim Conveyance Improvements project submitted by TBird Design Inc. for approval. The contract was reviewed by the Surveyor and Attorney Masson. The Surveyor recommended approval subject to the additional terms and agreement verbiage provided by Tippecanoe County added to the documents. Tim Balensiefer agreed to the additional verbiage of required terms. David Byers made a motion to approve the Construction Observation Contract regarding the J. Berlowitz Reg. Drain Stormwater Interim Conveyance Improvements subject to said terms and agreement inclusion. Tracy Brown seconded the motion. Motion carried.

Monnig Industries Phase 1 and Master Plan

Shannon Elliott of Forcum Lannon Contractors and Mark Butler of Banning Engineering approached the Board to present Manning Industries Phase 1 and Master Plan project for approval. The project site was located on the southwest corner of Co. Rd. 350 South and Co. Rd. 500 East and consisted of approximately 12 acres of the overall 62 acre parcel. (The site was previously known as the "Whaley Property".) Mr. Elliott stated the first phase of this project would be the construction of a 55,000 square foot facility to be built in the northeast portion of the property. He noted Banning Engineering worked closely with his firm on the project plans etc. The site involved a previously vacated drainage tile and Mr. Elliott noted they worked closely with the Surveyor office on this issue. He stated they have been working closely with the Highway Department on this project as well. He asked for approval by the Board for Phase 1 and the overall Master Plan and noted he agreed with the Burke memo of May 19, 2017.

The Surveyor stated he has had several meetings previously with Mr. Elliott and Mr. Banning regarding this project and location. He asked the status with the County Highway Department regarding the planned ingress and egress locations. Mr. Elliott confirmed receipt of email approval from County Highway Department. The Surveyor noted, the drain in question was Branch #09 of the S.W. Elliott Regulated Drain which traversed across the Whaley property and served only that piece of property. The Surveyor reviewed the location and history of the vacated County Regulated Drain for the Board. The vacation was approved by the Board in September of 2016 due to the fact it only served the petitioners who requested the vacation. The current design indicated the drain would be capped at the west side of the County Road. This will ensure no stormwater runoff enters said tile. As this was an agricultural drain, stormwater conveyance is not a function of said agricultural drains. The Surveyor recommended conditional approval subject to the May 19, 2017 Burke memo for Phase 1 and Master Plan of the Monnig Industries project. There was no public comment. Tracy Brown made a motion to grant approval with the conditions as stated on the May 19, 2017 Burke memo for Monnig Industries Phase 1 and Master Plan. David Byers seconded the motion. Motion carried.

Barrington Woods Subdivision

Jim Pence from Schneider Corp. appeared before the Board to present the Barrington Woods Subdivision for approval. The site was located west of Co. Rd. 550 East between Co. Rd. 50 South and SR. 26. Mr. Pence stated this was approximately an 80 acre site. A transmission pipeline traversed through the site (i.e. located on the western side routed diagonally northwest and southeast). Mr. Pence noted he was in contact with Enterprise Products Houston Texas to obtain crossing approvals for the project. The Surveyor stated this was a unique site and this type of site could be more common in the future. Due to the site's natural wooded vegetation with deep ravines, the Surveyor worked closely with the applicant to address the water quality and detention purposes. Mr. Pence stated they would plat large conservation areas around the wooded area and ravines for future protection from any additional erosion problems. There was no public comment. The Surveyor recommended approval with the conditions as set forth in the June 2, 2017 Burke memo. Tracy Brown made a motion to grant approval with the conditions set forth on the June 2, 2017 Burke memo for Barrington Woods Subdivision. David Byers seconded the motion. Motion carried.

Amanda Kirkpatrick #44 Drain Reconstruction Financial Assistance Agreements:
Boanco Inc. /Forest and Marsha Goings/ Tippecanoe County Treasurer Jennifer Weston

Pursuant to Resolution #2017-01-DB Treasurer Jennifer Weston appeared before the Board to present two financial agreements between the County Drainage Board and landowners Forest and Marsha Goings as well as Boanco Inc. The agreements regarded payment of their reconstruction assessments for the Amanda Kirkpatrick Drain Reconstruction project. She noted the reconstruction billing had been sent out by her office on April 19, 2017 and as a result of the billing she received the two agreements. She noted the total amount to be financed was under $72,000.00. She stated Boanco Inc. had made the first installment of $1421.00. There was no public comment. Tracy Brown made a motion to approve the Financial Assistance Agreement with Boanco Inc. as presented. David Byers seconded the motion. Motion granted. Tracy Brown made a motion to approve the Financial Assistance Agreement with Forest and Marsha Goings as presented. David Byers seconded the motion. Motion carried.

Zach Beasley/Other Business
Petition to Encroach/ Wilson Branch S.W. Elliott Regulated Drain #100

The Surveyor presented a Petition to encroach on the Wilson Branch of the S.W. Elliott Drain #100 for approval by the Board. Menards South located on Creasy Lane submitted the petition to his office for approval. The branch of the said drain was located immediately north of the Ivy Tech Community College campus. Menards South was expanding their lumber yard area which required the petition submittal. The Surveyor noted he had reviewed this and recommended approval by the Board. David Byers made a motion to grant approval for the Petition to encroach on the Wilson Branch of the S.W. Elliott Regulated Drain #100. Tracy Brown seconded the motion. Motion carried.

Petition of Obstruction:
Surveyors Report Petition to Obstruct
S.W. Ventures-Scott Jones/ Masons Ridge Lot #'s 36 through 39

Surveyor Zach Beasley stated a Petition for Removal of Obstruction was filed in his office on April 21, 2017 by SW Ventures Group LLC (Scott Jones). The Petition was presented at the May 3, 2017 Drainage Board Meeting and at that time the Board directed him to investigate and return with a report. He informed the Board a rear yard swale had been obstructed by filling it in with dirt in the Mason Ridge Subdivision on the south side of the City of Lafayette. The Surveyor reviewed the area in question within the Mason Ridge Subdivision. The area in question was immediately north of the entrance into Masons Ridge Subdivision off of the county road. Generally, a rear yard swale servicing lots numbered 36 through 39 was the issue. He noted this subdivision was reviewed and approved by the Drainage Board a few years ago. He reviewed an onsite meeting he had approximately a year and half ago with the Homeowners Association President and attorney along with the affected lot owners for the Board. At that time he reviewed their options per County Ordinance. While multiple attempts had been made, the Homeowners Association and lot owners have not come to an amicable agreement to date. The specific area in question was the rear yard swale on Lots 36, 37, 38 and 39. The swale drained from the east side of the street through the side yards of these lots and west to the detention basin. The County Surveyor noted he had signed the As Builts which indicated a specific grading plan for this area which had been disturbed. Since the As Builts were filed, the swale had been filled in and caused water to back up upstream. Photos from a site visit after the most recent rain were shown to the Board. Steve Cook, President Homeowner's Assoc., had obtained a quote from Exterior View to reestablish the correct grade in said locations. With no proof of a particular landowner's responsibility of filling in the swale, the Surveyor recommended Homeowners of lots #36 through #39 share the cost of the Exterior View quote (obtained by the Homeowners Assoc.) of approximately $1700. President Thomas Murtaugh opened the floor for public comment.

Brian Devine (Lot #38 homeowner) approached the Board and stated the following: "First of all, this swale benefits all 18 houses on that street, because it is the front drainage for those houses. That is the emergency spillway for the whole court, okay, so it's not just benefitting 4 houses. One person dammed this up because he wanted a bigger yard, a flatter yard. I don't want to pay for his stupidity. Also Lot#37 was in foreclosure and always had a low spot. There was always a mosquito pond there and now it is a duck pond. I have no problem on my property. This quote with Exterior View for $1700, they will not touch one shovel on my property. My property does not need anything. Why would I pay for some act of stupidity? That's all I got to say."

W.K. Wolford (Lot #36 homeowner) approached the Board." I guess I'm the act of stupidity. I own Lot 36. When I moved in this house in 2009, there has always been an obstruction in the back of my yard, as has been discussed with me, Brian and his wife and Steve Cook President of Homeowners Assoc. There has always been standing water in the back of my yard and the back of Scott Jones's yard. I'm not disputing that. In the summer of 2010, I had a friend come over with a skid steerer and he was going to take his bucket and dig out the obstruction in the corner of lots 36 and 39 (myself and Ross Wickman) and make the water drain out. Well he got over there and it was so soft that he just buried up his wheels. So I went to Menards/Lowes and probably bought 15-20 bags of topsoil and filled in the foot deep trench that he had inadvertently put into place and I reseeded it. So the area Mr. Devine is saying I filled in and has caused this is not the case. I put it back to its original elevation and I put seed on it to get it to grow because we can't cut our grass. This has been discussed 8-9 years between me, Brian and Karen Devine and Steve Cook. So ugh I am willing to pay my part of the resolution to fix this- I agree with Mr. Devine I don't think he should have to pay anything. I think the cost should be split between myself and lot owners of lots #36 and #39. Part of the problem also is on the homeowners association, as Mr. Beasley has some photos and the property corners are marked. I have never touched that. I had some dirt put in the back of my yard in the summer of 2010 and graded that out and put down grass seed to get a better quality of grass growing. But at no point did I fill in the ditch with a substantial amount of dirt. I still did it so that's all I have to say- thank you." Thomas Murtaugh asked if his lot was #36. He answered" I am lot#36, Mr. Jones is lot #37 and Mr. Wickman is lot#39 and then the homeowner association. "Thomas Murtaugh asked if Mr. Wolford was saying the obstruction was done by a previous owner. Mr. Wolford answered" No it was done when my house was built in 2009 as it has never drained properly. Mr. Cook was here before I moved in the house and there has always been standing water in the back of Mr. Jones's yard. It has always been that way. It has always been that way. Me and Mr. Devine who just spoke and Steve Cook have discussed this for years and years and years before I ever laid a hand on the back of my yard. But I attempted to like I said fix the problem in 2011 when I had a friend come over with a skid steerer with no dirt and it was super soft and he just buried up a skid steerer. I mean we had a trench like this deep (indicated width with his arms) and I filled up the trench and reseeded it. But I have never had any dirt hauled into that area, it just never drained properly. I guess during the building process or the excavation. It never did get fixed back to the original drainage that was proposed – you know approved by Mr. Beasley. Tracy Brown asked if he was suggesting the responsible parties be lot owners 36, 37, 39 and the H.O.A. "Mr. Wolford stated "Yes sir, that is correct. The property corners are marked, I have some photos too that I took as well as what Mr. Beasley showed up there. It's pretty clear to me by looking at the photos that a very small portion looking at the area that is affected is on my property. The biggest part that has the standing water is on Mr. Jones's lot #37. But it's not really his fault , to me I kind of concur, there's standing water on his lot that has an obstruction on lot 36 and 39 a very small portion on Mr. Jones and homeowners association. So the original estimate of $1700, I'm now- I agree to pay my part of it. So, any more questions?" Thomas Murtaugh asked why the H.O.A. - is there ground west of your lot that is common area? Mr. Wolford responded" Yes Sir" Surveyor Beasley interjected and stated: The detention area is platted as an Outlot which is owned by the H.O.A. and Mr. Wolford is saying there is some grading which needs to happen there which I don't dispute. I agree as that would be fair to say. The Surveyor indicated on the map the areas of obstruction utilizing photos and G.I.S. Mr. Devine shared his copy of the drainage plat sheet with the Board to show the areas in question as well. He noted this area was the emergency routing area for all 18 lots and the street drainage as well. Mr. Wolford went on to say" One other preferred thing I would like to mention if it's ok; in the original complaint by S.W. Ventures/ Mr. Jones. He says in the letter that ugh I attempted to further correct the situation with drain tiles. There is no drain tile in this. I don't know where he's getting his information from but it's incorrect. There is no drainage tile anywhere on this property, as Mr. Beasley can attest he has been out there a couple times. And if it is ok, I would like to submit current photos to the Board. (He showed the Board the pictures of the area in question and the corners of the lots.) Mr. Wickman is not here but I spoke to him and he is prepared to pay anything he needs to pay to get this resolved. Please keep these photos if you want them. Thank you."

Scott Jones of S.W. Ventures approached the Board and stated as follows: "Regarding the drain tile, umm that's good to know. All we knew was that some action had been taken to try and correct it. I talked with Steve and said hey this is what we think- correct me if I'm wrong, it was very much- tell me if we're wrong- this is just where we are at. That was merely just referencing we know something had been tried to been done but it's not working. So as far as the $1700 goes, ugh the problem with that is that the majority of damage is on my property. I mean the mosquito farm is my property. It can't drain lots 36 and 39. The water has nowhere to go to get down to that drainage field, so that's what it's created you know all there. Do I think that lot 39 is there damage up there? No there's not. Ugh, this is as you've heard has been going on for years. I bought this two years ago, so it's been five or six years that this has been arguing that it hasn't been solved. So do you know,

the majority of that bill of $1700 was proposed for me because I had most lineal feet of damage, so for years and years of not solving it and then me coming in and sticking me with the bigger bill. Do I think it's fair for everybody in the situation- no, but do I think it's fair for me-no, not at all. So that's why I wanted to come to you for a third party kind of- you know resolution. So as far as the drain tile-noted, but we did reach to Steve Cook to try and clarify as much as we could. Um, you know that's all I have."

Tracy Brown asked the Surveyor his opinion of the statement that the area served the street and the 18 lot owners as emergency routing. The Surveyor utilized GIS and stated he agreed with Mr. Devine's statement that this area would be the emergency routing in a heavy rainfall however it included lots along Sandstone Court to include Sandstone Court runoff. There is a sag part in the street where the curve inlets are located. The emergency routing is routed through the swale in question. Mr. Devine is stating no work needs to be done on his property; therefore he should not have to share in the cost. The Surveyor stated he agreed with him. He had to make an administrative decision based on the watershed as Indian Code dictates. He felt in light of the testimony from the landowners the $1700 to be divided between lots 36, 37, 39 and the H.O.A. was a good alternate to what he proposed at the beginning of the hearing. Tracy Brown stated after hearing the speakers today, it sounded like there were early makings of an agreement and if this was the case does this Board even need to take action at this time? Attorney Salsbury interjected if this Board takes action then all the benefited landowners within the watershed have to be assessed. He reviewed the different agreements which could take place. The Board has the option of not taking official action today but could postpone the hearing today to allow the landowners to possibly come to an agreement without Board interjection.

Steve Cook, President of the Masons Ridge Homeowners Association approached the Board and stated as follows:" I have lived in Masons Ridge since 2006. At that time when I moved in there was only one home in that entire area. I had the ability to walk out and walk the grounds and all you know kind of look over how the lots were. There is truth that there was water standing in the swale. I would walk out there after a rain or maybe a day after the rain and see how much water was standing in there. The water was standing in there on an area about this wide (indicating width with arms/hands) and the few times I was out there I saw water maybe about this deep (indicating width with arms/hands). That water went from about 10, 10 to maybe 15 feet between Mr. Devine's and Mr. Jones's lot line on east side. That water traveled and tapered down towards the lot line between Mr. Jones and Mr. Wolford. So to give you an idea that's what it looked like maybe in 2006. In 2006 too, the water was flowing down the bank. It was flowing down the bank well enough and fast enough to erode and cause a rut. Something that over time obviously would have gotten worse- there wasn't much grass out there at that time. In 2006 that's when the ugh- the association, I'm sorry, that's when we were allowed to start really building homes on that or in that addition. But in 2010 I had come home from work, I saw Mr. Wolford out kind of in that area. I walked over to talk to him, friendly conversation and the whole bit. That's when he told me that he had a friend of his, Alan Williams, come out and he filled in that rut, then that he did some work. I'm standing about halfway down the bank, almost down the lower portion of the detention area and he had done some work you know up along the whole ugh area where the water flows. It was at that time, of course, I just become the President of the Association and I said as I was a little concerned; it's like I know that that water is supposed to be flowing down through there. You put dirt out there it's going to hold water. So I made the comment; Heaven this better not cause any problems. He assured me that it wouldn't. So we went on. It was ugh in 2015 I got a call from the Surveyor. There was a complaint made. I did not know where the complaint was until I got ahold of Zach or Dale Snipes. I went that evening to talk with Kevin. Mrs. Devine was out on her back porch, she happened to hear us talking and she came over. She was the one telling me she was the one that called in the complaint to the Drainage Board. It was at that time when I'm hearing in both ears, I'm hearing Mrs. Devine telling me her story about this is the H.O.A.'s problem to take care of, and I had Mr. Wolford telling me many times that Alan Williams was out and did this earthwork up in there. Now to the comment this is the H.O.A.'s problem- maybe there was a little bit of a high spot at the very end of that. But we will never now know because there's been work done in that area if there truly was a high spot in that area. In September of last year, September 2016, I asked Mr. Devine who is a contractor, who has the abilities, and the skills and the equipment to go out and take like a laser level and measure off. He started it between Mr. Jones and his property line and shot all the way down to the end. He was able to see where that obstruction was anywhere from 5-8 inches higher than the area on the east side of the swale. That just gave us some ideal how high what was going on. I also asked him at that time to find where the property pins were. In October of 2016, Mr. Beasley said we had a meeting out there with everyone. Everyone was there but Mr. Devine was absent, he had another meeting to attend to. It was at that time, Mr. Snipes made the comment about I understand there was dirt put up in that area. I made the comment that yes and I ugh I had said the same thing that I just said that Kevin had Mr. Williams come out and do some work in that area. There was no push back whatsoever at that time. In terms of the comments on the lineal feet, that is correct. The very first estimate of $1700 was figured on lineal feet. The vision of the work was much different and Mr. Jones portion of that was much higher. Mr. Jones pushed back a little bit on that. I said you know what, that's fine, hat's the wrong way to look at this. I contacted Exterior View again and I said if you were to come out and do this as two complete separate projects, what would the charge be? He shot back that charge and that is how I came up with what the estimate was. I think it was a thousand thirty four dollars for Mr. Jones and six hundred something dollars for Mr. Wolford. In terms of the drain tile; when we first talked about this, the resolution was to simply put in a drain tile and drain the standing water and at that time wanted the H.O.A. to pay for all of that. I said o.k. I would take

that to the Board. As time goes on, I called Kevin back and said I don't think we can do this. I said 1. That would solve part of the problem but it doesn't take care of the swale in the way the swale was intended to work and operate. So at that point we stopped on that and we proceeded pretty much to where we are today. Ugh, I have standing water in my yard. I also have grass in my yard. The area out there doesn't drain very well, but I can mow my yard. I can take care of my yard. I can drive right through it splash water in the front of my lawn mower- but I don't have what Mr. Jones has now because that water can't leave. I do have one picture and this picture came from the property assessment off their website there and I would like to show you. The picture is dated eleven fourteen of 2014 and shows what this area of question did look like when the water dries out it left like a salty white looking area. So this is what it looked like back then in 2014. You can also barely see where the rut was forming back then where it was reforming I should say. So just as a point of reference, but I do believe from my prospective and what I saw prior to those homes being built out there, with the exception of one in the back corner, water was flowing through there and flowing through there fine. All this area needed was to get grass growing. (At that point he indicated on photos his home and the area in question) 3-4 inches of grass takes care of it just fine. You may know this, when the grass grows it brings the dirt up a little bit with it too. I still have standing water." Thomas Murtaugh asked what Mr. Cook's input was regarding the H.O.A. sharing a portion of the cost. Mr. Cook responded" My first reaction to that is if there would have been, you know, valid proof, if we would have known that that was obstruction was there, then I believe that the H.O.A. would have been on the H.O.A. property then the H.O.A. would have been responsible to correct it. But because the H.O.A. was never given any knowledge of this work being done, I don't believe that at this time it would be fair for the H.O.A. to take care of that. We were never given the chance to correct the problem. That the point or to the point of being talked about. "David Byers interjected stating" It sounds like the H.O.A. has had quite a few years to correct the problem." Mr. Cook responded" There was no real problem that we were made aware of, I'm not saying we wouldn't have fixed it if it was on the H.O.A.'s Outlot. There was no real problem at that point."

David Byers stated when a reconstruction is done all the landowners within the watershed is assessed; he asked the Surveyor if he concurred. The Surveyor agreed and stated due to the fact it is the emergency routing swale, yes that argument could be made and all the landowners within that watershed would share in the cost to reconstruct the swale back to its original design. Responding to Thomas Murtaugh, David Byers stated the ruts were made by Mother Nature due to erosion as well as man made from equipment. So Mother Nature could hold some responsibility therefore it could be considered reconstruction. The Surveyor stated his understanding of the Drainage Code was it could be considered reconstruction due to the fact it is the emergency routing swale.

The Surveyor reiterated how he came to the decision of cost sharing by the lot owners of numbers 36 through 39 and the H.O.A. instead of the entire watershed landowners. He stated the argument could be made for the entire watershed landowners to pay a portion of the cost and deferred to the Attorney. Attorney Salsbury stated the chief question is what does benefit mean? The code for Obstruction is: "If the Board finds it was not intentionally obstructed in that case all landowners benefited by the removal of the obstruction would be assessed. The question of benefit is not designed in the code; however the Indiana Supreme Court has looked at that issue. There is a case Crowell versus Marshall County and in that case they did hold that Indiana law allows a drainage board to assess a benefit to a tract of land based solely on the fact that surface water from that land flows into the regulated drain for which the assessment is levied. Even if it's an emergency flowing, it is surface water that is flowing in. Under that precedent of definition, I believe the Board would be well within their rights to include all the landowners within the watershed and not just the four the Surveyor initially considered."

Tracy Brown asked if there was a high point on Mr. Wolford's lot prior to the house being built. Mr. Cook responded they did not know that at this point. Mr. Wolford interjected: "You just said there was standing water there before my house was built." Mr. Cook responded" There was an amount of standing water when it would rain, 90% of it was on Mr. Jones lot. Thomas Murtaugh asked if there was a point now where the owners of Lot #36, 37, 39 and Homeowners Assoc. could resolve this issue. Mr. Cook stated" Are you saying the H.O.A. pay part of it?" Thomas Murtaugh asked if Mr. Cook thought an arrangement could be made before the Drainage Board took action. Mr. Cook stated" I'm torn between my personal opinion of what I seen done, and the fact that I didn't have a chance to take a complaint and get it resolved. I'm torn by the fact that I was never told or asked as the Association President, that there was work or told that there was going to be work being done in that area. There was work done on the Association's property without my knowledge." It was noted Lot #39 owner Mr. Wickman was not present today. Tracy Brown stated it was his experience that time works against situations like this, facts can get muddled and it can be very difficult to spend a lot of time reviewing the action of the last ten years and truly assigning blame. While the Drainage Board could solve this, often times it is better for citizens to find other ways that don't involve hard feelings between neighbors and things of that nature. Mr. Cook stated "And I agree with you, from the H/.O.A.'s standpoint we did make an attempt and try to get this done. Until yesterday when I talked with Mr. Wolford, nothing had been said about this being the H.O.A.'s problem. Well let me rephrase that- it was said- but when we looked at all of this and we found out that the dirt was being pushed up in there. It was taken then that everything was fine on the H.O.A.'s side of it. Can we make an agreement to do that, to get this solved? As the President I will contend that we will take a fourth of that $1700 we will pay for it, we will get it taken care of and we will move on. I would like to make a statement for the record, once the H.O.A. does this and gets it back and it's agreeable; I ask if this ever comes up again like this the

H.O.A. is not involved in anything." Thomas Murtaugh stated the H.O.A. has to be involved. Ideally this situation would have been handled by the H.O.A. and the reason the Board is hearing it is solely due to the Obstruction Petition which was submitted. Mr. Cooke stated"We did our best, I'm learning too as we go here"

Tracy Brown made a motion to *continue the Obstruction Hearing until the July 12, 2017 regular Drainage Board 10:00 a.m. meeting.* David Byers stated "let's hope we have a resolution then because I would recommend all watershed landowners benefited pay a portion of the cost. Hopefully the parties involved will return with an answer so the Board does not have to take action and again reiterated the problem needs to be fixed." He then seconded the motion. Motion carried.

Zach Beasley/Other Business

The Surveyor made a request for a public hearing on the Huffman Weimert Regulated Drain immediately following the regular Drainage Board meeting on August 2, 2017. David Byers made a motion to set a landowner hearing on the Huffman Weimert Regulated Drain immediately following the regular Drainage Board meeting on August 2, 2017. Tracy Brown seconded the motion. Motion carried.

Public Comment

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

Thomas P. Murtaugh, President

David S. Byers, Vice President

Brenda Garrison, Secretary

Tracy Brown, Member

Tippecanoe County Drainage Board
July 12, 2017
Regular Meeting Minutes

Those present were:

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

Approval June 7' 2017 Regular Meeting Minutes
Approval June 7' 2017 Grant Cole #19 Regulated Drain Hearing Minutes
Approval June 7, 2017 F.E. Morin #57 Regulated Drain Hearing Minutes
Approval June 7, 2017 Moses Baker #114 Regulated Drain Hearing Minutes
Approval June 14, 2017 Upper J. Berlowitz Strmwtr. Conveyance Bid Award Hearing Minutes

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

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

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

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

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

Zach Beasley/Other Business
Cox/Vanderkleed Regulated Drain

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

Upper Berlowitz Stormwater Conveyance Project (Pilot Channel)

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

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

Multiple Projects Update
Huffman Weimert Drain

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

JB Anderson Drain

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

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

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

F.E. Morin Regulated Drain Bid Award

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

Public Comment

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

Thomas P. Murtaugh, President

David S. Byers, Vice President

Brenda Garrison, Secretary

Tracy Brown, Member

Tippecanoe County Drainage Board
August 2, 2017
HUFFMAN WEIMERT
REGULATED DRAIN #125
LANDOWNER MAINTENANCE HEARING

Those present were:

Tippecanoe County Drainage Board President Thomas P. Murtaugh, member Tracy Brown, County Surveyor Zachariah Beasley, Drainage Board Attorney Doug Masson, 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. Vice President David S. Byers was absent.

President Thomas Murtaugh opened the Huffman Weimert Drain Maintenance Hearing and referred to the Surveyor to present his report to the Board. The Surveyor read the following: Tippecanoe County Drainage Board Maintenance Report Huffman Weimert #125 Regulated Drain dated June 23, 2017- The Huffman Weimert drain based on the tile material (clay/concrete) and the physical condition of the tile is consistent with a system that has aged 50 plus years. The earliest map that has been discovered in the Tippecanoe County Surveyors Office dates to the 1960s that shows evidence of the existing tile system. Which obviously means that the system pre-dates the 1960's and as stated before is consistent with the tile material and physical condition. The Huffman Weimert drain and its watershed are located partially in the town of Buck Creek and totally within Sections 28 and 33 of Township 24 North and Range 3W, in the political township of Washington, Tippecanoe County, Indiana. The Surveyors best estimate of the time frame of construction of the Huffman Weimert drain would be between 1900 and 1940. The watershed area consists of 76.82 acres and being totally within Tippecanoe County. The tile system consists of 1920 lineal feet of main tile ranging in size from 20 inch diameter to 8 inch diameter tile and one branch tile consisting of 500 lineal feet of 10" tile. From this day forward there are a total of 2420 lineal feet of tile and zero (0) lineal feet of open ditch under maintenance. It is the judgement of the Tippecanoe County Surveyor that a sum of $5,712.00 is needed to maintain the existing tile drainage system. An assessment of $10.00 per acre and a $5.00 minimum over an 8 year period is recommended. This will generate $6,687.68 over an 8 year period. It is the judgement of the Tippecanoe County Surveyor this rate will allow for maintenance work to be completed on or that has been completed to ensure the system stays working until such time it can be reconstructed, respectfully submitted Zach Beasley. He referred back to the President for any questions. Thomas Murtaugh asked for public comment at that time.

Tracy Niccum 7400 North Street Buck Creek Indiana approached the Board. Mr. Niccum asked if the reconstruction plan called for the tile to be placed in the same location that it is currently. The Surveyor stated the hearing for reconstruction would probably be held in 2018. The Surveyor noted there was not a reconstruction plan at this time and today's hearing was to approve including the drain in the county regulated drain inventory. However, he noted the reconstruction would start at the outlet. Discussion was held regarding the tile's present route and several options at hand. He noted there were several obstacles in the location of the current tile route that would have to be considered during the design phase. He informed Mr. Niccum *informal* landowner meetings would be held *prior* to the official reconstruction hearing. The *informal* meetings allow affected landowners to give their input regarding the design of the reconstructed tile. Mr. Niccum stated he had a couple concerns. The tile branch referenced in the Surveyor's report was partially located beside his well. While he did not object to a tax increase, he objected to any activity on his property. He noted it was well known there was contamination in the tile. Responding to Tracy Brown's inquiry, Mr. Niccum stated he would like the tile branch to be closed off completely. Tracy Brown stated buck Creek's problem had grown over a number of years and unfortunately now it was critical and something had to be done. Mr. Niccum stated everyone's water runs to his tract since he is on the low point and the water at times has flooded his basement and pasture. He noted this year was worse due to the amount of rainfall the area has received. Mr. Niccum asked what the easement would be for the new tile once reconstructed. The Surveyor stated the drain's easement could be reduced to 30 foot each side by the Drainage Board per statute if warranted. The Surveyor informed Mr. Niccum once the preliminary design is completed; he would hold an informal meeting with landowners affected by the design to get their feedback- prior to final design. He noted he takes this very seriously as informal meetings held assist the Surveyor in knowledge of the area and gives the landowners a chance to give input. Mr. Niccum stated his major concern was his well and any finger systems that might be located on the properties affected. He reiterated he did not want any activity on his property.

Mr. Brien Loynes 4911 Sherman Street Buck Creek Indiana 47924 approached the Board. Mr. Loynes stated he was opposed to the tax increase. He stated the railroad tract (identified as "AG" on watershed map) would be a great location for a rain garden. Discussion was held on the current condition of the tile and the possible locations of the new tile

Kevin Weimert 7330 North Street Buck Creek Indiana 47924 approached the Board. He asked if a sanitary substation was planned for Buck Creek within the next ten years. Tracy Brown stated in June of 2016 a meeting was held at the Buck Creek community center for a discussion of the Buck Creek sanitary issues. He noted septic systems do not last forever. It was well known that effluents were found in the tile's branches. He noted Buck Creek was in much the same condition as Stockwell, Clarks Hill, and Romney. The next step of the process for a wastewater treatment plant or sanitary substation was income studies in the area in order to apply for a planning grant to try and determine what the cost would be to affected landowners. He noted the reality was there were a lot of the systems within Buck Creek which were not permitted by the County prior to when they were placed in the ground. As far as Lafayette city sewer expanding to that location, it would be very expensive and at this time not feasible. What makes the most sense is a stand-alone system. Mr. Weimert stated due to the EPA laws on the books and ever expanding, he wondered if EPA could issue a timeline which the Town of Buck Creek would be made to follow to implement a Wastewater Treatment Plant. The Surveyor stated he had a call from IDEM about this issue and the focus is progression moving forward on finding some kind of resolution. As long as the County continues to move forward on trying to find a solution for all, IDEM would be satisfied

Levi Huffman representing Ralph and Carmen Wise farm located at 7205 East 400 North Lafayette Indiana 47901 approached the Board. Mr. Huffman stated the farm was slowly getting wetter and wetter. This tile was their only outlet. He was in favor of reconstruction of the drain and the maintenance assessment proposed today. He stated it would cost the Wise family more than anyone else due to the benefited acreage. He stated without this drain he did not think the tract "would hardly be farmable". Water stands along the south side of the railroad tracks. Mr. Huffman stated he wanted to thank the Surveyor for improving the County's drainage. He stated he has noticed an improvement in drainage all over the county and he appreciated it. He thanked the Surveyor for his hard work.

Joseph Rubright P.O. Box 46 Buck Creek Indiana 47924 approached the Board. Mr. Rubright stated he would have to pay additional $37.00 a year for no benefit at all. He stated he has lived there since 1978 and has had no problems. He noted he did not understand why he should have to pay for others benefit. He stated he was against the maintenance assessment. The Surveyor noted by Indiana Drainage Code all landowners residing within the regulated drain's watershed pays an assessment. Mr. Rubright asked if Lafayette was expanding the city water and sewage as there was no way he would drink city water. Tracy Brown stated he could not imagine that in the foreseeable future.

There was no other public comment.

The Attorney read the following finds and order from the Board: Before the Tippecanoe County Drainage Board IN the matter of the Huffman Weimert #125 Regulated Drain: Findings and Order (Annual Maintenance) This matter came to be heard upon the maintenance report and schedule of assessments prepared by the Tippecanoe County Surveyor and filed on August 2, 2017. The Certificate of Mailing of notice of time and place of hearing, to all affected landowners was filed. Notice of publication of time and place of hearing in the Journal and Courier, Lafayette Indiana were filed. Objections were filed. Joseph and Judith Rubright 7325 Madison St. P.O. Box 46 Buck Creek Indiana 47924/Brien Loynes 4911 Sherman Street Buck Creek Indiana 47924.Evidence was presented by the Tippecanoe County Surveyor and many of those 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 maintenance report of the Tippecanoe County Surveyor and schedule of assessments were filed in the office of the Surveyor on June 23, 2017.
(2) Notice of filing of the maintenance 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.
(3) Notice of the time and place of this hearing was given by publication in the Journal & Courier newspaper of general circulation in Tippecanoe County, Indiana more than ten (10) days prior to this hearing.
(4) The legal drain consists of 0 lineal feet of open ditch and 2420 lineal feet of tile.
(5) The present condition of the drain is in need of repair.
(6) The ditch needs the following maintenance at present: Tile replacement
(7) There is now $1,875.00 owed to the General Drain Fund for past maintenance on this ditch.
(8) The ditch drains 76.82 acres total.

(9) Estimated annual cost of maintenance is $835.96.
(10) Estimated annual benefits to the land drained exceeds repair and maintenance costs.
(11) A fund for annual maintenance should be established.

(12) In order to provide the necessary maintenance fund, the annual assessment per acre and lot benefited should be: $10.00 per acre and a $5.00 minimum for an 8 year period.
(13) The assessment list filed herewith should not be amended:
(14) The assessment list filed herewith is fair and equitable and should be adopted.
(15) The assessment should be collected with the May 10, 2018 taxes.

Now therefore it is ordered that:

(1) A maintenance fund is established for the Huffman Weimert Regulated Drain #125 at the annual rate of $10.00 per acre and $5.00 minimum benefited for an 8 year period.
(2) The Schedule of Assessments filed herewith are adopted and made a part thereof.
(3) The first annual assessment shall be collected with the May 10, 2018 taxes.

Dated at Lafayette, Indiana this 2nd day of August 2018. Tippecanoe County Drainage Board

Tracy Brown made a motion to accept the findings and order as presented by the attorney regarding the Huffman Weimert Regulated Drain #125 Maintenance. Thomas Murtaugh seconded the motion and thanked the landowners who attended today. He stated this was a much needed action for this area. Tracy Brown stated solutions were needed for this area and noted the Surveyor actively collaborates more than any Surveyor across the state and stated he was confident the Surveyor would keep landowners informed moving forward. Motion carried.

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

Thomas P. Murtaugh, President

David S. Byers, Vice President

Brenda Garrison, Secretary

Tracy Brown, Member

TIPPECANOE COUNTY DRAINAGE BOARD
May 2, 2018
Drainage Board Meeting Minutes

Those present were:

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

Approval of Minutes

Thomas Murtaugh made a motion to approve the April 4, 2018 Drainage Board Minutes as written. Tracy Brown seconded the motion carried.

Three Meadows Section 1 Phase 1

Kyle Betz with Fishers and Associates appeared before the Board to present Three Meadows Section 1 Phase 1 Subdivision project. The site was located on the east side of CR 300 West (Klondike Road) just south of the Lindberg Road intersection. The first phase would include 62 lots constructed in the south- southeast and southwest portion of site. The majority of the site's drainage would be routed through three detention ponds and outlet into an unnamed tributary (at the south east end of site) to Jordan Creek. Several lots along the east and southwest boundary would direct release into the adjacent ravines and include conservation easements associated with those areas. He requested approval for the project as presented. The Surveyor stated this project's designer and owner participated in the first TAC (Technical Advisory Committee) mtg. held since the new review process started. Mr. Betz stated it was beneficial to the design process and his client was appreciative to be included as well. The Surveyor recommended approval with the conditions as stated on the April 4, 2018 Burke memo. There was no public comment.

Tracy Brown recommended approval with the conditions as stated on the April 27, 2018 Burke memo. Thomas Murtaugh seconded the motion. Motion carried.

Other Business

Zach Beasley requested two public reconstruction hearings to be held immediately follow the July 11, 2018 Drainage Board regular meeting. The reconstruction hearings involved the Marion Dunkin #25 and Huffman Weimert #125 Regulated Drains. Tracy Brown made a motion to grant approval for the July 11, 2018 Reconstruction Hearing dates on the Marion Dunkin #25 and the Huffman Weimert #125 regulated drains. Thomas Murtaugh seconded the motion. Motion carried.

Petitions
Petitions to Encroach

The Surveyor presented the following petition for acceptance by the Board, he noted this was due to Vectren gas line crossings: Petition for Encroachment Crossing on JK O'Neal #59 Regulated Drainage Easement submitted by Vectren/Petition for Encroachment Crossing on JJ Wilson #88 Regulated Drainage Easement submitted by Vectren/Petition for Encroachment Crossing on Romney Stock Fm. #109 Regulated Drainage Easement submitted by Vectren Tracy Brown made a motion to approve the Petitions submitted by Vectren as presented by the Surveyor. Thomas Murtaugh seconded the motion. Motion carried.

Petition to Establish a Regulated Drain

The Surveyor presented a Petition to Reconstruct the Jeremiah Edwards Regulated Drain submitted to his office by Kenneth Kerker. The Petition was signed by over 50% of the benefitted acres within the watershed. He requested the Board accept the petition as presented and refer it back to the Board for a report. Thomas Murtaugh made a motion to accept the Petition and refer it back to the Surveyor for his report. Tracy Brown seconded the motion. Motion carried. The Surveyor noted this petition was the 10th petition received in the last 9 months.

Amended 2018 Regulated Drains Classification Report

The Surveyor presented an amended classification report for the Board's approval. He noted when the report was submitted in February of 2018, he had overlooked including the Huffman Weimert Regulated Drain under the section of "Drains in Need of Reconstruction". He has included this in the Amended 2018 Regulated Drain Classification Report and asked for the Board s approval of the amended report. Tracy Brown made a motion to approve the Amended 2018 Regulated Drain Classification Report as presented to the Board. Thomas Murtaugh seconded the motion. The Amended 2018 Regulated Drain Classification Report was approved. Motion carried.

F.E. Morin Drain #57 Reconstruction Assistance Agreement

The Surveyor presented a signed agreement for reconstruction assessment assistance from Steve Heimbach for Parcel#791522400001000007 benefitted by the Morin #57 Reconstruction project. The amount was $68,000.00. He recommended approval of the agreement as submitted. Thomas Murtaugh recommended approval as stated. Tracy Brown seconded the motion. Motion carried.

Arbegust Young #106 Regulated Drain

The Surveyor noted a letter was received from Clinton County Surveyor office regarding a hearing to be held on the bi-county Arbegust Young Regulated Drain. The maintenance increase hearing was held, and assessment rates would increase to $4.00 per acre with a $30 minimum starting in the year of 2019.

Public Comment

David Kovich approached the board and stated he was grateful to be included in the design process and felt the TAC meetings were a good addition in the process. He stated the procedure of having a meeting prior to the actual presentation to the Board assisted in a better design. He also stated he was grateful the developers/owners are included in the TAC meetings so that they are fully aware of all the requirements on the specific project submittals.

As there were no other public comments, Thomas Murtaugh made a motion to adjourn. The meeting was adjourned.

David S. Byers, President

Tracy A. Brown, Vice President

Brenda Garrison, Secretary

Thomas P. Murtaugh, Member

TIPPECANOE COUNTY DRAINAGE BOARD
July 11, 2018
HUFFMAN WEIMERT REGULATED DRAIN #125
RECONSTRUCTION HEARING

Those present were:
Tippecanoe County Drainage Board President David Byers, Vice President Tracy Brown, member Thomas P. Murtaugh, County Surveyor Zachariah Beasley, Drainage Board Attorney Doug Masson, Drainage Board Executive Administrator Brenda Garrison, Evan Warner-G.I.S. Technician and James Butcher-Project Manager.

Huffman Weimert #125 Drain Reconstruction

The President opened the Hearing and referred to the Surveyor for his Reconstruction Report to the Board. The Surveyor read his report as follows: Reconstruction Report Huffman Weimert #125 Regulated Drain dated April 30, 2018
The Huffman Weimert Drain was established as a county regulated drain by petition and public hearing held on August 2, 2017. The Huffman Weimert drain, and its watershed are located partially in the town of Buck Creek and totally within Sections 28 and 33 of Township 24 North and Range 3 West, in the political township of Washington Tippecanoe County, Indiana. The watershed area consists of 76.82 acres. Since the August 2, 2017 public hearing the Surveyors office has conducted routine maintenance on the drainage system, a re-route of the main tile from under a house, and a thorough reconstruction investigation. Based on the reconstruction investigation coupled with the knowledge that grants are currently being pursued to build a community waste water treatment plant and storm sewer system within the Town of Buck Creek, the Surveyor recommends that only the portion of the Huffman Weimert drain located under the Norfolk and Southern Railroad be reconstructed at this time. The system north of the railroad tracks is open and moving water presently. The tile system is old, brittle and past it's intended life cycle; however, it is moving water north of the railroad. Under the railroad the tile appears to be obstructed and causing water to stand on the south side of the railroad tracks. Therefore, I believe that replacing the tile under the railroad tracks will allow the system to function in the interim situation. After the community waste water treatment plant and storm sewer system are constructed then this newly reconstructed portion can be tied into the storm sewer system and allowed to function as intended. This short-term solution keeps cost low and allows the county drain to function as originally designed and allows the private residential connections north of the railroad tracks to function until a better alternative can be identified. It is the judgement of the Tippecanoe County Surveyor that a sum of approximately $47,225.00 is needed to reconstruct and improve the Huffman Weimert regulated drainage system. Per I.C. 36-9-27-71, Norfolk and Southern Railroad is required to pay ½ of the cost within their Right of Way. An assessment of 72.00 per acre and a $5.00 minimum over a 5-year period is recommended. This will generate $27,658.65 over a 5-year period. Based on the concerns of the land owners in this watershed it is the professional opinion of the Tippecanoe County Surveyor that this project will address those immediate concerns. Respectfully submitted Zach Beasley Tippecanoe County Surveyor

The Surveyor stated by Indiana Drainage Code 36-9-27-71, railroad companies are required to pay half of the cost of the reconstruction within their railroad right of way. Following the code as stated, he penned a letter to Norfolk and Southern Railroad specifically to Nicholas Bayer out of the Decatur Illinois office which oversees this stretch of the railroad. He provided Mr. Bayer with the plan and profile sheet showing the designed grade, size of tile, elevations, the work to be conducted within their right of way. He sent the said letter with the plan and profile on March 6, 2018 to Mr. Bayer. While he has had many phone calls back and forth, he has not been able to obtain a permit to work within their right of way to date. He requested the Board direct the Drainage Board Attorney to become involved in this process. He noted he has the local persons contact information. He stated he is planning- if this hearing is successful- to send out the project plans for bid tomorrow (07-12-2018) require them back August 8, 2018 to be awarded during the regular scheduled Drainage Board meeting that day and have the contractor work directly with Norfolk and Southern Railroad. Since the time of the creation of the maintenance fund in 2017, his office oversaw a tile reroute which was located under a house located on North Street in Buck Creek Indiana. An investigation of the tile was performed by exposing it, looking at the flow, condition of the tile and invert elevation; all the technical data needed to analysis the system. The tile is in very poor condition. The clay/concrete tile is brittle and has reached far past it's life expectancy. North of the Railroad track it is flowing water, the real problem with the system currently is obstruction under the railroad. The system south of the railroad track is not functioning as it was intended. To keep cost low and with the anticipation of grant monies being obtained in the future for a Community Waste Water Facility and storm sewer improvements; to bring the system into functioning order during the interim, is to directionally bore under the railroad track and open the tile so the system will flow. He noted this will not solve the problem of tile breaking down and creating holes because this system is dilapidated and falling apart. To be clear this project is ONLY to directionally bore underneath the Norfolk and Southern railroad tracks and replace some tile south of the railroad. (approximately a few hundred feet south of track) However, it will buy time until grant monies can be obtained and a new system north or downstream of the railroad tracks can be identified and installed. Responding to Commissioner Byer's

inquiry of the exhibit shown, the Surveyor confirmed the solid red line is where the tile is located currently. The dotted red line is the proposed route of the storm sewer system in the future. The Surveyor noted based off ground elevations and data collected to date, the dotted tile route was in his opinion the best proposed re-route for a future storm sewer system for the town of Buck Creek. Responding to Commissioner Byers inquiry, the Surveyor stated to his knowledge there was no other portion of a tile located under a house however as far as structures (yard barns/sheds etc.) it was entirely possible. He noted they dug up the tile in several locations. There was a tile hole in the northeast corner between North St. and Sherman St. The tile was rerouted around the tract owned by Marion and Kevin Weimert at 7330 North St. because it was located under their house. Historically there have been tile holes and the tile is basically falling apart north of the Sherman / Madison St. The railroad company owned a house trailer which was in their right of way that possibly could be located on top of a portion of the tile. However, it is a mobile type structure not a permanent structure. President Byers opened the floor for public comment.

Levi Huffman, representing Ralph and Carmen Wise 7205 East 400 North Lafayette Indiana 47905 approached the Board. He stated he has farmed the tract for many years and has progressively lost the outlet at the north end due to the tile's poor condition. He noted this was the only outlet they had, and he calculated approximately 58% of the benefitted acres within the watershed was owned by them. He stated they were in full agreement for the reconstruction of the tile and noted if they do not do the reconstruction they will eventually lose the 44 acres of tillable ground due to poor drainage.

Kevin Weimert 7330 North St. Buck Creek Indiana 47906 approached the Board. He began by thanking the Board for their help with relocating the tile around his lot. He stated he did not think the tile north of the railroad could take the amount of water flowing into it once the portion under the railroad was installed. He has water ponding now on his lot and stated he thought it would just get worse if this is done. He stated the tile would continue to fall apart and the amount of flow would add to the problem. He asked why the tile could not be reconstructed from the edge of North Street and Sherman Street to south of the railroad. He asked if he would be able to put a shed or garage on his property over the old tile's location as he has not due to the poor drainage and standing water on his lot. During a large rainfall, he now has water coming from Keen flowing to the east side of his garage and ponding there. He stated there possibly could be a broken tile at the north end of Keen St. He then asked if the Board could help him out in the meantime. Tracy Brown stated he would make a couple comments. It has been three years since the Commissioners started working on this issue. He noted it was one of the most complex drainage problems he has encountered. The tile will continue to break down due to the condition it is in currently. There is opposition by landowners who do not want anything done. However, this problem will not go away, and the Board of Commissioners haves been put on notice it must be fixed. The real issue at this time is what is connected to the tile. He stated an income study has been completed and a planning grant is being reviewed currently for the town. He noted the town of Buck Creek is in the same situation as a lot of small communities. Unfortunately, septic systems have been found to be tied to this tile and if a septic fails in the future it would cause a host of issues. Tied together with the poor drainage causes the problem to be more complexed. Mr. Weimert stated his concern was more water flowing through the system once the tile is replaced under the railroad and what problems that will cause those landowners north of the railroad. Surveyor Beasley interjected and asked to address Mr. Weimert and the Board concerning a couple issues stated. He began by stating the following: #1 The subsurface tile has nothing to do with storm water, it is ground water control. It is not a storm sewer and was never planned to be and never will be as it was NOT designed for that. It is an old clay/concrete tile system designed to keep the water table in the ground low enough for the ground to be used and farmed. It is not a storm sewer with curb and gutters which you will find in a residential subdivision or a commercial site. #2 Due to this, this project is not fixing the surface culvert under the railroad tracks. This project is to directionally bore a pipe which will be approximately 3-4 feet below the normal grade of the railroad bed. It is intended to control ground water NOT surface water. When rain hits the ground it basically runs across the surface of the ground. The tile will not pick up that water into the tile system. He stated his point was this project would NOT cause more water through the culverts. He stated he would investigate the breathers around the fire station to ensure the tile is not plugged up and causing more problems. There is an easement with county regulated tiles and yes there are restrictions that come along with the easement. If a landowner wants to build on their property they have to come to the Surveyor's office to make sure they are not building on top of the tile or in the easement. If they want to build within the easement there are steps which they must follow to get the approval from the Surveyor office to build within the easement of a county regulated tile. It is the intention to keep this system in the interim until a storm system can be put in for the town of Buck Creek. At that time, the old tile would be vacated on private property and put it all in the road right of way. This is a better long-term solution. Anything the contractor sees while fixing tiles has to be reported. IDEM has put the Board on notice due to septic tied into the tile system currently. Steps are being taken so that it does not financially cripple the landowners. Commissioner Brown stated they are working on this as quickly as possible and hopes that the issue can be taken care of in the near future however the process is not a quick one. This issue exists across the state in small" Water Tower" towns and towns that do not have a water tower. The Surveyor stated since the petition was filed an enormous amount of work has been done on this problem.

Tracy Niccum 7400 North St. Buck Creek Indiana 47924 approached the Board. He stated there were two culverts where the storm water runs into the tile drain. One is directly across from his house on the south side of North St. and on Keen St. He stated he was opposed to any tile routing through his property. He stated there were several holes in his yard that needed fixed. Commissioner Byers stated they are looking at possibly coordinating a waste water facility for Buck Creek, Americus and Colburn to have one facility take care of all three small communities. He stated financially it does not benefit him. He stated he thought the tile was beside his well. Commissioner Brown stated they wanted to fix the problem while impacting the least number of people possible. Mr. Niccum stated the tile is backflowing in a large rainfall and the tile could be obstructed or broken down by the fire station. The Surveyor reiterated the goal was to get tiles out of the landowner's yard and into the streets. This will cost an enormous amount of money and that is why the County is trying to obtain grant funds. He stated he was against the project" as 60% of the water that flows through the tile is not his."

Judy Rubright P.O. Box 46 Buck Creek Indiana 47924 approached the Board. If the tile is opened under the railroad she stated she felt, they will get a lot more flooding. She stated that before they built the Heartland, the creek water flowed through the creek. However now it does not flow through the creek as it once did. Her land is getting flooded by the stormwater. The tile under the railroad track will be solid. She stated, being on social security she will pay attention to the availability of the Reconstruction Assistance contract with the County. Joe Rubright approached the Board and asked why he had to pay for a project that is going under the railroad tracks. The Surveyor explained the Indiana Code requirements of landowners within a watershed's responsibility of assessment for the drains maintenance and upkeep. Mr. Rubright stated the only one it will help is Levi Huffman. The Surveyor stated this was a private drain until a petition was submitted to his office to make the tile a county regulated drain and that was done. There was a maintenance fund set up for the drain at that time to address immediate concerns. A town meeting was also held to discuss the town's septic issues.
What is being done today is another step to rectify the problem within the community. This was one step in the overall process of installing a storm sewer in the street and a waste water plant to be built. The Attorney stated everyone in the watershed of a drain pays assessment per Indiana Code. What happens is upstream owners say it doesn't benefit me, my water flows downhill I am good, downstream owners say it doesn't benefit me I don't have to go through the drain, I can get directly to the river. The legal cases have discussed why everyone within a watershed benefits by paying the assessments collected. However, it never seems to be satisfactory to all but that is the general thinking of why they designed the process. Commissioner Murtaugh stated this comes up at most hearings and that is why the Indiana Code states everyone within the watershed shares the burden. The Surveyor stated the project is only going from the south side of railroad track to north side of railroad track. The anticipation is a solid /closed pipe and the railroad pays half of the cost. Mr. Rubright stated this would not be advantageous to him at all. Commissioner Murtaugh stated due to the fact he owns property within the watershed the Indiana Code states he has to pay an assessment. There was no other public comment.

The President referred to the Attorney to state the Board's Findings and Order as follows: Before the Tippecanoe County Drainage Board In the matter of the Huffman Weimert #125 Regulated Drain Findings and Order for Reconstruction and 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 30, 2018. The Certificate of Mailing of notice of time and place of hearing, to all affected landowners was filed. Notice of publication of time and place of hearing in the Journal and Courier, Lafayette Indiana was filed. Objections were filed. Joseph and Judith Rubright 7325 Madison St. P.O. Box 46 Buck Creek Indiana 47924
Brien Loynes 4911 Sherman Street Buck Creek Indiana 47924 Tracy Niccum 7400 North Street and 7403 North Street Buck Creek Indiana 47924 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:
The reconstruction report of the Tippecanoe County Surveyor and schedule of assessments were filed in the office of the Surveyor on April 30, 2018. 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. Notice of the time and place of this hearing was given by publication in the Journal & Courier newspaper of general circulation in Tippecanoe County, Indiana more than ten (10) days prior to this hearing. The legal drain consists of 1920 lineal feet of main tile of various size and one branch of tile totaling 500 feet of 10" diameter for a total of 2420 lineal feet of tile and 0 feet of open ditch under assessment. The present condition of the tile under the Norfolk and Southern Railroad tracks is brittle and past its intended life cycle. The tile needs the following reconstruction at present: tile replacement under the Norfolk and Southern Railroad Track. There is now $9,515.50 owed to the General Drain Fund for past maintenance on this ditch. The ditch drains 76.82 acres total. Estimated benefits to the land exceed repair and reconstruction costs. A fund for reconstruction should be established. In order to provide the necessary reconstruction funding, the annual assessment per acre and lot benefited should be: $72.00 per acre and a $5.00 minimum over a five (5) year period. This will generate $27,658.65 over a five (5) year period. Norfolk and Southern Railroad per I.C. 36-9-27-71 is required to pay ½ of the total cost ($47,225) within their Right of Way. The assessment list

filed herewith should not be amended: The assessment list filed herewith is fair and equitable and should be adopted. The assessment should be collected with the May 10, 2019 taxes. Now, therefore it is ordered that:

A reconstruction and maintenance fund be established for the Huffman Weimert #125 Regulated Drain. The reconstruction fund is established at the annual rate of $72.00 per acre and a $5.00 minimum for a five (5) year period.
The Schedule of Assessments filed herewith are adopted and made a part thereof.
Per I.C. 36-9-27-71 Norfolk and Southern Railroad are required to pay ½ of the total cost within their Right of Way.
The first annual assessment shall be collected with the May 10, 2019 taxes.
Dated at Lafayette, Indiana this 11th day of July 2018. Tippecanoe County Drainage Board

Thomas Murtaugh made a motion to approve the Findings and Order of the Board for the Huffman Weimert Regulated Drain #125 Reconstruction. Tracy Brown seconded the motion. Motion carried.

Thomas Murtaugh made a motion to adjourn. The meeting was adjourned

David S. Byers, President

Absent
Tracy A. Brown, Vice President

Brenda J. Garrison
Brenda Garrison, Secretary

Thomas P. Murtaugh, Member