Tippecanoe County Drainage Board
Minutes
December 8, 2010
Regular Meeting

Those present were:

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

Approval of Minutes

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

2011 Drainage Board Meeting Dates

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

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

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

Chapelgate Senior Apartments/Earthwork & Grading

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

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

Industrial Pallet Master Drainage Study

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

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

Uniform Fee Schedule Ordinance/Amended for Alcohol Certification Permit Fees

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

J. Berlowitz Regulated Drain#08 / Partial Vacation request

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

Audley Oshier Regulated Drain

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

Petition to Encroach on the John McCoy #50 Regulated Drain

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

Petition to Reconstruct/Calvin Lesley Regulated Drain #48

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

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

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

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

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

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

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

Public Comment

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

Thomas P. Murtaugh, President

David Byers, Vice President

Brenda Garrison, Secretary

John Knochel, Member

Tippecanoe County Drainage Board
May 4, 2012
Combs Ditch Hearing

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 LLC.

President David Byers opened the Hearing for the Combs Ditch and referred to Attorney Dave Luhman. Mr. Luhman stated a Petition to Establish a Legal Drain and Reconstruction for the Combs Ditch was previously submitted to the Surveyor's Office. The Drainage Board had instructed the Surveyor to investigate and which was complete at this time. The report summarized the investigation of turning the private drain into a newly reconstructed legal county maintained drain. Notice of filing that report was sent to all affected landowners as required. He then referred to the Surveyor to read his report. The Surveyor read the following:

Combs Ditch Reconstruction Report, Tippecanoe County Drainage Board dated March 26, 2012.The Combs Ditch was originally constructed utilizing Soil Conservation Service assistance in April 1946. The drain and its watershed are located in Sections 14 & 23 of Township 23 North and Range 3 West in the political township of Perry, Tippecanoe County, Indiana. The original 1946 Soil Conservation Service design indicates a watershed area totaling 175 acres and being totally within Tippecanoe County. It is the judgment of the County Surveyor based on testimony from the benefitted landowners and 2 foot contour information available in the year 2012 that the total benefitted watershed area is 159.52 acres. According to the 1946 Soil Conservation Service design, there is 5100 feet of tile main of variable size, being 8 inches in diameter at the upper end of the drainage, 10 inches in diameter in the central portion of the drainage, and 12 inches in diameter in the lower portion of the drainage. From this day forward there are 5100 lineal feet of tile and 0 (zero) lineal feet of open ditch under maintenance. It is the judgment of the Tippecanoe County Surveyor that a sum of $30,000 is needed to reconstruct the existing tile drainage system. A reconstruction assessment rate of $35.00 per acre and a $100.00 minimum over a (5) five year period are recommended. This will generate $30,809.50 over a (5) five year period. Assuming the reconstruction project has been completed after (5) five years, the per acre assessment will be lowered to a maintenance rate of $10.00 per acre and a $50.00 minimum over an (8) eight year period are recommended. This will generate $15,909.60 over an (8) eight year minimum. The maintenance rate shall not be charged during the (5) five year reconstruction period. It is the judgment of the Tippecanoe County Surveyor these rates will allow for the much needed reconstruction project and ensure that monies will be generated for future tile maintenance.

The President Dave Byers stated letters of objection were received regarding converting the drain from private to county maintained. The Attorney read the names of those landowners who wrote the letters. The first - dated April 24, 2012 from Don L. Roberts, 9237 E. 100N Lafayette Indiana 47905, the second - dated April 25, 2012 from Dave Dewitt 651 N. 900E Lafayette Indiana 47905, third- dated April 25, 2012 from William Douglas and Linda M. Hendrickson 601 N. 900E Lafayette Indiana 47905, fourth- dated April 25, 2012 from Jack R. and Mickey M. Weedon, 625 N.900E Lafayette Indiana 47905 and fifth-dated April 25, 2012 from Jerry Tignor 635 N 900E Lafayette Indiana 47905. The Attorney noted all the letters had been read by the Drainage Board upon receipt and each would be part of the Combs Ditch official record. He read the following letters aloud by request or due to the absence of the writer. "April 24, 2012 Tippecanoe Surveyor & Drainage Board, 20 N. 3rd Street Lafayette Indiana 47901 Regarding the Combs Ditch #118 Regulated Drain: I have received your notification and am responding as requested to contest the assessment of my property. According to the information received the number of acres benefited by me is 1.29 acres and the cost per acre is listed at $35 per acre with a minimum cost of $100. This means that what should cost me $45.15 is now going to cost me $100 or $54.58 more than my share. This is neither fair nor equitable. In addition I will be charged $50 in maintenance for what should only cost me $12.90 or $37.10 more than my share. In addition it does not state if this is a one-time cost or if it will be assessed annually in which case I will be paying many times more than my share for this ditch, which has a minimum benefit to me. I am sure that none of you wish to be over charged for purchases that you make! I would be happy to pay a one-time cost of $45.15 for the work to be done and a $12.90 annual maintenance, but the rate you are assessing is excessive and unreasonable-Sincerely, Don L. Roberts." The next letter was from "William Douglas and Linda Marlene Hendrickson dated April 25, 2012, Re: Combs Ditch #118 Regulated Drain Dear Sirs: We are the owners of 5.13 acres within the Combs ditch watershed with the legal description PT NW SEC 23 TWP 23 R3. We wish to object to the reconstruction project to make the Combs ditch a regulated drain for the following reasons: 1. As of October 2012, Linda will retire from working the front desk at the Best Western. William has

been retired from teaching at TSC since June 2000. Since we will be living on a fixed income, the assessment of $179.55 x 5 years or $900.00 plus the $51.30 annual assessment after reconstruction will create a financial hardship for us. 2. Our main drainage concern is our immediate 1.5 acre yard with house. Our past drainage problems in said yard have been corrected by Hack Excavating at our own expense. We resent that we are expected to help pay for drainage problems that are of little or no help to us. 3. Also, to work efficiently to lower the water table in our clay-rich soil, many thousands of feet of extra finger tiles will be required. The new tile will only drain the immediate ground above it. Therefore, most of the affected landowners will not benefit from the project. 4. Finally, the culvert running under 900 East is not suitable to accept the new amount of drainage water which will pour out of the planned 15 inch tile during a heavy rain. This needs your immediate attention- Sincerely, William Douglas Hendrickson Linda M. Hendrickson." The final letter to be read was received on April 30, 2012 from "Jerry Tignor 635 N 900E Lafayette Indiana 47905 dated April 25, 2012 Re: Reconstruction including annual assessments for periodic maintenance on a drainage ditch. Dear Sir: I am strongly opposed to the reconstruction of the field tile and the paying of the fees associated with it. It will not benefit me and I do not have a water problem on my land. I understand I am in a waterway, but the tile you are proposing to install is 800 feet from my property. Some of the homeowners in this area have gone to great expense to cure their water problems and I feel that the farmers who benefit from the field tile should absorb the cost of the reconstruction. I feel the way that the 51% of the acreage to determine if the field tile is reconstructed is very unfair. All of the acreage put together that the homeowners own do not add up to the 51%. It is so unfair that one landowner can decide my fate. I am retired and lice on a fixed income and I cannot afford to pay for this. Again, I as homeowner oppose this project-Sincerely, Jerry Tignor."

President Dave Byers opened the floor for public discussion with those opposing the petition to start first. Dave Dewitt of 651 N. 900E Lafayette Indiana 47905 approached the Board and stated the following: "Hi I am Dave Dewitt; I am the owner of five (5) acres in the affected watershed area. Just want to make a few points in my letter that I did submit to make sure everyone is aware of the things that I've found. The first thing that I wanted to point out was similar to what Jerry has stated is I definitely feel that this drain will not impact in a positive way my land. I have lived out there for six and half (6.5) years, much shorter than most they've seen a lot more water issues out there. There is definitely some water problems. My six and half years of being out there, I definitely can attest to the water issues that are out there. I know where the water comes from and I know where the tiles gonna be and based on the layout of the land, this tile will definitely have no impact or benefit to my area. There are some other items that can be taken care of out our way that would benefit us. Putting this drain tile in is not one of those. The next point that I would like to make is in the letter that was sent out to everyone, it was stated that 53% of the benefited landowners had signed the Petition; simple math shows that is a false statement. As 73.81 acres from the Petitioners that signed are benefited of the 159.52 acres total watershed, this is only 46.27% of the total landowners benefited. So I want everyone to be aware this is not supported by a Petition of more than half of the benefited landowners. The third point I would like to make is that the originator of this Petition is not one of the landowners out there; he is only a cash rent farmer. Thus he does not have to bear the burden of the tax increase to support this publically regulated drain. I don't feel that is fair that he is allowed to submit this Petition and not be one of the benefited landowners by having to bore the financial burden. Last point I would like to make as I done my research when we got the notice of this, I was talking with one of the large landowners Judith Buck she owns a hundred and something acres of farmland with seventy something benefited by this tile. In speaking with her she's also had some other drain tiles on her affected property; she owns several farms in the Tippecanoe County area. She was voicing her concerns of the additional costs of this particular drain tile. She said she was not aware of this tile going in until she received the letter from the County Surveyor, during our conversation. I was taken aback by that. When I contacted the County Surveyor originally, he said the Petition was started by Mr. Buck. I was conflicted and confused on how it comes up when Judith Buck was one of the landowner's signatures on the Petition. It turns out the Petition was originated by her nephew Jack Buck who cash rents the farm. During our phone conversations, she had stated to me she was not in favor and did not want to bear the financial burden of it. I am not sure if she was giving me false information during our conversation or if there is a question on how her signature got on the Petition. That's the last point I would like to make and based on these points; I definitely am also very opposed to this and hope you take my view points into strong consideration. Thank You." Jack Weedon 625 North 900E Lafayette Indiana 47905 approached the Board and stated the following:" My name is Jack Weedon and I opposed this as I'm on a fixed income, my wife and I are both retired. The thing does not affect me. I've been out there for forty years, and I've built three houses out there, the house north of me and the house south of me. The house south of me, the original main tile went underneath the foundation of that house. I know that because when I dug the footings, the farmers out there came and said I could not build that house there. I said I could build it and we did not interfere with the tile, we went over the tile." Mr. Knochel asked if he moved the tile."Yes I did, we re-routed it. It had some holes in it and we re-routed it over to the property line. John Hack was the one that did the work. We had it working fine. I can't afford to pay that kind of money. To begin with I've never had a water problem out there. Like I said I've been there forty years and never had a water problem. I still don't have a water problem. Mr. Hendrickson had a water problem out there by the playground but he fixed it. He spent $8000 fixing his problem. Now you people want to charge more money to fix something that's already been fixed. That he's fixed. It doesn't benefit me one single bit. I get cash rent for the three acres I farm out there, which don't even pay the taxes on the property out there. I am totally against the

thing. If Mr. Buck wants to have it done or whoever -they can pay for it. That's the way I look at it and that's all I have to say." Mr. Byers stated he heard the tillable ground behind the houses did flood. He asked Mr. Weedon if that happened. "Not behind my house it hasn't. I don't have a water problem behind my house. The one four houses down from me when we have a trickle down rain, the water runs between Hadley's house and goes to the ditch under the road there. When you have a downpour and they put the drain tiles in, it's not going to stop the water anyhow- the way it comes down. If we have a normal rain we don't have a problem there. Just when we have a downpour you know an inch or inch and half in a half a day there is a problem. I don't have a problem- they do." Mr. Knochel asked when he moved the tile to accommodate the house, was the water running in the tile at that time? Mr. Weedon responded" Yes, John Hack checked it and I asked him if it was working at that time. There was no mud in there where we disconnected and hooked into the other. On toward the Co. Rd. 900E there was mud there and holes in ground where water was running in it. When we moved it, it seemed to be working fine. I understand now it's blocked up over there by Co. Rd. 1025E. Thank You." Carol Schmidt Burton P.O. Box 4423 Lafayette Indiana 47905 approached the Board and stated the following: "I did not prepare anything to say today and I'm not too familiar on where your titles are going to go. About four years ago we purchased our land from Mr. Mennen. After we purchased the property he had told us that the county ditch had been closed years ago and no one knew it. The tract he owned was divided into five acre tracts and sold that way. When he sold the five acre tracts, no one knew that I knew of, the ditch had been closed. He misrepresented himself to us by saying everything was fine. We redid our drain. We didn't sue him because we really didn't understand what ditch had been there years ago, but whatever had been there was closed. As far as connecting on to it, I don't know where that went. Mr. Brubaker had tried to research and find out where the county tile had been that was closed. I don't know whether he got all that information or not. The existing tile there I believe probably was working, but it was defective forty years ago and they closed it. So I don't know what drain is going where out there now, but unless it was a similar one to the old drain, it won't help anyone there. I have not researched the papers of that drain years ago. Everyone needs to know where that drains is going to be and where the water is going to flow, if it's going to help them or not or if down the road it's going to help the problems in other ditches. Will it go behind all of our homes? How close to Co. Rd. 900E?" Mr. Knochel requested a review of the location and route for the landowners present. The Surveyor utilizing GIS reviewed the location and route for the landowners present. He informed Mrs. Schmidt the tile she referred to was not a county tile at present. It was considered a private tile at this time. The tile system was originally constructed by the Soil Conservation Service (SCS) and not the County. Carol stated the owner misrepresented the situation to them and others who bought the tracts off him regarding the drainage tile. The hearing today could change that status from private to county maintained and regulated.

The Surveyor stated due to this not being a county regulated drain he had no record in the office of the tile or its location. He located plans from 1946 in the Soil Water Conservation District (SWCD) office (previously known as the SCS office). This was a farm tract at that time and the row of homes was not in existence. The original outlet for this system was located along landowner D. Hadley's southern boundary. Mr. Hadley provided a map of the route to him. The original tile was located where the house is presently. He stated the existing tile was inspected in several areas. Northeast of the existing fence line of the Bennett tract the tile was in good shape. West of said fence line to Co. Rd. 900E the tile was in poor shape. Approximately 2500 feet of tile would be replaced. Keeping the outlet on the east side of Co Rd. 900E would keep the cost to a minimum. Elevation shots were taken to find the most efficient tile route. He noted he spoke with the County Highway Department and they agreed with the plan. The main tile would be relocated around the Hadley's southern property line and continue to Co. Rd. 900E. Mr. Hadley had been included in this process. He reiterated the intent of this project was to provide a good outlet for the tile and stated there could be lateral locations not known of at this time. During the project, tile laterals would be hooked up when located. Mrs. Schmidt thanked the Board for their time. Don L. Roberts again approached the Board and asked about the watershed boundary line through his property. Being on the fringe of the overall watershed, he noted the area of his property affected was only his woods. He stated his complaint was he had to pay for something that he presently gets no benefit from anyway. He thanked the Board for their time. Jack Weedon again approached the Board and asked if the landowners were the ones to approve or disapprove the project. The Attorney explained the Drainage Board had to make the decision whether to proceed with the project by weighing the benefit and/or damages to the landowners. There were no other landowners to speak against the project.

Mr. Byers and Mr. Knochel asked landowner Judy Buck 4233 N 800E Lafayette Indiana 47905 if she was indeed in favor of the project. Judy answered yes. Responding to Mr. Murtaugh' inquiry, the Surveyor stated the difference in the percentage within the notification letter and the final amount was approximately 4 acres. The historical watershed boundary for the Combs Ditch did not match up with the Hengst watershed boundary. Adjustment was made in this area using the contours of the land. While historical precedent has been set with the Drainage Board requiring 50% of the landowners in favor of a project, Indiana Code states 10% landowners within a watershed were to be in favor of a project. The Attorney stated in order to convert a mutual drain to a legal drain; it would take only one landowner to file the petition. In this case you had three. Mr. Knochel asked Mr. Jack Buck in attendance (tenant farmer for Judy Buck) how much standing water he had to deal with in this area. He responded, any year there was excess water- crop would be lost along the west side of the tract. He stated

Judy Buck had spent a lot of money fixing her tile and if the outlet wasn't fixed it would be a total waste of her money. Unless it was a dry year, several acres of crops along the west side of the tract would be lost. Responding to Mr. Knochel's inquiry, Judy Buck stated she was still in favor of the project and felt ditch projects were necessary. She stated she would get hit pretty hard with taxes as she had several drain taxes. However, she stated she felt the work needed to be done and would benefit the landowners. She stated for the future of their children and their children's children good stewardship of the land must be done. She stated she knew the total assessment amounts would be sizable, however she felt it necessary. She empathized with others in this situation. Mr. Knochel then asked Mr. Dewitt (aforementioned address) to expand on what he thought other actions should be in lieu of reconstructing the drain. Mr. Dewitt approached the Board and stated the one thing he thought would help would be to install a bigger culvert under Co. Rd. 900E. He stated in June 2011 a major rainfall happened and the Co. Rd. 900E was flooded over and impassable. He stated the culvert seemed undersized and already put properties at a risk and felt not including a culvert under the road would increase the risk of damages. He continued; the culvert should be increased in size - especially since the runoff from the reconstructed tile would travel through it. The side ditch along Co. Rd. 900E seemed pretty flat and he noted improvements along Co. Rd. 900E ditch and the increase in culvert size under Co. Rd. 900E would help the drainage of the area tremendously. Mr. Knochel noted several years ago when Mr. Murray was Highway Superintendant, a lot of calls from the row of houses in this area of nuisance water standing and not getting away. Therefore in response, the Highway Department ditched along Co. Rd. 900E in that area. He stated the calls seemed to cease after the ditching was completed. He stated the ditch may have silted back in since the dredging of the ditch was completed. Mr. Dewitt stated the tiles under landowners driveways had been smashed a little, weeds have grown up and the tiles seem to be undersized in some of the driveways. Mr. Knochel thanked him for his information. Jack Weedon approached the Board again and stated he agreed with Mr. Dewitt. In his opinion, the tiles underneath the driveways along Co. Rd. 900E should be at a minimum 12 inches and there were many he thought that were a smaller size. He stated he felt part of the problem was the undersized culverts under the driveways along Co. Rd. 900E in the area. Don Hadley 511 N900E Lafayette Indiana 47905 approached the Board. He stated the tile was clay now and in terrible condition. He asked about the type of tile to be used and how it would be set in the ground. The Surveyor stated the tile to be used was double wall smooth wall on the inside and corrugated/perforated on outside virgin (not recycled) plastic. The specifications required it to be bedded in gravel. The Surveyor stated once the tile was installed -a few months would be needed to let it settle. Once settled, the yard would be regraded and seeded. Mr. Hadley's perimeter drain would be kept separate and routed alongside the new tile. The breather would be tied in as well. Mr. Hadley stated neighbors south of him (Davis, Charles) and north (Hendrickson, Wm.) hired Hack Excavating to install perimeter drains tying into the existing tile approximately 2 years ago. The Surveyor stated he would speak with Mr. Hack and Mr. Davis. He noted contracts include a contingency amount that usually runs at 15% for items unexpected issues that may come up during construction. Mr. Davis informed the Board the culvert under Co. Rd. 900E had deteriorated around the inlet and needed attention. A huge tree could be removed located on the East side of the road near the outlet as well. The tree was allowed to grow as it slowed the erosion of the soil. The Surveyor stated they would consider removing it at the time of reconstruction. He responded that the project access would be along the southern boundary of the Hadley tract as well as the Buck Farm field. Mr. Byers noted the County Highway Director and Assistant were in attendance today and would look into the Co. Rd. 900E culvert issue.

Mr. Murtaugh asked for a point of clarification as he felt the issue in front of the Board today was different than what they have seen in the past. The Attorney explained there were two issues today for the Board to make their decision upon. One- making the mutual drain a County Regulated Drain and two- approving reconstruction on that drain. He explained the requirement differences between Petitions of Establishing a New County Regulated Drain versus Petition to Reconstruct an EXISTING County Regulated Drain. The present case required only one person to bring the Petition to the Board requesting the mutual drain be converted to a County Regulated Drain. The other item is if the Board approves this petition then what will it take for the private tile to work properly. As a result this included a reconstruction aspect also. So there were two actions today for the Board. Mr. Murtaugh stated he had reservations of doing both actions at once. He felt there was a lot of input regarding the reconstruction aspect but felt there was not much discussion on whether the landowners actually wanted the drain to be a County Regulated Drain with regular assessments. He stated he was "afraid that the cart was put before the horse in this case." Mr. Knochel interjected that he did not feel that way at all. President Byers then directed the Attorney to read the Findings and Order on the Combs Ditch.

The Attorney read as follows: BEFORE THE TIPPECANOE COUNTY DRAINAGE BOARD IN THE MATTER OF THE COMBS DITCH #118 REGULATED DRAIN: FINDINGS AND ORDER (DESIGNATING LEGAL DRAIN, RECONSTRUCTION AND MAINTENANCE) This matter came to be heard upon the Petition for establishment of New Legal Drain with respect to the Combs Ditch and the Surveyor Report with respect thereto filed on March 26, 2012. Certificate of mailing of notice of time and place of hearing, to all affected landowners filed. Notice of publication of time and place of hearing in the Journal & Courier was filed. Objections 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) On December 1, 2010, a Petition was filed requesting designation of the Combs Ditch as a New Legal Drain, the Petition was referred to the Surveyor for a report.
(2) On March 26, 2012, the Surveyor filed his report with respect to designating the Combs Ditch as a Legal Drain and recommending Reconstruction thereto and an annual schedule of assessments.
(3) Notice of filing of the Surveyor's report recommending reconstruction and an annual schedule of assessments and their availability for inspection and the time and place of this hearing was mailed to all those landowners affected more than thirty (30) and less than forty (40) days before the date of this hearing.
(4) Notice of the time and place of this hearing was given by publication in the Journal & Courier newspaper of general circulation in Tippecanoe County, Indiana more than ten (10) days prior to this hearing.
(5) The facts set forth in the Petition filed December 1, 2010 are true and are incorporated herein by reference.
(6) The Combs Ditch is a mutual drain originally constructed in 1946 and is in need of reconstruction and maintenance.
(7) The Petition may be deemed a request to establish the Combs Ditch as a Legal Drain and for its reconstruction in lieu of constructing an entirely new drain in its same location.
(8) Owners of more than fifty percent (50%) of the acreage of affected land will be benefitted by making Combs Ditch a Legal Drain and reconstructing it pursuant to the Surveyor's recommendations.
(9) The benefit to the owners of the affected land is likely to be greater than the damages to owner damaged by making Combs Ditch a Legal Drain.
(10) The Petitioners own more than ten percent (10%) of the acreage or twenty-five percent (25%) of assessed valuation of the land to be affected by establishing the Combs Ditch as a Legal Drain.
(11) The Petition describes an area of land equal to or greater than three-fourths (3/4) of all the affected land.
(12) The proposed establishment of the Combs Ditch as a Legal Drain and reconstruction thereof pursuant to the Surveyor's report is practicable and will adequately drain the affected land and will improve the public health, benefit a public highway, and be of public utility.
(13) The Combs Ditch consists of 5100 lineal feet of main tile and 0.00 lineal feet of open ditch.
(14) The present condition of the ditch is in need of tile replacement and tile repair.
(15) The ditch needs the following maintenance at present:
Replacement of 2000 lineal feet of tile.
(16) There is now $2436.85owed to the General Drain Improvement Fund for investigation on this ditch.
(17) The ditch drains 164.01 acres total.
(18) Estimated annual benefits to the land which would be drained by the proposed Legal Drain exceed the cost of designating it a Legal Drain and reconstructing it.
(19) After the reconstruction costs have been paid in full, an annual maintenance assessment should be collected.
(20) In order to provide the necessary reconstruction and annual maintenance the annual assessment per acre and lot benefited should be as follows: A reconstruction assessment rate of $35.00 per acre and a $100.00 minimum over a (5) five year period. This will generate $30,809.50 over a (5) five year period. Assuming the reconstruction project has been completed after (5) five years, the per acre assessment will be lowered to a maintenance rate of $10.00 per acre and a $50.00 minimum over an (8) eight year period. This will generate $15,909.60 over an (8) eight year minimum. The maintenance rate shall not be charged during the (5) five year reconstruction period or until after the reconstruction debt is paid in full.
(21) The assessment list filed herewith should not be amended:
(22) The assessment list filed herewith is fair and equitable and should be adopted.
(23) The assessment should be collected with the 2013 taxes.

NOW, THERFORE, IT IS ORDERED THAT:

(1) The Combs Ditch is established as a new Legal Drain known as Combs Ditch #118 Regulated Drain and shall be reconstructed in accordance with the Surveyor Report.
(2) A reconstruction assessment rate of $35.00 per acre and a $100.00 minimum over a (5) five year period be established. This will generate $30,809.50 over a (5) five year period. Assuming the reconstruction project has been completed after (5) five years, the per acre assessment will be lowered to a maintenance rate of $10.00 per acre and a $50.00 minimum over an (8) eight year period. This will

generate $15,909.60 over an (8) eight year minimum. The maintenance rate shall not be charged during the (5) five year reconstruction period.

(3) The Schedule of Assessments filed herewith are adopted and made a part thereof.

(4) The first annual assessment shall be collected with the 2013 taxes.

DATED at Lafayette, Indiana this 2nd day of May 2012. Tippecanoe County Drainage Board.

John Knochel made a motion to adopt the Findings and Order as read by the Attorney regarding the Combs Ditch. Dave Byers seconded the motion. Tom Murtaugh opposed. The Findings and Order on the Combs Ditch #118 Regulated Drain was approved by a 2 to 1 vote, with Commissioner Tom Murtaugh opposing. President Dave Byers thanked those present for attending the Hearing.

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

David S. Byers, President

Thomas P. Murtaugh, Vice President

John Knochel, Member

Brenda Garrison, Secretary

Tippecanoe County Drainage Board
October 3, 2012
Regular Meeting Minutes

Those present were:

Tippecanoe County Drainage Board 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 LLC. President David Byers was absent.

John Saltzman Regulated Drain #70

Vice President Tom Murtaugh informed the Board John Voss, Supervisor and Loretta Olinger, EHS Director, both of Cargill Inc., was in attendance today. They were attending to present to the Drainage Board a $25,150.00 contribution toward the overall cost of the recently completed John Saltzman Regulated Drain #70 -2 stage ditch project. Mr. Murtaugh stated the Board greatly appreciated their support and referred to the Surveyor for an overview of the project. The Surveyor began noting in 2011 landowner Brian Buck contacted him regarding severe erosion on the John Saltzman open ditch which was rapidly increasing. (The location was in Section 1 Township 23 North and Range 3 West.) The Surveyor noted he conferred with Kent Wamsley from the Nature Conservancy regarding the 2 stage ditch projects and benefits. He informed the Board the Surveyor's office designed the project and received contributions from The Nature Conservancy ($25,000), Indiana Small Mouth Alliance Organization ($1000), Soil-Water Conservation District ($1000), Wabash River Enhancement Organization ($2500) and landowner Brian Buck ($8000) in addition to Cargill Inc. to cover the majority of the project's cost. He stated due to the generous contributions received, the remaining amount to be paid by landowners assessed on the ditch was $4500.00. Mr. Voss stated this was an opportunity for Cargill to work with County Government regarding environment projects and specifically drainage improvement for the farmers and landowners who benefit from the John Saltzman drain. He stated Cargill strives to be environmentally friendly and believed this project was certainly one which would assist the farmers in an environmentally friendly way. Tom Murtaugh expressed the Board's appreciation and thanked them for their monetary contribution.

Contracts
The President referred to the Attorney regarding contract opening of the Train Coe #18 and Combs #118 Regulated Drain Projects. The Attorney stated one packet was submitted for the Train Coe Drain #18 project by Tony Garriott. The total estimate submitted was $22,885.00 by Tony Garriott. He recommended the estimate to be taken under advisement and reviewed for compliance with bid specifications. Possibly award the project later in the meeting. John Knochel made a motion to take the submission by Tony Garriott under advisement and review for compliance. Tom Murtaugh seconded the motion. The submission by Tony Garriott was taken under advisement. The Attorney then stated one packet was submitted for the Combs Ditch #118 project by Central Indiana Drainage. Central Indiana Drainage submitted a total estimate of $28000.00. He recommended the estimate be taken under advisement and reviewed for compliance with bid specifications. Possibly award the project later in the meeting. John Knochel made a motion to take the submission by Central Indiana Drainage under advisement and review for compliance. Tom Murtaugh seconded the motion. The submission from Central Indiana Drainage was taken under advisement. Mr. Murtaugh noted the quotes were being reviewed for compliance and possibly awarded at the end of the meeting today.

Approval of Minutes
John Knochel made a motion to approve the September 5, 2012 regular minutes as written. Tom Murtaugh seconded the motion. The September 5, 2012 regular meeting minutes were approved as written.

Purdue Research Park Phase 3 Part 2 Section 1
Keith Stuerenberg appeared before the Board to present Purdue Research Park Phase 3 Part 2 Section 1 to the Board for conditional approval. The project site consisted of approximately 5 acres located specifically on the west side of Yeager Road within the overall research development's site at the northwest corner of Kalberer Road and CR 100 West (Yeager Road) within the city limits of West Lafayette. The future Challenger Road would act as a basin divide between the north and south and drain both areas located in Section 1. Detention basins would be constructed in both the north and south drainage areas for stormwater quality and quantity control. Mr. Stuerenberg noted they received the September 28, 2012 Burke memo and agreed with the comments. The Surveyor reiterated the project site was within the West Lafayette city limits and as such the Board's review today regarded discharge to the Baker Dempsey, Yeager Drains and Hadley Lake outfall only. As the project had been in front of the Board prior to today, revisions to the plans had been made since, therefore

it was resubmitted. The Surveyor then recommended conditional approval as stated on the September 28, 2012 Burke memo. John Knochel made a motion to grant conditional approval as recommended by the Surveyor. Tom Murtaugh seconded the motion. The Purdue Research Park Phase 3 Part 2 Section 1 was granted conditional approval as requested.

Zach Beasley/Other Business

Bonds/Letter of Credit

The Surveyor presented Maintenance Bond #105827282 in the amount of $17,498.00 dated Sept. 6, 2012 submitted by Fairfield Contractors for Winding Creek Section 6 for approval by the Board. John Knochel made a motion to grant approval for Maintenance Bond #105827282 in the amount of $17,498.00 dated Sept. 6, 2012 submitted by Fairfield Contractors for Winding Creek Section 6. Tom Murtaugh seconded the motion. Maintenance Bond #105827282 in the amount of $17,498.00 dated Sept. 6, 2012 submitted by Fairfield Contractors for Winding Creek Section 6 was approved by the Board.

The Surveyor presented Letter of Credit #S502386 in the amount of $25,000.00 dated Sept. 21, 2012 submitted by American Fibretech for Industrial Pallet for approval by the Board. John Knochel made a motion to grant approval for Letter of Credit #S502386 in the amount of $25,000.00 dated Sept. 21, 2012 submitted by American Fibretech for Industrial Pallet. Tom Murtaugh seconded the motion. Letter of Credit #S502386 in the amount of $25,000.00 dated Sept. 21, 2012 submitted by American Fibretech for Industrial Pallet was approved by the Board.

Petitions

The Surveyor noted he had three Petitions to present to the Board. The first petition was a Petition to Encroach from Wabash Valley Association regarding placement of utility poles within the John Boes Regulated Drain Easement. He stated this was a utility pole placement project along County Farm Road just north of Kalberer Road. He recommended approval of the petition as submitted. John Knochel made a motion to approve the Petition to Encroach on the John Boes Drain as presented by the Surveyor. Tom Murtaugh seconded the motion. The Petition to Encroach on the John Boes Drain Easement submitted by Wabash Valley Association was approved by the Board. The second petition was a Petition to Encroach on the S.W. Elliott Regulated Drain #100 submitted by Ivy Tech Community College regarding a Pedestrian Bridge. He recommended approval by the Board. John Knochel made a motion to approve the Petition to Encroach on the S.W. Elliott Regulated Drain #100 for a Pedestrian Bridge as presented by the Surveyor. Tom Murtaugh seconded the motion. The Petition to Encroach on the S.W. Elliott Regulated Drain #100 submitted by Ivy Tech regarding a Pedestrian Bridge was approved as presented. The third petition was a Petition to Encroach on the S.W. Elliott #100 Regulated Drain submitted by Ivy Tech regarding a parking lot. John Knochel made a motion to approve the Petition to Encroach on the S.W. Elliott Regulated Drain #100 regarding a parking lot as presented by the Surveyor. Tom Murtaugh seconded the motion. The Petition to Encroach on the S.W. Elliott Regulated Drain #100 submitted by Ivy Tech regarding a parking lot was approved by the Board.

Contracts:

The Attorney stated both contract packets were reviewed and appeared to comply with the specifications of each drain project at hand. The first was a Bid of $22,885.00 received from Tony Garriott for the Train Coe Regulated Drain #18 project. John Knochel made a motion to accept the bid from Tony Garriott for the Train Coe #18 Regulated Drain project. Tom Murtaugh seconded the motion. Tony Garriott was awarded the bid for the Train Coe Regulated Drain #18 2012 project. The second was a bid of $28,800.00 received from Central Indiana Drainage for the Combs Ditch #118 project. John Knochel made a motion to accept the bid from Central Indiana Drainage in the amount of $28,000.00 regarding the Combs Ditch #118 Regulated Drain project. Tom Murtaugh seconded the motion. Central Indiana Drainage was awarded the bid for the 2012 Combs Ditch #118 project.

Public Comment

Monica Torrez (Lot 82 the Orchards Subdivision) 1285 Priscilla Drive West Lafayette Indiana 47906 approached the Board. She provided the Board with pictures of the aforementioned lot and surrounding area for their review. Discussion was held regarding the history (see historical minutes) of the drainage issue. She stated this issue had gone on for 7 years and noted additional landscaping had been added by her neighbors (Saks) through the years which have made the situation worse. The Homeowner Covenants were reviewed by the Board. She requested approval by the Board to go forward with the drainage improvement plan prepared by Starr Associates. She noted she had been in touch with the Surveyor office throughout this time and the drainage plan was reviewed by the Surveyor office. She noted the Surveyor Mr. Beasley had been very helpful the last three years. John Knochel stated the issue would be investigated further. If Drainage Code allowed the Board -acting within the drainage easement- to access Deborah and Robert Saks lot –the Board would approve implementation of the drainage plan. He stated they would also assist with a portion of the cost. The Surveyor noted there were three options. The easiest option would be if the neighbors gave permission to enter their lots for work to be completed quickly and efficiently. The second option was Monica and her husband could file a Petition to Obstruct with his office and the Drainage Board. The third would be for her and her husband to file a civil suit against her neighbors and the Homeowners Association of their

Subdivision. There was a fourth option as well which was to file a Petition to Establish a Regulated Drain regarding the Subdivision drainage infrastructure. The Surveyor noted he had sent the Saks an email last evening proposing a solution to the issue. Mrs. Saks replied with an email in which she stated they would review the plan and get back in touch with him. He suggested waiting until Mrs. Saks replied back, and then go forward from there. The Attorney explained steps of submitting an obstruction petition to the Board and the cost thereof. Monica stated they have tried very hard to work with the neighbor for a joint resolution however it has been to no avail. She would appreciate greatly any assistance from the Board they could give her. The Surveyor stated he would be in touch with her as soon as he receives a reply from Mrs. Saks. Monica Torrez thanked the Board for their time on the matter.

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

David S. Byers, President

Thomas P. Murtaugh, Vice President

John Knochel, Member

Brenda Garrison, Secretary

Tippecanoe County Drainage Board
February 1, 2017
Regular Meeting Minutes

Those present were:

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

Approval of Minutes

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

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

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

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

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

Drainage Board 2017 Professional Engineering Assistance Contract

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

Lafayette YMCA

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

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

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

Belle Tire (Lot 4A 26 Crossing Subdivision)

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

USGS Geological Stream Gages WREC Contract Support

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

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

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

2017 Classification Report/2017 Drain Assessment Activity Report

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ABSENT

Thomas P. Murtaugh, President

David S. Byers, Vice President

Brenda Garrison, Secretary

Tracy Brown, Member