

MINUTES OF THE TIPPECANOE COUNTY DRAINAGE BOARD HELD JULY 5, 1972.

The July 5, 1972 meeting of the Tippecanoe County Drainage Board met in the Commissioner's Room in the Court House at 9:00 a.m. In attendance were: Bruce Osborn, Dale Remaly, Edward Shaw, Dan Ruth, Fred Hoffman, John Garrott, and Ruth Schneider.

Minutes Approved The minutes of the June 7, 1972 meeting were read and approved.

The engineer reported on the work done by the Emergency Employment Association employees.

9:30 a.m. Hearing on Lewis F. Jakes Ditch The Engineer opened the hearing on the Lewis F. Jakes Ditch by reading his report and making his recommendations to the Board. Those in attendance were: Marvin Pearl, Robert S. Jewett, Paul W. Shepherd, Vincent Pearl, Fred A. Trost, and Lowell Henderson. All tile is in good shape except for three property owners; and they are to be contacted to see if they will clean out their portion of the ditch. Then another hearing will be held in September to make a decision on the maintenance fund. Mr. Lowell Henderson ask for permission to cross the ditch with his machinery without disturbing the flow of water.

Motion made and carried that the hearing be postponed until September, 1972.

10:30 a.m. Nellie Ball Ditch Hearing The Engineer opened the hearing on the Nellie Ball Ditch by reading of the engineers report. Mr. Ruth read three letters from land owners objecting to the maintenance fund. Present at said meeting were: Clarence Miller, John Bishop, Dixie Pattengale, Kenny Crabtree, Lowell Sheppard, H. R. Underhill, Mrs. H. R. Underhill, Claudia L. Bishop and George DeLong. Mr. Pattengale said the ditch only benefits George Wagner's farm and county road 1000 East. Mr. Crabtree said the maintenance fund wouldn't help unless we did something with the surface water. Dan Ruth suggested that a storm sewer be constructed and then a maintenance fund established.

11:50 a.m. Mr. Ruth, the engineer opened the hearing on the Mary Southworth Ditch by reading his report.

The following persons were present: Mr. and Mrs. Leo Kerker, Mrs. Helen Shidler, and C. M. Kirkpatrick, representative from Purdue University.

The following letter was received from Purdue University:

Statement to: Tippecanoe County Drainage Board  
Lafayette, Indiana  
From: C. M. Kirkpatrick, Agricultural Experiment Station  
Purdue University  
Subject: Request to abandon section of a legal drain.

As the Purdue University staff member responsible for management of the Purdue Wildlife Area, consisting of the SW 1/4 Sec. 12, Twp. 23, R.6, and Pt. E SE 1/4 and E NE, Sec. 11, Twp. 23, R.6, I would like to request that that part of the Southworth Ditch west of Road 750 West be abandoned.

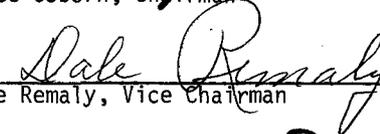
The primary purpose of the Purdue Wildlife Area is to preserve the marsh for migratory and nesting waterfowl while serving as a general wildlife refuge. The area has unique value in being the last remaining marsh in Tippecanoe County and one of the few in northern Indiana with refuge status. A number of wild birds and other wildlife use the marsh. They could not live there without the marsh habitat that is created by standing water.

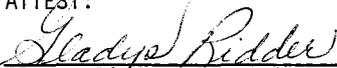
For the purpose of bird study and esthetic enjoyment, the area is open to public use. Hundreds of individuals use the area throughout the year. Several University classes in their use of the area aggregate some dozens of trips each year. Graduate students in wildlife and conservation and other sciences carry on a continuing program of wildlife research. Without the marsh water, there would be little or no opportunity for these activities involving so many people.

In summary, the lowland area under consideration has unusual significance in terms of recreational and scientific values. We believe that preservation of the marsh as a wildlife sanctuary has high priority, and we respectfully request abandonment of the drain.

There will be another meeting on this ditch because lack of landowners being on the assessment roll. At that time it is anticipated that the portion of the ditch west of the east line of the Shidler property will be vacated.

Upon motion made and carried the meeting adjourned.

  
Bruce Osborn, Chairman  
  
Dale Remaly, Vice Chairman  
  
Edward Shaw, Board Member

ATTEST:  
  
Gladys Ridder, Exec. Secretary

58

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

Minutes  
Approved  
Four Seasons

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

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

STATE OF INDIANA )  
                          ) SS:  
TIPPECANOE COUNTY)

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

PETITION

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

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

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

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

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

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

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

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

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

Attorneys for Petitioner

RESOLUTION

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

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

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

Adopted this 6th day of September, 1972.

/s/ Bruce Osborn

/s/ Dale Remaly

/s/ Edward Shaw

After careful consideration the Board moved to approve the reduction.

Overlaps  
in  
Acreage

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

Ditches  
Referred

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

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

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

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

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

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

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

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

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

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

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

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

Upon motion made and carried the meeting adjourned.

Bruce Osborn  
Bruce Osborn, Chairman

Dale Remaly  
Dale Remaly, Vice Chairman

Edward J. Shaw  
Edward Shaw, Board Member

62

ATTEST:

Gladys Ridder  
Gladys Ridder, Exec. Secretary

The Tippecanoe County Drainage Board met in regular session in the Community Meeting Room at 8:30 a.m. on April 6, 1983. In attendance: Bruce Osborn, Chairman; Eugene Moore, Boardmember; Sue Reser, Boardmember; Michael Spencer, Surveyor; Fred Hoffman, Drainage Board attorney; George Schulte, County Drainage Engineer; and Frances Bates, Drainage Board Secretary.

#### Camelot Subdivision

Mr. Jack Kovich, representing Tippecanoe Enterprises, submitted to the Board for approval the revised plans for the construction of a detention pond in the Camelot Subdivision. Mr. Kovich stated that changes made in the original plans had been done to satisfy County Engineering and Drainage requirements and included: easement to allow County access, extended plunge pit and spillway, surface smoothing of spillway, and decrease of the detention pond area so as not to adversely affect property of land owners in the detention area. Mr. Kovich clarified that the detention pond as revised would serve only the developed Parts of Camelot Subdivision, rather than the entire Subdivision as originally planned. Camelot

George Schulte, Engineer, stated that the revised plans now calling for a decreased detention pond area and therefore less storage volume, did meet drainage ordinances. The proposed plan being to decrease the detention pond area in question and to later construct a second detention pond upstream. Mr. Schulte stated that he had not verified the spillway plans, since no final details had been submitted to him. Mr. Kovich and Mr. John Fisher assured Mr. Schulte that necessary plan details would be submitted at a later date and that Drainage Board approval would be requested prior to any further development.

Mr. Ron Burton, property owner in the Camelot area, cautioned that approval be required of any upstream development by Tippecanoe Enterprises, noting that easement on his property had not been given. Mr. Ed Mahan, Camelot area property owner, stated his concern for a previously existing dam upstream which had washed out and deposited debris on his property. The question of responsibility for debris removal being presently in litigation. Mr. Mahan requested clarification of a proposed road in the Subdivision and of plans to compact loose dirt from construction. Both Mr. Burton and Mr. Mahan requested that more detailed plans be given and explained before approval is granted.

Jack Kovich, Dave Kovich, and Chris Kovich concurred that future plans for development of Camelot Subdivision could not be given at this time. However, noting that a maintenance bond is obtainable should any future problems occur and assuring Mr. Burton that no added water would be deposited on his property from the planned development.

Hearing for increase in maintenance funds and schedule of assessments for Lewis F. Jakes Ditch:

Property owners attending: Ruth Anderson, Robert Kerkhove.

Michael Spencer, County Surveyor, submitted to the Board the Maintenance Report on the Jakes Ditch requesting that the assessment be increased to \$2.00 per acre with a \$3.00 minimum assessment for lots, noting that the \$1.00 per acre assessment established in 1972 was inadequate to maintain the ditch. The ditch serving 1275.218 acres would provide \$2560.32 per year with the new assessment. The Jakes Ditch fund currently owing \$1683.56 to General Drain.

A letter of remonstrance from Mr. and Mrs. Wayne Keims was submitted and read. Mr. Spencer stated that the letter and the concerns expressed by the land owners had been answered.

The landowners present at the meeting unanimously agreed to the assessment increase, concurring that it was needed to make improvements in this ditch.

The motion to increase the assessment on the Jakes Ditch to \$2.00 per acre with a \$3.00 minimum on lots was made by Sue Reser and seconded by Eugene Moore. Unanimous approval was given.

#### Brookwood Estates

Mr. John Fisher, representing Brookwood Estates, presented to the Board the plans for creation of two lots and cul de sac with drainage into an existing storm sewer in Part 3 of Brookwood Estates. Unanimous approval was given by the Tippecanoe County Drainage Board.

#### Wake Robin Estates

Mr. Bob Groves, representing Wake Robin Estates, submitted the plans for development requesting final drainage approval. Mr. George Schulte verified that he had reviewed the plans and that they do meet the drainage criteria.

Michael Spencer stated that he had been contacted by owner of Lot 4 in the Estates concerned with a ditch that is outside of the utility easement. The ditch dimensions being 47 foot wide by 6 foot deep on his lot. Mr. Groves explained these dimensions were due to slope of the ditch sides and for possible base-ment construction. Fred Hoffman stated that this ditch was not a legal drain and therefore the Board would have no jurisdiction in this matter.

Mr. Herb Schwetman, Association President of Sherwood Forest, stated that he had been kept informed of development plans by Wake Robin Estates and was present only to caution that planned basins not hold water, be maintained, and that drainage not overburden the Creek.

Sue Reser made the motion that final approval for drainage at Wake Robin Estates be given. Eugene Moore seconded the motion. The Drainage Board gave final approval.

#### Saw Mill Run Development

No representative of Saw Mill Run Development was in attendance.

Michael Spencer stated that Saw Mill Run Development had been annexed to the city and involved complicated drainage plans with more than a square mile of drainage area, thereby requiring the meeting of Department of Natural Resources requirements.

George Schulte stated that no final plans had been submitted to the Department of Natural Resources as of this date.

Bruce Osborn stated that relative to the Saw Mill Run Development: the County Surveyor and County Drainage Engineer had verified that this development falls under the guidelines of the Department of Natural Resources, that the development is within city limits, and that therefore the Drainage Board will take no action in this matter except to concur with the Department of Natural Resources in its findings to protect the public interest.

Jakes  
Ditch

Brookwood  
Estates

Wake  
Robin  
Estates

Saw Mill  
Run Dev.

April 6 meeting (cont.)

Elliott Ditch

Discussion of proposed new assessment schedule for Elliott Ditch as drawn up by George Schulte, County Engineer, as based on actual water run-off from land categorized in accordance with County zoning maps. Evaluation of maximum, minimum, and reasonable assessment.

Elliott  
Ditch

Eugene Moore noted that the Elliott Ditch was in debt, needed much repair, and that industry had been cooperative in the past when reassessment had been discussed.

Michael Spencer recommended that assessments be combined for property owners served by both Treece Drain and Elliott Ditch, so that they would not be charged a double assessment. Mr. Spencer also recommended that assessment schedules be updated yearly to include zoning changes and newly developed areas.

George Schulte recommended that a debt time limit be established for ditches of two or three years.

Bruce Osborn proposed that an Informational Meeting be held to advise property owners in the Elliott watershed of rate options and reassessment needs. No date was set at this time to allow time for the completion of a maintenance report and a rate option information sheet.

The Tippecanoe County Drainage Board was unanimously adjourned at 10:15 a.m.

*Bruce Osborn*

Bruce Osborn, Chairman

*Eugene A. Moore*

Eugene Moore, Boardmember

*Sue M. Reser*

Sue Reser, Boardmember

Attest: *Frances Bates, Secretary*

The Tippecanoe County Drainage Board met in regular session on Wednesday, January 8, 1986 at 8:30 A.M. in the Tippecanoe County Office Building, Community Meeting Room, 20 North Third Street, Lafayette, Indiana.

Chairman Bruce V. Osborn called the meeting to order. Those in attendance were: Bruce V. Osborn Chairman, Eugene R. Moore and Sue W. Scholer, Board Members, Michael J. Spencer Surveyor, Fred Hoffman Drainage Attorney, and Matalyn D. Turner Executive Secretary.

Chairman Osborn turned the meeting over to Attorney Fred Hoffman for the election of officers.

Mr. Hoffman ask for nominations from the floor for President of the Board, Eugene Moore nominated Bruce V. Osborn President of the Board, seconded by Sue W. Scholer, there being no other nominations, Sue Scholer moved the nominations be closed, seconded by Eugene Moore. Mr. Osborn was unanimously elected President of the Drainage Board for 1986. Bruce Osborn ask for nominations for Vice-President, Sue Shcoler nominated Eugene R. Moore Vice-President, unanimously approved that Eugene Moore serve as Vice President.

334

January 8, 1986 Regular Meeting Continued

Sue W. Scholer was nominated by acclamation as Secretary of the Board. Sue W. Scholer moved to appoint Maralyn D. Turner Executive Secretary, Mr. Fred Hoffman Drainage Attorney, and George Scholte Drainage Engineer. Unanimously approved by the Board.

986  
SSESS-  
ENTS

1986 ASSESSMENTS:

Fred Hoffman attorney read the list of 1986 Ditch Assessments for approval. Those to be made active are Charles Daughtery, Thomas Haywood, F.E. Morin, William Walters, Luther Lucas ditch to be assessed two consecutive years (1986&1987). Those that will continue to be active are: Jesse Anderson, E.W. Andrews, Julius Berlovitz, Herman Beutler, Michael Binder, John Blickenstaff, N.W. Box, A.P. Brown, Buck Creek (Carroll County) Orrin Byers, County Farm, Darby Wetherill (Benton County) Marion Dunkin, Christ Fassnacht, Martin Gray, E.F. Haywood, Harrison Meadows, Lewis Jakes, Jenkins, James Kellerman, Frank Kirkpatrick, John A. Kuhns, Calvin, Lesley, Mary McKinney, Wesley Mahin, Samuel Marsh (Montgomery County) J. Kelly O'Neal Emmett Raymon (White County) Arthur Richerd, John Saltzman, Abe Smith, Mary Southworth, William A. Stewart, Gustaval Swanson, Treece Meadows, Lena Wilder, Wilson-Nixon (Fountain County), Simeon Yeager, S.W. Elliott, and Dismal Creek. Sue W. Scholer moved that the ditch assessment list for 1986 be approved as read, seconded by Eugene R. Moore, Unanimous approval given. A letter to the Auditor with attached list of 1986 Ditch Assessments will be forwarded.

ODRIDGE  
UTH

WOODRIDGE SOUTH

Michael Spencer surveyor, presented the drainage plans for the Woodridge South, at the December 4, 1985 board meeting it was decided that the landowners would take care of the detention basin behind the two lots and they they would check into increasing the release rate from a 10 year storm event to 25 year storm to make the basin smaller. George Schulte has looked at the plans and finds the plans in order, Michael Spencer recommended the board give final approval to the detention area for Woodridge South. Eugene Moore made motion to give final approval to Woodridge South, seconded by Sue W. Scholer, Unanimous approval.

Sue W. Scholer ask the board to review Allen County's proposed section pretaining to Subdivisions in their Drainage Ordinance, the board members agreed to study.

JAMES  
KIRPATRICK  
DITCH

JAMES KIRPATRICK DITCH

Need to assess landowners within the James Kirpatrick watershed in order to get back \$6,000.00 spent for the drainage study in 1981, December. State Board of Accounts requested this be done.

MCLAUGHLIN  
DITCH

MCLAUGHLIN, JOHN DITCH

A letter needs to be sent to Montgomery County requesting total amount of expenses to date on the John McLaughlin ditch so that we can collect our share of expenses in Tippecanoe County.

ELLIOTT  
DITCH

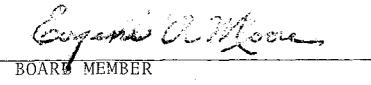
ELLIOTT DITCH

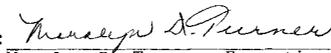
A hearing will be set sometime in 1986 for increasing maintenance fund on the Elliott ditch.

There being no further business, meeting adjourned at 8:50 A.M.

  
CHAIRMAN

  
BOARD MEMBER

  
BOARD MEMBER

ATTEST:   
Maralyn D. Turner, Executive Secretary

TIPPECANOE COUNTY DRAINAGE BOARD  
WEDNESDAY, JANUARY 6, 1988

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Michael stated he had received a letter from Benton County in regards to the Darby Wetherhill ditch and he asked the board to appoint a representative and alternates for this ditch. Sue W. Scholer is representative, first alternate Eugene R. Moore, second alternate Bruce V. Osborn.

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

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

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

## January 6, 1988 Drainage Board Meeting Continued

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

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

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

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

Many questions need to be answered before action is taken.

## VALLEY FORGE

Valley Forge

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

## MEETING TIME CHANGE

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

## JOHN HOFFMAN DITCH

JOHN HOFFMAN DITCH

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

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

Mr. Hoffman conducted election of officers.

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

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

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

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

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

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

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

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

Mr. Spencer asked for questions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Moore asked the feeling of the property owner.

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

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

## January 6, 1988 Drainage Board Meeting Continued

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

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

Malcomb Miller supports Mr. Frey's statement.

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

Michael stated they would be maintaining what there is now.

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

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

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

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

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

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

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

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

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

Michael stated the grade can be checked.

Mr. Barr would agree to keep the water going.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Bruce V. Osborn*

Bruce V. Osborn, Chairman

*Sue W. Scholer*

Sue W. Scholer, Boardmember

*Eugene R. Moore*

Eugene R. Moore, Boardmember

ATTEST:

*Maralyn D. Turner*

Maralyn D. Turner  
Executive Secretary

TIPPECANOE COUNTY DRAINAGE BOARD  
WEDNESDAY, JANUARY 4, 1989

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

HOFFMAN  
DITCH

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

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

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

*Eugene R. Moore*

Eugene R. Moore, Chairman

*Bruce V. Osborn*

Bruce V. Osborn, Board Member

*Sue W. Scholer*

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

TIPPECANOE COUNTY DRAINAGE BOARD  
REGULAR Meeting January 3, 1990

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

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

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

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

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

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

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

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

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

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

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

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

COUNTRY CHARMS

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

TRASH TRANSFER

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

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

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

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

Sue W. Scholer stated there are two recommendations made.

1. The erosion control. 2. The calculations.

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

COUNTRY  
CHARMS

TRASH  
TRANSFER

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

✓  
DIMMENSION

DIMENSION CABLE

CABLE

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

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

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

George stated they are asking for final drainage approval.

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

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

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

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

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

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

WAL-MART

WAL- MART

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

WAL-MART CONTINUED  
JANUARY 3, 1990 DRAINAGE BOARD MEETING

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## STATE ROAD

## STATE ROAD 38 PROJECT AGREEMENT

## 38 PROJECT AGREEMENT

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

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

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

## ORCHARD PARK

## ORCHARD PARK

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

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

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

The services that were included are:

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

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

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

THE ITEMS READ ARE NEEDED FOR THE ENTIRE WATERSHED

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

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

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

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

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

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

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

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

**CARROLL COUNTY JOINT DRAIN**

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

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

Hubert Yount, seconded. Motion carried.

**DRAINAGE BOARD ATTORNEY CONTRACT**

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

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

Nola J. Gentry, seconded. Motion carried.

**ACTIVE AND INACTIVE DITCHES**

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

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

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

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

#### DISCUSSION ON TILE BIDS

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

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

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

#### JOHN HOFFMAN DRAIN

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

Mike read the proposal into the minutes.

#### TO WHOM IT MAY CONCERN:

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

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

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

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

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

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

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

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

Discussion followed.

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

#### HADLEY LAKE DRAIN

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

#### PINE VIEW FARMS

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

Discussion followed.

Mike Spencer recommended preliminary approval to the Board.

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

Hubert Yount, seconded. Motion carried.

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

Keith E. McMillin  
Keith E. McMillin, Chairman

Nola J. Gentry  
Nola J. Gentry, Member

Hubert D. Yount  
Hubert D. Yount, Member

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

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

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

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

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

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

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

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

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

**Hire the Attorney**

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

**Active and Inactive Ditches for 1993**

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

**ACTIVE DITCHES**

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

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

INACTIVE DITCHES

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

**Storm Water Drainage Improvement Plan**

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

Mr Peterson discussed the alternative improvements.

Alternative #1 Low flow pipe and high flow channel.

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

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

Mr. Hoffman asked how big the pipe would be?

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

Alternative #2 All pipe improvements.

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

Pipe size ranges from 54 inches to 60 inches.

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

Alternative #3 All channel improvements.

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

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

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

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

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

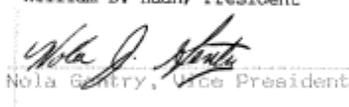
Mr. Hoffman assumed there will be a petition for reconstruction to make those changes in easement.

Commissioner Gentry answered there will be a reconstruction hearing.

Discussion followed.

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

Meeting adjourned.

  
William D. Haan, President  
  
Nola J. Gentry, Vice President  
  
Hubert Yount, Member

ATTES:   
Shelli Hoffine, Executive Secretary

TIPPECANOE COUNTY DRAINAGE BOARD  
REGULAR MEETING  
JANUARY 5, 1994

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

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

ELECTION OF 1994 OFFICERS

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

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

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

-APPOINTMENTS-

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

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

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

-MEETING DATES FOR 1994-

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

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

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

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

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

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

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

#### HAWKS NEST SUBDIVISION, PHASE I

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

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

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

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

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

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

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

#### TRIPLE J POINTE SUBDIVISION

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

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

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

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

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

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

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

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

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

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

#### HARRISON & MCCUTCHEON HIGH SCHOOLS IMPROVEMENTS

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

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

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

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

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

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

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

ACTIVE DITCHES FOR 1994

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

INACTIVE DITCHES FOR 1994

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

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

OTHER BUSINESS

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

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

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

**GREAT LAKES CHEMICAL**

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

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

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

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

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

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

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

TIPPECANOE COUNTY DRAINAGE BOARD  
REGULAR MEETING  
MARCH 9, 1994

The Tippecanoe County Drainage Board met Wednesday, March 9, 1994, in the Community Meeting room of the Tippecanoe County Office Building, 20 North Third Street, Lafayette, Indiana with Nola J. Gentry calling the meeting to order.

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

The first item on the agenda was to approve the minutes from the last Drainage Board Meeting held February 2, 1994, Commissioner Haan moved to approve the minutes, seconded by Commissioner Gentry. Motion Carried.

HAWKS NEST SUBDIVISION PHASE II

Greg Hall, Intercon Engineering, presented the Board with final drainage plans on Hawks Nest Subdivision, Phase II.

Mr. Spencer explained the developer is asking for a variance to allow for onlot storage within the drainage easement at the north end of the subdivision.

Mr. Hall stated the four lots are part of the ravine bank which are steep enough it would take a 100 year storm event to reach the top of the bank. The land owner will be aware of the possible on-lot storage through their restrictive covenants.

Mr. Spencer recommended the drainage swales that run north & south taking water to the detention basin be clearly shown to run within the drainage easements. When the developers request a building permit, they need to submit a site drainage plan for each lot showing how the lots will be graded.

Commissioner Haan moved to grant the variance for lots 58, 60, 82, and 83 for on-lot stormwater storage within the drainage easement and the developer add the language to the restrictive covenants. Seconded by Commissioner Gentry. Motion carried.

Mr. Spencer read the conditions:

1. The applicant should include both proposed easements on the final plat. The applicant should also provide verification to the surveyor that the swales will lie within the platted easements.

2. The applicant should include the drainage areas for the storm sewer system and the proposed pad elevations for each lot on plans. A note should also be added to those plan sheets stating that each individual lot must be graded to be compatible with the drainage divides shown.

Commissioner Haan moved to grant final approval of Hawks Nest Subdivision, Phase II, subject to the two conditions read by the Surveyor. Seconded by Commissioner Gentry. Motion carried.

ROMNEY RUN SUBDIVISION, PHASE I

Jerry Kittle, Schneider Engineering, asked for final approval of Romney Run Subdivision, Phase I. Mr. Kittle asked for two variances: the fence requirement around the two detention basins and lots 45-49 having onlot storage. The water in a 100 year storm event will encroach on the lots approximately 2 to 3 feet within the drainage easement and will not exceed 1 foot of depth.

Mr. Spencer suggested each lot owner own a 1/186 interest in the detention ponds instead of having the Homeowners Association responsible for the maintenance of the ponds.

Mr. Hoffman asked where the ponds are located within the subdivision and the depth of the ponds?

Mr. Kittle stated one pond is surrounded by lots and the other has frontage along County Road 300 South. The pond's depth will not exceed 10 feet.

Mr. Hoffman felt there should be a fence.

Mr. Kittle proposed putting a larger shelf in the pond that runs along 300 South.

Commissioner Gentry stated there needs to be a barrier between the road and the pond, so that people are not able to see the pond from the road.

Mr. Kittle suggested using landscaping mounds as a barrier between the road and the pond.

Mr. Spencer stated the mounds could not block the emergency spillway that is currently planned on the southwest corner of the detention pond. The developer could use a hard surface emergency spillway that would also serve as an emergency access.

Commissioner Yount joined the meeting at 9:25.

Mr. Spencer brought to the Boards attention the gutter spread calculations have not been approved by the County Highway Engineer. The gutter spreads are at 9 feet instead of 10 feet with the major one in the southwest cul-de-sac.

Commissioner Yount moved to grant the variance for lots 45-49 to store up to a foot of onsite storage.

Commissioner Yount moved to grant final approval of Romney Run Subdivision, Phase I subject to the gutter spread calculations being approved by the County Highway Engineer, subject to lots 45-49 onlot storage not to exceed one foot in depth, and subject to the emergency spillway and emergency access on the south pond be located at the southwest corner of the pond and the surface be approved by the County Surveyor. He also approved the variance for a fence around both ponds and a berm to be constructed between County Road 300 South and the south pond, seconded by Commissioner Haan. Motion carried.

Paul Coutts, C & S Engineering, asked for preliminary approval of Wake Robin Estates II. The southwest portion of the subdivision drains to the south and the north portion of the subdivision drains to the east both outletting into detention ponds.

Commissioner Gentry asked what the plan is for the pond along Lindberg Road?

Mr. Coutts stated a berm has been planned as an obstruction between the pond and Lindberg Road.

Commissioner Yount asked who would be responsible for maintaining the detention ponds?

Mr. Coutts stated the landowners will be responsible for maintenance by each having an undivided interest in the pond.

Mr. Spencer read the conditions that need to be met before final approval is granted.

1. The applicant has proposed to utilize twelve 36" CMPs for the outlet of the north detention pond. The applicant has shown general compliance with the ordinance with this configuration however, re-evaluation of this design may be warranted based on maintenance issues of the facility.
2. The applicant provided storm sewer calculations with the first submittal. However, the second submittal indicates that the applicant has revised a portion of the lot and street layout. These revisions require changes to the watershed map and the calculations that should be completed before submitting for final approval. The first submittal does indicate a general compliance with the ordinance.
3. The submitted calculations indicate that a culvert will be constructed under Yeoman Lane. The applicant should provide the location for this culvert and details for the conveyance system to the proposed detention pond in the submittal for final approval.
4. The January 17, 1994 memorandum stated that there may be a wetland in the area of the proposed north detention pond. The applicant has provided a letter from the Corps of Engineers regarding this issue. Based on this letter, it appears that a permit may be required for the construction in the wetland. The applicant should clarify this issue before submitting plans for final approval.
5. The detention ponds are located on lots 175-177 and 86-91 and not on common areas. The applicant will be requesting a variance for this issue and will include wording in the covenants and restrictions for maintenance by the lot owners.
6. In addition to the concerns listed above, the applicant must also provide items such as erosion control plans, gutter spread calculations, proposed grading plans, etc. in the submittal for final approval.

Commissioner Yount moved to give preliminary approval of Wake Robin Estates II, subject to the six conditions being met before final approval. Seconded by Commissioner Haan. Motion carried.

## Other Business

### DARBY-WETHERHILL JOINT BOARD

Commissioner Gentry stated Benton County has asked the Board to appoint Drainage Board members to a Joint Drainage Board for the Darby-Wetherhill Ditch. She appointed herself and Commissioner Haan to serve on the Board.

### J.N. KIRKPATRICK WATERSHED STUDY

Mr. Spencer asked the Board to approve payment for additional work that was done to the J.N. Kirkpatrick Watershed Study by Ticen, Schulte and Associates. The original agreement to do the study was \$12,500.00. The Board asked for additional work to be done to the study in December which included analyzing detention storage requirements for 25, 50 & 100 years pre-development release rates. They have charged an additional \$1,833.00 for the work.

Commissioner Yount moved approve payment on the additional work which was conducted on the J.N. Kirkpatrick Watershed Study, seconded by Commissioner Haan. Motion carried.

### LEWIS JAKES DITCH

Mr. Spencer presented the Board with a request from Don Caddy, 8231 North 300 West, to reduce the easement on both sides of the Jakes Ditch from 75' to 25' for the portion of ditch that runs through his property. The 75' easement overlaps an existing building that was built before the drainage code was implemented.

Commissioner Yount moved to approve the reduction of easement on the portion of Jakes Ditch that runs through Mr. Caddy's property from 75' to 25'. Seconded by Commissioner Haan. Motion carried.

### CUPPY-MCCLURE PROJECT

Commissioner Gentry asked Mr. Spencer to update the Board on the progress of the Cuppy-McClure project.

Mr. Spencer stated he received a denial of the Section 401 Water Quality Certification for the Cuppy-McClure Watershed from IDEM. An item of concern when Mr. Maupin, Mr. Peterson, and Mr. Spencer walked the section of project which is planned for reconstruction was the sediment basin needed to have flatter slopes to create more vegetation in the shallow water, but the denial letter did not mention the sediment basin. Mr. Peterson and Mr. Spencer prepared a formal appeal letter to be sent certified mailed. Until approval of certification the project can not move forward.

WET BOTTOM BASIN DESIGN REQUIREMENT

Commissioner Gentry asked Mr. Stolz, Mr. Spencer and Mr. Hoffman to help with a plan to eliminate the request for variances on a fence surrounding detention storage ponds. As the ordinance reads now, basins designed with permanent pools or containing permanent lakes shall be surrounded by a nonclimbable chain link fence at least six (6) feet in height plus a barb wire suitably posted to prevent unauthorized entry into the pool area. Commissioner Gentry would like to see a plan to give the developer a choice, either have specified safety ledges or a fence will have to surround the pond.

Mr. Stolz stated he can look through studies that have been done on detention basins to see what is being done in other counties and how they are handling the safety issues of ponds.

Being no further business Commissioner Gentry moved to adjourn until April 6, 1994, seconded by Commissioner Haan. Motion carried.

DRAINAGE BOARD MINUTES Dan Gentry MARCH 9, 1994 REGULAR MEETING

TIPPECANOE COUNTY DRAINAGE BOARD  
 REGULAR MEETING  
 FEBRUARY 1, 1995

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

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

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

ACTIVE AND INACTIVE DITCH LIST 1995

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

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

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

Mr. Luhman read the inactive ditch list into the minutes

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

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

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

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

#### CHRISTOPHER B. BURKE ENGINEERING CONTRACT

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

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

#### OTHER BUSINESS

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

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

TIPPECANOE COUNTY DRAINAGE BOARD  
REGULAR MEETING  
APRIL 5, 1995

The Tippecanoe County Drainage Board met Wednesday April 5, 1995 in the Commissioners Meeting Room of the Tippecanoe County Courthouse, Lafayette, Indiana with William D. Haan calling the meeting to order.

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

The first item on the agenda was to approve the minutes from the last Drainage Board Meeting held March 1, 1995. Commissioner Jones moved to approve the minutes, seconded by Commissioner Haan. Motion carried.

SAGAMORE POINT SUBDIVISION

Robert Grove, represented Smith Enterprises, asked for preliminary approval of Sagamore Point Subdivision. Mr. Grove stated at the March meeting an agreement between Smith Enterprises and the owners of Hadley Lake was trying to be reached, an agreement was not reached. Mr. Grove recalled the Board granting conceptual approval to the plan that would replace four residential lots with two onsite detention basins which is what he has asked preliminary approval of.

Mr. Spencer recommended preliminary approval with three conditions.

1. The applicant has provided calculations for both proposed detention ponds by utilizing the modified rational method. However, Basin 1 appears to have approximately 12 acres draining to it. The ordinance allows the use of the modified rational method for detention facilities that drain 5 acres or less. It appears the applicant should revise the detention analysis to utilize the TR-20 hydrologic model. The applicant should refer to the ordinance to include the proper rainfall distribution, conduct a critical storm duration analysis, use TR-55 methodology for times of concentration and curve numbers and to be sure to take tallwater effects on the pond outlet into account.

2. Basin 2 appears to have approximately 3.5 acres draining to it. Technically, the use of the modified rational method is acceptable for this pond. However, since the TR-20 analysis will be conducted for Basin 1, the applicant may want to consider the use of TR-20 for Basin 2 to be compatible. In either case, tallwater effects on the pond outlet must be considered.

3. The analysis of the undetained peak discharges appears to have an error. The applicant has stated that there will be 1.95 acres released undetained from the north. The applicant has shown a peak discharge of 0.76 cfs. However, using the applicant's numbers, CBBEL obtains a value of 2.9 cfs. The applicant should correct this error when submitting for final approval. In addition, calculations and flow paths to define the times of concentration should be provided with the submittal for final approval.

Mr. Spencer stated those items can be corrected for final review.

Commissioner Haan moved to grant preliminary approval of Sagamore Point Subdivision with the three conditions read into the minutes, seconded by Commissioner Jones. Motion carried.

#### FIELDCREST SUBDIVISION

Paul Coutts, C & S Engineering, asked for final approval of Fieldcrest Subdivision which consist of 14 lots on 35 acres, the smallest lot being 1.68 acres and the largest being 3.82 acres. The subdivision is located on the west side of County Road 900 East, approximately 3/8 mile North of State Road 26 East. The entire development drains to the west into an existing natural swale which eventually outlets into the middle fork of the Wildcat Creek. A storm drainage plan was discussed using the existing swale and use various inlets and pipes to convey the runoff on the west side of the site.

Mr. Hoffman asked if DNR approval is needed for installation of pipe in the north stream?

Mr. Stolz stated the stream drains less than a square mile. Therefore, DNR approval is not required.

Mr. Hoffman suggested adding to the covenant for lots 5, 6, 7, & 8 stating nothing can be done to the stream without DNR's approval.

Mr. Coutts agreed to Mr. Hoffman's suggestion.

Mr. Spencer recommended final approval with two conditions:

1. Item 1 of the original memo discussed the lack of detention at the site. In response to that comment, the applicant has now proposed detention for the site by using 3 driveway culverts to restrict the natural flowpath. A TR-20 analysis was used to obtain the runoff hydrographs. This information was input to the POND-2 program to estimate the amount of detention volume required. The applicant also provided calculations to show that the storage required due to the POND-2 analysis is available in the existing channel if the proposed culverts are constructed.

The provided submittal does not fully comply with the Ordinance since the applicant has not provided a release rate value from the site, has not utilized TR-20 to determine actual detention storage, has not noted the information on the plans nor indicated that the general requirements for detention facilities have been met. However, it appears that the applicant has substantially met the intent of the Ordinance and we would recommend waiving of the usual criteria in this case. However, the applicant should still show the limits of the 100 year ponding areas on the plans to ensure that the ponding is contained within drainage easements and to ensure that the proposed buildings are a minimum of 25 feet from any ponding area. Also, the 100 year elevation of each pond is required to ensure that all buildings, including basements, have adequate freeboard. In addition, the Erosion Control Lot Detail on Sheet 3 must be revised. It implies that a 12-Inch CMP may be required at the driveway culverts. The new analysis now requires the use of 30-Inch CMP's at three locations in the creek tributary.

2. Item 4 of the original memo stated that an Indiana Department of Natural Resources (DNR) permit may be required for the site and that an analysis of off-site flows should be provided to verify the structure protection from flooding. The applicant has provided a detailed analysis of the "north" unnamed tributary of Middle Fork Wildcat Creek. However, in regards to the "southern" unnamed tributary of Middle Fork Wildcat Creek, the applicant has calculated a

drainage area of 4.2 square miles and has stated that "none of the proposed development will directly impact this channel."

It should be noted that any future crossing of the tributary or other floodway construction will require an IDNR permit. In addition, the applicant should still determine the 100 year base flood elevation (BFE) on this tributary to verify that the proposed home lots, including basements, have adequate freeboard. The 100 year BFE elevations should be noted on the plans for each lot.

Commissioner Haan moved to grant final approval of Fieldcrest Subdivision subject to the two conditions, seconded by Commissioner Jones. Motion carried.

#### SHEFFIELD DEVELOPMENT

Bill Davis, Hawkins Environmental, and Dale Koons, Civil Engineering, presented the Board with drainage plans for Sheffield Development. They discussed with the Board their idea of draining the area without detention and taking it directly to the Wea Creek. The Sheffield Development plan includes the completion of the relocation of the US231 project, Raineybrook Subdivision and Stratford Glen. Currently the sites drain along Old Romney Road through a culvert under County Road 400 South into the Wea Creek, next to the vacant bridge on Old Romney Road.

Mr. Koons updated the Board as to changes of the first initial plan. Raineybrook, which consists of 30 to 40 acres has been taken out of the watershed and made to drain towards the west, reducing the drainage into Wea Creek, but approximately 11 acres will be put back into the watershed with the relocation of US231.

Mr. Koons explained the pre-developed 10 year and 100 year conditions with a discussion that followed.

Mr. Koons explained after development, which consists of the completion of Raineybrook Subdivision, Stratford Glen Subdivision and US231 project, a 10 year total flow will be 144 cfs.

Mr. Davis proposed replacing the culvert and the pipe from County Road 400 South, north to Wea Creek and asked the Board to schedule a meeting between the Drainage Board, State Highway, the developer's Engineer and the developer.

Mr. Spencer agreed to schedule a meeting to meet with Phelps Klika, Chief of the Design Division for the State Highway.

#### OTHER BUSINESS

##### WILSON BRANCH RELOCATION

Mr. Spencer brought to the Board's attention the consents from the landowners, Maple Point Enterprises and Payles Corporation, on the relocation of the Wilson Branch.

##### CUPPY-MCCLURE - update

Mr. Spencer stated he received the tree mitigation plan from J. F. New and Associates, which is ready to be sent to the DNR for their approval.

##### HIGH GAP ROAD DITCH

Mr. Spencer asked Mr. Hoffman who is responsible to maintain High Gap Road Ditch, which used to run along 375 West before it was moved West as part of the

375 West road construction. The town of Shadeland contend they own just the road and are not responsible for the maintenance of the ditch.

Mr. Hoffman stated he would talk to Cy Gerty, the attorney for Shadeland.

#### LEWIS JAKES DITCH

Mr. Spencer asked when a hearing could be held to discuss the Jakes Ditch. Some landowners in the Jake's watershed area asked him to clean out the ditch, but the law will not permit making a tiled ditch an open ditch with out a reconstruction.

Mr. Spencer asked if the maintenance money could be used.

Mr. Hoffman stated the landowners can make the decision to use the money in the Jakes Ditch to replace a portion of tile with open ditch.

Commissioner Haan suggested having the hearing during the June 7, 1995 regular Drainage Board Meeting.

#### MEETING TIME CHANGE

Mr. Spencer suggested changing the time of the regular Drainage Board Meetings from 8:30 a.m. to 9:00 a.m..

Commissioner Haan and Commissioner Jones agreed to change the time from 8:30 a.m. to 9:00 a.m..

Being no further business, Commissioner Haan moved to adjourn until May 3, 1995, seconded by Commissioner Jones. Motion carried.

DRAINAGE BOARD MINUTES    APRIL 5, 1995 REGULAR MEETING

TIPPECANOE COUNTY DRAINAGE BOARD  
REGULAR MEETING  
JUNE 7, 1995

The Tippecanoe County Drainage Board met Wednesday, June 7, 1995 in the Commissioners Meeting Room of the Tippecanoe County Courthouse, Lafayette, Indiana with William D. Haan calling the meeting to order.

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

The first item on the agenda was to approve the minutes from the last Drainage Board Meeting held May 3, 1995. Commissioner Gentry moved to approve the minutes, seconded by Commissioner Jones. Motion carried.

CREASY LANE III

Bill Davis, Hawkins Environmental, presented the Board with final drainage plans for Creasy Lane III. Mr. Davis referred to the May 5, 1993 Drainage Board Minutes, which approved Creasy Lane II with the condition Creasy Lane III would not increase the release rate. Creasy Lane III will replace the two lane roadway and connect with the existing four lane roadway from State Road 26 North to Greenbush. The discharge rate pre-developed is 172.82 cfs and the post-developed discharge will be 167.02 cfs which is a decrease in the discharge. The velocity of flow into the ditch has been reduced from 2.98 fps to 2.3 fps. Mr. Davis presented the Board with letters approving the partial filling of the Potters Hollow ravine. Those letters are on file in the Surveyor's Office.

Commissioner Gentry asked if a permit was needed from DNR to partially fill the ravine.

Mr. Davis stated no approval from DNR is needed.

Commissioner Gentry moved to grant final approval of Creasy Lane III, seconded by Commissioner Jones. Motion carried.

STONEWICK & THORNHILL SUBDIVISIONS

Dan Lee, Ticen Schulte & Associates, presented the Board with proposed final drainage plans of Stonewick and Thornhill Subdivisions located at the corner of County Road 300 South and 50 East, downstream from the regulated Elliott Ditch. Stonewick and Thornhill subdivisions are split by a high ridge running from Northeast to Southwest. Stonewick is proposed as a single family 44 lot development on 16.2 acres and Thornhill is proposed as a two family 47 lot development on 20.9 acres. Mr. Lee asked for a waiver on the requirement of an onsite detention facility explaining the site has natural swales which can handle the runoff to the Elliott Ditch after being caught by the storm sewer system. Mr. Lee concluded in a 100 year storm event the peak for the subdivisions is 1.23 hours and in a 100 year storm event the peak for the Elliott Ditch is 19.02 hours, therefore giving ample time for the water from the subdivision to escape before upstream water would reach the proposed subdivisions.

Mr. Stolz recommended final approval with these conditions.

1. A typical lot drainage detail has been supplied which references some of the lots. However, more information concerning side-yard swales must be supplied. Either, typical lot drainage details for all lots must be provided or additional spot grades must be shown in the side-yard swales to ensure drainage to the storm sewer structures. In addition, the emergency flow path for Stonewick Subdivision in the vicinity of lots 9-11 must be clarified. It appears that these lots would be significantly impacted during a low frequency event.

2. The provided profiles of the storm system do not include all of the lateral pipes. Although the size for these pipes are shown on the ILLUDAS computations, the materials, sizes and inverts must also be shown on the plans.

3. The final set of plans need to be certified.

Commissioner Gentry moved to grant final approval of Stonewick and Thornhill Subdivision subject to the three conditions, seconded by Commissioner Jones. Motion carried.

#### DUNBAR HIGHLANDS/HIGHLAND MEADOWS

Dale Koons, Civil Engineering, presented the Board with preliminary drainage plans of Dunbar Highlands/Highland Meadows Subdivision, located at the Northwest corner of County Road 550 East and 50 North. Originally the two Subdivisions were one, but were divided as a result of negotiations with surrounding home owners. The two subdivisions combined consist of approximately 35 acres, Area 1 consist of 19.1 acres and drains to an existing 15" culvert under County Road 550 East, Area 2 consist of 9.2 acres draining by a swale to the Wildcat Creek, Area 3 consist of 1.7 acres draining by tributaries to the South Fork of the Wildcat Creek, Area 4 consist of 5.1 acres which sheet flows westerly to the flood plain of the Wildcat Creek and Area 5 consist of 1.0 acres and drains to a culvert under County Road 50 North. A retention pond is proposed at the Southeast corner of the site which will retain runoff from the entire site except for 4.85 acres of Area 4 will continue to sheet flow to the Wildcat Creek and .5 acres of Area 5 will continue to drain to in the road right-of-way along County 50 North. The retention pond will discharge into a 15" outlet pipe as part of the new storm drainage system and the existing 15" pipe under County Road 550 East will provide an emergency outlet. Mr. Bob Adams is an adjacent landowner that has agreed to provide a drainage easement for the proposed site starting at County Road 550 East to the flow line of a tributary ravine of the South Fork Wildcat Creek. The system will be designed to handle a portion of Mr. Adams property as part of the agreement. Mr. Koons asked the Board to determine the easement widths.

Mr. Hoffman suggested making the width of the easement 50 feet, 25 feet either side of the ditch. Also, before final approval is granted the Board needs a written statement from Mr. Adams agreeing to the easement and the possibility of the ditch becoming a regulated drain.

Mr. Spencer recommended preliminary approval.

Commissioner Gentry moved to grant preliminary approval of Dunbar Highland/Highland Meadows Subdivision, seconded by Commissioner Jones. Motion carried.

#### SADDLEBROOK SUBDIVISION

Bill Davis, Hawkins Environmental, asked the Board for final approval of the drainage plans for Saddlebrook Subdivision. Brookfield Farms Subdivision is to the North, County Road 500 East is to the West of the site which consist of approximately 52.98 acres. Currently Area A drains west into a side ditch along County Road 500 East the Berlovitz Ditch, Area B drains east to the Southeast corner and is intercepted by the Berlovitz Ditch, and Area C drains north by existing swales along the South boundary of Brookfield Farms Subdivision eventually draining to the Alexander Ross Ditch. After development storm water will drain into swales along the South and East property lines which will allow the flow to enter an open channel. The Berlovitz Regional Detention Basin will serve as the detention storage area and the developer has agreed to contribute the portion of the basin which the development requires.

Mr. Spencer recommended preliminary approval until further information is received on the development of the Berlovitz Regional Detention Basin.

Commissioner Gentry moved to grant preliminary approval of the drainage plans for Saddlebrook Subdivision, seconded by Commissioner Jones. Motion carried.

#### LEWIS JAKES DITCH HEARING

Mr. Spencer called for this hearing to propose making a portion of the Lewis Jakes Ditch an open channel, starting at County Road 750 North to a part of the ditch that is blown out and will be observed in the video shown.

Mr. Spencer stated the video tape is of the downstream portion of the Lewis Jakes Ditch where broken tile have created an open channel effect. After the video had been shown Mr. Spencer asked Mr. Hoffman to give his legal opinion as to whether or not maintenance money could be used for a temporary open channel instead of a tile.

Mr. Hoffman explained whenever a tile drain goes to an open drain it is considered to be a reconstruction. The maintenance money that is in the Lewis Jakes ditch is only to be used to minor repairs such as moving obstruction, repairing small portions of tile and spraying.

Mr. Spencer stated he would be willing to file a reconstruction report, get a set of Engineering drawings and cost estimate, then arrange the necessary public hearings to get the project started.

Paul Neulieb, 7606 North 250 West, opposed the open channel feeling it would degrade his back yard.

Mr. Spencer replied a reconstruction does not mean it has to be an open channel it could be the installation of a larger tile or a combination of both.

Charles R. Vaughan made a recommendation to the Drainage Board requesting them to ask the Surveyor to file a reconstruction report.

Commissioner Gentry moved to instruct the County Surveyor to file a reconstruction report, seconded by Commissioner Jones. Motion carried.

#### OTHER BUSINESS

US 231 RELOCATION - update

Jon Stolz reported on a meeting between the State Highway Department and Christopher B. Burke Engineering on the US231 relocation. Mr. Stolz stated the

first question asked was: "What is the pre-developed and post-developed conditions for the site?" The State still showed the post-developed figures higher by 25% because of the lack of restricting the flow. Options were discussed on how to restrict the flow, holding the water in the road side ditches, installing a smaller pipe or by creating a retention pond. Mr. Stolz felt the State was willing to agree to one of the options.

Commissioner Gentry requested Mr. Spencer and Mr. Hoffman put together a letter to the State Highway Engineer indicating the 25% increase is significant and the Board still requires the pre-developed and post-developed conditions to be the same.

Mr. Stolz explained on structure 55 the State claims the size of pipe was determined by a Court case in a property settlement.

Commissioner Gentry suggested asking for a copy of the court case in the letter to the State Highway.

#### SHEPERDS POINT SUBDIVISION

Mike Gipson, 47 W 500 N in Sheperds Point Subdivision, explained his property is located adjacent to the detention pond for the subdivisions and wanted to let the Drainage Board know the conditions he has to put up with because he feels the detention pond is not working properly and would like the Board to request the developer to fix it.

Commissioner Gentry requested Mr. Spencer to write the developer, asking him to regrade the pond so that water will flow out of the pond.

Mr. Hoffman stated the Board will also hold the bond until the pond has been regraded.

#### ROMNEY STOCK FARM DITCH

Mr. Spencer presented the Board with a letter from Montgomery County Surveyor's Office explaining the Romney Stock Farm Ditch was discussed in their Board meeting and it was decided that Paul Dickson and Don Hester would serve on the joint board for this project.

Commissioner Haan appointed himself and Commissioner Gentry to serve on the joint board with Montgomery County and requested Mr. Spencer to appoint the fifth member.

#### TWYCKENHAM SUBDIVISION

Mr. Spencer explained that he has received several phone calls from landowners in Twyckenham Subdivision complaining about the detention pond in the subdivision and stating they were referred to him by the City Engineer's Office. In the covenants it states the Tippecanoe County Drainage Board may perform maintenance and any other acts necessary to correct any drainage problems.

Commissioner Gentry stated the Board needs to formally inform the City the Subdivision is in the City limits and request the City to enforce the regulations.

Being no further business Commissioner Gentry moved to adjourn until July 12, 1995, seconded by Commission Jones. Motion carried.

TIPPECANOE COUNTY DRAINAGE BOARD  
REGULAR MEETING  
JANUARY 3, 1996

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

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

ELECTION OF OFFICERS

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

Mr. Hoffman opened the floor to nominations for President.

Commissioner Haan nominated Commissioner Gentry.

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

Mr. Hoffman turned the meeting over to the President.

Commissioner Gentry asked for nominations for Vice President.

Commissioner Haan nominated Commissioner Jones for Vice President.

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

APPOINTMENTS TO THE BOARD

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

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

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

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

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

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

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

1996 ACTIVE/INACTIVE DITCH LIST

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

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

1996 - ACTIVE/INACTIVE DITCH LIST

ACTIVE

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

INACTIVE

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

Commissioner Gentry mentioned the ditches that are in red:

COUNTY FARM, REBECCA GRIMES, FRANKLIN RESER, GUSTAV SWANSON

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

"December 29, 1995

Nola J. Gentry, President  
Board of Commissioners

Michael J. Spencer  
County Surveyor

Re: Interest on Drainage Funds

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

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

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

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

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

Sincerely,

Betty J. Michael"

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

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

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

#### APPROVAL OF MINUTES

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

#### BRENTWOOD COMMUNITY

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

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

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

#### SOUTHERN MEADOWS

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

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

Mr. Spencer explained the site drains to the pond.

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

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

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

#### VILLAGE PANTRY #564R

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

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

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

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

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

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

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

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

#### ALEXANDER ROSS DITCH EASEMENT REDUCTION

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

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

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

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

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

#### SANWIN APARTMENTS

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

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

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

Cuppy-McClure - update

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

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

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

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

DRAINAGE BOARD MINUTES      JANUARY 3, 1996 REGULAR MEETING

TIPPECANOE COUNTY DRAINAGE BOARD  
 REGULAR MEETING  
 FEBRUARY 5, 1997

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

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

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

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

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

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

ACTIVE DITCH LIST 1997

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

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

INACTIVE DITCH LIST 1997

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

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

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

#### 1997 CONTRACTS

##### ENGINEERING CONTRACT

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

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

##### ATTORNEY CONTRACT

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

Commissioner Hudson read the paragraph that was added:

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

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

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

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

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

#### **OBSTRUCTION OF DRAINS**

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

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

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

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

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

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

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

#### MARCH DRAINAGE BOARD MEETING DATE

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

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

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

# TIPPECANOE COUNTY DRAINAGE BOARD

February 4, 1998

regular meeting

## **Those present were:**

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

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

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

## **MIKE MADRID COMPANY**

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

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

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

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

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

## **DRAINAGE BOARD 1998 CONTRACTS**

### **Attorney**

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

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

**Engineering Consultant**

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

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

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

**1998 ACTIVE AND INACTIVE DITCH LIST**

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

**ACTIVE DITCH LIST**

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

**INACTIVE DITCH LIST**

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

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

**OTHER BUSINESS**

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

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

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

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

**MINUTE BOOK**

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

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

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

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Ruth Shedd, President

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Shelli Muller, Secretary

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Kathleen Hudson, Vice President

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John Knochel, Member



# TIPPECANOE COUNTY DRAINAGE BOARD

February 3, 1999

Regular Meeting

**Those present were:**

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

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

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

ACTIVE

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

INACTIVE

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

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

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

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

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

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

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

**SEASONS FOUR SUBDIVISION, PHASE III**

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

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

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

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

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Ruth Shedd, President

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Shelli Muller, Secretary

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Kathleen Hudson, Vice President

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John Knochel, Member

# TIPPECANOE COUNTY DRAINAGE BOARD

February 9, 2000

Regular Meeting

**Those present were:**

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

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

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

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

**CROSSPOINTE APARTMENTS SUBDIVISION**

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

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

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

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

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

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

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

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

Steve Murray asked if there was a duration limit.

Dave Eichelberger stated none that he is aware of.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Steve Murray asked what is your construction schedule.

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

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

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

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

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

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

Mr. Luhman read the 2000 active and inactive ditch list

### ACTIVE

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

INACTIVE

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

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

**OTHER BUSINESS**

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

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

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

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

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

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

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

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

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

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

**CHICAGO TITLE INSURANCE COMPANY**

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

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

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

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Kathleen Hudson, President

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Doris Myers, Secretary

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John Knochel, Vice President

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Ruth Shedd, Member

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

**Those present were:**

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

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

**Approval of January 8, 2003 Minutes**

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

**Appointment of Secretary to Drainage Board**

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

**Request to Modify Drainage Easement**

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

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

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

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

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

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

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

### **Steve Murray**

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

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

#### *Classification of Drains Report*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **OTHER BUSINESS**

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

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

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

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

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

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

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

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

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

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

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

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

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Ruth E. Shedd, President

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John Knochel, Vice President

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Brenda Garrison, Secretary

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K.D. Benson, Member

**Tippecanoe County Drainage Board**  
**Minutes**  
**May 19, 2004**  
**Special Meeting**

**Those present were:**

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

**Arnett Hospital**  
**Early Release Grading and Drainage Plan**

Drainage Board President John Knochel called the Special Meeting to order. Mr. Knochel stated the reason for the meeting was to review and approve the early release grading and drainage plan submitted by Gresham, Smith and Partners. He then invited Mr. Jon Perry representative of Gresham, Smith and Partners to address the Board.

Mr. Perry stated the proposed hospital would accommodate 130 – 150 beds. It would be located on approximately 115 acres east of County Road 500 East and south of McCarty Lane. The plan involved the demolition of existing on-site structures as well as the construction of diversion ditches, berms and two temporary sediment basins. This phase of the project would involve 60 of the 115-acre site.

The *Felbaum Branch* of the *Berlowitz Regulated Drain* was located on this site. An Encroachment on the *Berlowitz Regulated Drain* was warranted in this case and the Board reviewed the plans. The Surveyor recommended approval for Encroachment on the *Berlowitz Regulated Drain* with the condition of vacation or possible interception of the *Felbaum Branch*. After the review, KD Benson motioned for approval of the Encroachment on the *Berlowitz Regulated Drain* with the condition as stated by the Surveyor and Ruth Shedd seconded the motion. An Encroachment on the *Berlowitz Regulated Drain* was approved with the condition of the possible vacation or interception of the *Felbaum Branch*.

The Surveyor noted for the record due to the location within the *Berlowitz* watershed, contribution to regional detention would be required. The amount would be determined based on per acre-foot of storage.

John Knochel then asked if the County Highway Department had concerns to note. Tim Wells stated permits would be required for the entrances to the site and it's construction. He was concerned with the overall erosion control in the project area. Mr. Perry stated this issue was addressed with the submitted Stormwater Completion Plan Narrative, however they would be sensitive to the concerns. At that time Tim reminded the Board of the anticipated construction of 550 East, which would cause considerable congestion on 500 East. Mr. Perry stated the Highway Department's requirements would be followed and was willing to meet with Tim immediately following the meeting.

KD Benson motioned to approve the Early Release Grading and Drainage Plan as submitted. Ruth Shedd seconded the motion and the Early Release Grading and Drainage Plan for Arnett Hospital was approved.

OTHER BUSINESS

**Lewis Jakes Ditch #40 / Moorehouse Road**

Due to an email received from Dale Butcher, Mr. John Knochel requested the Surveyor address the Board concerning the Lewis Jakes tile ditch.

The Surveyor stated in the mid to late 1990's a hearing was held to raise the rate of the assessment for the conversion of a good portion of the tile to open ditch due to sever erosion. The hearing was held and the proposal was not passed. Therefore the per acre assessment was not increased and was \$1.25 per acre. He had spoke with Mr. Kerkove and Mr. Butcher last year concerning the condition of the drain and a possible hearing. He provided Mr. Butcher with a watershed map and list of the benefited landowners. Mr. Butcher agreed to contact the benefited landowners to see if they would be agreeable to raising the assessment for the work needed. He noted this was a medium size watershed. He had not heard back from Mr. Butcher until the email today. John Knochel thanked the Surveyor for his input and noted Mr. Butcher would be contacted concerning this issue. A copy of the correspondence would be placed in the file for future reference.

At that time, KD Benson moved for adjournment. Ruth Shedd seconded the motion and the meeting was adjourned.

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John Knochel, President

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KD Benson, Vice President

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Brenda Garrison, Secretary

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Ruth Shedd, Member

**Tippecanoe County Drainage Board**  
**Minutes**  
**INFORMAL Drain Hearing**  
**Jakes Ditch**

**Those present were:**

Tippecanoe County Drainage Board President John Knochel, County Surveyor Steve Murray, GIS Technician Shelli Muller.

Landowner Attendance: Deb Kerkhove, Bob & Paula Kerkhove, Phillip & Betsy Fawbush, Bruce Madren, Jeffery Morrison, Ed Slayton, Ryan Meunier, Tim Madren, Sue Gerlach, Eric Anderson, Dale Butcher

Steve Murray called the informal meeting of the Jakes Ditch to order. Mr. Murray updated the landowners about the history of the drain. He stated there were 1,275 acres within the watershed and a current assessment of \$1.25 per acre. Mr. Murray explained there were three classifications for drains: Maintenance, Reconstruction or Vacation. In 1995 the previous Surveyor, Mike Spencer, made the recommendation of reconstruction. At that time the project did not move forward mainly because of the cost. Mr. Murray did inform the landowners that the drain along with the Anson on the list was high priority. Mr. Murray proceeded by showing the pictures he and the Surveyor's office had taken. Photos were taken October 25<sup>th</sup> when the ground was fairly dry which allowed the photos to show the erosion and tile break down areas. Mr. Dale Butcher also submitted photos to the Surveyor's Office from May 19, 2004. Those photos showed the flooding that occurred after a two-inch rain.

After the picture presentation Mr. Murray stated he felt the project should start at the headwall and end North of the last house in the row of houses along the West side of County Road 250 West. The estimated cost for the overall project was between \$65,000.00 to \$68,000.00. That would increase the dollar per acre to between \$10.00 to \$11.00 dollars. Mr. Murray stated he and the Drainage Board like to see at least 50% of the landowners agree to the project, as the rest of the process was very time consuming. The assessment rate would be a 5-year reconstruction period. There was a provision in the ordinance that allowed the cost to be spread over an 8 year time period. The current balance of the drain was approximately \$6,800.00. Mr. Murray stated surface work was also being looked at for the drain in the form of a grass waterway.

Sue Gerlach, Resource Specialist for the Indiana Department of Natural Resources in the Division of Soil Conservation stated there were certain drains which fell under the USDA cost share program for waterway only. Mr. Knochel asked if the Drainage Board had the power to bond for this project that would allow spreading the cost over a longer period of time? Mr. Murray felt it could be a possibility.

Mrs. Betsy Fawbush stated her concern with the drain. They are located at 7002 N 750W and the ditch had flooded to the point where it was dangerous due to rushing water. The water raised enough to enter their walk out basement before construction was finished and had been within 25' of the basement since the house had been completed. Mrs. Fawbush submitted pictures which were available under u:\surveyor\GIS\Design\_Files\County Maintained\4-\_Jakes\Pics  
Mr. Kerkhove asked if there was a way to move the waterway from directly over the tile? Mr. Murray replied in saying that would be determined when construction plans were prepared. Mr. Murray stated he hoped the start of construction as being a year from now. There were several issues that had to be addressed before construction plans could be finalized. Surveyor's Report, Final Construction plans and permits from DNR were all items that need to be done before actual construction could begin. Miss. Gerlach stated permits were necessary because construction would take place within a floodplain. Mr. Murray in closing encouraged the landowners present to talk with their neighbors and get a feel for their position on this drain. He also agreed to speak with landowners who owned the majority of land within the watershed to help promote the continuation of this reconstruction.

Mr. Murray, while closing the meeting, indicated he would be available after the meeting for further individual discussion.

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Shelli Muller for Brenda Garrison Drainage Board Secretary

**Tippecanoe County Drainage Board**  
**Minutes**  
**February 2, 2005**  
**Regular Meeting**

**Those present were:**

Tippecanoe County Drainage Board President Ruth Shedd, Vice President John Knochel, member KD Benson, County Surveyor Steve Murray, Drainage Board Attorney Dave Luhman, Drainage Board Engineering Consultant Dave Eichelberger from Christopher B. Burke Engineering Limited, County Highway Engineer Tim Wells, and Drainage Board Secretary Brenda Garrison. GIS Technician Shelli Muller was absent.

**Approval of January 5, 2005 Minutes**

John Knochel stated the January 5, 2005 minutes reflected his attendance. As he was absent for that meeting, he made a motion to approve the minutes with a correction indicating his absence. KD seconded the motion and the January 5, 2005 Drainage Board Regular minutes were approved with the correction as stated.

**Comprehensive Stormwater Management Ordinance**

Steve Murray updated the Board regarding compliance with the Federal Clean Water Act through Rule 13 and Rule 5 in Indiana. Part C was to be filed November 4, 2004. However an extension was requested and IDEM (Indiana Department of Environmental Management) granted an additional ninety days. February 4, 2005 was the extended deadline. IDEM granted an additional thirty-day extension. The filing deadline of Part C was now March 4, 2005. The following entities were on track to adopt and pass the Comprehensive Stormwater Management Ordinance in accordance with the federal guidelines; Lafayette, West Lafayette, Dayton and Battleground, as well as Tippecanoe County. Cost sharing was utilized between the entities.

The ordinance was patterned off of the existing Stormwater Ordinance, which addressed stormwater quantity. Provisions were added to address stormwater quality, and the various control measures as required by the aforementioned rules. A steering committee, project team and subcommittee reviewed technical standards. The Surveyor stated a majority of the local engineering companies were included in this process. Implementation of the federal guidelines had been a two to three - year process. The Drainage Board Attorney and Surveyor reviewed the ordinance and made appropriate corrections. The Surveyor stated he felt the ordinance was a good product for the community.

Pat Jarboe approached the Board and asked when the ordinance would be implemented and what would be the length of the interim period. The Surveyor stated he was unable to answer, as it was a federal mandate and would depend on legal aspects of the federal guidelines. The Surveyor felt once the ordinance had passed both readings, it would take precedence over the existing ordinance at that time. Copies of the proposed ordinance were available for public review at this time. It was discussed whether it should be on the web page, however the Surveyor felt it should be available by CD at this time only.

At that time, the Surveyor presented Ordinance No. 2005-04-CM amending Tippecanoe County Code, repealing Section 155.01, and adding the new Section 155.01 Comprehensive Stormwater Management Ordinance. Exhibit A was the Stormwater Ordinance guidelines as well as the Technical Standards Manual. John Knochel made a motion to approve and pass Ordinance No. 2005-04-CM on first reading. KD Benson seconded the motion. The following voted as indicated: KD Benson- yes, John Knochel-yes, Ruth Shedd-yes. Ordinance No. 2005-04-CM regarding Comprehensive Stormwater Management was passed on first reading unanimously. It was agreed to place the ordinance on the next Drainage Board meeting agenda for the second reading, followed by a Special Commissioners' Meeting for a second reading also.

**Water Safety Committee**

Mike Wylie of Schneider Engineering approached the Board as a member of the previously established Water Safety Committee. He stated he was in attendance to today give an update to the Board on the Committee's progress. The committee was formed to look at public safety issues, both in design and education. A design subcommittee and an educational (outreach to schools etc.) subcommittee were formed out of the main committee members. Mike stated he would like to review the outcome of these committees at the next Drainage Board meeting in March. A Power point presentation would likely be made at that time. The Surveyor stated safety recommendations from the subcommittee were included in Ordinance No. 2005-04-CM. The Surveyor also stated Mike would be added to the March meeting Agenda of the Drainage Board.

## **Other Business**

### **Classification of Drains**

In accordance with I.C. 36-9-27-34, the Surveyor presented a Report of Drains to the Board. The report listed classification of drains, drains in need of reconstruction, urban drains, drains in need of periodic maintenance, and drains with insufficient maintenance funds. He then reviewed the report for the Board. (A copy of which would be included in the official minutes book.)

*Drains in need of Reconstruction:* He stated reconstruction for the Berlowitz Drain was in the initial process. He noted an informal meeting regarding the Jakes Ditch had been held this past year with the benefited landowners. The original tile had eroded out and an open ditch had been created at the lower end. The upper end of the tile was exposed. Elliott Ditch had been a part of an ongoing planning process, specifically Branch #11 and the F-Lake detention facility behind Ivy Tech. Branch #11 of S.W. Elliott Ditch had been designed and would go to construction in the near future. J.N. Kirkpatrick's lower end had been reconstructed. In anticipation of a large industrial park near the upper end, a preliminary plan was in place for reconstruction from Concord Road to 450 East for the J.N. Kirkpatrick. Investigation of the Anson drain had been done. It was anticipated the drain would be presented for reconstruction or an assessment rate increase sometime this year. The J.B. Anderson, which served Clarks Hill, had another round of flooding the past couple of weeks. The Frank Kirkpatrick drain was also in need of reconstruction.

*Urban Drains:* In accordance with Indiana Code, the Surveyor designated drains that are in need of reconstruction and served an urban or urbanized area as Urban Drains. The drains listed were: S.W. Elliott, Berlowitz, J.N. Kirkpatrick, and the Alexander Ross which ran roughly behind the Super Wal-Mart located on S.R. 26.

*Drains in need of Periodic Maintenance:* The D. Anson, J. Blickenstaff, A. Brown, Burkhalter, T.Coe, County Farm, C. Daugherty, M. Dunkin, T. Ellis, M. Erwin, R. Grimes, F. Haffner, E.F. Haywood, L. Jakes, F. Kerschner, A. Kirkpatrick, F. Kirkpatrick, C. Lesley, F.E. Morin, H. Mottsinger, F. Resor, M. Southworth, J. Vvannata, and the H.B. Wallace were all drains listed in need of periodic maintenance. The Surveyor stated for the most part, these drains had their assessment rates set in the late 1960's. The present and future costs of construction projects required an increase of assessment rates from roughly \$1.00 an acre closer to \$2.00 - \$3.00 an acre, for adequate maintenance. KD Benson requested a GIS presentation of the drains listed on the report in the near future as time permits. John Knochel made a motion to accept the 2005 Report of Drains submitted by the Surveyor. KD Benson seconded the motion and the Board accepted the 2005 Report of Drains as submitted by the Surveyor.

The Surveyor presented Tippecanoe County Drainage Board Resolution No. 2005 – 01-DB to the Board for their approval. In accordance with I.C. 36-9-27-42, the Resolution increased assessments by twenty-five percent (25%) for the following drains: J. Blickenstaff, A. Brown, T. Coe, C. Daugherty, M. Dunkin, T. Ellis, M. Erwin, F. Haffner, F. Kerschner, A. Kirkpatrick, C. Lesley, H. Wallace, and S. Yeager. The drain had an insufficient maintenance funds in place. The Surveyor stated either the tile was in need of a significant amount of maintenance, or cleanout of the open ditch was warranted. He stated every ten to twelve years an open ditch should be cleaned out. In response to K.D.'s inquiry, the Surveyor stated a letter would be sent to White County regarding their acceptance of the proposed assessment increase of the Andrew Brown Joint Drain. John Knochel made a motion to adopt Resolution No.2005-01-DB as presented. KD. Benson seconded the motion. The Board adopted Resolution No.2005-01-DB, a Resolution Increasing Assessments for the Periodic Maintenance of Regulated Drains.

### **Maintenance Bonds**

*Prophets Ridge Phase 1 / Prophets View Subdivision Phase 1 / Paramount Lakeshore Subdivision*

The Surveyor presented the following three Maintenance Bonds for acceptance; Maintenance Bond No.4175907 in the amount of \$37,060.00 for Prophets RIDGE Subdivision Phase 1 from Fairfield Contractors, Maintenance Bond No. 69839855 in the amount of \$2000.00 for Prophets VIEW Subdivision Phase 1 (located on Pretty Prairie Road) from Norma G. & Rita A. Deboy, and Maintenance Bond No. 400TF4545 in the amount of \$23, 329.70 for Paramount Lakeshore Subdivision from Milestone Contractors. The Surveyor stated the subdivisions had been completed and approved. John Knochel made a motion to accept the three Maintenance Bonds as presented by the Surveyor. K.D. Benson seconded the motion. The Drainage Board accepted the aforementioned Maintenance Bonds.

**Professional Engineering Services for Engineering Review Contract**

The Surveyor presented the annual contract from Christopher B. Burke Engineering for professional engineering review service. The cost of their service was in turn billed to the developer of projects submitted for review. Dave Eichelberger from Christopher B. Burke Engineering stated the rate per hour was raised from \$70.00 per hour to \$75.00 per hour. John Knochel made a motion to approve the contract between the Tippecanoe County Drainage Board and Christopher B. Burke Engineering LTD. as presented. K.D. Benson seconded the motion. The contract between the Tippecanoe County Drainage Board and Christopher B. Burke Engineering LTD. was approved as presented to the Board.

**Lewis Jakes Ditch**

While researching the status and condition of Jakes Ditch, it was discovered the Drainage Board approved a rate increase from \$1.00 an acre to \$2.00 an acre in April of 1983. Research indicated the present assessment of \$1.00 per acre was never changed accordingly. After conferring with the Board’s attorney, it was agreed the rate of \$2.00 per acre set in the April 1983 meeting was valid. The Surveyor requested a formal vote in order for the increase to be activated by the Auditor’s office. John Knochel made a motion to approve the \$2.00 per acre assessment rate as set in the April 1983 Drainage Board meeting. In addition the said rate be in effect starting with the 2005 tax season. K.D. Benson seconded the motion. The Lewis Jakes Regulated Drain assessment of \$2.00 per acre was formally approved beginning with the 2005 tax season.

**Public Comment**

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

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Ruth Shedd, Vice President

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John Knochel, Vice President

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Brenda Garrison, Secretary

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KD Benson, Member

**Tippecanoe County Drainage Board**  
**Minutes**  
**April 6, 2005**  
**Regular Meeting**

**Those present were:**

Tippecanoe County Drainage Board President Ruth Shedd, Vice President John Knochel, member KD Benson, County Surveyor Steve Murray, Drainage Board Attorney Dave Luhman, Drainage Board Engineering Consultant Dave Eichelberger from Christopher B. Burke Engineering Limited, County Highway Engineer Tim Wells, Drainage Board Secretary Brenda Garrison and GIS Technician Shelli Muller.

**Approval of Minutes**

John Knochel made a motion to approve the February 23, 2005 Brookfield Heights/Brookfield Farms #116 Regulated Drain Hearing, the March 3, 2005 Regular Meeting minutes, and the March 10, 2005 Obstruction Hearing minutes as written. KD Benson seconded the motion. The aforementioned minutes were approved as written.

**The Commons at Valley Lakes Phase 4**

Meredith Byer and Pat Jarboe with T-Bird Designs appeared before the Board to present The Commons at Valley Lakes Phase 4 for final approval. Within Lafayette city limits, the thirty-seven acre site was located east of County Road 150 East (South 18<sup>th</sup> Street) and south of County Road 350 South. The Surveyor stated the project site drained into the J.N. Kirkpatrick Regulated Drain. The requested relocation of Branch Seven of the J.N. Kirkpatrick Regulated Drain was the reason for the Board's review, as well as direct discharge into the Regulated Drain. He went on to state the Board should review and approve the relocation of Branch Seven and direct discharge.

Meredith stated branch seven consisted of a 10" clay tile and was located in the southern portion of the site. The outfall for Branch Seven was located in Phase 3 of the Commons at Valley Lakes. This Branch would be intercepted within the Landings Phase 3, and redirected through the proposed conveyance system in Phase 4 of the Commons at Valley Lakes. She stated they were working closely with Crystal Joshua in the City Engineer's Office, and expected approval of the project's construction plans. A final copy of the drainage report and plans once finalized would be forthcoming.

The Surveyor noted the project's covenants should state in detail "No permanent structures allowed within the J. N. Kirkpatrick Regulated Ditch Easement throughout the site." He recommended final approval subject to conditions on the Burke Review Memo dated March 31, 2005 with the additional requirement of verbiage in the covenants as stated. He recommended an approval of a drainage variance for the project and stated it should be the first order of business.

John Knochel made a motion to grant The Commons at Valley Lakes Phase 4 a drainage variance for the direct discharge. KD Benson seconded the motion. A direct discharge variance was granted. John Knochel then made a motion to grant final approval for the Commons at Valley Lakes Phase 4 with the conditions stated in the March 31, 2005 Burke memo with the additional requirement in the covenants as stated. KD Benson seconded the motion. Final approval with the conditions as stated in the March 31, 2005 Burke memo to include the aforementioned language in the covenants was granted for The Commons at Valley Lakes Phase 4.

**Lauren Lakes Section 1**

Brandon Fulk with the Schneider Corporation appeared before the Board to present Lauren Lakes Section 1 for final approval. The Lauren Lakes project would be constructed in phases, with this phase consisting of seventy (70) single family homes. The section was located on twenty-eight (28) acres of the two hundred thirty one (231) acre project site, west of C. R. 75 East on the south side of C.R.500 North. The existing conveyance conditions were taken into consideration while modeling the site, and the new Stormwater Ordinance was used as a guideline for this project. Drainage for Section 1 was provided by an existing unnamed tributary to Burnett Creek, located in the eastern portion of the site. Brandon stated the unnamed tributary crossed C.R. 500 North and eventually tied into Burnett Creek at Coyote Crossing. He pointed out that an existing drainage basin traveled to C. R. 500 North and at times had overtopped the road, and noted the issue was addressed within the Section 1 plans. In addition, Prophet's Ridge pond tributary was included in the design analysis for the site.

As a side note, the Surveyor stated while the downstream conveyance was well documented by photographs, a narrative accompanying the photographs would be useful for future projects. The Surveyor stated the channel was well defined and did not anticipate a problem. John Knochel asked Mr. Ratcliff (landowner in attendance) how often he observed the County Road 500 North flooded. Mr. Ratcliff stated a few times, only since Winding Creek Subdivision was developed. He went on to say he felt the tile under the road had been compromised during the development of Winding Creek Subdivision. Brandon stated photos taken which indicated no flooding after the last rainfall event were provided. He went on to inform the Board that the submitted design addressed that issue as well. The release rates for this section were below the Ordinance requirement, and he anticipated the rates would be lower for the overall project as well. The project had received verbal approval from the County Highway Dept. for the entrance construction work. He stated he would work closely with the Surveyor's office concerning the covenants and restrictions for this project. He then requested final approval for this phase of the project. In response to KD's inquiry, he stated the safety guidelines per the 2005-04-CM Comprehensive Stormwater Ordinance were implemented for this project. The Surveyor noted the project design included hard surface safety ramps. Ruth Shedd asked for public comment, and there were no comments made.

The Surveyor added a condition to supply an Easement for the east line outlet point of Phase 1 to the defined conveyance. In response to the Surveyor's inquiry regarding the side ditch of County Road 500 North, Brandon stated he was confident the runoff would not top the road. He also indicated the Homeowners Association would be responsible for maintenance after three years and noted he would get a verification of that on record. Future maintenance could be a high cost to the lot owners and documentation of such maintenance responsibility would be required. The Surveyor then noted the Ordinance strongly recommended reasonable tree and native vegetation retention. He recommended final approval with conditions stated on the March 31, 2005 Burke memo, along with drainage easement documentation for both outlets from the detention ponds to the defined conveyance east of the East line of Phase 1. John Knochel made a motion to grant final approval for Lauren Lakes Section 1 with conditions stated on the March 31, 2005 Burke memo as well as the condition of drainage easement documentation for both outlets from the detention ponds to the defined conveyance east of the East line of Phase 1. KD Benson seconded the motion. Lauren Lakes Section 1 was granted final approval with conditions as stated on the March 31, 2005 Burke memo to include the added condition of drainage easement documentation for both outlets from detention ponds to the defined conveyance east of the East line of Phase 1.

### **Cascada Business Park Phase 1**

Pat Jarboe and Meredith Byer with T-Bird Designs appeared before the Board to present Cascada Business Park Phase 1 for final approval. They were also requesting conceptual approval for the overall site. Pat stated the developer, Ron Whistler, was also in attendance today.

Phase 1 of the project consisted of 26.5 acres and located at the southwest corner of the overall 125-acre site. The overall site was located in the City of Lafayette, east of Creasy Lane on the north side of McCarty Lane. The Treece Meadows Relief Drain (also known as Layden Regulated Drain) was located along the western property line. Phase 1 would include two detention facilities and runoff would be discharged via the Wilson Branch of the S.W. Elliott Regulated Drain to the Treece Meadows Relief Drain. Of the overall project site, approximately 92.5 acres drained west to the aforementioned drain, approximately 10 acres drained northeast to the Alexander Ross Regulated Drain, and the remaining 21 acres drained to the Berlowitz Regulated Drain through storm sewers along McCarty Lane. He stated the developer was working with the City's Redevelopment Office to eventually extend Park East Boulevard. This would connect State Road 26 with McCarty Lane.

The Surveyor stated the Alexander Ross drain traveled behind the Super Wal-Mart, under the interstate into the pond area northwest of Meijers then under SR 26 and east of Frontage Road. Utilizing GIS, he then reviewed the route of the Ross Drain to familiarize the Board. Christopher Burke Engineering did an overall watershed study of that area and it had been well studied. Phase 1 would contain two detention facilities on the eastern border, and would collect significant portions of the remaining phases' runoff. They were designed to accept the developed portions' runoff outside of the Phase 1 development, and would do so once online. A variance would be required as portions of the site, which drained through the pond to the Treece Meadows Relief Drain, exceeded the allowable discharge rates. Those rates were the ten-year existing to the 100-year proposed and the 2-year existing to the 10-year proposed. Pat stated they had matched the 100-year existing levels to the 100-year proposed numbers due to downstream conditions. Therefore a variance was requested for the discharge rates. Pat provided the Board with draft agreements with the Power Company, which specifically stated the design was acceptable for the storage under the power lines. The Surveyor stated it was the Drainage Board's duty to grant a drainage variance and the City of Lafayette's to grant a variance for encroachment on the City's right of entry. At that time, Pat requested a release rate variance to include final approval for Cascada Business Park Phase 1 and conditional approval on the overall portions of the site. In response to KD's inquiry, Pat reviewed the entire site's watersheds for the Board. While limiting the amount of runoff outlet to the storm sewers along McCarty Lane, the design allowed for a larger area's runoff

directed to the detention facilities- as well as the Treece Meadows Relief Drain. The Surveyor noted Treece Meadows was designed for direct release. The Surveyor's Office was made aware of some problems in the area of Amelia Drive in the last few years. He requested Christopher B. Burke revisit their previous study and they have remodeled the area, and identified the problem areas. Regarding the Berlowitz Drain and McCarty Lane, the City agreed to fund upsizing of the storm sewers along McCarty Lane, when the County constructed it between Creasy Lane and 500 East. It was designed to take the 100 year developed condition. He stated the developer would pay a fee for storage in the planned Berlowitz Detention facility. Ruth Shedd then asked for any comments from the public. No comments were made.

The Surveyor then recommended granting a release rate variance under condition two of the April 11, 2005 Burke memo. John Knochel made a motion to grant the variance under condition number two of the April 1, 2005 Burke memo. KD Benson seconded the motion. The Surveyor recommended final approval for Phase 1 and conceptual approval for the overall project with conditions as stated on the April 1, 2005 Burke memo, while striking the last paragraph in condition number two on said memo. John Knochel made a motion to grant final approval for Phase 1 and conceptual approval for the overall development with conditions as stated on the April 1, 2005 Burke memo while striking the last paragraph in condition number two on said memo. KD Benson seconded the motion. Cascada Business Park Phase 1 was granted a variance for the release rates. Cascada Business Park Phase 1 was granted final approval. Cascada Business Park was granted conceptual approval for the overall development.

### **Journal and Courier Publication Facility**

Meredith Byer and Pat Jarboe appeared before the Board to present the Journal and Courier Publication Facility for final approval. The site consisted of 8 acres of a 10 acre parcel located between McCarty Lane and 200 South (Haggerty Lane) on the east side of County Road 500 East. A printing facility, loading docks and a parking area would be built on the site. A private road would provide access from County Road 500 East. The existing 66-inch storm sewer would be extended south from the project site to provide an outlet for future projects to the south. The project's runoff would be collected via catch basins and curb inlets and conveyed through new storm sewers to the 66-inch diameter storm sewer. A portion of the site would be discharged to the Berlowitz Drainage Facility located on at the northeast corner of County Road 500 East and McCarty Lane through the said 66-inch storm sewer along the east side of County Road 500 East. The developer would pay the storage fee associated with the said facility. At that time Meredith requested final approval for the Journal and Courier Publication Facility. Ruth Shedd asked for any public comment. There was no public comment.

The Surveyor recommended the second paragraph in the April 1, 2005 Burke memo be added as a condition. John Knochel made a motion to grant the Journal and Courier Publication Facility final approval with conditions as stated on the April 1, 2005 Burke memo as well as the added condition noted as the second paragraph of said memo. KD Benson seconded the motion. Final approval with conditions was granted for Journal and Courier Publication Facility.

### **Parker Ditch**

The Surveyor requested the Board's attention to Dave Labonte, 720 Clifty Falls Lane, who was in attendance. Mr. Labonte wanted to inform the Board of an issue concerning Parker Ditch. GIS was utilized to review the area in question, specifically north of Haggerty Lane and east of SIA. The Parker Open Ditch project was a new concrete storm sewer constructed as an outlet for the Subaru Isuzu Automotive Plant in the 1980's. Economic Development grant monies paid for the construction of the concrete storm sewer. The Surveyor stated Parker Ditch was an existing agricultural tile at the time of construction and still had laterals tied into the new ditch. The agricultural tile ran under 200 South, east under interstate 65, and outlet at 650 East. From that point it was constructed as an open ditch all the way to the South Fork of Wildcat Creek. There were two concrete fords constructed to connect property that the open ditch severed. Mr. Labonte's entrance to his property was off 650 East (1 acre) and the building site (8 acres) was on the opposite side of the open channel. The Surveyor stated the concrete ford which was at least 24 inches of concrete had undermined and collapsed straight down. It appeared to be poor design or lack of maintenance that caused the collapse. After reading through numerous files on Parker Ditch and SIA the Surveyor found a Petition to Establish the open portion as part of the Regulated Drain, had never been filed. The second problem was a crossing over a regulated drain was typically the responsibility of the landowner. Mr. Labonte was now faced with the considerable cost of a new crossing over Parker Ditch. He noted Mr. Labonte had been very patient, however he was ready to start the building process at this time. A maintenance fund for Parker Ditch existed for the pre-existing agricultural tiles that tied into the new concrete storm sewer. At the time the concrete ford was constructed, a maintenance fund was intended to be set up for both the open portion as well as the preexisting tiles. The Surveyor stated he felt the Board should give Mr. Labonte a clear answer to his problem. Discussion at the time indicated SIA would be the sole contributor into the maintenance fund for the open portion of Parker Ditch and the majority of the assessment would then be assessed to other developments as they were created. The farmers would not bear the majority of the cost. The Board Attorney stated

since the drain was not functioning as intended due to the collapse of the concrete inside the ditch, the Board or the County could be the petitioner to establish the maintenance fund for the open portion. The Surveyor and Attorney would insure the necessary steps were taken to establish a maintenance fund for the open portion of the Parker Ditch. In response to Mr. Labonte's inquiry, the Surveyor stated he thought all the required documentation was on hand. Mr. Labonte thanked the Surveyor for his efforts and the Board for their time on this matter.

**Lewis Jakes Ditch**

Dale Butcher of 8171 North 300W appeared before the Board to discuss the Lewis Jakes Ditch. With heavy rains in the past year or so, he has worked closely with the Surveyor on the problems associated with the ditch. He stated the Surveyor had been very professional throughout this time. He expressed appreciation for time the Surveyor had spent with him on the drainage issue. He noted landowners were in favor of addressing the issue and was anxious to schedule a maintenance hearing. The Surveyor stated downstream of the old tile outlet had been surveyed, however more surveying and investigation was warranted. He informed Mr. Butcher he was prepared to ask the Board in an upcoming Special Drain Meeting to refer the Lewis Jakes Ditch to him for a final report. He anticipated he would be able to complete the report within thirty-sixty days of the Special meeting.

**Petition to Establish a New Regulated Drain/ F. Wilson / Shelby Township**

The Surveyor stated a Petition to Establish a New Regulated Drain was submitted to the Surveyor's Office by Mr. Norman Bennett 952 Kerber Road West Lafayette Indiana 47906. The Surveyor noted the Board, at the Whaley/ Mackey Obstruction Hearing held on March 10, 2005, discussed this private drain. Mr. Bennett was in attendance today. Based on the preliminary watershed information, a total of 94% of the benefited landowners had signed the Petition. The Attorney directed the assessment spreadsheet be attached to the Petition. He went on to say petitioners were required to reimburse the County if the petition did not pass, however that condition could be waived. John Knochel made a motion to refer the Petition back to the Surveyor for a report to the Board in the future. KD Bensons seconded the motion. The Petition was referred back to the Surveyor for a report. Due to the drain currently under standing water, investigation would be more difficult and the Surveyor wanted the Board to be informed of the situation.

**Maintenance Bonds  
Creekside Subdivision/Shawnee Ridge Phase 3**

The Surveyor presented a Letter of Credit # 557 in the amount of \$15,976.00 dated March 7, 2005 from Mennan Builders for Creekside Subdivision and recommended acceptance by the Board. John Knochel made a motion to accept the Letter of Credit as presented. KD Benson seconded the motion. Creekside Subdivision Letter of Credit # 557, amount \$15,976.00, dated March 7, 2005 was accepted by the Board. He then presented Shawnee Ridge Phase 3 Maintenance Bond# 5013361 in the amount of \$4300.00 dated Oct. 4, 2004 from Atlas Excavating for acceptance. John Knochel made a motion to accept the Maintenance Bond for Shawnee Ridge Phase 3 as presented by the Surveyor. KD Benson seconded the motion. Maintenance Bond # 5013361 in the amount of \$4300.00 dated Oct. 4, 2004 for Shawnee Ridge Phase 3 was accepted.

**Public Comment**

Ruth Shedd asked for public comments. As there were none, John Knochel made a motion to adjourn the meeting. KD Benson seconded the motion. The meeting was adjourned.

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Ruth Shedd, President

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John Knochel, Vice President

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Brenda Garrison, Secretary

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KD Benson, Member

**Tippecanoe County Drainage Board**  
**Minutes**  
**April 11, 2005**  
**Special Meeting**

**Those present were:**

Tippecanoe County Drainage Board President Ruth Shedd, Vice President John Knochel, member KD Benson, County Surveyor Steve Murray, Drainage Board Attorney Dave Luhman, Drainage Board Secretary Brenda Garrison, and GIS Technician Shelli Muller.

Ruth Shedd called the Special Drain meeting to order. She then referred to the Surveyor. The Surveyor noted the meeting today was to discuss the Classification of Drains Report previously presented to the Board on February 2005, as well as an overall Regulated Drain update. At that time, he gave the following presentation to the Board.

**Steve Murray**

**Drain Maintenance, Drain Reconstruction, and General Drain Conditions**

**Drains In Need of Reconstruction**

**Julius Berlowitz**

The Julius Berlowitz Drain was ready for the Phase 1 contract. Phase 1 included the construction of a regional detention facility east of I65, east and north to County Road 50 South. The project was held up due to the Arnett and St. Vincent issues. A new channel was in place north of 50 South and new culverts were in place on 50 South and 550 East. The County along with the area's property owners was discussing solutions for use of the excess dirt, which would allow the County to fund additional drainage projects if a solution was found. The Surveyor felt the discussions were worth the time and effort in order to save the County millions of dollars. The largest cost to the County would be disposal of the excess dirt. KD Benson inquired if it could be stored for future use. The Surveyor responded the amount of dirt would not allow that.

**Lewis Jakes Ditch**

The **Lewis Jakes** Ditch has had an informal hearing and field investigation completed. The project was close to a hearing for reconstruction several years ago. At that time, the watershed landowners denied the petition due to the cost. However, the property owners were now willing to raise the rate to approximately \$10-\$11 an acre to reconstruct the drain. A substantial amount of research and fieldwork was done on this drain. Steve stated it was a high priority for him and hopefully would be presented to the Board in the next 2-4 months.

**S.W. Elliott Ditch/ Branch #11**

The S.W. Elliott has had considerable amounts of work done over the last 20 years. The Wilson Branch Pond was in place at the Mall as a Regional Detention Facility. The **Treece Meadows Relief Drain** was reconstructed when the first Wal-Mart was built. **Branch #11 of the S.W. Elliott** was located across the Schroeder property and across SR 38 at the Tractor Supply Store, near the Brand property. A commercial subdivision was previously planned for the Brand property with twin 66" pipes under SR 38. The pipes would have to be pushed under the interstate, which proved to be too costly. Also, INDOT would not allow the construction under the interstate at that time. John Brand from Butler, Fairman, and Seifert Inc., related to the owners of the property, reviewed the drainage and infrastructure for the area and expressed interest in finding a solution. The planned thoroughfare included a connector between SR 26 and SR38, McCarty Lane and Haggerty Lane, to be constructed. As part of the current Cascada Business Park project, the Branch would be constructed from south of SR 26 (Wal-Mart area) to McCarty Lane. Since **S.W. Elliott** was an urban drain, the Surveyor recommended **Branch #11** to be reconstructed. The cost of the construction of the 66-inch pipes under SR 38 would be borne by INDOT. Reconstruction costs would be substantially lowered; therefore the landowners would benefit. Previously, Engineering consultants, during possible developments considered for that area, worked up reconstruction estimates for **Branch #11**. However, a preliminary review and new cost estimates were warranted due to the lapse of time.

**F-Lake**

As stated earlier, the approximate cost of the **F-Lake Regional Detention Facility** was \$2,000,000.00. The design was close to completion and would be located on County Property, east and northeast of the Ivy Tech. Campus. This was one of two priority projects to be funded out of the EDIT Drainage Projects Fund. (The **Berlowitz** project cost was estimated at \$3,000,000.00 plus, and the **F-Lake** project estimated cost at \$2,000,000.00.) There was approximately \$4,000,000.00 in the EDIT Drainage projects account at this time. If the County could work out a solution concerning the project's excess dirt, it would lower the cost of the **Berlowitz** project and allow the **F-Lake** project to proceed much faster.

### **J.N. Kirkpatrick/East of Concord Road**

A preliminary design had previously been completed in anticipation of the LUR Industrial Park as well as additional residential development in that area. While there were advantages to a drain assessment reconstruction process, implementing a regional storage facility would result in the developers' responsibility for a set storage fee. This would ultimately result in decreasing the burden of maintenance costs solely by the area's farmers. EDIT Drainage Projects monies could supplement the cost of the maintenance of this portion of the drain.

### **D. Anson Drain**

This drain had been discussed extensively in past meetings. This fall, the Surveyor's office was able to investigate areas of the tile located in wetlands, due to the dry weather. A revised estimate was being prepared and hopefully a drain hearing would be conducted within the next two to four months. (The Surveyor then reviewed the location of the tile utilizing G.I.S.) He stated he tentively planned to recommend the reconstruction be completed in phases. The first phase would involve beginning at the wooded location on the east side of Co. Rd. 100 West, removing major tree root blockage of the main tile, perhaps installing a new inlet on the west side of Co. Rd. 100 West (to assist in maintaining a low water level within the wetland), while continuing to work upstream. The assessment rate would need to be raised from the present assessment of \$1.25 an acre to approximately \$4.00-\$8.00 an acre. The amount would depend on the length of time over which the landowners were willing to spread the maintenance cost over. Realistically, the project would in all likelihood be completed during a 5-10 year period- due to the amount of costs associated with it.

### **J.B. Anderson/Clarks Hill**

Christopher B. Burke Engineering, as part of the **Lauramie Creek** Design Study, had completed a preliminary design for the **J.B. Anderson Drain**. The cost of that design was well in excess of \$2,000,000.00, due to running an open ditch all the way to State Road 28. A lower cost solution would be warranted and revised preliminary plans were drawn up. The tile was fairly deep as it crossed Co. Rd. 975 East. Rather than daylighting the old tile into a new open ditch or waterway, a new shallower storm sewer would be constructed just east of Co. Rd. 975 East and ran roughly the same route as the tile. A portion of an existing storm sewer along a side street would also be reconstructed. This would relieve the surface water load and route it into a new channel that would run from Co. Rd. 975 East across the old railroad bed into twin corrugated steel pipes just south of the cemetery. The revised preliminary plan would drop the cost to approximately \$400,000.00, which was more feasible.

### **Frank Kirkpatrick Drain**

This drain was located near South County Line and 300 East and was in need of reconstruction. A call from landowner Don Fugate, a year or so ago, warranted a site visit which determined the tile was indeed laid uphill. For a number of years the tile had enough pressure to function. However, that was not the case at this time. That portion of the tile would need to be laid at a positive grade. This would qualify the work as reconstruction, not maintenance. The Surveyor felt downstream landowners would not be interested in bearing the cost, as their tile portion was operating.

### **Urban Drains**

An Urban Drain by definition is an agricultural drain considered to be in need of reconstruction. With the exception of the **Alexander Ross** Regulated Drain, Tippecanoe County Urban Drains had been discussed previously. The **S.W. Elliott**, **Berlowitz**, and the **J.N. Kirkpatrick** Regulated Drains consistently need maintenance performed, due to tile breakdowns etc.

### **Drains with Insufficient Maintenance Funds**

The previously submitted report listed thirty drains with insufficient maintenance funds; some of which were in need of reconstruction. Every ten years, most open ditches need to be dredged. If in need of dredging and monies in the ditch fund were not sufficient, the regulated drain was included in this category of the list. Most of the drain funds were started in the 1960's, and the 1970's. The assessment per acre or lot for maintenance set at that time was insufficient at today's prices of construction. Most Counties schedule multiple hearings for drain assessment increase in one day. To adequately maintain regulated drains the increase was necessary. If landowners were not willing to increase the amount per acre, the drain could be vacated. Generally the drain should not be a public utility, however most often the drains were. Raising a drain assessment periodically would be more efficient and possibly prevent enormous costs of future reconstruction. The **Anson Drain** was a perfect example of that. The Surveyor informed the Board the office had seen an increase in private drain Petitions for the establishment of new Regulated Drains in the last year or so. They have been working on those petitions, as time would allow.

**Parker Ditch Update**

Dave Labonte had attended a previous Drainage Board meeting informing the Board of his concerns with the ditch. The Surveyor stated he had finished his research of the official minutes. The ditch drained the Subaru-Izusu production plant. At the time of the project construction, problems arose which among other things were due to an out of state contractor. In review of the minutes, he found due to the State “fast tracking” the project, a Petition was presented for Reconstruction, Relocation and Vacation of the Parker Ditch. A new concrete storm pipe was put in from the south side of Haggerty Lane (at SIA site) up to the north and east to 675 East. A new channel was built from 675 East to the Wildcat Creek. The minutes showed while the drainage was approved and the right of way was obtained, the Petition was never acted upon. A Finding and Order draft as well as an assessment rate were prepared, however they were never presented to the Board. The Board never heard the Petition. The plan was for SIA to pay 100% of the maintenance for the new storm sewer until such time as other developments in that area tied into it. The farmed acreage was not to carry that maintenance cost. An existing \$1.00 per acre assessment on the agricultural tile had been adequate for the maintenance of said tile at that time. Two at- grade fords were constructed at the new open channel. Mr. Labonte’s only access to his building site was across the fords, which now were collapsed and in need of replacement. It appeared that the petition was still valid. The Board would need to follow through and establish a maintenance fund for the open channel. The amount originally suggested for maintenance was approximately \$20,000.00 per year. However, an increase would be warranted based upon inflation and current construction costs. The Attorney then stated the original petition should be acted upon and a Drainage Board hearing scheduled in the future. He stated a new petition would not be required to schedule a hearing on establishing an open ditch maintenance fund for **Parker Ditch**. The only new development in that area had been the Armory.

Per Indiana Code 36-9-27-36 (3C), the Surveyor requested the Drainage Board refer the regulated drains that had been classified by Surveyor for a report in the order of priority set forth in the classification. The Board had the authority to change the priorities within the report if warranted. John Knochel made a motion to adopt the Drain Classifications Report in the order of priority set forth in the classification and referred them to the Surveyor for reports. KD seconded the motion. The motion passed.

The Surveyor stated several inquiries had been received concerning” no net loss within the floodplain” due to implementation of the new Tippecanoe County Stormwater Drainage Ordinance this year. A call was received concerning a residence within the 100-year floodplain on the Wildcat by Dayton. The creek had eroded very close to the foundation of the house. He felt this particular issue would constitute a variance of the rule, which the Drainage Board would grant. A review was warranted of the” no net loss within a floodplain” section within the ordinance. During development of the new ordinance, that section was included with industrial development in mind. KD noted the Tippecanoe County Stormwater Ordinance was stricter than the Department of Natural Resources fill guidelines.

**Indiana Natural Heritage Data Center/Data Use Agreement**

The Surveyor presented a Data Use Agreement for the Indiana Natural Heritage Data Center. (A unit of DNR) The information would be used for Phase II purposes, which included historical, and archeological site data. In order to access the database, the agreement must be signed. Subject to the Attorney’s review, the Surveyor requested the Drainage Board along with himself sign the agreement. The Attorney then reviewed the agreement. At the Attorney’s approval, John Knochel made a motion to authorize the President of the Board and Surveyor to sign the Department of Natural Resources Data Use Agreement as presented. KD Benson seconded the motion. The motion passed. The Department of Natural Resources Data Use Agreement was approved for signature as presented. At that time the Surveyor ended his report and presentation to the Board.

Ruth Shedd asked for Public Comment. As there was no public comment, John Knochel made a motion to adjourn. The Special Meeting was adjourned.

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Ruth Shedd, President

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John Knochel, Vice President

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Brenda Garrison, Secretary

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KD Benson, Member

**Tippecanoe County Drainage Board**  
**Minutes**  
**August 2, 2005**  
**Regular Meeting**

**Those present were:**

Tippecanoe County Drainage Board President Ruth Shedd, Vice President John Knochel, member KD Benson, County Surveyor Steve Murray, Drainage Board Attorney Dave Luhman, Drainage Board Engineering Consultant Dave Eichelberger from Christopher B. Burke Engineering Limited, Drainage Board Secretary Brenda Garrison and GIS Technician Shelli Muller. County Highway Supervisor Mike Spencer was in attendance also.

**Approval of Minutes**

John Knochel made a motion to approve the July 6, 2005 minutes as written. KD Benson seconded the motion. The July 6, 2005 Drainage Board Regular Meeting minutes were approved as written.

**Arnett Ambulatory Surgery Center**

Jon Perry of Gresham Smith and Partners representing Arnett Hospital appeared before the Board to request final approval for Arnett Ambulatory Surgery Center. The site was located at the southeast corner of County Road 500 East and County Road 100 South (McCarty Lane). The entrance drive would be constructed off of County Road 500 East. This project would outlet to the Julius Berlowitz Regulated Drain and was tributary to the planned Berlowitz Regional Facility. Mr. Perry stated the project consisted of a single story 45,000 square foot building ambulatory surgery center located on the southwest corner of the site. He stated he was in agreement with the July 27, 2005 Burke memo and planned to meet all the conditions listed. At that time he requested final approval for the project.

The Surveyor stated the project had been reviewed and discussed on numerous occasions by the Board. The site was included in the overall design for Arnett Hospital. However the Hospital withdrew their plans and was now requesting final approval for the proposed Ambulatory Surgery Center only. The Surveyor reviewed the site utilizing GIS for the Board. He then recommended final approval with conditions as stated on the July 27, 2005 Burke memo. He pointed out condition one addressed the forthcoming Berlowitz Regional Detention Fees, and noted Arnett was aware of the forthcoming fees. Construction of the County detention facility would require the removal of approximately half million cubic yards of soil. Arnett had expressed interest in obtaining soil for their site once a partner was obtained for the remainder of the site. The Surveyor hoped an agreement could be worked out for the County and Arnett that would benefit both. He then recommended a condition be added stating the Phase II Stormwater fees (once determined by the Phase II Project Team) would be paid by the Center. As a designated entity under Phase II of the Clean Water Act, they are currently looking at approximately \$30-\$40 an acre plus a \$250 fee. An official notice from IDEM (Indiana Department of Environmental Management) had been received stating Tippecanoe County was granted the authority to oversee the implementation of the Rule 5 approvals, reviews, and inspections. The Soil and Water Conservation and IDEM would no longer be enforcing the Rule. IDEM would be overseeing Tippecanoe County implementation of the Rule. The inspections would focus on an approved project's water quality treatment devices each year for a three-year period. John Knochel asked if the added condition was agreeable. Mr. Perry and Brian Elmor (representative for Arnett) agreed to pay the yet to be determined fees. In response to Mr. Perry's inquiry, the Surveyor stated two copies of the post construction Stormwater Manual would be required. The Surveyor noted all practices should be included in the manual to assist in the field inspections.

John Knochel made a motion to grant Arnett Ambulatory Surgery Center final approval with the conditions as listed on the July 27, 2005 Burke memo as well as the added condition of the Regional Detention fee payment. KD Benson seconded the motion. Arnett Ambulatory Surgery Center was granted final approval with the conditions as listed on the July 27, 2005 Burke memo as well as payment of the forthcoming Regional Detention fees.

**Polo Fields**

Paul Coutts of C&S Engineering representing David Zimmerman appeared before the Board to request final approval for the Polo Fields Subdivision project. The site located on the north side of County Road 200 North east of County Road 400 East consisted of approximately 18 acres. A fourteen lot single-family residential development was planned. Storm sewers and rear yard swales would be constructed and drained to a proposed dry detention basin north of lot eleven. The final outlet would be the existing pond of the Watkins Glen Subdivision north of the proposed site. Mr. Coutts stated an open pipe was

located in the northwestern corner of lot seven and was routed to the detention basin. A low area near the northwestern corner of lot twelve would be routed to the basin as well. From the detention basin through a vegetative swale located at the site's northwestern corner, the runoff would outlet into the existing pond located on lot thirty-five within Watkins Glenn Subdivision. Mr. Coutts stated they concurred with the conditions listed on the July 21, 2005 Burke memo and requested final approval. Ruth Shedd then opened the floor for public comment. Mark Zimpher located at 2300 Shana Jane Drive approached the Board. Mr. Zimpher who resided on lot 36 in Watkins Glenn Subdivision stated he had met with the Surveyor previously concerning this development. He was concerned with the amount of drainage, which would be directed to Lot 35 of Watkins Glen, as his lot was located immediately to the north, and felt he would also be affected by the proposed drainage. The Surveyor referred his comments to Mr. Coutts for a response. Mr. Coutts stated as part of the study, calculations were completed on the quality and quantity of runoff as well as runoff modeling to Pond A in the Polo Fields Subdivision as well as the pond in Watkins Glenn known as Pond B. He stated they did not exceed the 100-year limits, nor do they overtop or go out the existing 100-year easement. He stated the system design was more than adequate to accommodate Polo Fields Subdivision. He stated the requirements of the Drainage Board had been met. The Surveyor utilized GIS for review of the site. When reviewing this project he asked the consultant and developer to find a more direct outlet. Due to the defined path, the existing Watkins Glenn pond system seemed to be the natural way to route the water. There was also a study and calculations of the pond system previously completed at hand for review. Dave Eichelberger the Board's Drainage Consultant, confirmed runoff would stay within the existing easement and pond system in Watkins Glenn as Mr. Coutts had indicated. He noted an increase in depth and amount of water would be minimal. He then discussed the options, reviewed and studied previously by the consultants and developer. He stated given the site and the surrounding area, he felt the proposal was the best solution for the project. Mr. Zimpher noted the septic systems were in the rear of the lots' thirty five on down' close to the drop off by the existing pond and was concerned runoff would have a negative effect. The Surveyor stated he felt it would not negatively affect shallow septic systems. He noted however if a flood such as one comparable to the 2004 flood happened then a negative effect was possible. Dina Flores of 3911 Shana Jane Drive Lafayette approached the Board at that time. She stated she was concern with overflowing of the pond and standing water. The Consultant reviewed the Ordinance requirements and specifically the peak time during storm events. The Surveyor also stated it was his opinion that the drainage design presented was the best solution for the area in question. In response to Dina Flores request concerning the Watkins Glenn Pond outlet view, Mr. Coutts stated the developer would be willing to plant shrubs and/or tall grass around the outlet. The Consultant noted the flow of water must not be obstructed. The Surveyor noted the Drainage Ordinance was in place to protect people up and downstream of developments. He then reviewed the inspection process for all attendees. Richard Snodgraph of 3932 East 200 North Lafayette approached the Board at that time. He stated Bob Gross designed the drainage for Watkins Glenn South Part 6 Phase 2. He noted the amount of money he had spent to date for a drainage system of the development and stated he felt the proposed design was appropriate for the area and type of soil. He stated the Watkins Glenn pond was constructed in 1988 and has been dry to date. The Surveyor stated the proposed lots were large and a lot of grassed areas would be on the lots. The pond in Watkins Glen was a dry bottom detention pond and the proposed study was reviewed, the surrounding area was taken into consideration.

The Surveyor then recommended final approval with conditions as stated on the July 21, 2005 Burke memo. He noted item number 8 on the July 21, 2005 Burke memo which stated "...the Indiana Department of Environmental Management and the Tippecanoe County Soil and Water Conservation District... should state the" Indiana Department of Environmental Management and the Tippecanoe County Surveyor Office".... He also recommended an added condition for payment of Phase II Stormwater fees (pending determination by the Phase II Project Team) to be paid by the developer of the project. John Knochel then added a condition stating the developer must work with the owner of lot thirty-five in the Watkins Glenn Subdivision concerning landscaping around the outlet pipe. John Knochel made a motion to grant final approval for Polo Fields Subdivision with conditions as noted on the July 21, 2005 Burke memo in addition to landscaping around the outlet pipe at the Watkins Glen pond location and the revised verbiage of item number eight on said memo along with the said Stormwater fees. KD Benson seconded the motion. Polo Fields Subdivision was granted final approval with the conditions stated on the July 21, 2005 Burke memo in addition to landscaping around the outlet pipe at the Watkins Glen pond location and the aforementioned revised verbiage of item number eight on said Burke memo.

### **Buffalo Wild Wings**

Mike Wylie of Schneider Corp. appeared before the Board to request final approval for Buffalo Wild Wings. The project site was within the City of Lafayette and was being reviewed by the Board for the drainage only. Mike stated the City of Lafayette had approved their plans. The site consisted of a 1.8 commercial lot (Lot 2 in the Creasy at the Crossing Section 1- approved in 1999) south of the intersection of Creasy Land and State Road 38. Branch 13 of the SW Elliott Regulated Drain was located along the western limits of the site and parallel to Creasy Lane. At the time of approval for Creasy at the Crossing Subdivision, the open ditch, which was Branch #13, was enclosed with dual 66" pipes. The Board had previously granted approval for a reduction of the Drainage Easement to thirty feet from the outside face of the southeasterly pipe. Mike

then stated they concurred with the July 15, 2005 Burke memo. He then noted parking asphalt was located within the easement and was requesting an encroachment on the Regulated Drain. The Surveyor stated he thought the intention of the previously granted easement reduction was to allow the workers with their equipment enough room for drain repair in the future therefore a formal Petition to Encroach on the Regulated Drain was warranted in this case. The Petition should state the County was not responsible for any damage incurred to the area of encroachment while repairing the drain. He stated he would still like to see the thirty-foot easement in place. Mike explained a result of keeping the thirty-foot easement would put the site plan in noncompliance with City Parking Ordinance. He stated the developer was aware the County had the right to enter and repair the drain with no fault for damages to the pavement or curb and noted there was no lighting, plantings located within the easement. Ruth Shedd asked if the developer submitted a letter of acceptance of damage costs, if that would be sufficient. The Surveyor noted whatever the Board agreed to would be sufficient. He was prone to protect the work zone on urban and regulated drains. While the chance of tracking over the lot with an excavator for repair of the pipes were slim, having to protect the area from damage would cost landowners more money. Protective mats would be warranted and result in a higher cost of repair passed on to the owners of the properties within the watershed. He noted however, there were locations where the easement was much closer, for example to the top of bank of a ditch such as the SW Elliott- Treece Meadows Relief Drain. In fairness, while he did not like it, the Board had accepted it in the past. In response to KD'S inquiry, Mike stated the encroachment was twenty-five feet and within five feet of the pipe. The Attorney confirmed a formal Petition of Encroachment on a Regulated Drain along with a proposal of the developer's rights and the County's rights was in order. The Surveyor then stated the Board should understand if repair was warranted, the parking lot could be tore up and the owner/developer would be responsible for the cost of repair. The Attorney stated specific verbiage indicating the Developer's responsibility in a separate document accompanying the formal Petition to Encroach on a Regulated Drain. Mike stated the developer would be in agreement. The Surveyor then recommended final approval for Buffalo Wild Wings' release rate into Branch #13 of the SW Elliott Regulated Drain with the conditions stated on the July 15, 2005 Burke memo, as well as the condition of the Developer/Owner's requirement to file for an Encroachment Permit. (Which specifically should state they were aware if replacement or maintenance were warranted, the County would not be responsible for the restoration cost of their parking lot) John Knochel made a motion to grant final approval to Buffalo Wild Wings with the conditions stated on the July 15, 2005 Burke memo, as well as the added condition of filing an Encroachment Petition on a Regulated Drain. Final drainage approval would be subject to the aforementioned Petition's approval by the Board. KD Benson seconded the motion. Buffalo Wild Wings was grant final approval with the conditions as stated.

#### **Stones Crossing Section 4 Subdivision**

Brian Keene appeared before the Board to request final approval for Stones Crossing Section 4 Subdivision. As the final phase of the overall development, Section 4 would consist of 144 single-family residences on approximately fifty acres. The site was located west of County Road 250 East (Concord Road) and north of County Road 430 South. The JN Kirkpatrick Regulated Drain reconstruction project design had accounted for the developed runoff condition. The said regulated drain ran along the northern portion of the project site. Brian stated most of the infrastructure for section four had been constructed during previous phases of the development and the main trunk line was completed during construction of sections one and two of the development. Since approvals were granted for the previous phases/sections prior to the Phase II requirements, additional outlets, extra riprap and vegetated swales were added to assist with runoff control. The Surveyor noted the development's different phase/sections (one of several developments), were approved before and after the Phase II requirements. A good portion of the site's infrastructure was approved and constructed before the implementation of Phase II requirements. The development received prior approval for direct discharge to the JN Kirkpatrick drain (as designed and modeled), with no onsite detention. The Surveyor felt a fair compromise had been reached concerning the additional riprap vegetation of swales etc. The Surveyor reminded Brian of the required Phase II fees and Brian confirmed he was aware of a required payment and agreed to payment of such fees.

The Surveyor then recommended final approval for Stones Crossing Section Four with the conditions as stated on the July 28, 2005 Burke memo, as well as the payment of Phase II fees. John Knochel made a motion to grant final approval for Section Four of Stones Crossing Subdivision with the conditions as stated on the July 28, 2005 Burke memo as well as the payment of forthcoming Phase II fees. KD Benson seconded the motion. Stones Crossing Section four was granted final approval with conditions.

#### **JB Anderson Regulated Drain / Petition to Encroach**

Tim Beyer of Vester and Associates appeared before the Board to request the approval of an Encroachment on a Regulated Drain Easement Petition submitted by David and Martha Stevenson. He stated the southwest corner of the tract was to be divided by the petitioners and access was needed from County Road 1000 South. Based on conversations with the Surveyor an Easement (within the outer twenty-feet of the existing seventy-five feet legal drain easement) had been written for the

location of the driveway and utilities. There was an existing crossing over the drain the planned drive would utilize as well. The Surveyor asked if the culvert's size had been checked prior to the request. Tim stated it had not. The Surveyor then stated the petitioners were responsible for the crossing, and if undersized, based upon the Surveyor's judgment, they would be obligated to upgrade the culvert. As there was no other access, the Surveyor recommended granting the Encroachment Petition as it was put at the back of the seventy-five feet regulated drain right of way from top of bank. As the parcelization process continued, he asked a filter or buffer strip be put in place. John Knochel made a motion to grant the Petition to Encroach on the JB Anderson Regulated Drain as submitted by David and Martha Stevenson. KD Benson seconded the motion. The Attorney noted although a draft resolution was submitted along with the petition, it was not necessary. The Petition to Encroach on the JB Anderson Regulated Drain as submitted by David and Martha Stevenson was approved with no resolution by the Board.

### **JN Kirkpatrick Regulated Drain/ Drainage Impact Area Resolution**

Ruth Shedd opened the floor to the Surveyor concerning the JN Kirkpatrick Regulated Drain Drainage Impact Area Resolution. The Surveyor reminded the Board the upper end of the JN Kirkpatrick east of Concord Road was previously voted to be a Drainage Impact Area and designated as an Urban Drain, by definition was in need of reconstruction. He then recommended adopting the Drainage Impact Area Resolution drafted by the Board Attorney. The Attorney explained the effect of the resolution would impose additional requirements for developments within the watershed or designated impact area. Those requirements were, first all Stormwater Drainage Control Systems within the JN Kirkpatrick Drainage Impact Area should participate in the JN Kirkpatrick Regional Detention Basin, second each stormwater drainage system within the JN Kirkpatrick Impact Area should provide a positive outlet to the JN Kirkpatrick Legal Drain, third the developer of each stormwater control system within the JN Kirkpatrick Impact Area should petition to establish all internal drainage facilities as regulated drains as a condition of approval and may be required to waive its right to remonstrate against higher rates for reconstruction of those internal improvements, which were regulated drains. The Surveyor noted the boundary ran approximately from Concord Road just south of County Road 450 South, through Avalon Bluffs Development and the Halderman property up to 350 South and over just east of US 52. In response to KD inquiry, the Surveyor noted a watershed map was prepared and would be attached to the resolution as Exhibit A. At that time the watershed was reviewed utilizing GIS. The Surveyor noted the entire watershed east of Concord Road was the Drainage Impact Area. Ruth Shedd asked for comment and there was none. John Knochel made a motion to adopt Resolution Number 2005-05-DB establishing the area within the boundary of Concord Road just south of County Road 450 South, through Avalon Bluffs Development and the Halderman property up to 350 South and over just east of US 52 as the JN Kirkpatrick Drainage Impact Area. Exhibit A would be attached to the resolution as required. KD Benson seconded the motion. Resolution Number 2005-05-DB with Exhibit A which established the JN Kirkpatrick Drainage Impact Area was adopted as presented.

### **Steve Murray**

#### **Bridlewood Subdivision/Letter of Credit #284**

#### **US 52 South Industrial Subdivision Phase 2/ Letter of Credit #277**

The Surveyor submitted the following Letters of Credit for acceptance by the Board. Letter of Credit #284 with Lafayette Savings Bank submitted by A&K Construction for Bridlewood Subdivision in the amount of \$17280.00 dated April 26, 2005 and Letter of Credit #277 submitted by Superior Structures for US 52 South Industrial Subdivision Phase 2 in the amount of \$3860.00 and dated January 7, 2005. John Knochel made a motion to accept Letter of Credit #284 with Lafayette Savings Bank submitted by A&K Construction for Bridlewood Subdivision in the amount of \$17280.00 dated April 26, 2005 and Letter of Credit #277 submitted by Superior Structures for US 52 South Industrial Subdivision Phase 2 in the amount of \$3860.00 and dated January 7, 2005. KD Benson seconded the motion. The Letters of Credit were accepted as presented by the Surveyor.

### **Delphine Anson Regulated Drain #4/Reconstruction Report**

### **Lewis Jakes Regulated Drain #40/Reconstruction Report**

The Surveyor submitted Reconstruction Reports on the Delphine Anson Regulated Drain #4 as well as the Lewis Jakes Regulated Drain #40 for acceptance. The Board was familiar with both drains as they have been top on the Surveyor's list for maintenance and/or reconstruction. A copy of each report was provided to and reviewed for the Board. The Surveyor utilized GIS during his review indicating areas of planned reconstruction work for both the Anson and the Jakes Regulated Drains. Packets were provided to the Board indicating the planned maintenance as well as reconstruction costs and assessments to the individual landowners of each regulated drain.

Regarding the Anson Regulated Drain Reconstruction Report, the Surveyor stated it was his opinion no damages would be sustained by any landowners as a result of the reconstruction and he had considered all benefits to each parcel of land. It was his opinion, the expense of the proposed reconstruction would be less than the benefits occurred by each landowner and the benefits were not excessive. It was his opinion each acre of land was benefited by the recommended rates per acre and that all tracts or lots were benefited by the per lot rates as recommended and all the tracts or lots were benefited by the minimum rates as recommended. He stated he believed he had addressed all requirements by Indiana Drainage Code for the reconstruction reports. He noted the official record provided all of the rates recommended; reconstruction, periodic maintenance during reconstruction and periodic maintenance after reconstruction. He noted the watershed acreage was checked with the GIS two-foot contours. He also recommended extending the terminus of the drain from the existing outlet including the open ditch section, which was in need of cleaning and clearing. John Knochel made a motion to accept the Delphine Anson Regulated Drain #4 Reconstruction Report as submitted and reviewed for the Board by the Surveyor. KD Benson seconded the motion. The Delphine Anson Regulated Drain #4 Reconstruction Report was accepted as presented. John Knochel then made a motion to schedule August 29<sup>th</sup>, 2004 at 11:00 a.m. for the Delphine Anson Regulated Drain #4 Reconstruction Landowner Hearing. KD Benson seconded the motion. August 29<sup>th</sup>, 2004 at 11:00 a.m. was set for the Delphine Anson Regulated Drain #4 Reconstruction Landowner Hearing. A copy of the said Reconstruction Report would be included in the Official Minutes Book with the August 29<sup>th</sup> official landowner hearing minutes.

Regarding the Lewis Jakes Regulated Drain #40 Reconstruction Report the Surveyor noted most likely the County Highway Department would need to reconstruct the culvert at County Road 750N (while at this time it was not an absolute). He reviewed the proposed rates per acre/lot for the Board. He stated it was his opinion no damages would be sustained by any landowners as a result of the reconstruction and he had considered all benefits to each parcel of land. It was his opinion, the expenses of the proposed reconstruction would be less than the benefits occurred by each landowner and the benefits were not excessive. It was his opinion each acre of land was benefited by the recommended rates per acre and that all tracts or lots were benefited by the per lot rates as recommended and all the tracts or lots were benefited by the minimum rates as recommended. He stated he believed he had addressed all requirements by Indiana Drainage Code for the reconstruction report. He then stated the official record provided all of the rates recommended; reconstruction, periodic maintenance during reconstruction and periodic maintenance after reconstruction. John Knochel made a motion to accept the Lewis Jakes Regulated Drain #40 Reconstruction Report as submitted and reviewed by the Surveyor as well as schedule the landowner hearing of the report and plans on August 29, 2005 at 10:00 a.m. KD Benson seconded the motion. The Lewis Jakes Regulated Drain #40 Reconstruction Report was accepted and the Lewis Jakes Regulated Drain #40 Reconstruction Landowner Hearing was set for August 29, 2005 at 10:00 a.m. A copy of the said Reconstruction Report would be included in the Official Minutes Book with the August 29<sup>th</sup> official landowner hearing minutes.

Ruth Shedd opened the floor for public comment. Deanna Durrett from the Clinton County League of Women's voters approached the Board and stated she was impressed with its actions today. She was visiting several County Drainage Board Meetings surrounding her County to gain knowledge of a Drainage Board's duties and process. The Surveyor agreed to speak with her immediately following the meeting today and answer any specific questions.

As there was no other business before the Board, John Knochel made a motion to adjourn. KD Benson seconded the motion. The meeting was adjourn.

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Ruth Shedd, President

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John Knochel, Vice President

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Brenda Garrison, Secretary

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KD Benson, Member

**Tippecanoe County Drainage Board**  
**Minutes**  
**August 29, 2005**  
**Lewis F. Jakes #40**  
**Landowner Hearing**

**Those present were:**

Tippecanoe County Drainage Board President Ruth Shedd, Vice President John Knochel, member KD Benson, County Surveyor Steve Murray, Drainage Board Attorney Dave Luhman, Drainage Board Secretary Brenda Garrison and GIS Technician Shelli Muller.

Ruth Shedd began the meeting by opening the floor to Surveyor Steve Murray. Steve thanked the public for attending today's meeting. A GIS watershed map showing the Lewis Jakes #40 watershed area was utilized for the attendees as he gave his presentation. He stated the Jakes Regulated drain had a long history regarding problems with the downstream section of the drain. The drain was originally organized as a court drain in 1904 in Tippecanoe County Superior Court. Currently the watershed area was approximately 1303.6821 acres. A maintenance fund of \$1.00 per acre was established in 1972. The rate was increased to \$2.00 per acre in 1983, however was not changed on the assessment until last year (2004) due to miscommunication between the Surveyor and Auditor's offices. He had personally walked, drove, talked with various landowners and inspected the Jakes drain as well as surveys and plans available. He stated the existing tile from the headwall near the South line of Section 14 (approximately a half mile South of CR. 750 North) to a point approximately 1400 feet north of CR 750N, is in extremely poor condition with numerous breakdowns, tile holes and exposed in several places due to erosion. It is recommended that this section be converted from the existing tile to a new open ditch. This would include reshaping the existing ditch below the existing headwall at the outfall for a distance of approximately 800 feet and extending the downstream end or terminus of the Jakes Ditch to this point. It is also recommended to construct an appropriate drop structure at the upper end of the new ditch and the new outfall of the existing tile into the ditch. Spot repairs due to erosion breakdowns and blowouts are needed on the remainder of the existing said tile system. It is also recommended, not required, to install waterways over the existing route of the tile where needed due to erosion over the approximate route of the existing tile as well as some tree clearing. He also recommended the County Highway Department reconstruct the culvert located on CR 750North. It was his opinion there were no damages sustained by any owner as a result of this reconstruction. He considered all benefits accruing to each parcel of land and was of the opinion that the expenses of the proposed reconstruction would be less than the benefits accruing to the owners of the land. He noted each landowner had received a letter with the recommended rates. During the five-year reconstruction period the assessment rate would be \$10.00 per acre, \$50.00 per lot with a \$5.00 minimum charge. During the same five-year reconstruction period, there would be a periodic maintenance fund at basically the same \$2.00 per acre rate currently charged. After the reconstruction period is complete he recommended the rate drop to \$15.00 per lot and \$3.00 per acre with a \$5.00 minimum charge annually and be allowed to accumulate to eight times the annual assessment amount. He estimated \$72,000 would be needed for the reconstruction. He presented an assessment list that identified the landowners and their benefited acres while noting he had a few changes to that list. Referencing the map he explained to the attendees the green lines on the map represented the boundary of the Jakes watershed and everyone located within those lines were obligated to pay the drain assessment. He explained the assessment monies go into a drain fund, used solely on the particular drain watershed. In addition any interest accrued by the fund was used for that sole purpose as well. No employees were paid from the drain fund. Every dollar paid would be used towards either reconstruction or maintenance for the drain. The Drainage Board could lower the rate if the fund balance proved to be more than needed. The rate could be lowered without a hearing and may not be increased without a public hearing. The exception to this was a one-time increase of no more than 25% without a public hearing. At that time Ruth Shedd opened the floor to public comment.

Dale Butcher of 8171 N 300W West Lafayette Indiana approached the Board. He stated his family owned approximately 120 acres within the watershed and noted his home was located within the watershed as well. He had worked with the Surveyor and had spoke with the majority of the landowners. Most all landowners were in favor of the reconstruction. He felt reconstruction was warranted and noted the watershed's agriculture land as well as new home sites were in need of proper drainage. He expressed his appreciation for the Surveyor's willingness to work with him on this issue. He thought the rates were fair and was in favor of the assessment. Tina Helton of 7600 North 250W West Lafayette Indiana 47906 approached the Board. She stated the ditch ran through a good portion of her property. She asked what would happen to the mature trees during the reconstruction. The land on both sides of the ditch was mowed utilizing a make shift bridge they had constructed across the open portion of the drain. She asked the Surveyor what would happen to the bridge. The Surveyor stated the proposed new ditch had a six-foot bottom; top of bank to top of bank would vary to some extent from approximately sixteen

to twenty-four feet. Through the areas South of CR.750N where the drain ran through the woods there would be some clearing. The Surveyor noted not having looked at the exact property, wherever the tile was located on that property there was potential to lose some trees. Depending on where the tile was located in relation to the trees. She stated the trees protect her property from storms. Also she asked if work would be done from one side or if both sides would be disturbed. She stated she had a building problem and if both sides were disturbed, she would not be able to build on her land. He stated tentatively the plans were to do the work from either side of the existing tile. She noted this could hinder any future building on her property. Without reviewing the area in detail the Surveyor could not give an exact answer, however noted a crossing could be constructed across the ditch. Steve Kerkhove 7901 North 300W West Lafayette approached the Board. He stated he lived at and farmed 160 acres within the watershed. He noted the drain had been backed up for several years. With assistance from federal programs through the Soil and Water Conservation District Office, waterways would be constructed to assist in the drainage. John Knochel then asked if the waterway would be over the top of the tile. The Surveyor stated generally one maintains approximately two foot if not three of cover over the tile. The tile would be located in one of the side slopes of the waterway. NRCS and USDA were looking at installing a waterway, however the tile was in such bad shape NRCS did not think it was appropriate to spend the federal funds before the tile was repaired. Mr. Kerkhove stated due to the poor shape of the tile, the water blows up out of the tile in several locations. The Surveyor agreed there was a multitude of tile holes. However he felt the cause was mainly backpressure on the tile more than the condition of the tile. Mr. Kerkhove agreed that the reconstruction would be beneficial and had been needed for several years. Ed Slayton 8490 North 350W West Lafayette approached the Board. He farmed and lived in the northwest corner of the watershed. He addressed the cost of the maintenance monies and felt it was excessive. He stated if the fund was allowed to accumulate to eight times the annual amount it would result in \$34000.00. He felt that was excessive. He asked why that amount was needed. The Surveyor stated it was based on his estimates, and noted this drain as well as the Delphine Anson were on the top of his Status of Drains list submitted yearly to the Board. Among other issues, the list indicated drains in the worse condition within the County's Regulated Drain inventory. Historically this County has never set \$30 or \$40 rates as some other counties do, and he tried to balance what the landowners could bear and what would get the job done. Estimates should always be conservative and felt the estimates were. The \$33,000.00 might prove to be high and he reiterated once the total was reached the drain would go off assessment. If five years down the road the Surveyor feels it is in better shape than thought, the Board may lower that rate. He stated a drain maintenance fund had not been set up in the last four or five years less than \$2 or \$3 an acre. Most at \$1 an acre were done in 1970. This drain in particular was in place for approximately one hundred years. He was unable to view all of the tile's condition and felt he felt it was not excessive and would rather error on the high side than the low side. John Knochel reiterated while he has sat on the Board, they have never had enough funds for drain maintenance. He asked if Mr. Slayton had a rate in mind. Mr. Slayton replied there shouldn't be a lot of maintenance once it was reconstructed. He asked if the money would be used for anything other than maintenance on the drain. The Surveyor reiterated it was a dedicated fund for that particular drain and could not be used for anything other than maintenance of the drain. Eric Anderson, residing at 722 Wilshire Court Grand Blanc Michigan 48439, approached the Board and stated he was a direct ancestor of Lewis Jakes. He confirmed the condition of the tile had definitely deteriorated and asked the age of the tile and how much would be replaced. The Surveyor stated he felt the majority was the original tile constructed shortly after 1904. He could not state the exact amount due to the inability to uncover the tile in several areas. In response to Eric's inquiry the Surveyor noted farmers call in the location of sinkholes for repair. Eric then stated he was in favor of the reconstruction. Ryan Meunier 8231 North 300W West Lafayette approached the Board. He stated his home was located just west of the willow trees. Responding to Ryan's question, the Surveyor stated that generally there was a week and no more than a two-week waiting period for tile repair. He informed Mr. Meunier the office had four contractors on call to do repairs. Ryan wondered if the Surveyor knew what was the tile size located on his property. The Surveyor stated there were records of the size and thought it was a 12inch tile. Mr. Kerkhove interjected and stated he would work in conjunction with Ryan on the installation of a waterway on both their properties. The Surveyor noted typically NRCS does not pay on a residential property only agricultural. However there may be money still available to be used for filter strips, buffer strips and waterways. Anyone participating in farm programs and planning a waterway of filter strip, would need to contact Marc Eastman of the SWCD to ensure the Farm Bill regulations were followed. Larry Underwood of 7015 North 225W West Lafayette approached the Board. He had installed a tile drain that routed his water to the Cole Ditch and wondered if he should even be assessed within this watershed. The Surveyor stated he personally inspected that area and found a tile inlet in the east side ditch going to the west. He would review that area for confirmation. Mr. Underwood was also in favor of good farm drainage and understood the need of the drain's reconstruction. A question was raised in the audience whether maintenance monies could be used for existing waterways. Mr. Kerkhove stated he thought the SWCD had monies available for upkeep of existing waterways. The Surveyor stated there were maintenance requirements on existing waterways within the federal programs through SWCD. Monies could be use for the maintenance on the existing waterways, if they were located over top of the regulated drain, within the drain easement. Maintenance could be done which assist or improve the function of the tile. Mr. Kerkhove stated there would be waterways within this watershed and they would play a major part in the drainage of the area. The Surveyor would recommend the monies be used for maintenance of the waterways as well.

John Knochel asked the Attorney if it would be appropriate to add the recommendation to the Findings and Order statement prepared by the Surveyor. The property owners would need to use any federal funds first before using maintenance fund monies. Responding to inquiry, the Surveyor stated his recommendation was to extend the outlet from the existing outlet at the headwall, which is roughly the south line of the Section 14 (Charles Vaughn property), another 800 feet downstream. In reviewing the record that was the furthest it had been cleaned below the outlet in the past. The shots taken this stream showed the bottom needed cleaned out 300-500 feet, this would be 800 feet below the existing headwall into a natural spring and the upper end of the Indian Creek.

The Surveyor stated an objection letter from Scott McCoy 2500 West 850N West Lafayette In. was received. He noted he was not going to read the letter into the record, as he was recommending Mr. McCoy's parcel as well as others be removed from the assessment list. The letter would be part of the official record packet. The parcels were located North of 850N between the extension of 250W and 300W. Jason Burkes had also raised questions concerning these parcels. In conferring with the previous County Surveyor it was discovered when the tracts were created through the parcelization and 10-acre exemption process, a drain was constructed along the East line to the North which outlet to Burnett Creek. There were no previous maps indicating any of the aforementioned parcels included within the watershed. The Attorney stated it was not necessary to read through each parcel as an amended assessment list was prepared and would be referred to. Steve stated the agricultural parcel to the west of the small tracts and north of 850N was included as well. He stated the watershed's boundary line would stop at 850N. Mrs. Korshott 8461 North 300W West Lafayette In. had called the office and was concerned she would be forced to install a waterway. The Surveyor informed her that would not be the case. He then stated based on phone calls, office visits, and discussions with the Korshotts and Charlie Vaughn- he felt there were approximately 70-80% in favor of the reconstruction of the drain. He believed it was because the drain was in such poor working order. Ruth Shedd then asked for any further comments by the Board. As there were none, Dave Luhman stated a proposed order had been prepared in the matter of the Lewis F. Jakes Regulated Drain #40 Findings and Order Reconstruction and Maintenance Rates. He then read the document into the minutes. "The Lewis F. Jakes Regulated Drain was referred to the County Surveyor for a Reconstruction Report on April 11, 2005. This matter came to be heard upon the reconstruction report and schedule of assessments prepared by the Tippecanoe County Surveyor and filed with the Board. Certificates of mailing of notice of the time and place of the hearing, to all affected landowners, were filed. Notices of publication of the time and place of the hearing, in the Journal & Courier and the Lafayette Leader, were filed. Written Remonstrance were filed. 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 reconstruction report of the Tippecanoe County Surveyor and schedule of assessments were filed in the office of the Surveyor on July 29, 2005. (2) 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. (3) Notice of the time and place of this hearing was given by publication in the Journal & Courier and the Lafayette Leader, newspapers of general circulation in Tippecanoe County, Indiana more than ten (10) days prior to this hearing. (4) The legal drain currently consists of approximately 300 feet of open ditch and approximately 11,600 feet of main line tile and 6570 feet of branch line tile. (See (6)) (5) The present condition of the ditch and tile branches are in need of repair as described in (6). (6) The existing tile from the headwall near the South line of Section 14 to a point approximately 1400 feet North of CR 750N, (also being approximately the North line of the South half of the Northwest Quarter of Section 14) is in extremely poor condition with numerous break downs, tile holes and exposed in several places due to erosion. It is recommended that this section be converted from the existing tile to a new open ditch. This would include reshaping the existing ditch below the existing headwall at the outfall for a distance of approximately 800 feet and extending the downstream end of the Jakes to this point. It is recommended to construct an appropriate drop structure at the upper end of the new ditch and the new outfall of the existing tile into the new ditch. Spot repairs due to erosion breakdowns and blowouts are needed on the remainder of the existing Jakes tile system as well as maintenance of waterways within the regulated drain right of way as required to enable the regulated drain to function as designed. It is also recommended to install waterways over the existing route of the tile where needed due to erosion over the approximate route of the existing tile. Clearing of trees will also be necessary in a few locations. The culvert located on CR 750North should be reconstructed or replaced by the Tippecanoe County Highway Department. (7) There is now \$0.00 owed to the General Drain Fund for past maintenance on this ditch. (8) The ditch and tile branches covered by this Findings and Order drain **1258.2040** acres. (As **amended** per Surveyor testimony regarding deletion of acreage) The overall Lewis F. Jakes watershed contains 1258.2040 acres. (9) Estimated total cost of reconstruction is \$72,000.00. The estimated cost of maintenance during reconstruction is \$2800.00 and the annual cost of maintenance post reconstruction is \$4200.00. (10) Estimated annual benefits to the land drained exceed the reconstruction, repair and maintenance costs. (11) A fund for reconstruction and annual maintenance during reconstruction and post reconstruction should be established. The post reconstruction maintenance fund should be allowed to accumulate to a total of eight times the annual maintenance. The recommended rates are as follows: Reconstruction; \$5.00 minimum charge, \$50.00 per lot (a lot is 4.99 acres or less) and \$10.00 per acre. Periodic

Maintenance During Reconstruction: \$5.00 minimum, \$10.00 per lot and \$2.00 per acre. This will result in an assessment total of \$10.00 minimum charge, \$60.00 per lot and \$12.00 per acre for a five-year period. After the end of the five-year period, the rate will drop to a \$5.00 minimum charge, \$15.00 per lot and \$3.00 per acre for periodic maintenance. (12) In order to provide the necessary maintenance fund post reconstruction, the annual assessment benefited should be allowed to accumulate to an eight-year period. (13) The assessment list filed herewith should be amended as set forth on Exhibit A attached hereto. (14) The assessment list filed herewith as so amended is fair and equitable and should be adopted. (15) The assessment should be collected with the 2006 taxes. FINDINGS AND ORDER (RECONSTRUCTION) NOW, THEREFORE, IT IS ORDERED THAT: (1) The Board has determined that the costs, damages (if any) and expenses of the proposed reconstruction and the periodic maintenance cost will be less than the benefits accruing to the owners of the land benefited. (2) A fund for reconstruction, maintenance during reconstruction and maintenance post reconstruction should be established. The recommended rates are as follows:

Reconstruction: \$5.00 minimum charge, \$50.00 per lot and \$10.00 per acre. Periodic Maintenance during Reconstruction: \$5.00 minimum, \$10.00 per lot and \$2.00 per acre. Resulting in an assessment total \$10.00 minimum charge, \$60.00 per lot and \$12.00 per acre for a five-year period. After the end of five-year period, the assessment rate will drop to a \$5.00 minimum, \$15.00 per lot and \$3.00 per acre for periodic maintenance. The fund should be allowed to build to a total of eight times the annual assessment. (3) The Reconstruction Report of the County Surveyor and the Schedule of Assessments including annual assessments for periodic maintenance filed herewith and amended are adopted and made a part thereof. (4) The first annual assessment shall be collected with the 2006 taxes. DATED at Lafayette, Indiana this 29th day of August 2005. The Order was followed by signature lines for the Tippecanoe County Drainage Board and the Drainage Board Secretary. Ruth Shedd reiterated the amount of acreage would show the amended total acreage benefited by the drain. In response to KD's inquiry the Surveyor confirmed the 2006 taxes were due in 2006, as drain assessments do not "lag" a year behind as property taxes do. John Knochel made a motion to approve the Findings and Order for the Reconstruction and Periodic Maintenance for the Lewis F. Jakes #40 Regulated Drain. KD Benson seconded the motion. As there were no objections, the Findings and Order for the Reconstruction and Periodic Maintenance for the Lewis F. Jakes #40 Regulated Drain were approved.

John Knochel made a motion to adjourn. KD Benson seconded the motion. The meeting was adjourned.

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Ruth Shedd, President

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John Knochel, Vice President

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Brenda Garrison, Secretary

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KD Benson, Member

**Tippecanoe County Drainage Board**  
**Minutes**  
**December 7, 2005**  
**Regular Meeting**

**Those present were:**

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

**Approval of Minutes**

John Knochel made a motion to approve the Nov. 2, 2005 Drainage Board minutes as written. Ruth Shedd seconded the motion. The Nov. 2, 2005 Drainage Board Meeting minutes were approved as written.

**Hadley Moors PD**

A requested continuance by the developer was granted for Hadley Moors PD.

**Lauren Lakes Section 2**

Brandon Fulk of Schneider Engineering appeared before the Board to request final approval for Lauren Lakes Section 2 Subdivision. The 24-acre site was located on the south side of County Road 500 North west of County Road 75 East and east of Prophets Ridge Subdivision. This section was a continuation of the previously approved Lauren Lakes Subdivision and outlet through an un-named tributary to Burnett Creek along the east boundary. The County Farm Regulated Drain existed in the southwestern portion of the site. A system of swales and storm sewers directed into an onsite detention basin would collect the site's drainage.

Brandon stated offsite flow of runoff would be redirected around the project site and outlet to the unnamed tributary. Prophets Ridge outfall would be left as is and would not be impeded. The detention facility was designed to handle water quality by the use of four bays and elongating the drain time of the pond. Brandon stated the overall drainage design had been previously approved. He concurred with the December 2, 2005 Burke memo and at this time was requesting final approval for Section Two. In response to the Surveyor's inquiry, Brandon explained the path of the rerouted offsite drainage. The Surveyor stated a letter of concurrence from Mr. Ratcliff would be necessary for the file (while not made a condition), as he owned property adjacent to the project. He was prepared to recommend final approval for Lauren Lakes Section 2 with the conditions as stated on the December 2, 2005 Burke memo. John Knochel made a motion to grant final approval for Lauren Lakes Section 2 subject to the conditions on the December 2, 2005 Burke memo. Ruth Shedd seconded the motion. Lauren Lakes Section 2 was granted final approval with conditions as stated on the December 2, 2005 Burke memo.

**Meadowgate Estates Section 2**

Paul Coutts of C&S Engineering appeared before the Board to request final approval for Meadowgate Estates Section 2. Mr. Fred Kuipers developer of the site was in attendance. Paul submitted an acceptance of fees- associated with the Stormwater Phase II program and drainage review- letter from Mr. Kuipers, N.O.I. and proof of publication documentation. The 23-acre site was located east of County Road 75 East north of County Road 500 North and a continuation of the Meadowgate Estates Subdivision. An existing lane known as Shooting Star would provide access to the proposed 10-lot section of the overall Subdivision project. Paul explained part of the site drained under County Road 500 North and part drained northwest under said access drive. Runoff of the development would drain to a natural tributary of the Wabash River or to an on-site tributary to Burnett Creek. Under the present conditions, natural drainage outlets would not be altered. Paul stated there was no detention storage required and water quality was the focus today. The existing drainage swales, dry detention storage as well as the addition of a second buffer strip and additional dry detention storage would maintain the water quality for the area. At that time Paul stated they concurred with the December 2, 2005 Burke memo conditions and requested final approval. He added the site would be served by septic systems. Lots 15, 16 and 17 soils were the most critical and could possibly require perimeter drains. Easements were acquired. The Surveyor asked Paul to take a second look at the sanitary system design stopping short of making it a condition. In the event of a malfunction some kind of treatment for septic drains should be in place. The Surveyor recommended final approval subject to the conditions as stated on the December 2, 2005 Burke memo for Meadowgate Estates Section Two. Ruth Shedd seconded the motion. Meadowgate Estates Section Two was approved subject to conditions as stated on the December 2, 2005 Burke memo.

### **Roadworks Manufacturing**

Alan Jacobsen of Hannum Wagle and Cline appeared before the Board and requested final approval for Roadworks Manufacturing. The former Aertz Airport site was located on the south side of County Road 300 North and east of State Road 25 North. A system of swales would direct the site's drainage to a dry detention basin in the northwest corner which outlet to the right of way of County Road 300 North and conveyed into the state highway drainage system ultimately discharging to the west in Wildcat Creek. At the request of Commissioner Knochel, GIS was utilized for review of the site. Alan stated a new driveway entrance off County Road 300 North would be utilized as access for construction vehicles. Construction of a well and septic was planned. No land disturbing activity south of the existing runway was proposed. Hannum Wagle and Cline had previously contracted Vester and Associates to complete the initial drainage analysis and technical report. Alan stated as a result of the capacity constraint of the collection point for the State Highway drainage system, the site's release rate was reduced proportionately. The actual release rate for this site was considerably less than required by the ordinance. Water quality treatment structures would be utilized as well and located at the northwest corner. All water would be routed through the storm structure devise. An easement was acquired for the devise location and would be accessible for maintenance purposes. The Surveyor stated it was a BMP for water quality. Alan concurred with the December 2, 2005 Burke memo conditions and requested final approval for Roadworks Manufacturing. The Surveyor asked if the septic system would require a perimeter drain. Alan stated they were in the process of approval and a review by the State Department of Health. The Surveyor stated if a perimeter or curtain drain outlet to the detention facility, a second look at the system design would be warranted. Alan concurred they would be willing to review the design as needed. The Surveyor then stated due to the absence of easements around the treatment or detention facility, a covenant would be required to maintain the facilities. In response to Alan's inquiry, the Surveyor stated either an easement or the covenant would suffice. The Surveyor recommended final approval subject to the conditions stated on the December 2, 2005 Burke memo as well as the added condition of the provision of drainage easements around the detention facility and BMP or execute a covenant for maintenance. John Knochel made a motion to grant final approval of Roadworks Manufacturing subject to the conditions stated on the December 2, 2005 Burke memo as well as the added condition of the provision of drainage easements around the detention facility and BMP or execute a covenant for maintenance. Ruth Shedd seconded the motion. Roadworks manufacturing was granted final approval with the conditions on the December 2, 2005 Burke memo as well as the aforementioned added condition.

### **Weathersfield PD**

Robert Gross of R.W. Gross and Associates appeared before the Board to request final approval for Weathersfield PD. The developer Gregg Sutter was in attendance as well. The site was located on the east side of County Road 800 East south of County Road 150 South. A single private access drive with side ditches was planned. On site drainage would discharge to a branch of the South Fork Wildcat Creek that meandered to the west toward County Road 800 East along the north property line. Detention would not be required for the development, as the natural drainage of the site would not be altered and runoff was reduced as much as fifty percent. The Surveyor stated he walked the site with the developer and Mr. Gross. He asked if perimeter or curtain drains were needed. Mr. Gross stated the lots needing perimeter drains were all located along the ravine. The Surveyor noted his concern that possible malfunction of the drains would require some treatment before entering into the drainage system. Mr. Gross stated they would confer with him on the requirements and he was willing to make any additions to the design. The Surveyor recommended final approval subject to the conditions on the December 2, 2005 Burke memo. John Knochel made a motion to grant final approval with the conditions stated on the December 2, 2005 Burke memo. Ruth Shedd seconded the motion. Weathersfield PD was granted final approval with the conditions as stated on the December 2, 2005 Burke memo.

### **Bridge Mill Subdivision Phase 1**

Tim Beyer of Vester and Associates appeared before the Board to request final approval for Bridge Mill Subdivision Phase 1. He presented a map of the entire site for review by the Board. Farmington Subdivision was located to the West and Northridge Subdivision was located to the South of the Subdivision. The developer Brian Keene was in attendance as well as several landowners. The 147-acre site was located on the north side of County Road 200 North between County Roads 400 East and 500 East. The majority of the property drained to the north into a branch of Dry Run (Crist-Fassnacht Ditch) and eventually discharged to Wildcat Creek. The remaining portion of the site drained southerly to Wildcat Creek. Four stormwater detention ponds were proposed for the overall development. Pond A would be constructed immediately northwest of Phase 1 of the overall development and would be developed during Phase 1. The remaining detention ponds would be constructed during future phases of the development. Curbed streets, storm sewers and drainage swales would also accommodate the site's drainage. Phase 1 of the development lied within the southeast corner of the overall site and consisted of 42 lots. A conceptual drainage plan was previously provided. A portion of the site would drain into an existing culvert

under County Road 200 North then into a drainage swale which eventually ran into a depressional area to the south of the site. Currently approximately 13 acres drain into the existing culvert and upon development that amount would be reduced to approximately 8 acres. The remaining five would drain to Pond A. Pond A was designed as a stormwater quality measure and combined with the onsite drainage swales would achieve the required sediment removal. At that time Mr. Beyer requested final approval from the Board. Ruth Shedd then asked for Public Comment.

Brian Elmore 4619 Foxmoor Lane- The Meadows at Northridge Subdivision approached the Board and discussed his concerns with the project. He expressed concern of the overall development's drainage. Tim stated there were three accesses from the property to adjoining streets. Foxmoor Lane would be continued to the development in Phase 1. Mr. Beyer stated there would be eight phases to the development. The planned cluster system located immediately to the west of Phase 1 would eventually be replaced with municipal sanitary lines. Mr. Elmore then expressed concern that eventually the mound or cluster system would be built upon. He stated he knew the Board's review today was drainage; however he wanted to clarify the overall plan and phases of this development. Jon Huston 40 Huntington Way of Northridge Subdivision approached the Board. His property was located across County Road 200 North. He stated runoff from the site drained to a retention area in the corner of his property. Mr. Spencer had visited the site several times in the past due to flooding of their cul-de-sac. He asked if the culvert under 200 North would be replaced. In response to Mr. Knochel's inquiry, Mr. Spencer stated it was not demonstrated to him runoff would be increased therefore the culvert would not be replaced. Mr. Beyer stated they felt it would be simpler to decrease the amount of runoff than replace the culvert. Mr. Huston then asked if the mound system required a perimeter drain. The Surveyor stated at this point it was unknown as there was no design to review. He stated the Highway Department and the Surveyor's office would not sign the construction plans until the design for the sanitary system was presented and reviewed. Mr. Beyer stated the State Health Department would review the sanitary plans. The Surveyor explained the concern was possible conflict between the sanitary lines and the road and drainage infrastructure. As far as the actual sanitary system's technical design, they do not approve it however; the Surveyor/Drainage Board would approve the location and grade. Doug Excell 42 Hillshire Court Northridge Subdivision approached the Board. He stated his home back up to the detention area. In seven years he had seen two one hundred -year storms. He had seen the runoff cross County Road 200 North then run through back yards on occasion and felt the drainage in that area was inadequate already. His concerns were the additional increase of the area's drainage as well as the septic/sanitary system's drainage impact the new development may cause. He felt unless there was some other way of diverting the runoff, he felt the current system could not manage the flow. He had seen (in the last five years) the detention pond area fill up within twenty feet of the back door of a home. In response to John Knochel inquiry, Mr. Excell stated the detention pond had been mowed and the cattails had been cleaned out in the past. The Surveyor asked Mr. Beyer if he had reviewed the original design of Northridge Subdivision. He stated he had not. The Surveyor stated the original drainage study of Northridge Subdivision should indicate the amount of runoff entering the system and would answer some of these inquiries. He had made a site visit the day before and the swale and pond could benefit from additional maintenance. Mr. Beyer stated he felt the drainage plans for Bridge Mill PD would improve the current conditions. Richard Harlow 4609 East 300 North, trustee for his father's estate north of the project site's location approached the Board. In response to Mr. Harlow's inquiry Mr. Beyer stated Pond A would be constructed during Phase 1 and serve more than Phase 1. He stated if perimeter drains were required they would ultimately drain to Pond A. In the event additional lots were warranted, Pond B would be constructed with a future phase. In response to Mr. Excell's inquiry, the Surveyor stated he had not walked the north end of the site. Mr. Excell stated north of Pond A the land is "loaded with natural springs." He wanted the Board to know the previous landowner watered his cattle with the spring. The water ran continuously and was present at this time. John Knochel then indicated on GIS the location of the natural spring, as he was aware of it. The Surveyor stated wet bottom ponds would pick up the water and would help the water quality of the pond. Pond A was planned to be a wet bottom pond. Donna Props 4529 East 200 North Lafayette approached the Board. She stated Gunstra Builders informed her the culvert size would be increased. She also was concerned with the additional runoff and had experienced flooding. The Surveyor stated while he was prepared to recommend final approval with conditions today, as the total acreage runoff was decreased, he did have concerns with the drainage. Ruth Shedd asked if a continuance to January's meeting was warranted. John Knochel noted he agreed with Ruth Shedd and reiterated the Surveyor would not sign construction plans until sanitary/septic plans were submitted for review. He asked how far away the submission was. Mr. Beyer referred to Brian Keene, developer. Mr. Keene stated he was looking at different options for a septic/sanitary design. The Surveyor interjected the question today was the 42 lots of this phase. Mr. Keene responded a mound system would be constructed however the type was the question. The Surveyor stated he would like to see Vesters review the Northridge Subdivision Drainage Study to. This would answer the question whether the existing conveyance (including the existing pond) from County Road 200 North through the various phases of Northridge Subdivision was capable of handling the new development. He thought it was capable. John Knochel made a motion to move for continuance of Bridge Mill Phase 1 until the January meeting. Ruth Shedd seconded the motion. Bridge Mill Phase 1 was continued to the January 2006 meeting. John Knochel noted if the landowners of Northridge Subdivision would review the maintenance of the pond, it could assist the Board in their decision.

## **Other Business**

### **Buffalo Wild Wings Encroachment Petition**

Brandon Fulk of Schneider Engineering appeared before the Board and presented a Petition to Encroach upon the SW Elliott Regulated Drain. The encroachment was located at the Buffalo Wild Wings site. The Attorney had prepared a Resolution granting the Encroachment Petition. The Surveyor recommended to the Board approval of Resolution 2005-03-DB approving encroachment on the SW Elliott Regulated Drain for Buffalo Wild Wings. John Knochel made a motion to approve Resolution #2005-03-DB for the encroachment on the SW Elliott Regulated Drain. KD Benson seconded the motion. Resolution #2005-03-DB granting the encroachment on the SW Elliott Regulated Drain as petitioned was passed. Recorded copies would be provided to the Surveyor Office for the record.

### **Lewis Jakes Reconstruction/Maintenance Amended Assessments**

The Surveyor stated he had investigated concerns of landowners at the August 29<sup>th</sup> Landowner Hearing as well as concerns of the Auditor office. As a result of the investigation he was presenting an amended landowner assessment list for approval and certification to the County Auditor. The Attorney stated the parcels which were omitted from the revised assessments would not change the remaining assessments. The revision would not increase or decrease said remaining assessments. Only the following stated parcels would be removed, as they were found not to be located within the Lewis Jakes watershed. The following parcels were within series: 13203800- #61, #260, #237, #259, #292, #248, #226, and #40 within series 13204900-#159 and within series 13204400-#210, #209. The Surveyor stated the parcels were located north of 850 North and a portion of Larry Underwood's property which was tiled and ran to the east. John Knochel made a motion to approve the amended drain assessments for the Lewis Jakes Regulated Drain as submitted. Ruth Shedd seconded the motion. The amended Lewis Jakes Regulated Drain Assessments were approved as submitted and would be certified by the Board for collection starting in May 2006.

### **Marshall Branch / Box Ditch Petition to Encroach**

The Surveyor stated this was not on the Agenda; however a Petition to Encroach on the Box Ditch by Purdue University was presented for action. He stated the encroachment was reviewed in detail with the petitioners and his office was satisfied with the depth of the encroachment. Resolution #2005-04-DB was submitted for approval as petitioned. John Knochel made a motion to approve Resolution #2005-04-DB regarding the Encroachment of the Marshall Branch on the Box Regulated Open Ditch with Purdue University as the petitioner. Ruth Shedd seconded the motion. Resolution #2005-04-DB was passed as presented. It was noted a recorded copy would be required to be submitted to the Surveyor office for the file.

### **Ordinance #2005-51-CMDB/ 1<sup>st</sup> Reading**

#### **Ordinance establishing a fee schedule for stormwater quality management permits and inspections**

The Attorney stated the Board felt it would be prudent and of interest to the public to present this ordinance at both the Commissioners meeting and the Drainage Board meeting for 1<sup>st</sup> reading. Therefore he presented Ordinance #2005-51-CMDB for 1<sup>st</sup> reading by the Drainage Board today. The Commissioners had previously approved the ordinance on 1<sup>st</sup> reading and would approve said ordinance on 2d reading Dec. 19<sup>th</sup>, 2005 at 10 a.m. He stated any amendments would be stated at that time depending on public comments. Either the Surveyor or he was available for questions by the public. John Knochel made a motion to approve Ordinance #2005-51-CMDB on 1<sup>st</sup> reading. Roll Call: Ruth Shedd/Yes John Knochel/Yes KD Benson/ Absent. Ordinance #2005-51-CMDB was passed on Drainage Board 1<sup>st</sup> reading.

### **Steve Murray**

#### **Proposal for Professional Engineering Services on the Upper end of the JN Kirkpatrick Regulated Drain Design**

The Surveyor presented a contract for professional services on the Upper end of the JN Kirkpatrick Regulated Drain for approval by the Board. Since there were major projects pending at the upper end of the said drain it was agreed to convert the agricultural tile at the upper end to an open ditch. The Surveyor noted the preliminary regional concept design was completed a couple years ago. The estimated fee of the contract was \$77, 240.00; the Surveyor noted the fee was very reasonable. The Board Attorney had asked for some changes on the contract and those changes had been completed. The Attorney stated Burke had incorporated their standard conditions into this contract. The Surveyor then requested approval of the contract for the Upper JN Kirkpatrick Stormwater Drainage channel as presented. John Knochel made a motion to approve the proposal for Professional Engineering Services on the Upper JN Kirkpatrick Stormwater Drainage channel (open ditch). Ruth Shedd seconded the motion. The contract as presented was approved.

**Lindberg Village Phase 4/Letter of Credit #291**

The Surveyor presented the following for acceptance: Letter of Credit #291 in the amount of \$9205.00 through Lafayette Savings Bank from A&K Construction written by Lafayette Savings Bank for Lindberg Village Phase 4 and Maintenance Bond # 1752954 in the amount of \$10700.00 from Atlas Excavating written by Shore West Security Services Inc. for Stonehenge Subdivision Phases 2&3. John Knochel made a motion to accept Letter of Credit #291 and Maintenance Bond #1752954 as presented by the Surveyor. Ruth Shedd seconded the motion. Letter of Credit #291 and Maintenance Bond # 1752954 was accepted by the Board.

**2006 Drainage Board Meetings Dates**

John Knochel made a motion to accept the January 4, 2006 meeting date only at this time due to the absence of Commissioner Benson. Ruth Shedd seconded the motion. January 4, 2006 10 a.m. would be the next meeting date and time.

**Public Comment**

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

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Ruth Shedd, President

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John Knochel, Vice President

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Brenda Garrison, Secretary

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KD Benson, Member

**Tippecanoe County Drainage Board**  
**Minutes**  
**March 24, 2006**  
**SPECIAL Meeting**

**Those present were:**

Tippecanoe County Drainage Board President KD Benson, Vice President John Knochel, member Ruth Shedd, County Surveyor Steve Murray and Drainage Board Secretary Brenda Garrison. Drainage Board Attorney Dave Luhman was absent.

**Classification of Drains (Partial)**

The Surveyor presented the Classification of Drains (Partial) report to the Board. A copy of which would be included (excluding Exhibit A- see file) in the official Drainage Board Minutes book. The Surveyor stated he has completed and presented a Classification of Drains (Partial) report to the Board previously in 2003 and 2005. He stated this year he had expanded it with more detailed information as "Exhibit A". He stated as it was not feasible for his office to know the condition of every regulated drain under County Maintenance, he relied on the farmer to report the condition of a drain .Often calling upon them for a review of the drain's condition and noted his office receives maintenance request calls in the fall and spring when farmers are in the field.

He reviewed his report with the Board as follows:

1.) Drains in need of Reconstruction

a. Berlovitz, Julius (#8) (Includes Felbaum Branch)

1. Declared Drainage Impact Area by Resolution 2006-02-DB

The Surveyor stated the Board was very familiar with this Drain.

b. Kirkpatrick, J.N.(#46) (Watershed above (east) of Concord Road

1. Declared Drainage Impact Area by Resolution 2006-01-DB

The Surveyor stated he had met with the landowners on the Upper JN Kirkpatrick Regulated Drain. It was decided they would provide their own regional detention and the County would construct a positive outlet. He noted the design would be completed within a couple of months and was hopeful to start the bidding process at that time. Right of Entries would be required from the landowners which they had verbally agreed to.

c. Elliott, S.W. (#100)

1. F-Lake Detention Facility

The Surveyor stated EDIT monies was planned for this facility, however the Berlovitz Regional facility would take precedence over F-Lake.

2. Branch #11 (at S.R.38 near Tractor Supply)

The Surveyor stated Branch#11 of the S.W. Elliott served the property north of State Road 38. Previously the Brands were told they would have to reconstruct Branch #11 themselves. The reconstruction cost proved too much- as two 60" inch pipes were required under State Road 38. INDOT would not agree to place the pipes at their expense. The Surveyor suggested a formal reconstruction to the owners as INDOT would then have to shoulder the expense for the pipe installation under State Road 38. A landowner meeting concerning the reconstruction would be organized as soon as time allows.

d. Anderson, J.B. (#2) (Clarks Hill portion)

The Surveyor stated a conceptual reconstruction plan was completed by Christopher B. Burke through the Lauramie Creek Watershed study. The original estimate was in excess of two million dollars, however the Surveyor had reviewed costs and was able to decrease that to approximately half a million dollars.

e. Kirkpatrick, Frank (#45) (Portion East of C.R. 450E)

The Surveyor stated the Frank Kirkpatrick Drain was located in the southeast portion of the County with a portion east of C.R. 450East. This portion was investigated and found to be purposely laid uphill. The Surveyor stated he felt the reconstruction cost would not be acceptable by the landowners. However he noted it would continue to deteriorate over time and would be in need of the reconstructed in spite of the cost.

2.) Hearing and rates established in 2005

a. Anson, Delphine (#4) Reconstruction rate, periodic maintenance rate and maintenance rate after reconstruction set by hearing on August 29, 2005

b. Jakes, Lewis (#40) Reconstruction rate, periodic maintenance rate and maintenance rate after reconstruction set by hearing on August 29, 2005

The Surveyor informed the Board there was a SEA 368 Review scheduled in the near future for the Lewis Jakes Drain. The drain outlet at Indian Creek. He explained if work was reconstruction and the length of a drain greater than ten miles on the USGS map, a review (SEA 368) by IDNR, IDEM and Army Corps of Engineers was required. They will walk the drain with the Surveyor and give their requirements for said reconstruction.

- 3.) Urban Drains (per I.C. 36-9-27-68 Urban Drains are classified as in need of Reconstruction)
  - a. S.W. Elliott (#100)
  - b. Berlowitz, J. (#8) (Include Filbaum Branch)
  - c. Kirkpatrick, J.N. (#46)
  - d. Ross, Alexander (#48)

The Surveyor noted extensive maintenance work on the Alexander Ross drain.

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

The Surveyor noted the Exhibit Sheet A indicated maintenance amounts from 1990 to date on each regulated drain and referred the Board members to the exhibit for review.

- 5.) Insufficient Funds
  - a. Blickenstaff, John (#11)
  - b. Crist Fassnacht (#29)
  - c. Grimes, Rebecca (#33)
  - d. Harrison Meadows (#37)
  - e. Kerschner, Floyd (#38)
  - f. Kirkpatrick, Frank (#40)
  - g. Lesley, Calvin (#48)
  - h. Morin, F.E. (#57)
  - i. O'Neal, Kelly (#59)
  - j. OShier, Audley (#60)
  - k. Saltzman, John (#70)
  - l. Dickens, Jesse (#91)

The Surveyor stated the most common reason for insufficient funds was the low originally established assessment rate. The rate was set many years ago and due to inflation did not meet present maintenance costs.

- 6.) Proposed Drains for hearing in 2006  
(Request these drains be referred to Surveyor for preparation of maintenance report)
  - a. Brown, Andrew (#13)
  - b. Coe, Train (#18)
  - c. Haywood, E.F. (#35)
  - d. Harrison Meadows (#37)
  - e. Kirkpatrick, Frank (#45)
  - f. Morin, F.E. (#57)
  - g. Mottsinger, Hester (#58)
  - h. Parker, Lane (#61)
  - i. Resor, Franklin (#65)
  - j. Southworth, Mary (#73)
  - k. Vannatta, John (#81)
  - l. Yoe, Franklin (#90)
  - m. Dismal Creek (#93)
  - n. Beutler Gosma (#95)
  - o. Romney Stock Farm (#109)

The Surveyor stated these drains assessment rates were more critical in his view. There was a limited amount of monies within the General Fund available for general use. For example the Andrew Brown in the northeast portion of the County was tile and open ditch. A portion of the open ditch was cleaned this spring due to the submerged outlet at the headwall. (Generally open ditches should be cleaned or dipped and cleared an average of ten to twelve years.) The cost for a three thousand foot open ditch at \$6.00 per foot would be approximately \$18,000.00. It would take approximately 4-5 years to

repay the general fund. The Harrison Meadows Drain had maintenance work done in the mid nineteen-nineties and owed the General Fund over \$6000.00 to date. The four year total assessment for this drain was only \$1915.70.

- 7.) Drains recommended to be raised by 25%
  - a. E.F. Haywood (#35)
  - b. O'Neal Kelly (#59)
  - c. Oshier, Audley (#60)
  - d. Resor, Franklin (#65)
  - e. Yoe, Franklin (#90)
  - f. Kirkpatrick One (#96)

The Surveyor noted this recommendation was a temporary fix. Raising the maintenance assessment 25% in his opinion was a proactive action in the interim.

- 8.) Petitions for New Regulated Drain Referred to Surveyor
  - a. Fred Whaley/Norm Bennett
  - b. Todd Welch

The Surveyor noted additional investigation was required for the Fred Whaley/Norm Bennett Petition as the tile drain was submerged which made it difficult to evaluate properly. He felt the most cost effective way was to set up a maintenance fund before additional investigation was done. Investigation on the Todd Welch petition would be completed as time allowed.

- 9.) Existing Drains Referred to Surveyor for Report
  - c. Upper JN Kirkpatrick (#46)
  - d. J. Berlowitz (#8)

The Surveyor stated these drains had existing maintenance funds and was conferring with Christopher Burke on their reports.

- 10.) Drain that should be vacated
  - a. That portion of Branch #5 of the J.N. Kirkpatrick which runs along the East side of Promenade Drive in Stones Crossing Commercial Subdivision.

The Surveyor stated this portion of the tile was presently functioning as a storm sewer for Promenade Parkway on the west side of Wal-Mart and should be vacated as it no longer functions as a county regulated tile.

In summary the Surveyor stated a new drainage layer and map was close to completion and would eventually be available to the public. He reviewed the layer utilizing GIS for the Board. A red dash tile was a county tile or open ditch: a solid blue label indicated it had a maintenance fund, a green label indicated it did not have a maintenance fund. He added a database (individual drains historical information to date) was being maintained as well. He informed the Board he will give a presentation the first Wednesday of April to the District SWCD Board concerning County Drains.

As there was no additional information for the Board, John Knochel made a motion to adjourn. Ruth Shedd seconded the motion. The meeting was adjourned.

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KD Benson, President

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John Knochel, Vice President

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Brenda Garrison, Secretary

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Ruth Shedd, Member



**Tippecanoe County Drainage Board**  
**Minutes**  
**August 20, 2007**  
**Special Meeting**

**Those present were:**

Tippecanoe County Drainage Board Vice President Ruth Shedd, member KD Benson, County Surveyor Steve Murray, Drainage Board Attorney Dave Luhman and Drainage Board Secretary Brenda Garrison. Project Manager Zachariah Beasley was also in attendance. Drainage Board President John Knochel was absent.

**Lewis Jakes Regulated Drain and D. Anson Regulated Drain/ Bid Letting**

**Lewis Jakes Regulated Drain Reconstruction Bids**

Vice President Ruth Shedd opened the meeting and referred to the Board Attorney for reading of the Bids submitted on the Reconstruction of the Lewis Jakes Regulated Drain and the D. Anson Regulated Drain. The L. Jakes Regulated Drain bids would be opened first. Attorney Dave Luhman read the L. Jakes Regulated Drain Reconstruction Contract bids as follows: Milestone Contracting- total bid was in the amount of \$286,400.00, Fairfield Contractors Inc. - total bid was in the amount of \$146,668.00, Tony Garriott - total bid was in the amount of \$157,384.00, Rhino Excavating LLC. - total bid was in the amount of \$200,847.20, Rinehart Excavating - total bid was in the amount of \$165,307.02, Dwenger Excavating - total bid was in the amount of \$95,193.32 and R & W Contracting - total bid was in the amount of \$142,875.00. Dave recommended the bids would be taken under advisement. The packets would be reviewed to insure the contract documents submitted were in accordance with the contract requirements. KD Benson made a motion to take the bids under advisement. Ruth Shedd seconded the motion. All contract bid packets submitted were taken under advisement and would be reviewed for the proper documentation. The Surveyor stated his estimate for the L. Jakes Regulated Drain Reconstruction was \$148,980.00.

**D. Anson Regulated Drain Maintenance Bids**

Ruth Shedd referred to the Board Attorney for the opening of the D. Anson Regulated Drain Maintenance bids. One bid was submitted by Dwenger Excavating in the amount of \$49,801.00. Dave recommended the bid would be taken under advisement. The Surveyor's estimate was in the amount of \$41,663.00. KD Benson made a motion to take the bids under advisement. Ruth Shedd seconded the motion. The Surveyor recommended a special meeting to award the bids. Discussion was held as to date and time for said meeting; however one was not set at that time. The board would review their calendars and a date would be provided.

As there was no other business before the Board KD Benson made a motion to adjourn. The meeting was adjourned.

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John Knochel, President

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Ruth Shedd, Vice President

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Brenda Garrison, Secretary

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KD Benson, Member

**Tippecanoe County Drainage Board**  
**Minutes**  
**August 23, 2007**  
**Special Meeting**

**Those present were:**

Tippecanoe County Drainage Board President John Knochel, Vice President Ruth Shedd, member KD Benson, County Surveyor Steve Murray and Drainage Board Secretary Brenda Garrison. Drainage Board Attorney Dave Luhman was absent. Mr. Jim Dwenger was in attendance.

**Lewis Jakes Regulated Drain and D. Anson Regulated Drain/ Bid Award**

**Lewis Jakes Regulated Drain Reconstruction Bids**

John Knochel opened the meeting and referred to the Surveyor. The Surveyor stated he had reviewed the documents and calculated all bids. He confirmed Dwenger Excavating Contractors Inc. had submitted the low bid. He recommended the Board award the Lewis Jakes Regulated Drain Reconstruction Contract to Dwenger Excavating Inc. Ruth Shedd made a motion to award the Reconstruction Contract to Lewis Jakes Regulated Drain Reconstruction to Dwenger Excavating Inc. KD Benson seconded the motion. The Lewis Jakes Reconstruction Contract was awarded to Dwenger Excavating Inc. The notice to proceed would be presented to Dwenger Excavating Inc. on this date.

**D. Anson Regulated Drain Maintenance Bids**

The Surveyor stated there was only one bid submitted for the D. Anson Regulated Drain Maintenance project. While the bid was a little high (both stretches of tile lie in wet areas). Due to the time of year he felt it was in the Board's best interest to award the contract to Dwenger Excavating Inc. so he could get started on the work as soon as possible. Ruth Shedd made a motion to award the D. Anson Regulated Drain Contract to Dwenger Excavating Inc. KD Benson seconded the motion. The D. Anson Regulated Drain Maintenance Contract was awarded to Dwenger Excavating Inc. The notice to proceed would be presented to Dwenger Excavating Inc. on this date.

As there was no other business before the Board Ruth Shedd made a motion to adjourn. The meeting was adjourned.

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John Knochel, President

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Ruth Shedd, Vice President

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Brenda Garrison, Secretary

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KD Benson, Member

## **Tippecanoe County Drainage Board**

May 2, 2012

### **Regular Meeting Minutes**

#### **Those present were:**

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

#### **Approval of Minutes**

Tom Murtaugh made a motion to approve the April 4, 2012 regular and special hearing minutes as written. John Knochel seconded the motion. The April 4<sup>th</sup>, 2012 regular meeting minutes, April 4, 2012 special hearing minutes were approved as written.

#### **Roberts Ridge Subdivision**

Justin Frazier of TBIRD Designs Inc. appeared before the Board to present Roberts Ridge Subdivision for final approval. This project was granted final approval with conditions at the December 11, 2011. In April, the project was resubmitted due to revisions of the original pond 1 location as well as an addition of 15 lots. Pond 1 was previously located immediately adjacent to the JN Kirkpatrick Regulated Drain location. It was relocated to a more central location with lots around it. A road now extended along the northern portion and continued easterly to the east side of the subdivision. There were two cul-de-sacs previously planned; now a continuous drive made a loop within the subdivision. Additionally, the lots located along the J.N. Kirkpatrick Regulated Drain required a reduction from the existing 75 feet maintenance easement to 30 ft. maintenance easement. (The overall drainage infrastructure (storm sewers etc.) remained as originally planned.) Justin Frazier requested final approval with the revisions as stated and the approval of the Petition as submitted. He noted they agreed with the conditions as stated on the April 25, 2012 Burke Review Memo. The Surveyor recommended approval of the easement reduction on the JN Kirkpatrick Regulated Drain as well as final approval with the conditions as stated on the April 25, 2012 Burke memo. Tom Murtaugh made a motion to accept the Petition for Easement Reduction on the J.N. Kirkpatrick Regulated Drain as well as grant final approval with the conditions as stated on the April 25, 2012 Burke memo. John Knochel seconded the motion. The Petition for Easement Reduction on the J.N. Kirkpatrick Regulated Drain was accepted as presented. Roberts Ridge Subdivision was granted final approval with the conditions as stated on the April 25, 2012 Burke memo.

#### **Petition to Encroach / Jakes #40 Regulated Drain**

The Surveyor presented a Petition to Encroach with a crossing on the Jakes Regulated Drain #40 submitted by Joseph R. Herbst. The Surveyor reviewed the Petition previously and recommended approval to the Board. Tom Murtaugh made a motion to grant approval for the Petition to Encroach on the Jakes Regulated Drain #40 submitted by Joseph R. Herbst. John Knochel seconded the motion. The Petition to Encroach with a crossing on the Jakes Regulated Drain #40 submitted by Joseph R. Herbst was granted approval by the Board.

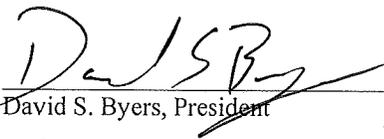
#### **Petition to Partially Vacate/ Berlovitz Regulated Drain #08 –Felbaum Branch**

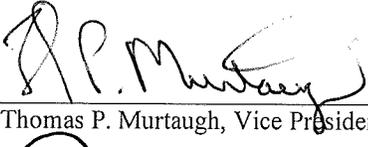
Dan Teder of Reiling, Teder and Schrier, LLC appeared before the Board to present a Petition to Partially Vacate a portion of the Berlovitz Regulated Drain #08 known as the Felbaum Branch. This Branch was located within the Hawthorne Lakes Subdivision tract. Exhibit C of the Petition documents indicated the area of vacation requested. Mr. Teder noted the western portion of the Felbaum Branch had previously been vacated by the developer. The eastern portion of the Felbaum Branch was requested to be vacated today. A new drainage structure was in place to direct runoff into the designated drainage channel. Mr. Teder then requested approval for the Petition. The Surveyor stated the developer's request referred to the area at Co. Rd. 50South and Co. Rd. 550East- where the Berlovitz Detention Facility was located. An open ditch at the southeast corner of the facility was constructed along McCarty Road. Hawthorne Lakes was located directly south of the said large detention facility. The open ditch and drainage infrastructure was located on the east side of the development and routed to McCarty Lane ditch. The Felbaum Branch of the Berlovitz Regulated Drain originally routed around the Hawthorne Lakes development in a horseshoe style. It had previously been rerouted with not only this development but also the McCarty Lane Extension project. The areas' runoff was directed into the Berlovitz Regional Detention Basin/Facility. The Surveyor then recommended approval of the Petition as presented to the Board. Tom Murtaugh made a motion to grant approval for the

Petition to partially vacate the Felbaum Branch of the Berlovitz #08 Regulated Drain. John Knochel seconded the motion. The Petition to Partially Vacate a portion of the Berlovitz Regulated Drain #08 known as the Felbaum Branch located within the Hawthorne Lakes Subdivision tract was approved.

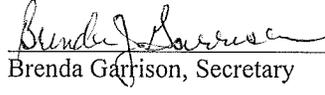
**Public Comment**

There was no public comment. Mr. Tom Murtaugh made a motion to adjourn. John Knochel seconded the motion. The meeting was adjourned.

  
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David S. Byers, President

  
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Thomas P. Murtaugh, Vice President

  
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John Knochel, Member

  
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Brenda Garrison, Secretary

## TIPPECANOE COUNTY DRAINAGE BOARD

May 1, 2019

### Drainage Board Meeting Minutes

#### Those present were:

Tippecanoe County Drainage Board President Tracy A. Brown, Vice President Thomas P. Murtaugh, member David S. Byers, County Surveyor Zachariah Beasley, Drainage Board Attorney Doug Masson, Engineering Consultants, Drainage Board Executive Administrator Brenda Garrison and James Butcher, Surveyor Office Project Manager. Engineers Dave Eichelberger from Christopher B. Burke Engineering LLC and Mabelle Watts from Butler Fairman and Siefert were absent.

#### Approval April 10, 2019 Regular Meeting Minutes

Thomas Murtaugh made a motion to approve the April 10, 2019 Regular Meeting Minutes as written. David Byers seconded the motion. Motion carried.

#### Zach Beasley / Other Business

##### Marion Dunkin #25 Reconstruction

The Surveyor presented two Marion Dunkin Regulated Drain #25 Reconstruction Financial Assistance Contracts for approval by the Board. The first Reconstruction Financial Assistance Contract was submitted to his office by Kenneth Byers for two tracts located within the Marion Dunkin Regulated Drain #25 watershed. Those parcel numbers were #79-09-36-300-001-000-028 and parcel #79-09-35-400-002-000-028 totaling \$21,845.65. The second Marion Dunkin Regulated Drain #25 Reconstruction Financial Assistance Contract was submitted to his office by RDG Properties for the following parcels numbered #79-09-35-400-001-000-000-028, 79-09-36-300-002-000-028, #79-09-36-300-003-000-028, #79-13-02-200-001-000-006, #79-13-02-200-002-000-006 for a total of \$51,637.65. The contract template was previously drafted by the Attorney and approved by the Board. Thomas Murtaugh made a motion to approve the contracts for Reconstruction Financing Assistance from Kenneth Byers and RDG Properties as submitted. David Byers noted he was not related to Kenneth Byers. David Byers seconded the motion. Motion carried.

##### All State Fastener Maintenance Bond

The Surveyor presented Maintenance Bond #30026704 in the amount of \$111,689 submitted by ASF Holding Company to his office for the All State Fastener project for approval by the Board. David Byers made a motion to grant approval for Maintenance Bond #30026704 in the amount of \$111,689 submitted by ASF Holding Company as presented. Thomas Murtaugh seconded the motion. Motion carried.

##### Petition to Encroach / Lewis Jakes #40 Regulated Drain

The Surveyor presented a Petition to Reconstruct on the Lewis Jakes Regulated Drain #40 submitted to his office by Doug Morehouse. While he expected more benefitted landowners to sign the Petition, it currently reflected over 10% of the benefitted landowners' signatures. Mr. Morehouse indicated he wanted to submit so it would be added to the future Drain Reconstruction (s) list. The Surveyor noted currently there were 13 regulated drains on the list for reconstruction. He stated in 2006-07, a lower portion of the Lewis Jakes drain was reconstructed (1/3 to 1/2) as phase 1. This would be phase 2 of the reconstruction. (Due to the funds balance in 2006-07, it was determined to complete the reconstruction in phases.) Responding to David Byers inquiry, the Surveyor noted the open ditch was part of the annual spray program conducted by his office. The Surveyor recommend acceptance from the Board. David Byers made a motion to accept the Petition as submitted and refer it to the Surveyor for his report. Thomas Murtaugh seconded the motion. Motion carried.

##### Upper J. Berlowitz Regional Detention Project/Memorandum of Understanding

The Surveyor stated a "Memorandum of Understanding" (MOU) between the Drainage Board and Franciscan Alliance Inc. was received in his office regarding the Berlowitz Regulated Drain Regional Detention project. He referred to the Attorney.

The Attorney reminded the Board the M.O.U. was necessary to complete the Berlowitz Regulated Drain Reconstruction (re: M.O.U. document proceeds May 2019 Drainage Board's official minutes). He recommended the Board's President sign the document upon receipt. He stated he did not have the original document on hand, as it was in transit. The Secretary would record the M.O.U once signed. Franciscan Alliance will pay \$391,500 to the Drainage Board for the additional costs in phase 1 due to costs related to the revisions made. Franciscan Alliance Inc. would donate approximately 15.6 acres to be used in phase 2 of this project. The Attorney noted Franciscan Alliance stated they did not want the excavated dirt from phase 2 of the project; therefore, it would be relocated offsite. He referred back to the Surveyor. The Surveyor recommended approval of the M.O.U. between the Tippecanoe County Drainage Board and Franciscan Alliance Inc. as written. Thomas Murtaugh

made a motion Commissioner Tracy Brown; Drainage Board President sign the M.O.U. as written- upon receipt. David Byers seconded the motion. Motion carried.

**Alexander Ross Outlet Improvement Project Status update**

The Surveyor updated the Board on the Alexander Ross Outlet Improvement Project. He noted the portion of the project which involved the Meijer pond (north end of pond routing north under Meijer Court up to SR.26) was complete. The Easement Agreement regarding the portion of land on the East side of SR 26 and owned by Mike Patel had been recently signed. He stated, due to the weather and the pending agreement, the jack and bore under SR26 had been delayed. Now that the Agreement was signed, hopefully the weather would cooperate, and work could be completed soon. He stated the project was basically 1/3 complete. Responding to Thomas Murtaugh’s inquiry, the Surveyor noted the trash around the area’s pond was- in his opinion- due to business trash can lids left open. The Attorney stated if the drain itself was impaired by the trash then the Drainage Board would have the authority to clean it up. The Surveyor stated this has occurred once in the past and was addressed by his office. The Surveyor noted the pond itself had been placed on the annual regulated drain spray/mow maintenance program list. The Attorney noted the Board was not obligated to pick up the trash. There was an issue one time with obstruction from the trash in the pond that which the Drainage Board addressed. The Surveyor noted he had not received any calls relating to this matter to date this year.

**Public Comment**

Mike Spencer Assistant Executive Director Tippecanoe County Highway Department approached the Board. He stated there have been issues brought to his attention which require determination on how to proceed. He stated several drainage complaints had come to light concerning his department with non-regulated drains. Typically, these issues involve culverts located alongside private tiles under County Roads as well as side ditch depths and locations. Several landowners have brought to attention safety issues with the depths and locations of some of the side ditches along the County Roads. One particular issue was a culvert located alongside a private tile, both were located under South Ninth Street. The culvert was replaced in 2008 under the road. (Landowners state they called after this time to report issues with the drainage in this area and could not get a response-He stated he could not substantiate the calls.) In this particular case the Highway Department has approximately an acre and half within the 1000+ acre watershed and does not have the funds to replace the tile under the road. He stated since the culvert was located under the road, landowners think the Highway dept. should fix the drainage issue. He noted he felt the problem was the tile - most likely undersized and obstructed- not the culvert. Often, there were no means to pay for these types of drainage issues. Due to proximity to County highways, landowners felt the issues should be taken care of by the County Highway Department. He reiterated his office would like to work with the Board and Surveyor office to find a way of resolving the issues. He reviewed several problem locations in the county where a culvert is located under the road near a problem tile or problem side ditch. The Attorney reviewed the steps to convert a private drain into a regulated drain and obstruction in a private drain which would allocate the cost of repair across the entire watershed. The Surveyor stated Mr. Greg Gilbert called his office several days ago and spoke to him about the drainage issue on South Ninth Street. Mike Spencer stated he thought the drain tile and culvert were located parallel of each other but very nearly on top of each other. The Surveyor stated if a Petition of Obstruction was filed; and during the investigation the tile was found to be obstructed- the cost of repair would be shared among all the benefited landowners. He noted he considered this a short-term solution, as the size of the watershed (1000+ acres) warranted the tile be converted from private to county maintained. Responding to the Surveyor’s inquiry, Mr. Spencer stated the size of the tile under South Ninth St. was thought to be 8” or 10”. The Surveyor offered to sit down with Mr. Spencer and review any drainage issues and options that could be taken. Mr. Spencer thanked the Board and Surveyor for their time. He noted the wet spring has exasperated the issues. The Surveyor noted particularly wet springs were forecasted out of the Earth and Atmospheric Science School at Purdue University in the coming years and noted these issues would not go away. He stated he strongly felt they needed to be proactive regarding finding a solution for the taxpayers.

David Byers made a motion to adjourn. The meeting was adjourned.

Tracy A. Brown, President

Thomas P. Murtaugh, Vice President

Brenda Garrison, Executive Administrator

David S. Byers, Member