

The Tippecanoe County Drainage Board held a special meeting Monday, November 6, 1967, with the following members present: James Devault, President; Floyd Gingrich and Dale Remaly, Board members; Harry P. Schultz, Atty., and Clyde C. Lewis, Secretary.

The Board received the following letter from Burton Vester, Co. Surveyor:

October 31, 1967

Tippecanoe County Drainage Board  
County Court House  
Lafayette, Indiana

Re: Reconstruction of Pt. J. Taylor Ditch

Gentlemen:

A branch of the J. Taylor Court Ditch has been reconstructed and paid for by Mr. Clarence Davis, Sr. at Odell in Jackson Township. The total bill for this project was \$ 2102.31.

However the County is only responsible for the Court Drain part of this project as the remainder was work done on Mr. Davis's property.

The Court Drain branch consists of 1200 feet of 10" tile and 900 feet 8" tile.

A Breakdown on the costs are as follows:

Labor--1200 ft. of 10" @ 40 cents---	\$ 480.00
900 ft. of 8" @ 25 cents---	\$ 225.00
Material--1200 ft of 10" @ 39 cents---	\$ 468.00
900 ft. of 8" @ 26 cents---	\$ 234.00
Total	\$ 1407.00

Participation by ASCC and paid to Clarence Davis, Sr-----	\$ 582.00
Balance	\$ 825.00

If the Drainage Board feels that this payment is due Mr. Davis, Sr. then please sign the following statement and the proper steps will be taken for payment.

Respectfully yours

/S/ Burton S. Vester

Burton S. Vester

On motion made and carréed the Board approved payment to Clarence Davis, Sr. as recommended.

The Board received a copy of the following letter:

November 3, 1967

Bonobest Corp.  
Karago Industrial Bazar  
8015 Market Street  
Youngstown, Ohio 44512

Att. Mr. Roy R. Mauro

Re: Storm Drainage  
Topps Store  
Lafayette, Indiana

Gentlemen:

We find no record or permission granted to pump the storm water from the Topps Store project to the Wilson Branch of the Elliott Ditch just South of said project.

A request in writing should be made to the Tippecanoe County Drainage Board for permission to empty storm water into Elliott Ditch.

Since the Elliott Ditch is a Court Ditch the maintenance of this ditch is provided for by an assessment to all of the participants in this drainage area.

Respectfully yours,

/S/ Burton Vester

Burton S. Vester

On motion made and carried the meeting adjourned.

TIPPECANOE COUNTY DRAINAGE BOARD

ATTEST: Clyde C. Lewis  
Clyde C. Lewis, Auditor

James H. Devault  
Floyd Gingrich

## TIPPECANOE COUNTY DRAINAGE BOARD MEETING HELD NOVEMBER 13, 1967.

The Tippecanoe County Drainage Board held a special meeting Monday November 13, 1967, with the following members present: James Devault, President; Floyd Gingrich and Dale Remaly, Board Members; Harry P. Schultz, Atty.; and Clyde C. Lewis, Secretary.

The Board received the following letter from Richard A Boehning, Atty.:

November 13, 1967

Tippecanoe County Drainage Board  
Court House  
Lafayette, Indiana

Dear Sirs:

Pursuant to the County Surveyor's request, this letter is to advise you of my client's desire to drain certain acreage into Wilson Ditch. Under consideration is 42 acres recently purchased from Charles Kepner and others and now owned by Roy Mauro and others. Present plans indicate that approximately 11 acres will be hard surface, i.e. buildings and parking lots. A 30 inch or 36 inch storm sewer line is anticipated.

If you desire any engineering data, please contact Kline and Associates for further information.

Thank you for your cooperation.

Very truly yours,

COLUMBIA CONSTRUCTION

BY: /S/ Richard A Boehning  
Richard A. Boehning  
Attorney

RAB:pd

On motion made and carried the meeting adjourned.

TIPPECANOE COUNTY DRAINAGE BOARD

James Devault  
Floyd Gingrich  
Dale Remaly

ATTEST:

Clyde C. Lewis  
Clyde C. Lewis, Auditor

The minutes of the regular meeting of the Tippecanoe County Drainage Board held in the Commissioners Room in the Court House at 9:00 a.m., on Wednesday, November 3, 1971.

Present  
at  
Meeting

Those present at the meeting were: Bruce Osborn, Dale Remaly, Edward Shaw, A. D. RUTH, Jr., Dick Donahue, John Garrott, Larry Clerget, Ken Raines, Norbert Korty, Gladys Ridder, and Ruth Schneider.

Ditches  
Referred  
to  
Engineer

Upon motion by Bruce Osborn seconded by Dale Remaly the Board referred the following ditches to the Drainage Engineer for preparation of a maintenance fund: Michael Binder (Shelby Twp.). Elliott Ditch (Wea and Sheffield Twps.) and Jacob May (Wea Township).

Engineer's  
Specifications  
for Bids

The Engineer submitted his specifications for bids to be let on December 1, 1971 at 1:00 p.m. on labor, equipment, and supplies to be used by the Drainage Board in Maintenance of the ditches whose maintenance funds have been established and monies available.

9:30 a.m.  
Hearing  
on  
John McCoy  
Ditch

The Chairman opened the hearing on the maintenance fund of the John McCoy ditch by asking the engineer for his report. A correction was needed on the acreage of the John Purdy farm and upon the recommendations of the engineer the Board so corrected the old assessment list from 160 acres to 120 acres in the McCoy watershed area. The balance is in the O'Neal watershed. Those attending were: William Schroeder, William P. Martin and Julian E. Thompson.

Mr. Martin recommended in the future maintenance on this ditch try to take care of surface water and help remove the ponding problems.

Mr. Ruth said an open waterway which was not a part of the legal drain would not be a part of the legal drain, and would not be part of the maintenance of the ditch.

Upon motion by Bruce Osborn, seconded by Edward Shaw the maintenance fund of \$1.00 per acre was established.

Order  
and  
Findings

The Board signed the order and findings and certificate of assessments on the John McCoy ditch after the hearing that established this fund was completed.

10:30 a.m.  
Hearing  
on  
Floyd Coe  
Ditch

The Chairman opened the hearing on the Floyd Coe ditch maintenance fund by asking the Engineer to read his report.

Those attending this hearing were: E. L. Bible, Mr and Mrs. Fred Stewart, Henry and Elizabeth Ortman, Robert W. Kirkpatrick and Betty H0wey.

Mr. Ortman was much in favor of the fund being established although he had no water problems of his own he felt others at the lower end were disadvantaged with his water. (There was much disagreement on the part of Mr. Kirkpatrick and E. L. Bible against establishing a maintenance fund.) Mr. Kirkpatrick even suggested abandoning it. The Board asked them to talk with their neighbors and come back next month. The Chairman

said we would send out notices to everyone in this watershed area informing them of the time and date of a new hearing and ask them to consider the suggestions of lowering the rate or abandoning the drain.

Hearing adjourned.

1:30 p.m.  
Hearing  
on  
Moses Baker  
Ditch

At 1:30 p.m. the Engineer opened the hearing on the Moses Baker ditch by reading his report on the condition of this ditch to the Board. Mr. Norbert Korty sat in as a member duly appointed to take Bruce Osborn's place.

Those attending this hearing were: John Skinner, James F. Leamon, F. Elmer Burton, Harry Bowerman, Paul B. Leamon, Lloyd Maguire, Edith Sheese, Lee Sheese, Henry Ortman, Hobart Swanson, Arthur D. Waddell, Robert M. Sears, Mrs. Oakley McClain, Mrs. Lawrence Smith, Alameda McCollough, Floyd Kemper and Robert Nelson.

There were many signers of an objection against establishing this maintenance fund but most valid objections were against paying \$1.00 per acre on Swanson and Platt Ditches, then \$1.00 again on Moses Baker. They felt their acreage should be based on a percentage of the amount of the Moses Baker Ditch that they used.

After the discussion concerning landowners on one Legal Drain which is a part of a larger Legal Drain being assessed the full amount of the larger drain the engineer made the following recommendation: When the land on one legal drain that empties into a larger legal drain and is a part of a larger drain area has had a maintenance fund established and the drain that serves it directly is then assessed on the larger drainage area the assessment shall be made in the following manner:

Where ditch "A" empties into ditch "B" land which has been assessed on ditch "A" shall be assessed on ditch "B" in proportion to the length of ditch "B" which is used by water coming from ditch "A". If ditch "A" enters ditch "B" in the first 10% of the length of ditch "B" the land on ditch "A" will pay 10% of the unit assessment of those on ditch "B". If ditch "A" enters ditch "B" at a point between 10% and 20% of the length of ditch "B" the land on ditch "A" will be 20% of the unit assessment of those on ditch "B". This procedure would be used to determine the assessment of any legal ditch being assessed as part of another legal drain. However, if ditch "A" enters Ditch "B" at a point where it uses 75% or more of Ditch "B" the land on ditch "A" will pay a full assessment.

EXAMPLE---

Major Ditch 6000 feet long

Ditch "A" enters major ditch 4000 feet from drain outfall.

Ditch "A": uses  $\frac{4000}{6000} = 66.7\%$  of major ditch.

Land on ditch "A" would pay 70% of assessment of those who are assessed directly on major ditch.

No assessment is to be less than the minimum (\$3.00) set by law.

The Board approved the recommendation by the engineer.

The Board asked that each landowner bring their part of the Moses Baker ditch into a clean and well maintained condition and then come back when it was finished and if the Board and Engineer felt that their job was well done they would then consider a much lower figure.

Upon motion by Ed Shaw seconded by Norbert Korty the hearing was to be continued on January 2, 1973.

Twyckenham  
Estates  
Subdivision

The statement was made by Mr. Ruth that additional effort was made this past month to protect Elliott Ditch from having to carry too much water in times of rain by meeting with officials of John E. Smith Enterprises to discuss the storm water run-off of Twyckenham Estates Subdivision. The result of this meeting is the letter set out below which was forwarded to the Area Plan Department and John E. Smith Enterprises, Inc.

Tippecanoe County Area Plan Commission  
Court House, Lafayette, Indiana

Gentlemen;

This is to report a discussion held on November 1st, 1971 in the offices of John E. Smith Enterprise, Inc. concerning the storm water and sub-surface drainage in the Twyckenham Estates subdivision.

At this meeting, which Mr. Smith and Mr. Hilligoss plus others of his organization were present, it was agreed that (1) when the area was developed, water would not leave this area at any greater rate or in any greater volume than at the present time, and (2) the legal drains would be intercepted at the subdivision boundaries and carried through the subdivision and emptied out in the location where they now leave this area.

The plan presented was adequate and satisfactory to control the water and meet the requirements set out by the Drainage Engineer. However, the problem which must be solved is to assure that the procedures and plans set out are carried out.

If I can be of any further assistance I would be more than happy to do so.

Very truly yours,

/S/ A. D. Ruth, Jr.

A. D. Ruth, Jr. Engineer PE 6343  
Tippecanoe County Drainage Board

ADR/gr

Upon motion by Edward Shaw, seconded by ~~Mr. Koontz~~, the Board adjourned.

Bruce Osborn, Chairman

Dale Remaly  
Dale Remaly, Vice Chairman

Edward J. Shaw  
Edward Shaw, Board Member

ATTEST:

Gladys Ridder  
Gladys Ridder, Secretary

Those in attendance were: Joseph E. Fisher and C. Alfred Rush. After a lengthy discussion all agreed that the \$0.75 per acre was both fair and adequate. The motion by Bruce Osborn, seconded by Edward Shaw was to establish a \$0.75 per acre maintenance fund on the John A. Kuhn ditch.

10:30 a.m.  
James A. Carter  
Ditch  
Hearing

The Engineer opened the hearing on the James A. Carter ditch by reading his report and recommendations to the Board. Those in Attendance were: Everett Riffey, representing himself and his father, Fred Anderson representing his sister for the Baker farm, George Burkhalter, Kelly M. Day, and Fred M. Bieber. Those in attendance represented all of the landowners in this watershed. \*(Insert below)

All were in agreement that the ditch was of no benefit to any one but the Baker's whose farm contains most of the tile. Upon recommendation to vacate, the Board asked the attorney to prepare a resolution to this affect. Upon motion by Bruce Osborn, seconded by Dale Remaly and made unanimous by Edward Shaw, the Board vacated the James Carter Ditch.

Informal  
Board  
Meeting

Several problems having arisen needed to be discussed by the Engineer and the Board namely: The Hentz or sometimes called the Culver ditch which involves the State Highway, the Engineers discussion with the developers of the Pheasant Run Apartments and their drainage into the already overworked Elliott ditch, the possibility of two new ditches being petitioned for to be made into legal ditches, (1) Wilcox (2) Day. Also the Engineer asked for a resolution to the affect that no bill will be paid or allowed by the Board unless it has been authorized by the Drainage Engineer or the Board.

#### RESOLUTION

\*\*  
Below

Be it resolved by the Tippecanoe County Drainage Board that the Jacob May Ditch, located in Wea Township, Tippecanoe County, Indiana, be, and the same hereby is, vacated.

#### RESOLUTION

\*  
Above

Be it resolved by the Tippecanoe County Drainage Board that the James Carter Ditch, located in Washington Township, Tippecanoe County, Indiana, be, and the same hereby is, vacated.

11:30 a.m.  
Peter Rettereth  
Ditch  
Hearing

The Engineer opened the hearing on the Peter Rettereth ditch by reading his report and recommendations. Those attending were: Opal Hatke, Rodney and Florence Davisson. Some corrections in the old assessment records were in need of change as the SCS office had done some tiling to drain part of this land into Buck Creek. The Davisson property in Section 5 was changed from 141.00 acres to 80 acres and the Marshall Collier land in Section 32 Township 24 Range 3 was changed from 17.34 acres to 15.00 Acres. Upon recommendation of the engineer. The Board made the allowance.

All those present were in favor of the \$0.75 per acre assessment proposed by the Engineer. Upon motion by Bruce Osborn, seconded by Edward Shaw the maintenance fund of \$0.75 per acre was established.

1:30 p.m.  
Amanda  
Kirkpatrick  
Ditch  
Hearing

The Engineer opened the hearing on the Amanda Kirkpatrick Ditch by reading his report and recommendations to the Board. Those present were: Robert W. Stradling whose acreage in the watershed area was corrected because of an overlap. The Stradling property in Section 18 Township 21 Range 5, totals 179.60 with 20 acres that drains to the Kirkpatrick Ditch-33 acres drains to the Dooley Ditch and 126.60 acres drains to the Orrin Byers Ditch. As the records show 129.50 acres in the watershed area of the A. A. Kirkpatrick Ditch the Board lowered the amount of acreage to 20.00 acres.

With no further objections to the \$1.00 per acre assessment, the motion was made by Bruce Osborn seconded by Edward Shaw and made unanimous by Dale Remaly to establish an \$1.00 per acre maintenance fund.

2:00 p.m.  
Jesse Dickens  
Ditch  
Hearing

The Engineer opened the hearing on the Jesse Dickens Ditch with reading his report and making his recommendations to the Board. Those in attendance were: Raymond C. Bender and Mrs. W. L. Woodfield. Attention had been brought to the fact that more acreage was in this watershed area than the old records had shown. The Engineer went to the area to take elevations and try to determine if this were so and came back with the recommendation to the Board to add 8.90 acres to the old assessment list. The Purdue Research Foundation for 4.5 acres and the Trustees of Purdue University for 3.5 acres along with .90 acres of State Highway were added to the list and notified of a continued hearing. With no objections to either the change in acreage or the proposed maintenance assessment, Mr. Bruce Osborn moved to establish a \$0.30 per acre assessment. The motion was seconded by Edward Shaw and made unanimous by Dale Remaly.

2:30 p.m.  
Ortman-May Ditch  
Hearing

The Drainage Engineer opened the hearing on the Ortman-May Ditch by reading his report and making his recommendations to the Board. As a large part of this drain no longer exists or functions to any ones satisfaction, he recommended the Jacob May part of this ditch be vacated. The Board then instructed the Attorney to draw up a resolution stating the Jacob May ditch was now vacated. \*(Inserted above)

As John E. Smith Enterprise had not completed their study as to how they would re-route the William Ortman ditch through their Twyckenham Estates SubDivision, the Board moved to postpone the maintenance hearing until these plans would be furnished. The following letter was received from Twyckenham Estates, Inc.:

April 5, 1972

County Board of Commissioners  
Tippecanoe County Courthouse  
Lafayette, Indiana

Attention: Mr. Dale Remaly, Chairman

Subject: Ortman-May Ditch  
Hearing at 2:30 p.m. on April 6, 1972

Dear Mr. Remaly:

We respectfully request permission to postpone the hearing regarding the establishment of a maintenance fund on the Ortman part of the subject ditch until such time as we are able to furnish you with the completed drainage plans for the proposed Twyckenham Estates Sub-division.

Our engineers are presently working on said plans whereby the platted drainage easement will be used to replace the existing ditch.

MINUTES OF THE TIPPECANOE COUNTY DRAINAGE BOARD HELD AUGUST 2, 1972.

Present at meeting. The Tippecanoe County Drainage Board held it's regular meeting on August 2, 1972, at 9:00 o'clock am.. with the following members present: Bruce Osborn, Dale Remaly, Edward Shaw, Dan Ruth, Fred Hoffman, John Garrott and Gladys Ridder.

Minutes Approved Upon motion of Bruce Osborn, seconded by Dale Remaly and made unanimous by Edward Shaw, the minutes of the July 5, 1972 meeting were approved as read.

Other Business of the Board A petition was submitted to the Board from National HOMes Construction Corporation by their attorney, Thomas McCully, and reads as follows:

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 the 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:

(a) 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.

(b) Permit construction of a roadway as a permanent structure within said 50' right-of-way as shown on Exhibit A.

NATIONAL HOMES CONSTRUCTION CORPORATION

By /S/ Thomas R. McCully  
Thomas R. McCully, Its Attorney

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

Attorneys for Petitioner

It was the decision of the Board to reject this petition.

Drains Referred The Board referred the following ditches to the Engineer to prepare for maintenance funds: Charles E. Daugherty, Lauramie Township, County Farm Ditch, Tippecanoe and Wabash Townships, Simeon G. Yeager, Wabash Township, and Isaac Gowen, Tippecanoe Township, in Tippecanoe County and Prairie Township, in White County.

9:30 a.m. Hearing on Fred Haffner Ditch The Engineer opened the hearing on the Fred Haffner Drain by reading his report and making his recommendations to the Board. There had been no remonstrances and no charges against this ditch. The only one attending was Carl Hendrickson who farms the Eva Palmore ground. Mr. Hendrickson had a question on the West Branch where he said the SCS had done some extension. Because considerable tile has been added, Mr. Ruth suggested walking and measuring the 3770 Feet of the legal ditch and find exactly where the ditch ends, possible the North line of the Haan property. Upon motion by Dale Remaly, seconded by Bruce Osborn and made unanimous by Edward Shaw, the Board voted to establish a \$1.00 per acre maintenance fund.

10:30 a.m. Hearing on the Grant D. Cole Ditch The Engineer opened the hearing on the Grant D. Cole Ditch by reading to the Board his report and making his recommendations. Landowners in attendance were Carl Hendrickson and Fred Trost. The Trost acreage was in error and the Board voted to change it from 120 Acres to 65 acres. There were no remonstrances and no charges against this ditch. Those present were in favor of a fund to maintain the ditch so upon motion by Bruce Osborn seconded by Dale Remaly and made unanimous by Edward Shaw the Board voted to establish a \$1.00 per acre assessment.

11:30 a.m. Hearing on Wesley Mahin Ditch The Engineer opened the hearing on the Wesley Mahin ditch by reading his report and making his recommendations to the Board. Those in attendance were Mrs. Rose Mae Glass, Charles Bohart and Marian Bohart. Mr. Bohart said they were assessed on both the Mahin and Walters ditch for the same acreage and after discussing the situation it was decided he belonged on the Walters ditch so the acreage was removed from the Mahin assessment list. Mr. Bohart also reported water problems that did not have any bearing on the legal drain but resulted from what seemed to be a highway ditch. Mr. Osborn asked John Garrott, the surveyor to check the situation and report back to the Board of Commissioners at their regular meeting on Monday August 7, 1972.

At 1:30 p.m., the Engineer opened the hearing on the William J. Walters Ditch by reading his report and making his recommendations. Many remonstrances were received and read aloud. As many of the people in this watershed area were also assessed on other drains in the same area, it was agreed to revise the legal description of the William J. Walters drain. Those in attendance were: Simon J. Lehe, Andy Klinkhamer, Gwin Robinson, Virgil Shultz, Donald W. Brown, Richard W. North and Northwestern Farms, Inc. by their attorney Edward Chosnek, Kenneth Calloway, William W. Peneton, John Warner, Frank Harner, K. Kensinger, Francis H. Davis, Maxine Taylor and James Milligan, White County Surveyor.

The new legal description will be

After much discussion, the Board decided to recess this hearing until the regular meeting on October 4th, 1972, at 1:30 p.m. The secretary was instructed to re-notify all land-owners of the new time and place for the continued hearing.

After the hearings were completed the Board then signed the order and findings and the certificates of assessment on the ditches where maintenance funds were established. Upon motion by Bruce Osborn, seconded by Dale Remaly and made unanimous by Edward Shaw, the Board adjourned.

Bruce Osborn  
Bruce Osborn, Chairman

Dale Remaly  
Dale Remaly, Vice Chairman

Edward J. Shaw  
Edward Shaw, Board Member

ATTEST:

Gladys Ridder  
Gladys Ridder, Secretary

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

Minutes  
Approved  
Four Seasons

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

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

STATE OF INDIANA )  
                          ) SS:  
TIPPECANOE COUNTY)

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

PETITION

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

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

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

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

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

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

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

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

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

Attorneys for Petitioner

RESOLUTION

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

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

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

Adopted this 6th day of September, 1972.

/s/ Bruce Osborn

/s/ Dale Remaly

/s/ Edward Shaw

After careful consideration the Board moved to approve the reduction.

Overlaps  
in  
Acreage

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

Ditches  
Referred

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

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

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

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

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

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

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

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

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

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

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

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

Upon motion made and carried the meeting adjourned.

Bruce Osborn  
Bruce Osborn, Chairman

Dale Remaly  
Dale Remaly, Vice Chairman

Edward J. Shaw  
Edward Shaw, Board Member

ATTEST:

Gladys Ridder  
Gladys Ridder, Exec. Secretary

REGULAR MEETING OF THE TIPPECANOE COUNTY DRAINAGE BOARD OCTOBER 4, 1972.

The Tippecanoe County Drainage Board held it's regular meeting on October 4, 1972, at 9:00 o'clock a.m., with the following members present: Bruce Osborn, Dale Remaly, Edward Shaw, Dan Ruth, Fred Hoffman and Gladys Ridder.

Minutes Approved Upon motion of Bruce Osborn, seconded by Dale Remaly and made unanimous by Edward Shaw, the minutes of the September 6, 1972 meeting were approved as read.

Other business of the Board The Engineer reported to the Board his findings in Clarks Hill with reference to the J. B. Anderson ditch. Mr. Ruth said he would see that the legal drain would be repaired in all locations where there is any possibility of an obstruction. He also stated that he felt sure that the Anderson Ditch could not possibly solve the storm water problem in Clarks Hill. It was his opinion that the ditch was never intended as a storm drain for the town.

The problems in the J. & J. Subdivision were discussed. It was decided that maintenance money could not be used to repair the driveways that were in need.

9:30 a.m. Charles E. Daugherty Ditch Hearing The engineer opened the hearing on the Charles E. Daugherty ditch by reading his report and making his recommendations to the Board. There were no remonstrances and only one person attended the hearing. Mr. Eber Eugene Johnson, who attended, was very much in favor of a maintenance fund being established and because he owned 38% of the ditch he felt he had every reason to speak. Upon motion by Bruce Osborn, seconded by Dale Remaly and made unanimous by Edward Shaw, a \$1.00 per acre assessment was established.

10:30 a.m. Hearing on the Clyde W. Richards Ditch The engineer opened the hearing on the Clyde W. Richards ditch by reading his report to the Board and read a letter from all the landowners in the area asking the Board to vacate the ditch and let them take care of it themselves. With all in agreement, Mr. Osborn so moved to vacate the C. W. Richards ditch. The only person in attendance was Boyle D. Moore who had carried the letter.

"BE IT RESOLVED by the Tippecanoe County Drainage Board that the Clyde W. Richards Ditch, located in Lauramie Township, Tippecanoe County, Indiana, be, and the same hereby is vacated."

11:30 a.m. Hearing on the S. K. Richards Ditch The Engineer opened the hearing on the S.K. Richards ditch by reading his report and making his recommendations to the Board. No one from the drainage area attended and Mr. Ruth read a letter from all the landowners in the watershed area asking the Board to vacate this ditch. Mr. Osborn so moved, Mr. Remaly seconded and Mr. Shaw made it unanimous to grant their request and vacated the ditch. "BE IT RESOLVED by the Tippecanoe County Drainage Board that the S. K. Richards Ditch, located in Lauramie Township, Tippecanoe County, Indiana, be, and the same hereby is vacated."

1:30 p.m. William J Walters Ditch Hearing The engineer opened the hearing on the William J. Walters ditch by reading his revised report with the changes in acreage from the original 4996.32 A. to 2112.24 acres. Mr. John Nagle was the only one in the watershed area that appeared. His acreage was subject to change as Mr. Ruth had gone out prior to the hearing and said only 27 Acres of Mr. Nagle's 50 acres that were assessed to the Walters ditch were also assessed on the Stewart ditch in White County and the Engineer said he felt it would be fair to let her acreage be assessed on the Stewart Ditch. Upon motion by Bruce Osborn, seconded by Dale Remaly and made unanimous by Edward Shaw, a \$1.00 per acre assessment was established.

Ditches Referred The Board referred the following ditches to the Engineer for preparing a schedule of assessments for a maintenance fund: James Vanderkleed, Wabash Twp., Elliott Pearson, Washington Twp., Calvin Peters, Perry Twp., Luther Lucas, Sheffield Twp., Arthur E. Richard, Perry Twp., James L. McClure, Wabash Twp.

Order & Finding and Certificates of Assessment Upon the establishment of a maintenance fund for the Charles E. Daugherty and the William J. Walters ditches, the Board then signed the Order and Findings and the certificates of assessment.

Upon motion made and carried the meeting adjourned.

*Bruce Osborn*  
Bruce Osborn, Chairman

*Dale Remaly*  
Dale Remaly, Vice Chairman

*Edward J. Shaw*  
Edward Shaw, Board Member

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

The Tippecanoe County Drainage Board held it's regular meeting on November 1, 1972 at 9:00 a.m. with the following members present: Bruce Osborn, Dale Remaly, Edward Shaw, A. Dan Ruth, Fred Hoffman, John Garrott and Gladys Ridder.

Minutes Approved Upon motion of Bruce Osborn, seconded by Dale Remaly and made unanimous by Edward Shaw, the minutes of the October 4th, 1972 meeting were approved as read.

Requests by John E. Fisher John Fisher came before th Board to ask the Board's opinion on some development to be done by the Roman Catholic Diocese between State Road 26 and Union Street. He presented his plans and explained in detail his recommendations for the disposal of storm water. He proposed a pipe on the Southern side of Union Street and said he already had his easement for same from the Public Service Co. and the approval from Area Plan. He suggested the construction of a new legal drain to answer the problems of not only the Diocese but many people in that area who have had drainage problems for years. He left plans and asked the Board to look them over and decide. His second request was a letter from the Board giving their approval on the proposed drainage on Imperial Equipment Co.'s land South of High Point Oil Co. between U.S. 52 and Concord Road. (NW SE Sec. 34., Twp. 23., R.4). His plan was to use the parking lot as a holding pond then empty into the Elliott Ditch.

Approval on Advertisements for Bids The Board passed approval on the Notice to Bidders presented by the Drainage Engineer for bids on Fill Dirt, Backhoe, Cement tile, Corrugated Metal Pipe and Dragline.

Ditches Referred The Board referred the following ditches to the Engineer to prepare for a maintenance fund: Lawrence McClure Ditch, Wabash Twp., Charles G. Parker, Perry, Sheffield and Wea Twps., John VanAtta, Tippecanoe Twp., Inez Lake, Lauramie Twp.

9:30 a.m. Hearing on the Calvin Peters Ditch The Engineer opened the hearing on the Calvin Peters ditch by reading his report and making recommendations to the Board. Those in attendance were Roscoe E. Mills, his wife and Harry M. Henderson. Mr. Mills said no maintenance had been done on this ditch since 1920 and that he had taken care of the headwall and outlet. They were in favor of establishing a maintenance fund so there would be monies to take care of repairs when needed. Mr. Osborn moved to establish an \$1.00 per acre assessment, Mr. Remaly seconded and Mr. Shaw made it unanimous.

10:30 a.m. Hearing on the John Toohey Ditch The Engineer opened the hearing on the John Toohey ditch by reading his report and making his recommendations to the Board. In attendance were Andrew P. Gascho and Leonard Hoon. Both reported the need for a maintenance fund. The tile are only 6 and 8 inch tile so the small yearly should be adequate. Mr. Osborn moved to establish a \$1.00 per acre maintenance fund, Mr. Remaly seconded the motion and Mr. Shaw made it unanimous.

11:30 a.m. Hearing on the Luther Lucas Ditch The Engineer opened the hearing on the Luther Lucas Ditch by reading his report and making his recommendations. Those in attendance were: Wallace Rice, George DeLong, agent for Fay

Wainwright, John W. Roller, William Kemper and Minnie Roller. Some of the acreage was in question as to how much actually drained towards the Lucas ditch for the Baker ditch is also located in this area and a new tile ditch has been built since the legal ditch was constructed that drains the water north. Mr. Forrest Johnson reported a break down in his pasture and Bill Kemper spoke of several needs on this ditch. All were in favor of a maintenance but wanted the amount per acre lowered. Mr. Osborn asked what they felt would do the job and most of those present felt \$.50 per acre would be adequate. Mr. Bruce Osborn moved that a \$.50 per acre assessment be established subject to the acreage changes to be made by the Engineer when he has a chance to take the elevations. Those changes will be : Fay Wainwright and Charles and Wallace Rice.

1:30 p.m. Hearing on the John L. Hoffman Ditch The Engineer opened the hearing on the John L. Hoffman ditch for the purpose of establishing a maintenance fund. He read his report and made his recommendations to the Board. Those in attendance were: Bruce Osborn, Dale Remaly and Edward Shaw, Tippecanoe County Board Members and Mark Porter, Board member for Carroll County. Although Clinton County had been asked to serve on the Board also, no one appeared for that County. Others in attendance were: A. D. Ruth, Jr., Engineer, Fred Hoffman, Att'y., Gladys Ridder, Secretary along with Roscoe E. & E. Katherine Mills, Wm. F. & Mary Dietrich, W. Glen Kelly, Elwood & Joe Burkle, Herschel Smith, Noah E. Wold, John F. Jansen, T. C. Schroeder, Carl Bollman and Fred Laprad. Many reported that in 1928 a part of this ditch that originally had been an open ditch had been rebuilt and made into a tile ditch. All present felt this was a mistake for thier drainage had been poor ever since. The Engineer agreed with them that in that particular portion an open ditch would serve them much better. It was also reported that some of the 30 inch tile were not covered and could be seen from the top of the ground. Some of those present wished to confer with the SCS office to see what help they would give in the engineering and cost sharing. The Board felt they would be better satisfied if they did talk to the SCS office and told them it would be a year before the County could compile any figures. With reconstruction being the need, the Board moved to table the maintenance until such time that the reconstruction was completed. Mr. Ruth said he felt this hearing had been valuable in learning the problems and feelings of those in the watershed area. Mr. Bruce Osborn made the motion to dismiss the meeting until the time when we would again notify everyone of a continued hearing, the motion was seconded by Dale Remaly and made unanimous by Ed Shaw.

Order & Finding and Certificate of Assessments Upon completion of the ditch hearings for the day, the Board signed the Order and Findings and the Certificates of Assessments on those ditches where maintenance funds were established. Upon motion made and carried the meeting adjourned.

  
Bruce Osborn, Chairman

  
Dale Remaly, Vice Chairman

  
Edward Shaw, Board Member

ATTEST:  
  
Gladys Ridder, Exec. Secretary

This letter should have been typed on page 64 in the November 1 minutes.

Mr. John E. Fisher  
414 Club Lane  
Lafayette, Indiana

November 17, 1972

Dear Sir,

This is to inform you that the proposal, submitted by you at the meeting of the Tippecanoe County Drainage Board held on November 1, 1972, concerning the storm water drainage on the land of the Imperial Equipment Company is satisfactory.

This is the land south of the High Point Oil Company between U.S. 52 and Concord Road (NW SE Section 34, Township 23N, Range 4W.)

It would appear that the scheme developed would satisfy any requirements the Board might deem necessary and also be of considerable benefit to the area.

I wish to take this opportunity to express my gratitude for the excellent cooperation in this matter.

Very truly yours,

/S/ A. D. Ruth, Jr.  
A. D. Ruth, Jr., Engineer  
Tippecanoe County Drainage Board

ADR/gc

Pursuant to the discussion held on October 25, at the time the restraining order was entered in this cause, the Tippecanoe County Drainage Board met in special session on Monday, November 6, 1972, to consider the request of your clients to alter the course of the legal drains crossing the real estate on which you are presently constructing a mobile home park and also to consider their request to modify the easement for the maintenance of these legal drains which are branches of the S.W. Elliott Ditch. It was the decision of the Tippecanoe County Drainage Board that the present course and route of said legal drains should not be altered, nor would the easement for their maintenance be modified. Therefore, would you please notify your clients to proceed to re-establish the existing drains.

S.W. Elliott

I also understand that your clients are in violation of the injunction in that they have not complied with the following order of the Court, the defendants are each hereby further ordered and directed forthwith to install and maintain any ditch or drain reasonable necessary to convey or divert any and all water from the construction project in order to prevent the same from causing any further injury or damage to adjacent or contiguous lands.

  
Bruce Osborn, Chairman

  
Dale Remaly, Vice Chairman

  
Edward Shaw, Board Member

ATTEST:

  
Gladys Ridder, Exec. Secretary

Those in attendance for the special meeting of the Tippecanoe County Drainage Board were: Edward Shaw, Robert Fields, Bruce Osborn, Dan Ruth, Martin Galema, Ken Raines and Gladys Ridder.

1965 Drainage Code  
(Abstractors)

The president, Edward Shaw, opened the meeting and asked the Engineer to present the facts to those present Mr. Ruth read Sec. 601 of the 1965 Drainage Code. Feeling the great need to educate the public on legal drains and their 75 foot easements and devising a way to get the information into the abstracts of title was the Engineer and the Boards greatest concern.

Those in attendance were: Joe Fletcher, James Shook, William Schroeder, John Weilbaker, Larry Short, Everette Morgan, Merrill Barrett, William P. Martin, Richard Donahue, Jim Sharp, Mike Schuh and Joe Livesay,

Mr. Ruth volunteered to draft a letter with all of the pertinent information and try to get into the hands of the attorneys, the realtors, the abstractors and home builders .

A question and answer period followed and the President then adjourned the meeting.

Following the Special called meeting those persons involved in the Friendly Village came before the Board for an informal hearing. The following decisions were reached:

STATE OF INDIANA )  
TIPPECANOE COUNTY )

SS:

IN THE SUPERIOR COURT NO.2  
OF TIPPECANOE COUNTY  
TO THE 1973 TERM

BRUCE OSBORN, DALE REMALY AND )  
EDWARD J. SHAW, Constituting the )  
Tippecanoe County Drainage Board )

vs

CAUSE NO. S2-744-72

MID-STATES ENGINEERING CO., INC., )  
DANNIE'S MOBILE HOMES, INC., AND )  
DIVERSIFIED CONTRACTORS, INC., )  
Defendants )

DECREE

Comes not the plaintiffs by J. Frederick Hoffman, their attorney, and comes also the defendant Dannie's Mobile Homes, Inc. by Charles Deets III, its attorney, and defendant Diversified Contractors, Inc. by G. Richard Donahue of the firm of Littell, Carey and Donahue, its attorney, and defendant Mid-States Engineering Co, Inc. by Thomas L. Ryan of the firm of Stuart, Branigin, Ricks and Schilling, its attorney.

On motion of plaintiff, cause dismissed as to defendant Mid-States Engineering Co., Inc.

By agreement, this cause is submitted to the Court on plaintiff's complaint and all other pleadings heretofore filed.

By agreement of the parties all findings of fact are waived.

THEREFORE, By agreement of the parties IT IS ORDERED THAT:

1. Defendant Dannie's Mobile Homes, Inc. and its agents, including defendant diversified Contractors, Inc., hereby are enjoined permanently from interfering with the free flow of water in the branches of the Elliott Ditch, which cross the following described real estate, to-wit;

A part of the North half of the southeast quarter of Section 2, Township 22 North, Range 4 West, tippecanoe County, Indiana, more particularly described as follows:

Beginning at a point on the South line of the North half of said Southeast Quarter section; said point being 1439.910 feet West of the Southeast corner of the West half of the Northeast quarter of said Southeast quarter section and 564.78' more or less East of the Southwest corner of the aforementioned half quarter section; running N 90° 00' 00" on and along the South line of said half, quarter section a distance of 1439.910 feet to the Southeast corner of the aforementioned half, quarter quarter section; running thence N 01° 38' 56" W on and along the East line of said half, quarter, quarter section a distance of 660.517 feet; running thence S 88° 21' 04" W a distance of 185.156 feet; running thence N 02° 06' 53" W a distance of 190.000 feet; running thence N 90° 00' 00" W parallel to the South line of the North half of said Southeast quarter section a distance of 540.000 feet; running thence S 75° 00' 00" W a distance of 170.000 feet; running thence N 90° 00' 00" W parallel to the South line of said half quarter section a distance of 715.000 feet; running thence S 45° 00' 00" W a distance of 150.000 feet; running thence N 90° 00' 00" W parallel to the South line of said half quarter section a distance of 423.591 feet to a point on the centerline of Old U.S. 52 as originally located, which section of road is now abandoned; running thence S 24° 00' 15" E on and along said centerline and centerline extended a distance of 269.027 feet; running thence N 44° 06' 00" E a distance of 18.920 feet to the point of curvature of a curve concave South; and said Curve having a central angle of 90° 00' 00" and a radius of 140.000 feet; running thence easterly along said curve an arc distance of 219.911 feet to the point of tangency of said curve, said arc being subtended by a chord having a bearing of N 89° 06' 00" E and a length of 197.990 feet; running thence S 45° 54' 00" E tangent to the last described curve a distance of 360.000 feet to the point of curvature of a curve concave Northeasterly; said curve having a central angle of 33° 00' 00" and a radius of 330.000 feet; running thence Southeasterly along said curve an arc distance of 190.066 feet; said arc being subtended by a chord having a bearing of S 62° 24' 00" E and a length of 187.450 feet; running thence S 11° 06' 00" W a distance of 130.730 feet to the point of beginning; containing in all 31.943 Acres; subject, however, to all legal highways, rights-of-way and easements.

2. Defendant Dannie's Mobile Homes, Inc. and its agents, including defendant Diversified Contractors, Inc., hereby are authorized to relocate the two branches of the Elliott Ditch which cross the above real estate shown on the site plan which is hereto attached and made a part of this Decree and marked "Exhibit A" hereto.

3. The flow line of the relocated branches into the main channel of the Elliott ditch shall not be more than sixteen inches lower than the flow line of the former branches which are being relocated into the main channel of said ditch.

4. All twenty-four inch tile used in said relocated branches of the Elliott Ditch shall be made of reinforced concrete.

5. When said branches of the Elliott Ditch are relocated, there shall be installed catch basins of adequate size to drain the surface water, with a maximum beehive of ten (10) inches.

6. When said branches have been relocated as permitted hereunder, defendants Dannie's Mobile Homes, Inc. shall maintain same for a period of three (3) years from the date of the completion of such relocated construction.

7. At the time of the installation of the tile in the relocated branches, defendant Dannie's Mobile Homes, Inc. shall pay all reasonable costs for on site inspectors furnished by plaintiffs.

8. The easement provided by Section 601 of the Indiana Drainage, Burns Ind. Statute 27-301, along said relocated branches of the Elliott ditch across the above real estate hereby is reduced to a total width of fifty (50) feet, as shown by "Exhibit A" hereto.

9. There shall be no permanent structures placed on said easement, except streets and utilities as shown by "Exhibit A" hereto.

Dated at Lafayette, Indiana this \_\_\_\_\_ day of January, 1973.

ENTER: \_\_\_\_\_  
Judge

Upon motion made and carried the meeting adjourned.

Edward J. Shaw  
Edward Shaw

Robert H. Fields  
Robert Fields

Bruce Osborn  
Bruce Osborn

ATTEST:

Gladys Ridder  
Gladys Ridder, Exec Secretary

The regular meeting of the Tippecanoe County Drainage Board was held in the County Council Room in the Tippecanoe County Court House at 9:00 a.m., on Wednesday, March 7, 1973. Present at the meeting were: Edward Shaw, Robert Fields, Bruce Osborn, A. D. Ruth, Jr., Fred Hoffman and Gladys Ridder.

Minutes Approved Upon motion by Edward Shaw, seconded by Bruce Osborn and made unanimous by Robert Fields, the board approved the minutes of the February 7, 1973 meeting as read.

Ditches Referred The Board referred the following ditches to the Engineer for Maintenance Fund set up: Brady vs Nash, Wea Twp., John Brose, Shelby Twp. in Tipp. County and Round Grove Twp. in White County, Cochran VS Holms, Wea Twp., Jesse A. Cripe, Washington Twp., County Farm, Wabash Twp. & Alonzo Taylor, Jackson & Wayne Twps.

Other Business Mr. Hoffman reported to the Board that Mr. Floweres had called and complained about water backing up after the repairs to the Elliott ditch had been made. He said he had contacted Mr. Donahue who in turn informed his client and the situation was now being taken care of. He asked Mr. Ruth to please contact Mr. Flowers and inform him of same.

Mr. Ruth told the board he had met with John Tse. His plan for the lakes on the McClure ditch were far in the future and Mr. Ruth felt the hearing should be set for a maintenance fund on McClure ditch possibly May 6, 1973. Mr. Francis Albrechts discussed the possibility of placing a breather in the side ditch of I-65 and Fellbaum branch of the Berlovitz ditch to alleviate a ponding there. Board granted permission and said if the breather created trouble elsewhere it could always be removed.

9:30 a.m. Hearing on Alexander Ross Ditch The Engineer opened the hearing on the Alexander Ross ditch by reading his report and making recommendations. Those in attendance were: Walter Pendleton, Pete Keiser, George Hatke, Frances Albrechts and Dick Smith.

Mr. Keiser reported that water was standing on top of the Ross ditch on the Ferrall land and this situation had only began since I-65 was built. Mr. Ruth said he would look into the situation and if the problem was created by the State Highway, he would notify them of same and they would have to correct it.

Mr. Pete Keiser said the acreage in Sec. 25 of 5.22 A that he had sold VanMeeter was assessed on the Berlovitz ditch but that before he had sold it, he had placed new tile on that land and drained that acreage to the Alexander Ross ditch. He suggested removing the acreage from Berlovitz and placing it on the Alexander Ross Ditch. The Board agreed and instructed the Secretary to do so.

Discussion followed among those present as the amount of per acre assessment. As the majority felt \$.75 per acre would be adequate, the Board moved to establish a \$.75 per acre assessment.

10:30a.m. Hearing on John VanNatta Ditch The Engineer opened the hearing on the John VanNatta Ditch by reading his report and making his recommendations. Those in attendance were: Charles R. VanNatta, Charles R. VanNatta, Jr., M.P. Plumlee, Ward W. Smith and Douglas McGill.

The Engineer read a letter from Mr. Plumlee, Don Brown, Ted Hunt and Charles VanNatta. The point being they had taken such good care of the ditch they felt \$.35 would be adequate. They asked for a portion of the tile ditch be made into a grass waterway. They also said they would continue to take care of their ditch even though a maintenance was established.

Because of their great concern for each other's needs and perfect cooperation, the Board moved to establish a \$.35 per acre assessment as requested.

11:30 a.m. Hearing on Joseph Sterrett Ditch The Engineer opened the hearing on the Joseph Sterrett ditch by reading his report and making his recommendations to the Board. Those in attendance were: Charles R. VanNatta, Harry W. Hampton, Douglas McGill, and Charles R. VanNatta, Jr.

Mr. Ruth read a letter from Mr. Charles Van Natta and Harry Hampton stating that this drain was so well designed and installed that their maintenance over the years had been very small. They asked for a \$.25 per acre assessment. Mr. Ruth said he felt this was too small. The landowners present said if it proved too small, they would gladly consent to a new hearing for the purpose of raising the amount.

Mr. Charles VanNatta said in Sec. I out of a 175A tract only 50A drained instead of 80A as assessed. The Board asked Mr. Ruth to check and correct the acreage after elevations were taken. The final decision was A.

After a bit of a discussion the Board moved to establish a \$.35 per acre assessment.

Order & Findings and Certificate of Assessments After establishing a maintenance fund on the Alexander Ross, the John VanNatta and the Joseph Sterrett ditches, the Board signed the Order and Findings and the Certificates of Assessments.

Upon motion made and carried the Board adjourned.

*Edward J. Shaw*  
Edward J. Shaw  
*Robert Fields*  
Robert Fields  
*Bruce Osborn*  
Bruce Osborn

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

MONTHLY MEETING OF THE TIPPECANOE COUNTY DRAINAGE BOARD HELD JULY 18, 1973.

9:00  
Business Meeting

Those in attendance at the regular session of the Tippecanoe County Drainage Board held on July 18, 1973 were: Edward Shaw, Robert Fields, Bruce Osborn, A.D. Ruth, Jr., Fred Hoffman, Ken Raines and Gladys Ridder. By request of the Surveyor Mr. Robert Fickle also attended.

Signing of the minutes

A motion by Bruce Osborn, seconded by Robert Fields and made unanimous by Edward Shaw was to approve the minutes of the June 6, 1973 meeting as read.

Elmer Thomas

Mr. Ruth discussed the Elmer Thomas ditch progress and reported he was about ready to advertise for bids. The Board agreed he should advertise as soon as the engineering and specifications were ready.

Dunkin Ditch

The people on the Dunkin ditch had collected money and did some work beyond the end of the Dunkin ditch. The county's share of this improvement was \$56.88. The board approved payment of same.

Bob Hodgen

The Board approved a partial payment to be made to Bob Hodgen for work he has done so far on the Train Coe Ditch.

10:00 A.M.  
S.W. Elliott Ditch  
Maintenance  
Hearing

The Engineer opened the hearing on the S.W. Elliott ditch for establishing a maintenance fund by reading his report and making his recommendation to the Board.

Those in attendance were: George L. Treece, James Murtaugh, Norbert Korty, Paul L. Hamman, Ed Hatke, Marjorie Halstead, Eugene R. Moore, Howard R. Porter, Kenneth McCabe, Richard H. Smith, Hall Price, Fred Bratz, Louise Bratz, J. Kenneth Biery, Jack E. Keith, Rostone Corp., Herman L. McCord, Laf. Refg. Service, Jim Burghardt, Fay Wainwright by: George E. DeLong, V.L. VanAsdall, N&W Railway Co., Muncie, Ind., William H. Lane, William P. Martin, Soil Cons. Service, Roy A. Smith, Supervisor Soil Cons. Serv. Discussion followed with many questions asked as to what the Engineer planned to do and did the Interstate create any problems, why some of them pay city Sewage and still assessed on the ditch, etc. All questions were answered to the satisfaction of those present.

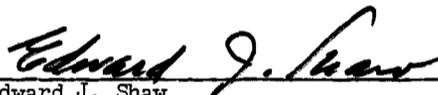
Mr. Osborn asked if any one present had any objections to the Engineer's proposed seventy five cents per acre assessment and no one objected.

Some acreage changes were suggested by the Engineer and Mr. Fickle.

Mr. Fickle said Pipers Glen should have been assessed on this along with the condominium but not any part of the Tecumseh's Adn.

Also Mr. Ruth suggested a few acreage removals namely: The Wilhawk's - three tracts removed; Stafac, Inc. - .46A removed and I. M. House & Kathryn M. House, Tr., tract 7-006-011 Part South Northwest Section 6 Township 22 Range 3 a 36.68 acre tract, 16 acres out of Elliott and added to Lane Parker. Egyptian Lacquer reduced to zero acres.

The business of the day completed, the Board so moved to adjourn.

  
Edward J. Shaw

  
Robert Fields

  
Bruce Osborn

ATTEST:

  
Gladys Ridder, Exec. Secretary

Those in attendance at the regular meeting of the Tippecanoe County Drainage Board held on August 1, 1973 in the County Commissioners room in the Court House were: Edward Shaw, Robert Fields, Bruce Osborn, A.D.Ruth, Jr., Fred Hoffman and Gladys Ridder.

Regular Business  
Session 9:30 a.m.

Upon motion by Robert Fields seconded by Bruce Osborn made unanimous by Ed Shaw, the minutes of the July 18, 1973 were approved as read.

Huntleigh Estates

Mr. Ruth read a letter he had written to the Schneider Engineering Corporation with reference to using the Elliott Ditch.

July 25, 1973

Schneider Engineering Corporation  
3675 North Post Road  
Indianapolis, Indiana 46226

RE: Storm Water Drainage for  
Huntleigh Estates Addition

Gentlemen:

It is the recommendation of this office that, before approval by given the above mentioned Subdivision, provisions be made to control the storm water run-off.

It is the philosophy of the Tippecanoe County Drainage Board that the storm water shall not enter the Elliott Ditch at any greater rate or in any greater quantity than it does at the present time. This means that all development which naturally drains into the Elliott Ditch must be controlled and that the storm water run-off meet the above requirement.

Therefore, it is recommended that a scheme be developed to meet the above requirement. It would be well to have the proposal approved as soon as is practical.

If this matter is resolved I see no other objections from a storm water stand point to this development.

Very truly yours,

/S/ A. Daniel Ruth  
A. Daniel Ruth, Surveyor

ADR/res

10:00 A.M.  
Maintenance  
Hearing  
on  
L. B. Wilson  
Ditch

The Engineer opened the hearing on the L.B. Wilson Ditch by reading his report and making his recommendations to the Board. The Board consisted of the Tippecanoe County Board with the Fountain County Commissioners, Kenneth Rayburn, Lucky Stucker, Fountain County Surveyor, Elmer Thomas and Keith Barnhart, Fountain County Attorney. The landowners in the watershed area of both counties were: Donald Holoday for Mr. Wilson, Berniece and Frank Oteham, Richard T. North, Russell D. North, Ralph E. Jackson, Larry Carlson, Orville Carlson, Pearl Meharry, Mr. and Mrs. J. W. Schumann, Robert Amstutz, William VanHook, Frank Pearl Jr.

Because Fountain County had not properly notified their people, as to acreage or amount of assessment per acre, the attorneys felt there was a necessity to hold another hearing. Another ditch (Nixon) in Fountain County is a branch of the L.B. Wilson and the Fountain County Board needed time to decide whether to assess it with Wilson or by itself and pay a percentage on Wilson also.

When these questions have been answered they will let us know and we'll notify our people of another hearing.

11:00 A.M.  
Maintenance  
Hearing  
on  
Richard B.  
Wetherill  
Ditch

The Engineer opened the hearing on the Richard B. Wetherill ditch by reading his report and making his recommendations to the Board. He reported that the head-wall was in bad shape and he felt the \$1.00 per acre assessment was not too high. Mr. Robert Martin, acting Surveyor of Benton County joined our Board but none of the Benton County Drainage Board attended. Those in the watershed area of the drain who attended were: Wayne Wettschurack, John Miller, William Wettschurack, Max Kelly and M. P. Lord.

Benton County did not notify their people as is required by law but Mr. Martin said he felt they could be ready by September and the Board knowing our September schedule was pretty full voted to set the new hearing on the Wetherill Ditch at 10:30 a.m. October 3, 1973. Both Benton County and Fountain County are struggling to get started as neither have a budgeted office with Secretary, typist, etc, so out Board offered any assistance they might want.

Upon motion made and carried the Board adjourned.

Edward J. Shaw  
Edward J. Shaw

Robert Fields  
Robert Fields

Bruce Osborn  
Bruce Osborn

ATTEST:

Gladys Ridder  
Gladys Ridder, Exec. Secretary

THE REGULAR MEETING OF THE TIPPECANOE COUNTY DRAINAGE BOARD HELD SEPTEMBER 5, 1973.

The meeting of the Tippecanoe County Drainage Board was held in the County Council Room on September 5, 1973 at 9:30 a.m. with the following members present: Robert F. Fields, Edward Shaw, Dan Ruth, Fred Hoffman, and Gladys Ridder.

- Signing of Minutes Upon motion by Edward Shaw seconded by Robert Fields, the minutes of the August 1 and 27th, meetings were approved as read.
- Business Meeting In the business meeting, the Board was shown the claim of the Riehle Construction Company for work done on the Berlovitz Ditch. The Surveyor reviewed his feelings about the amount of charge per hour for labor and wanted their opinions. The Board recommended we pay 20 hours @ \$20.75 per hour and an additional \$50.00 for additional labor or \$465.00 total.
- 30th Street Drainage The matter of the 30th Street drainage was brought to the attention of the Board with no decision being made.
- Friendly Village Mike Norris and Dick Fidler came before the Board with their plans to discuss the needs to complete Friendly Village Mobile Home Park drainage to the satisfaction of the requirements imposed by this Board. A new description of the re-routing of the branch of Elliott done by Mid-States was required.
- A portion of Mr. Wendell Flowers ground was still in trouble and Mr. Fidler said with only a .12% grade it would probably be caused by silt settling and they would flush the pipe in that area to help that situation.
- When everything is finished, Mid-States need to provide the County with an easement for the newly routed branch and the County will need to provide an easement for a crossing of Elliott ditch with city water mains etc.
- S. W. Elliott Ditch The Engineer opened the continued hearing on S. W. Elliott Ditch by explaining the reasons for a second hearing. The Pipers Glen area had been omitted in the first hearing and according to the drainage law to add to the assessment role a new hearing had to be called.
- Those in attendance were Paula Chrisman and Rita Lasley, both in the Piper Glen area. Each one had questions on why they pay city sewage and have to pay on Elliott too, so Mr. Ruth explained the difference between Storm Sewers and City Sewage.
- The Board so moved to establish a .75¢ per acre assessment on S. W. Elliott ditch.
- E. F. Haywood Ditch Continued Hearing The engineer opened the continued hearing on the E. F. Haywood Ditch by reading the minutes of the last meeting, held September 1972. Those in attendance were: Jerome Rund, Mabel McDill Andrews, Kettie and Robert W. Kirkpatrick, Robert J. and Jane Moore and O. J. Leibenguth. Mr. Robert Leader had telephoned and wanted to cast his vote by phone to be in favor of a maintenance fund. Jerome Rund and O. J. Leibenguth both spoke out in favor of a maintenance fund. Mr. Kirkpatrick and Mr. Moore both spoke vehemently against a maintenance fund and in favor of doing the work themselves.
- Mr. Ruth and Mr. Fields advised them to establish a maintenance fund, Mr. Shaw favored postponing the hearing for one more year. Mr. Moore said if those that were in favor should have attended the hearing that he had driven from Indianapolis to protest.
- Mr. Shaw made a motion to postpone one year and Mr. Fields seconded the motion.
- Order & Findings After establishing a maintenance fund on the S. W. Elliott ditch, the Board signed the Ordning and Findings and Certificate of Assessments.
- Upon motion made and carried the Board adjourned.

*Edward J. Shaw*  
Edward J. Shaw

*Robert Fields*  
Robert Fields

*Bruce Osborn*  
Bruce Osborn  
(This signature belongs on page 77)

ATTEST:

*Gladys W. Ridder*  
Gladys Ridder, Exec. Secretary

## REGULAR MEETING OF THE TIPPECANOE COUNTY DRAINAGE BOARD JANUARY 9, 1974

The regular meeting of the Tippecanoe County Drainage Board was held in the County Commissioner's room on January 9, 1974 at 9:00 a.m., with the following members present: Bruce Osborn, Robert F. Fields, Edward Shaw, Ron Melichar, A. D. Ruth, Jr and Gladys Ridder.

Election of Officers Upon motion of Bruce Osborn, seconded by Edward Shaw, Robert F. Fields was elected to serve as Chairman of the Drainage Board for the year 1974. Upon motion of Edward Shaw and seconded by Robert Fields. Bruce Osborn was elected to serve as Vice Chairman of the Drainage Board for the year 1974. Upon motion of Bruce Osborn, seconded by Edward Shaw and made unanimous by Robert Fields, A. D. Ruth, Jr. and Fred Hoffman and Gladys Ridder were appointed by the Board to serve in their respective jobs as Drainage Engineer, Drainage Board Attorney and Executive Secretary.

Minutes of November Meeting Upon motion of Edward Shaw, seconded by Robert Fields and made unanimous by Bruce Osborn, the minutes of the November 7, 1973 meeting were approved as read.

Montgomery Ward Warehouse Mr. Ruth reported to the Board that the Montgomery Ward warehouse on Imperial Parkway had been constructed directly over the tile ditch that is a Branch of the S. W. Elliott ditch. In checking with Area Plan, Mr. Ruth reported that construction had been started without a building permit or a check with the Surveyor's office as to whether any drains were in the area. The acting County Attorney, Mr. Ronald Melichar, instructed Mr. Ruth to notify the owners of the land and building to remove the building immediately.

January 14, 1974

Mr. Steven Rachlin  
17 Academy Street  
Newark, New Jersey 07102

Re: Building on Imperial Drive  
south of the City of Lafayette, Ind.

Dear Mr. Rachlin,

This is to advise that the building owned by you at the above location is setting over branch #14 of the Elliott Ditch legal drain, and in part is well within the easement of this drain. (The enclosed sketches show the location of this branch.)

After discussing this matter with the members of the Tippecanoe County Drainage Board and their attorney, I was instructed to inform you that the building in question must be removed from the easement of the legal drain.

If this matter is not resolved of within the next 30 days appropriate legal action will be taken.

Sincerely,

/S/ A. D. Ruth, Jr.  
A.D. Ruth, Jr. Tipp. Co. Surveyor

ADR/res

Kirkpatrick Drain Problem Mr. John Fisher and Mr. Dow Orrell came before the Board to discuss drainage problems connected with the development in the area of the James N. Kirkpatrick ditch. The subject was discussed but no decision was reached. Both gentlemen were invited to return at a later date.

A discussion was held as to the possibility of the Drainage Board having jurisdiction over the holding ponds in the subdivisions. No decision was reached.

9:30 a.m.  
JAMES S. KELLERMAN  
Maintenance Hearing The Engineer opened the hearing on the James S. Kellerman ditch by reading his report and making his recommendations to the Board. Because none of the individuals in this watershed appeared at this hearing and because of the road conditions being hazardous, the Board moved to continue this hearing until February 6, 1974 and instructed the Secretary to notify those people of same.

10:00 a.m.  
N. W. BOX MAINTENANCE  
HEARING The Engineer opened the hearing on the N. W. Box ditch by reading his report and making his recommendations to the Board. There were no remonstrances filed against this ditch. Some corrections in the acreage were necessary because of overlaps with the Motsinger, E. W. Andrews and McFarland ditches.

Those in attendance were: John B. Randolph, Atty. for Wilma B. Creson, Charles Kerkhove, Jordan McCarty, Robert C. Kerkhove, Roland D. Halleck for Purdue Research Foundation and Frank J. Welch.

The changes in acreage are as follows:

Leota L. & Jordan McCarty's 38A deleted from the Box assessment role.

Raymond R. & Ruth Calvert ) Und  $\frac{1}{2}$  (each) S. Side S.W. Fr. Sec 19-24-5

Carl J. & Catherine M. Trout

27 Acres taken out of McFarland ditch and left in the Box watershed.

Purdue Research Foundation as follows: S. NE Sec 19-24-5 remove 10 A from McFarland watershed, NW SW & W NE SW of Sec 17-24-5 remove 37A from McFarland watershed, SE SW & E NE S<sup>W</sup> of Sec 17-24-5 remove 60A from McFarland watershed, SW SW of Sec 17-24-5 remove 38A from the McFarland watershed, a total of 145A remove from McFarland and claims for an erroneous tax filed for the Trouts and Purdue to reimburse them for the years 1972 and 1973 in which they paid on this acreage to the McFarland Maintenance Fund.

Bruce Osborn asked those present if they had any objections to the proposed seventy five cents per acre assessment and they all said they thought that a fair assessment.

Upon motion of Bruce Osborn, seconded by Edward Shaw and made unanimous by Robert Fields, the Board so moved to establish a \$0.75 per acre Maintenance Fund assessment.

On motion made and carried the meeting adjourned.

  
Robert F. Fields, Chairman

  
Bruce Osborn, Vice Chairman

  
Edward J. Shaw, Member

  
Gladys Ridder, Exe. Secretary

## REGULAR MEETING OF THE TIPPECANOE COUNTY DRAINAGE BOARD APRIL 3, 1974

The Tippecanoe County Drainage Board met in regular session in the Tippecanoe County Court House in the County Commissioner's room at 9:00 a.m., on Wednesday, April 3rd 1974 with the following members present: Bruce Osborn, Edward Shaw, and Richard L. Smith, setting in for Robert Fields, A. D. Ruth, Jr., Fred Hoffman and Gladys Ridder.

INFORMAL MEETING AT  
9:00 a.m.

Mr. Audley Oshier came before the Board with a problem of a bridge across the McFarland ditch on his property. The construction of the bridge with no steel being used rendered the capacity of this bridge very poor. The Board told him they could not by law use any of McFarland's maintenance money to reconstruct a bridge and that they were sorry but the problem was his and the county could not help him. Mr. Allen Orr sent his request by Mr. A. D. Ruth to re-route a part of the Morin ditch on his farm, (he's buying on contract from Mary Sherwin). He had a need to get around a peat bog. The Board O.K.'d the re-routing if Mr. Orr would comply with Mr. Ruth's requirements.

Fred Blair ask Mr. Ruth to report his problem on a private tile being cut by a trailer park and then reconnected the tile above his tile. The Board said this was a matter for an attorney unless it was a branch of the Elliott legal drain and they would look into it.

J. KELLY O'NEALL  
MAINTENANCE HEARING  
9:30 a.m.

The Engineer opened the hearing on the J. Kelly O'Neill maintenance fund hearing by reading his report and asking the Board to include a spur as a part of the legal drain. Those in attendance were: Walter Holtman, Kiley Sterrett, Jr., William Richardson, Harley Roudebush and LaVaughn Crull. All those present were much in favor of a maintenance fund of one dollar per acre and the sooner the better. The ditch is in need of dredging but there was an open ditch that was not a part of the legal description that they all felt should be made a part of the legal ditch. Again the attorney said that to add another branch to the legal required a new hearing and another advertising for the benefit of all involved. Many felt that government moved too slowly and they would take it upon themselves to repair this part to be added and then appeal for the maintenance. The Board so moved to continue this hearing in June, 1974.

JOHN C. AMSTUTZ  
MAINTENANCE HEARING  
10:00 a.m.

The engineer opened the maintenance hearing on the John C. Amstutz by explaining to those there that the new hearing was called to add a part of Section 9 that had been omitted from the original assessment role. Those present were: Dale Remaly, Omer Murphy, Ralph Patrick, Hazel Temple and Robert Temple. Many of those present were of the opinion that their acreage assessment was in error. Mr. Ruth told the Board that he had been out there on at least three occasions and had asked for the help of the Soil and Water Conservation Service aerial photos to try and determine a proper assessment. He asked the Board to remove the assessment against Ralph H. & Shirley Patrick and Omer P. & Lorraine B. Murphy because their water went west. He also asked to reduce Mabel Martin's acreage from 6.49 to 2.50. The Board so agreed. Mr. Dale Remaly and Mrs. Temple felt Clarence Behringer's property should all have been assessed in this watershed instead of only half in the SE quarter of section four (4). Because this acreage needed to be added to the watershed and Mr. Behringer notified, the Board moved to establish a \$1.00 per acre assessment unless Mr. Behringer objected to the assessment and then a new hearing would be held in June, 1974.

ARTHUR RICKERD MAINTENANCE  
HEARING  
10:30

The Engineer opened the maintenance hearing on the Arthur Rickerd ditch by reading his report and making his recommendations to the Board. There were none of the landowners in this watershed present. As there are only seven people involved and because the Board takes the attitude that if no one remonstrates or attends it must mean that they are in agreement with the notice sent them. Mr. Edward Shaw made the motion to establish a \$1.00 per acre assessment, Mr. Richard L. Smith seconded the motion and Mr. Bruce Osborn made it unanimous.

## ORDER AND FINDINGS

After establishing a maintenance fund on the Arthur Rickerd ditch, the Board signed the Order and Findings and Certificate of Assessments.

## Willard Plumlee

Mr. Willard Plumlee came before the Board asking their permission to reroute that part of the County Farm Ditch that came through his farm for the purpose of making a small pond on his farm. The Board said they would not pay for any part of the re-routing out of the maintenance fund and would like to look the situation over before they gave any written consent.

The following orders were received to appoint a special member of the Board in Robert F. Fields place due to the fact of him being a property owner on two of the above ditches.

IN THE MATTER OF THE JOHN C. AMSTUTZ DITCH

ORDER

Comes now the Tippecanoe County Drainage Board by its Secretary, and certifies that it will be necessary to have a special member to act in the proceedings concerning the John C. Amstutz Ditch scheduled to begin on April 3, 1974, and being further advised finds in the premises that Richard L. Smith is a resident freeholder of the County and is qualified to act as a special member of the Board.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that Richard L. Smith be and is hereby appointed a special member of the Tippecanoe County Drainage Board to serve as a special member in all proceedings concerning the John C. Amstutz Ditch.

/S/ Warren B. Thompson  
Warren B. Thompson  
Judge, Tippecanoe Circuit Court

IN THE MATTER OF THE ARTHUR E. RICKERD DITCH  
ORDER

Comes now the Tippecanoe County Drainage Board by its Secretary, and certifies that it will be necessary to have a special member to act in the proceedings concerning the Arthur E. Rickerd Ditch scheduled to begin on April 3, 1974, and being further advised finds in the premises that Richard L. Smith is a resident freeholder of the County and is qualified to act as a special member of the Board.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that Richard L. Smith be and is hereby appointed a special member of the Tippecanoe County Drainage Board to serve as a special member in all proceedings concerning the Arthur E. Rickerd Ditch.

/S/ Warren B. Thompson  
Warren B. Thompson  
Judge, Tippecanoe Circuit Court

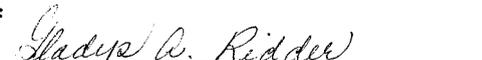
Upon motion made and carried the Board adjourned.

  
Robert F. Fields, by Richard L. Smith

  
Bruce Osborn

  
Edward J. Shaw

ATTEST:

  
Gladys K. Ridder, Executive Secretary

REGULAR MEETING OF THE TIPPECANOE COUNTY DRAINAGE BOARD HELD JULY 3, 1974.

The regular meeting of the Tippecanoe County Drainage Board met in the County Council Room in the Tippecanoe County Court House at 9:00 a.m. o'clock with the following members present:

Bruce Osborn, Robert F. Fields, Edward Shaw, Fred Hoffman, A. D. Ruth, Jr. and Gladys Ridder.

Minutes Approved

Upon motion of Bruce Osborn, seconded by Edward Shaw and made unanimous by Robert Fields the Board accepted the minutes of the June 5, 1974 meeting as read.

McFarland Ditch

Mr. Ruth explained to the Board that Charles Vaughan had been in to discuss the possibility of having a branch of the John McFarland ditch reconstructed. Mr. Vaughan has need of an open ditch and the Board told the Engineer to hold an informal meeting to get the feelings of the other people involved and if there were no objections from others to prepare the profile.

9:30 a.m.  
Vacation of the  
N. W. Bowen Ditch

The Engineer opened the hearing on the Nathaniel W. Bowen ditch by explaining to the Board the condition of the ditch and the feeling of the people involved. No one attended the hearing but at the last hearing on this ditch the people present made it known that they wanted the ditch vacated. The attorney said with out all the land owners being present the Board would have to go through the formalities and re-inform everybody in the watershed of the intent. With no one attending they took the attitude that all were in favor and so moved. Motion by Edward Shaw, seconded by Bruce Osborn and made unanimous by Robert Fields the Nathaniel W. Bowen ditch was vacated. This should not be confused with the N. W. Bowen ditch that was vacated in November of 1973. This one involves Carroll County and Tippecanoe County and the one vacated in November was a Tippecanoe County Ditch only.

John Fisher  
for  
Montgomery Ward

Mr. Gene Stano and Mr. John Fisher came before the Board with many problems they have had and several suggestions for re-routing the Branch No. 14 of the Elliott Ditch which has a Montgomery Ward warehouse built directly over it. The Board had granted August 1, 1974 as the deadline for re-routing the ditch. They would take the \$6,000.00 check and build the new ditch themselves if the deadline was not met. Mr. Stano asked for an extension of time for that deadline and the Board granted them thirty days. Those involved in the re-routing would be Fairfield Mfg. Co., Montgomery Ward and perhaps Robert Calloway.

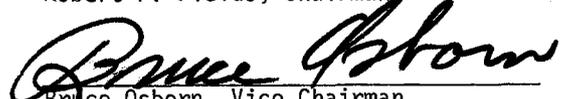
Informal  
reconstruction  
hearing  
Shepherdson Ditch

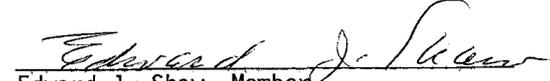
At 10:30 a.m. the Board held an informal reconstruction hearing on the James A. Shepherdson ditch. Those present were Floyd Bolyard, Jr., Fern Landes, Bernard and Mary Spitznagle, Mr. & Mrs. Howard Ayers, John E. Haan and Margaret Cornell.

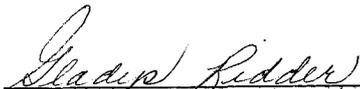
All present were much in favor of reconstruction but there were some reservations as to the open ditch but would need a grassed waterway over the new tile ditch and the Board said that would be his expense. Mr. Ruth said he would figure the new construction two ways, with and without open ditch, and at the Regular hearing in September he would give them prices and the decision could be theirs.

On motion made and carried the meeting adjourned.

  
Robert F. Fields, Chairman

  
Bruce Osborn, Vice Chairman

  
Edward J. Shaw, Member

  
Gladys Ridder, Exe. Secretary

The regular meeting of the Tippecanoe County Drainage Board met in the County Council Room in the Tippecanoe County Court House at 9:30 a.m., o'clock with the following members present: Bruce Osborn, Robert Fields, Edward Shaw, Fred Hoffman, A. D. Ruth, Jr. and Gladys Ridder.

Minutes Approved Upon motion of Mr. Osborn, seconded by Mr. Fields and made unanimous by Edward Shaw, the Board moved to accept the minutes of the September 18th, 1974 meeting as read.

OCTOBER 2, 1974 MEETING CONTINUED.

Clarks Hill  
Disposal System

In the September 18th drainage board meeting the Clarks Hill Disposal Consulting Engineer met with the Board requesting permission to empty the effluent from the disposal system into the East branch of the J. B. Anderson legal drain. At this time the Board said they would not answer for those people on the J. B. Anderson drain and instructed the Secretary to notify these people of a hearing and let them make the decision. Those responding to the notice were: Gregory J. Donat, A. B. Coyner, Glenn Heaton, Eugene Johnson, Joy Anderson, Dan Waddell, Don Maxwell, Ralph Anglin and Jack Wisley. The Engineer opened the hearing by asking the engineer for the Disposal System to explain the proposal to dump the effluent into the 33" tile of the J. B. Anderson ditch. Questions were asked as he finished the explanation. Jack Wisley said one teacup of water more, in his opinion, would be too much to put into this already overloaded ditch. Mr. A. D. Waddell said he had a twenty acre pond because the tile carried his water away so slowly. Eugene Johnson said he felt if the Engineers designing the system had studied the history of this ditch, they wouldn't even consider putting more water into it and said he felt the best solution they had was to build their own tile ditch. The Board took a vote and five out of eight people present voted against letting the J. B. Anderson ditch be used for the effluence. The Board then voted unanimously not to permit the Anderson legal drain to be used to carry the effluent of the Clarks Hill Disposal Plant. Mr. Joy Anderson asked the engineer for help on the West leg of the J. B. Anderson legal drain. Mr. Ruth said he would be out to look the situation over and take whatever steps necessary to determine the cause of the problem.

Montgomery Ward  
Warehouse

The Board members discussed the six thousand (6,000.00) dollar check being held for the payment of re-routing the branch of the Elliott ditch where the Montgomery Ward warehouse stands and their disposition of it. Mr. Osborn said he was in favor of having the Davis Construction Co. open the ditch that was re-routed so that it could be inspected as per instruction. The Engineer was instructed to call Davis and get the job done. Mr. Osborn put it in motion form and Robert Fields seconded the motion with Edward Shaw making it unanimous.

ALL IN ALL THE BOARD HAS APPROVED THE MINUTES OF THE MEETING HELD ON OCTOBER 2, 1974.

ATTEST:

Gladys Ridder  
Gladys Ridder, Executive Secretary

Robert F. Fields  
Robert F. Fields, Chairman

Bruce Osborn  
Bruce Osborn, Vice Chairman

Edward J. Shaw  
Edward Shaw, Board Member

Signature  
here for  
last two  
meetings

The Tippecanoe County Drainage Board met in the County Council Room of the Tippecanoe County Court House at 9:00 a.m. on November 6th, 1974 with the following members present: Bruce Osborn, Edward Shaw, Fred Hoffman, A. D. Ruth, Jr. and Gladys Ridder.

Minutes Approved Upon the reading of the minutes of the October 2nd meeting, Bruce Osborn moved to approve the minutes as read. Edward Shaw seconded the motion so motion carried.

Payment to Hodgen The Engineer informed the Board that the clearing work on the S. W. Elliott ditch had been completed to satisfaction according to the specifications of the bid and that payment of \$3,000.00 should be approved. Motion made by Bruce Osborn, seconded by Edward Shaw to approve the claim for \$3,000.00 to Bob Hodgen.

Letter from John Fisher Mr. Ruth presented the Board a drawing and a copy of a canceled check made for re-routing of Branch No. 14 on the S. W. Elliott ditch where the Montgomery Ward Warehouse had been erroneously built across this branch of the legal drain. The Board acknowledged same and ask for a three year maintenance bond from the Pioneer National Title Insurance Company for \$3,000.00 in exchange for the release of a \$6,000.00 check being held by the Board. The letter of request was to be sent not only to Pioneer National Title Insurance Company but a copy to John Fisher also.

9:30 Treece Meadows The petition for a Legal drain in Treece Meadows Subdivision was presented to the Board. It was determined that the drain would be better as an extension of the Wilson Branch of the S. W. Elliott ditch. Mr. Joseph Bumbleburg and John Fisher appeared on behalf of Lynn Treece. Pat Shaw and Lynn Treece also attended the meeting. The County Attorney said if this branch has no affect on others in the watershed no notices will be necessary. A detention pond is planned to hold the water.

Mr. Bumbleburg asked the Drainage Board to nodify the 150 foot easement (as prescribed by law). Mr. Osborn said the Board would definitely entertain a modification but that he would not make a decision until there was a full Board present. He suggested that the decision would be made in the Tuesday, November 12th regular County Commissioner's meeting.

10:00 a.m. Ind. Gas Co., Inc. Mr. Willie Baker and Mr. Gordon Pritchard appeared before the Board representing the Indiana Gas Co., Inc. asking permission to go under the S. W. Elliott ditch with a gas line at County Road 250 South.

INDIANA GAS COMPANY, INC.

Tippecanoe County Drainage Board  
County Court House  
Lafayette, Indiana

Attention: H. Dan Ruth

Dear Sir:

This letter is to advise that we are seeking permission from the Tippecanoe County Drainage Board to install a 10 inch steel gas main across the Elliot Ditch close to the intersection of Brady Land and Concord Road.

Please find attached sketches which show the location of the project and a profile of the existing ditch. Also, shown is our proposed construction and details of the installation of the pipe, pipe depth, and repairs to ditch bottom and banks.

Hopefully, you will find this in order and will be able to give us the necessary permit or letter to proceed.

Very truly yours,

Gordon Pritchard  
District Engineer

GD: ml  
Attachment

cc: W. L. Baker

The County Attorney asked Mr. Baker and Mr. Pritchard if a bond had been posted and they assured him it had.

Mr. Pritchard asked the Board if they would furnish a letter of permission and the secretary was instructed to compose such a letter.

Elliott ditch The Engineer told the Board that there was need for work on the S. W. Elliott ditch where roots are hindering the flow of water located directly south of the Arihood property where Bob Hodgen had cleared. He said it could be done reasonably and the Board granted permission to do so.

ATTEST:

Gladys Ridder  
Gladys Ridder, Executive Secretary

Robert F. Fields  
Robert F. Fields, Chairman

Bruce Osborn  
Bruce Osborn, Vice Chairman

Edward J. Shaw  
Edward Shaw, Board Member

REGULAR MEETING OF THE TIPPECANOE COUNTY DRAINAGE BOARD HELD JANUARY 15, 1975

The Tippecanoe County Drainage Board met in the County Council Room at 9:00 a.m., o'clock with the following members present: Bruce Osborn, Robert Fields, William Vanderveen, Ron Melichar for Fred Hoffman, A. D. Ruth, Jr. and Gladys Ridder. Robert L. Martin was also present.

Election of Officers

A motion was made by Bruce Osborn to retain Robert Fields as President for the year 1975, elect William Vanderveen as Vice President, retain Fred Hoffman as attorney and Gladys Ridder as Executive Secretary. He included in this motion to make the Surveyor an Ex-officio member. The motion was seconded by William Vanderveen and made unanimous by Robert Fields.

Minutes Approved

The minutes of the December 4th, 1974 meeting were read and upon motion by Robert Fields, seconded by Bruce Osborn and made unanimous by Wm. Vanderveen were approved as read.

9:30 a.m. Treece Meadows

Mr. Joseph Bumbleburg came before the board with his petition to make the open drain in the Treece Meadows subdivision a legal drain. He assured them that all the advertising and notices necessary to comply with the law had been done and the final decision of this Board was all that was needed. Mr. Lynn Treece, owner of most of the lots in the subdivision also appeared as did Maurice Callahan, Engineer for the City of Lafayette. The suggested amount of \$1.00 per acre as recommended by the County Surveyor was accepted. Bruce Osborn made the motion, seconded by Robert Fields and made unanimous by Wm. Vanderveen and the \$1.00 per acre assessment was established.

The following letter was received from Don E. Snyder, Surveyor of Clinton Co. with reference to the John McLaughlin ditch:

December 17, 1974

Clinton Co.  
&  
McLaughlin  
ditch

Mr. Dan Ruth  
Tippecanoe County Surveyor  
Court House  
Lafayette, Indiana 47901

Dear Mr. Ruth:

The Clinton County Drainage Board request a resolution be passed by your Drainage Board that will allow Clinton County to reconstruct a tile portion of the McLaughlin ditch located in Clinton County. With this resolution, we will proceed to repair some tile and set up a watershed for future maintenance on property located in Clinton County.

Will you please advise this office as to the action taken of this request?

Sincerely,

Don E. Snyder  
Clinton County Surveyor

DES/BBH

REGULAR MEETING OF THE TIPPECANOE COUNTY DRAINAGE BOARD HELD JANUARY 15, 1975

The Tippecanoe County Drainage Board met in the County Council Room at 9:00 a.m., o'clock with the following members present: Bruce Osborn, Robert Fields, William Vanderveen, Ron Melichar for Fred Hoffman, A. D. Ruth, Jr. and Gladys Ridder. Robert L. Martin was also present.

Election of Officers

A motion was made by Bruce Osborn to retain Robert Fields as President for the year 1975, elect William Vanderveen as Vice President, retain Fred Hoffman as attorney and Gladys Ridder as Executive Secretary. He included in this motion to make the Surveyor an Ex-officio member. The motion was seconded by William Vanderveen and made unanimous by Robert Fields.

Minutes Approved

The minutes of the December 4th, 1974 meeting were read and upon motion by Robert Fields, seconded by Bruce Osborn and made unanimous by Wm. Vanderveen were approved as read.

9:30 a.m. Treece Meadows

Mr. Joseph Bumbleburg came before the board with his petition to make the open drain in the Treece Meadows subdivision a legal drain. He assured them that all the advertising and notices necessary to comply with the law had been done and the final decision of this Board was all that was needed. Mr. Lynn Treece, owner of most of the lots in the subdivision also appeared as did Maurice Callahan, Engineer for the City of Lafayette. The suggested amount of \$1.00 per acre as recommended by the County Surveyor was accepted. Bruce Osborn made the motion, seconded by Robert Fields and made unanimous by Wm. Vanderveen and the \$1.00 per acre assessment was established.

The following letter was received from Don E. Snyder, Surveyor of Clinton Co. with reference to the John McLaughlin ditch:

December 17, 1974

Clinton Co.  
&  
McLaughlin  
ditch

Mr. Dan Ruth  
Tippecanoe County Surveyor  
Court House  
Lafayette, Indiana 47901

Dear Mr. Ruth:

The Clinton County Drainage Board request a resolution be passed by your Drainage Board that will allow Clinton County to reconstruct a tile portion of the McLaughlin ditch located in Clinton County. With this resolution, we will proceed to repair some tile and set up a watershed for future maintenance on property located in Clinton County.

Will you please advise this office as to the action taken of this request?

Sincerely,

Don E. Snyder  
Clinton County Surveyor

DES/BBH

After reading the letter the Board instructed the Surveyor to answer said letter explaining the Board's feelings on the matter.

January 16, 1975

RE: Reconstruction of a portion  
of the John McLaughlin ditch

Don E. Snyder, Surveyor  
Clinton County, Indiana  
Frankfort, Indiana

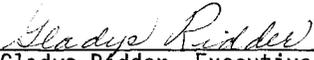
Dear Mr. Snyder;

At yesterday's meeting of the Tippecanoe County Drainage Board, a discussion of the above mentioned was held. It was the opinion of the Board that it would be unfair for a group upstream to reconstruct their portion of the ditch and dump their water down on someone else without providing for the care of the downstream water.

It was the feeling of the Board that, rather than just the people in Clinton County fixing their section, those people between the county line and the outlet should also be contacted and all share in the upgrading of the ditch where problems exist.

The Board has a real concern for this ditch and would be willing to discuss the problems at any time.

Very truly yours,

  
Gladys Ridder, Executive Secretary  
Tippecanoe County, Indiana

Elliott &  
Ilgenfritz  
per  
Richard H.  
Smith

Mr. Ky Gerde and Mr. George Hanna appeared on behalf of Richard H. Smith on water problems on his property that he felt were created by the improper functioning of the George Ilgenfritz and the S. W. Elliott ditches. Pictures and an outline of the watershed with ponds, etc. was presented. A lengthy discussion followed. Mr. Smith felt the Elliott ditch's stoppage had to be found to alleviate the problem. Mr. Hanna felt that if the Ilgenfritz ditch was cleared of its brush and its sides built up so it would handle its own water without spilling over into another watershed that a large part of the problem would be solved. Mr. Lewis Beeler said he felt that the Elliott ditch was probably the biggest problem but that he knew the Interstate 65 had also contributed a part of its water to the already bad situation. He also said he was meeting with Mr. Richard Boehning of the State Highway department on the Interstate problem and had hopes of taking care of that situation.

Mr. Robert Fields asked the Drainage Engineer to probe the Elliott ditch for the tile that was not functioning and take care of any necessary maintenance. All felt that while the ground was solid, the clearing of the Ilgenfritz ditch could be done more easily.

R. E. Stano  
&  
Branch #14

Mr. R. E. Stano, Associate Counsel for the Pioneer National Title Insurance Co. appeared before the Board asking how to go about getting Branch No. 14 of the S. W. Elliott ditch vacated. Much discussion as to how many affected would want the ditch vacated and how many would make use of the General Foods Storm drain. Mr. Stano offered to carry the petition and make known the feelings of the others. One tract was in the process of changing hands and he felt it would be better to wait until this transfer was made. The Board wanted to consult their attorney and the matter was tabled until a later date.

A performance Bond was presented to the Board from John Fisher as a maintenance bond for Branch No. 14 of the Elliott ditch. Mr. Fisher had re-routed branch # 14 after the Montgomery Ward Warehouse was built over it and the Board had requested the re-routing at his expense. The performance Bond was requested before releasing a six thousand dollar check being held by the County Auditor. Upon presentation of this Bond the Board so moved to release the check to Mr. R. E. Stano.

The regular meeting of the Tippecanoe County Drainage Board met in the County Commissioners Room at 9:30 a.m. o'clock on February 5th, 1975 with the following members present: Robert F. Fields, Bruce Osborn, William Vanderveen, Fred Hoffman, Robert L. Martin and A. D. Ruth, Jr.

Minutes  
Approved

Upon the reading of the minutes of the January 15th, 1975 meeting, Robert Fields so moved to accept the minutes as read, seconded by Bruce Osborn and made unanimous by William Vanderveen.

Mr. Robert L. Martin, newly appointed Surveyor, asked the Board to pretty well spell out for him what they hoped for him to accomplish in the year 1975. The following are their suggestions:

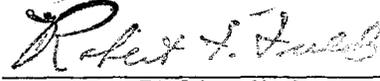
- (1) Notify Mr. Arthur Waddell what and how to petition for a reconstruction of a branch of the J. B. Anderson ditch.
- (2) Explore and make necessary repairs on the S. W. Elliott ditch.
- (3) Start maintenance on the Ilgenfritz ditch and start at the outlet.
- (4) Determine the necessary repairs on the John McLaughlin ditch.
- (5) Continue the reconstruction figures for the Elmer Thomas ditch according to benefits and damages.
- (6) Mr. Martin's question to the Board of whether he could decrease the amount of acres in an established watershed without a hearing and the Board referred the question to the Attorney. Mr. Hoffman said he would research the question and find the answer for them.

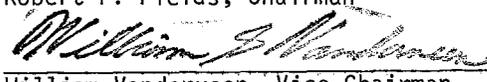
The meeting adjourned at 11:45 a.m.

ATTEST;

  
Robert L. Martin for Gladys Ridder, Secretary

  
Bruce Osborn, Board Member

  
Robert F. Fields, Chairman

  
William Vanderveen, Vice Chairman

## TIPPECANOE COUNTY DRAINAGE BOARD MEETING HELD ON MARCH 5th 1975

The Tippecanoe County Drainage Board held it's regular meeting on March 5th, 1975 with the following members present: Bruce Osborn, Robert F. Fields, William Vanderveen, Robert L. Martin, Ron Melichar and Gladys Ridder.

Minutes Upon the reading of the minutes of the February 5th, 1975 meeting, a motion was made by William Vanderveen, Seconded by Robert Fields and made unanimous by Bruce Osborn to accept the minutes as read.

10:00 a.m. Harold D. Witz came before the Board with some questions on the Elliott ditch. Mr. Martin H.Witz assured him that the laterals had been connected and levels taken before the work was begun on the pipe recently installed on the Elliott ditch.

Roger D. Branigan, Jr. appeared before the Board on behalf of those interested in vacating a portion of Branch No. 14 of the S. W. Elliott ditch. The following Petition was filed with the Surveyor on February 27th, 1975:

10:15 a.m.  
Branch # 14  
Elliott  
Vacation

IN THE MATTER OF THE VACATION  
OF A PORTION OF BRANCH NO. 14  
OF THE ELLIOTT DITCH

PETITION

The Petitioner, First National Bank of East Chicago, Indiana respectfully petitions the Tippecanoe County Drainage Board and shows the Board as follows:

1. The Petitioner believes itself to be the owner of at least ten per cent of the real estate which would be directly affected by the vacation herein prayed for.
2. The Petitioner wishes the Board to vacate the following portion of Branch No. 14 of The Elliott Ditch, lying wholly within Tippecanoe County, Indiana:
 

Beginning at station 286 of the main ditch thence south to station 3 + 70 feet said course intersecting the public highway running east and west through the center of Section 3 Township 22 Range 4 West; thence south 45° east to station 5; thence south 30° east to station 8 + 75 feet; thence south 33-½° east to station 12; thence south 1° west to station 15; thence south 35° west to station 19+60 feet; thence south 2° east to station 21+20 feet; thence south 37° east to station 26; thence south 4° east to station 32+80 feet, said station 32+80 feet, said last course intersecting the Lake Erie & Western Railroad roadbed at a point 25 feet west of the certain culvert in the roadbed of said railroad.
3. The above-described portion of said legal drain no longer performs the function for which it was designed and constructed inasmuch as the upstream drainage has been totally diverted through another positive drain to the Elliott Ditch.
4. The expense of reconstructing the above-described portion of said legal drain outweighs the benefits to be derived therefrom.
5. The vacation and abandonment of the above-described part of said legal drain will not be detrimental to the public welfare.
6. The owners which the Petitioner believes would be directly affected by said vacation are as follows:
  1. First National Bank of East Chicago  
Indiana (The Petitioner herein)
  2. Fairfield Manufacturing Co., Inc.  
U. S. 52 South  
Lafayette, Indiana 47905
  3. Rostone Corporation  
By Pass 52 South  
Lafayette, Indiana 47905
  4. Tippecanoe Industrial Associates, Ltd.  
17 Academy  
Newark, New Jersey 07102
7. The Petitioner wishes to have the date on which the matter will be referred to the surveyor for report advanced in accordance with IC 19-4-1-10(g).
8. The attorneys who will represent the Petitioner in these proceedings are Thomas R. McCully and Roger D. Branigan, Jr. of the firm of Stuart, Branigan, Ricks, & Schilling, 801 The Life Building, Lafayette, Indiana 47902 (Phone: 317/742-8485), and Joseph E. Costanza, of the firm of Murphy, McAtee, Murphy & Costanza, 720 West Chicago Avenue, East Chicago, Indiana 46312 (Phone: 219/397-2401).

WHEREFORE, the Petitioner prays that the Board:

- A. Serve notice of intention to vacate the above-described portion of Branch No. 14 of the Elliott Ditch on all owners of land affected by said vacation;
- B. Advance the date on which the matter will be referred to the surveyor for report;
- C. Fix a date for and hold a hearing on the proposed vacation; and
- D. Issue an order vacating the above-described portion of Branch No. 14 of the Elliott Ditch as a legal drain.

FIRST NATIONAL BANK OF EAST CHICAGO, INDIANA

BY: /s/ William J. Riley

Chairman of the Board

STUART, BRANIGIN, RICKS & SCHILLING  
801 The Life Building  
Lafayette, Indiana 47902

Attorneys for Petitioner

MURPHY, MCATEE, MURPHY & COSTANZA  
720 West Chicago Avenue  
East Chicago, Indiana 46312

Attorneys for Petitioner

Also supplied were three JOINDER AND CONSENT papers signed by (1) Rostone Corporation BY Robert B. Smith, it's President (2) Tippecanoe Industrial Associates, LTD. BY: Rachlin Properties, Inc. BY: S. Rachlin, it's vice President and (3) Fairfield Manufacturing Co., Inc. BY: Charles E. Kramer, it's President. All three consents read as follows:

JOINDER AND CONSENT

(Fairfield Manufacturing Co.  
(Tippecanoe Industrial Associates, Ltd. respectfully shows The Tippecanoe  
(Rostone Corporation  
County Drainage Board as follows:

- 1. It is the owner of certain real estate in Tippecanoe County, Indiana which is affected by the following portion of Branch No. 14 of the Elliott ditch:

Beginning at station 286 of the main ditch thence south to station 3+70 feet said course intersecting the public highway running east and west through the center of Section 3 Township 22 North Range 4 West; thence south 45° east to station 5; thence south 30° east to station 8+75 feet; thence south 33-½° east to station 12, thence south 1° west to station 15; thence south 35° west to station 19+60 feet; thence south 2° east to station 21+20 feet; thence south 37° east to station 26; thence south 4° east to station 32+80 feet, said last course intersecting the Lake Erie & Western Railroad roadbed at a point 25 feet west of the certain culvert in the road-bed of said railroad.

- 2. It is aware that First National Bank of East Chicago, Indiana is filing a petition with the Board to vacate the above-described portion of Branch No. 14 of The Elliott Ditch.
- 3. The undersigned wishes to and does hereby join in and consent to said petition and the vacation sought therein and requests that the Board grant the same.

After much discussion by all present the Board referred this Branch to the Surveyor to classify and make a report to them as to it's feasibility. Bruce Osborn felt the Board's first consideration should always to all landowners in the drainage area and if the change would affect even one farmer's drainage, the ditch should not be vacated. The question of whether the Elliott ditch could carry the extra load from the Staley Company if they would locate in this area was discussed. Mr Branigan said it was hard- for this area to turn down a \$ 50,000,000 business and that as yet the Staley people had only an option on the land.

It was noted that when General Foods came into the area they had re-routed this branch of the Elliott ditch through their land without ever consulting the Drainage Board. Mr. Osborn asked the Surveyor to contact the General Foods people asking that they vacate the old part that they re-routed.

Mr. Martin said he would make his report to them as soon as possible and would notify the people and set up a hearing.

Benton Co.  
Drainage Board

+

Tippecanoe Co.  
Drainage Board

Mr. John Barker, Surveyor of Benton County along with Sam Wolf, Melvin LaGue and Wayne Anderson, Benton County's Drainage Board met with the Tippecanoe County Board to discuss the possibility of combining the Darby and the Wetherill ditches into one drain. The Wetherill ditch is tile and is located almost totally in Tippecanoe County but the Darby ditch is open and located almost totally in Benton County. However, the Darby ditch is the outlet for the Wetherill ditch and until it is dredged no one will have drainage. To make a natural waterway a portion of the Darby ditch, to combine the two into one system, and to set the combination up for reconstruction is the job facing the two surveyors. Because Mr. Martin is a licensed Land Surveyor and Mr. Barker is not, the Board asked Mr. Martin if he would do the engineering work and assured him Mr. Barker would help in any capacity he could. The Benton County Attorney is Mr. John Barce with phone 317/884-0383. The Board suggested that our Attorney and Mr. Barce get together to get the legal work started.

Upon motion of Bruce Osborn, seconded by Robert Fields, the Board moved to adjourn.

Robert F. Fields  
Robert F. Fields, Chairman

William Vanderveen  
William Vanderveen, Vice Chairman

Bruce Osborn  
Bruce Osborn, Board Member

ATTEST:

Gladys R. Ridder  
Gladys Ridder, Exec. Secretary

The regular meeting of the Tippecanoe County Drainage Board was held at 9:00 a.m., in the County Council Room on May 7, 1975 with the following members present: Robert F. Fields, Bruce Osborn, William Vanderveen, Robert L. Martin, and Gladys Ridder.

9:00 a.m. Minutes Upon the reading of the minutes of the April 2nd, 1975 meeting, Bruce Osborn moved to accept the minutes as read. The motion was seconded by Robert F. Fields, and made unanimous by Wm. Vanderveen.

Public Service Indiana R. Daniel Funk represented Public Service Indiana with it's request for permission to locate underground cable on the easement of the Elliott ditch. The following is a letter received April 24, 1975:  
PUBLIC SERVICE INDIANA  
P. O. BOX 120  
Lafayette, Indiana 47902  
April 22, 1975

98

Tippecanoe County Drainage Board  
Tippecanoe County Court House  
Lafayette, Indiana 47902

Re: Electric Facilities on Legal Drainage Easement  
12183

Gentlemen:

We are writing to inform and request permission to proceed with our intentions of locating underground direct buried electric cables on the periphery of what has been determined to be a legal drainage ditch easement. The installation of the cables will, for the most part, be parallel to the ditch which is located in the southeast quarter (¼) of Section 2, Township 22N, Range 4W in Wea Twp., Tippecanoe County.

The cables are necessary to supply electric service to a portion of a development known as Friendly Village Mobile Home Park. An attached print shows more exactly the proposed locations relative to the lots served, with cable installations subject to the drainage rights previously held.

If this request is within the restrictions, as stipulated by the board, I would appreciate a confirmation letter to file as our authorization and evidence of your notification.

Should the board prefer to consider this request in a different manner or desire additional information, please call me at 742-5051.

Sincerely,  
Public Service Indiana  
/s/ R. Daniel Funk  
Area Engineer

RDF/jh

Enclosure (1)  
cc: W. M. Cook

After discussing the problems that could arise from giving permission as requested, the Board decided it would be better to let their attorney study the request and advise them. Mr. Osborn suggested to Mr. Funk that Public Service Indiana have their attorney get together with Mr. Hoffman, Drainage Board Attorney.

9:30 a.m.

Robert Fields opened the hearing on the vacation of a part of Branch No. 14 of the S. W. Elliott ditch. Those in attendance were: Thomas McCully, John Fisher, Robert Stano, Dan Funk and Howard G. Barnett. Thom McCully opened with remarks defining Branch No. 14 and then stating the reasons for wanting a part of Branch No. 14 vacated. He stated that this portion of the drain no longer served the purpose for which it was built, namely draining sub-surface and top run-off water for farm ground. The ground is no longer primarily farm ground for it is now used for commercial purposes. The seventy five (75) foot easement that is required for a legal ditch is a problem for new industry.

Bruce Osborn was concerned with protecting those people on the upper part who still needed drainage. He asked Mr. McCully if General Foods would give a grant of easement to those people to prevent problems for them in the future. Mr. McCully said he felt sure that could be accomplished and would work toward that end.

Motion made by William Vanderveen, seconded by Bruce Osborn to adjourn the meeting.

*Robert F. Fields*  
Robert F. Fields, Chairman  
*William Vanderveen*  
William Vanderveen, Vice Chairman  
*Bruce Osborn*

MINUTES OF THE TIPPECANOE COUNTY DRAINAGE BOARD MEETING HELD JUNE 4, 1975

The regular meeting of the Tippecanoe County Drainage Board was held at 9:15 a.m., in the County Council Room with the following members present: Bruce Osborn, Martin Galema, sitting in for Robert Fields, Robert L. Martin, Fred Hoffman and Gladys Ridder.

Minutes Upon the reading of the minutes of the May 7th, 1975 meeting, Bruce Osborn moved to accept the minutes  
Approved as read. The motion was seconded by Martin Galema.

Floyd Wilcox Mr. Floyd Wilcox came before the Board to alert the Board of the preparation being made to construct a dam over a portion of the Waples-McDill legal tile drain. He said he was not against the dam being there as long as it did not dump water over on him or in any way damage the flow of the legal drain. The Board thanked him for his concern and brought it to their attention and assured him that they would keep check on the situation.

Letter from The following letter was received by the Drainage Board:  
Richard

Boehning

Tippecanoe County Drainage Board  
Court House  
Lafayette, Indiana 47901

RE: Friendly Village Mobile Home Park

Dear Sirs:

I represent Mobile Communities, Inc. the owner and developer of Friendly Village Mobile Home Park. The front of Friendly Village Mobile Home Park is located near old U. S. Highway 52 and new U. S. Highway 51 relatively close to the old Ross Annex.

Mr. Paul Fleming, Vice President of Mobile Communities, Inc. has informed me about a drainage situation involving their development and some adjoining tracts. I believe that you are also familiar with this drainage situation involving the property to the South of the mobile home park.

The present problem involves the question of several drain tile connecting on to the legal drain, and whether such connection will result in the discharge to the legal drain of liquid waste that would cause or contribute to pollution of the Elliott ditch.

Several weeks ago representatives of the developer met with the owner of the property to the South to discuss the dilemma. It was mutually suggested at that time that the County Board of Health review the situation to determine what the quality of the discharge to the legal drain will be if it is connected. If the connection would result in a discharge to the legal drain of liquid waste that would cause or contribute to pollution of the Elliott Ditch, it would be my opinion that the Drainage Board would be in a dilemma because of IC-19-4-6-7 which pertains to involvement of the Indiana Stream Pollution Control Board.

As developers, we would request that the Drainage Board aid in giving us some direction in solution of the problem. We would suggest that you request the County Health Board to issue you a report. After the report has been issued, I would suggest that I be given the opportunity to discuss the matter with you so that the viable alternatives can be considered.

Many thanks for your cooperation and I would appreciate being advised as to the suggestions set forth above.

Many thanks.

Sincerely,  
BENNETT, BOEHNING & POYNTER

Richard A. Boehning

RAB:skh

bcc: Mr. Paul A. Fleming  
Mr. John Fisher

The Board instructed the Secretary to write a letter to Mr. Boehning stating their feelings on this matter. Any private tile that empties into a legal drain, when it has been disconnected by anyone bears a legal responsibility to reconnect same. As to what flows in those tiles, that responsibility rests totally with the State Board of Health.

Marty Dwyer  
For General  
Foods

Because of the Board's reluctance to vacate a portion of Branch No. 14 of the S. W. Elliott ditch without first protecting those people on the upper end who need an outlet for their portion of the Elliott ditch, Mr. Marty Dwyer appeared on behalf of the General Foods plant to relate the position of his company. He said they were willing to maintain their drainage system, constructed at their own expense, but they were not willing to maintain the upper part that used them as an outlet. Mr. Osborn informed Mr. Dwyer that General Foods had cut into the S. W. Elliott Legal Drain without permission of the Drainage Board and had a certain responsibility to see that those people were assured an outlet in the future.

Mr. Osborn also said he felt that those wanting the vacation must work with General Foods on a permanent easement showing permission to use General Foods drain as their outlet and record that easement in the Tippecanoe County Recorder's office. Then, he said, he would be more willing to grant the vacation of that part of the Elliott ditch as was requested.

Richard H.  
Smith

Mr. Richard H. Smith appeared before the Board and handed each member a copy of a letter he had written. It reads as follows:

Tippecanoe County Drainage Board  
Tippecanoe County Surveyor

Dear Sir (s):

I now have approximately sixty acres of land under water. Despite the fact that this drainage problem was brought to your attention over eighteen months ago and numerous times since, pursuit of the cause in this area of the Elliott ditch has never been made.

Over twelve months ago and numerous other times since, a detailed explanation of serious, obvious and easily corrected deficiencies in the IlgenFritz ditch have been brought to your attention. You have intentionally neglected to make any effort to correct the problem. The means and opportunity have been yours many times over.

Your refusal to have this work done constitutes a deliberate and malicious diversion by you of water from one drainage system to another which is in worse condition.

How can you possibly dream of justification for the deliberate destruction of my land, my crops and my opportunity to make a profit from my farm?

/s/Richard H. Smith

An attempt had been made to clean and repair the Ilgenfritz ditch but the Board was threatened with a suit by Mr. Alvin Pillotte. Mr. Osborn instructed the Secretary to set up a meeting on Friday 13th, 1975 at 11:00 a.m., with all of those in the Ilgenfritz watershed. The purpose of the meeting to discuss with all people involved the needs of repairing and cleaning of the Ilgenfritz Legal Drain.

9:30 a.m.  
Maintenance  
hearing  
James S.  
Kellerman  
Drain  
including  
John H. Skinner

Mr. Bruce Osborn opened the hearing on the James S. Kellerman ditch by asking the Surveyor to read his report and make his recommendations. Mr. Martin showed this ditch to be all tile and that this hearing was to include the John H. Skinner ditch or branch. Mr. James S. Kellerman was the only person in the watershed who appeared. He asked the Board who the trees in the banks of an open ditch belonged to and the Board said they belonged to the farmer unless otherwise specified in a bid. Mr. Kellerman also reported that a breather needed repair on the ditch one half mile west of the elevator west of Romney. The Board asked if the proposed one dollar per acre was agreeable with him and Mr. Kellerman asked if that was the amount on the notification. The Secretary erroneously answered in the affirmative. The Board then moved to establish the one dollar. In checking the notices further, the Secretary found she had erred and had notified those people in the watershed of only fifty cents per acre. To establish the one dollar per acre assessment would require a new hearing so legally the amount had to be left at fifty cents per acre. The move to establish had come from Bruce Osborn and was seconded by Martin Galema.

10:30 a.m.  
Maintenance  
Hearing on  
E. Eugene  
Johnson  
ditch

Mr. Osborn opened the hearing on the E. Eugene Johnson ditch by asking the Surveyor to read his report and make his recommendations. Robert Martin explained the reason for including the extension that needed to be cared for along with the Johnson ditch for it's their outlet. He also recommended a one dollar assessment. Those in attendance were Malcolm Stingley, Ora Gish and E. Eugene Johnson. Mr. Johnson said he was much in favor of a maintenance fund because the ditch was much in need of repairs. Ora Gish said he had petitioned against a maintenance fund when the ditch was up for a hearing but that this time he was in favor of a maintenance fund although his problem was an outlet under the R/R. He also said he had contacted the Railroad and found their charge would be \$7,000.00 to give his the necessary outlet. Mr. Hoffman said he would contact the attorney for the Railroad again and see what assistance he could get for them. Mr. Gish said any help would certainly be appreciated.

Upon motion of Mr. Osborn, seconded by Mr. Galema the Board moved to establish a \$1.00 per acre assessment on the E. Eugene Johnson ditch including the proposed extension.

Order &  
Findings and  
Certificate of  
Assessments

Upon the establishment of a maintenance fund on the James S. Kellerman and the E. Eugene Johnson ditches, the Board signed the Order and Findings and the Certificate of Assessments for both ditches.

Sewage Plant  
at Clarks Hill

It was brought to the attention of the Drainage Board that their orders in a meeting of October 2, 1975 when a request to empty effluence from the new Clarks Hill disposal plant was denied have been violated. Mr. Osborn left the meeting to call Mr. John Gambs, attorney for the Disposal Plant, and received confirmation that this was true and asked the County Attorney to start proceedings to place an injunction against them.

*Robert F. Fields (absent)*

Robert F. Fields, Chairman

*William Vanderyn*

William Vanderyn, Vice Chairman

*Bruce Osborn*

Bruce Osborn, Board Member

ATTEST:

*Gladys Ridder*

Gladys Ridder, Executive Secretary

Martin L. Galema, Sub. Board Member

## MINUTES OF THE SPECIAL MEETING OF THE TIPPECANOE COUNTY DRAINAGE BOARD HELD JUNE 13, 1975

A special called meeting of the Tippecanoe County Drainage Board was held on Friday, June 13, 1975 at 11:00 a.m., in the County Council Room with the following members present: Robert F. Fields, William Vanderveen and Bruce Osborn along with Robert L. Martin and Gladys Ridder.

Minutes of  
June 4th, 1975  
Meeting

Robert Fields opened the special called meeting of the George Ilgenfritz ditch by asking the Surveyor to read the minutes of the June 4th, 1975 meeting and the letter from Richard H. Smith. In Mr. Smith's letter he had accused the Board of intentionally neglecting a problem on the George Ilgenfritz ditch which caused extensive flooding on his land. With such accusation facing them, Mr. Osborn asked the Secretary to set up a special meeting with all of those people involved in the Ilgenfritz watershed. In that was everyone would have a voice and not just a few.

Upon motion of Robert Fields, seconded by Bruce Osborn and made unanimous by William Vanderveen the minutes were approved as read.

Those in attendance were: Charles I. Kenny, Jr., Robert C. Lahrman, farmer for Mary Kerkhoff and Ruth Stewart Farms, Richard H. Smith, Sarah N. Streitelmeier, Louis P. Vaughan, Harold Boesch for Helen Thompson Farm, Lewis Jay Beeler, Harlan Parr, Bob Peabody for Kirkpatrick Farm, Mr. and Mrs. James Phillips, Mr. & Mrs. Merrill R. Schrock, Robert McCabe, Art Lorentsen, Alvin Pilotte and Aloha Lorentsen.

SPECIAL  
Ilgenfritz  
Hearing

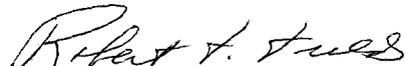
Mr. Pilotte spoke at great length about the surface water from the Ilgenfritz watershed. Over thirty years ago this surface water was diverted through a new open cut channel so that it now runs entirely through the Ilgenfritz ditch. He also said that Mr. Smith had many huge willows on his portion of the ditch that he had neglected to remove and caused a part of his own problems. Mr. Pilotte was not willing to see the extension that is only about four feet deep, dredged to carry more water onto his farm. That same addition of water when carried on downstream would end up at a bridge that cannot carry the present flow of water.

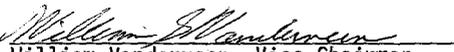
Mrs. Streitelmeier showed the Board pictures of her yard where the overflow from Mr. Smith's farm washed out her road and filled her backyard with silt.

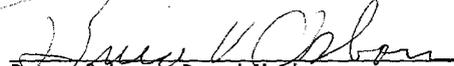
Bub Kenny said he too could show pictures of flooding and silt deposit at the lower end of the ditch. Both Mr. Kenny and Mr. Lahrman said they were not willing to see any more water diverted their way for they had more than they could handle now.

After quite a bit of heated discussion by those present, Robert Fields ask those present if they would like the Board to vacate the ditch and turn it back over to them to do with as they pleased. No one was willing to see this happen so the matter was dropped.

Mr. Osborn said it was obvious nothing was going to be accomplished in this hearing and because the County Attorney was not present (through no fault of his) to answer some of the legal questions, he would move that this meeting be adjourned. The motion was seconded by Robert Fields and made unanimous by William Vanderveen.

  
Robert F. Fields, Chairman

  
William Vanderveen, Vice Chairman

  
Bruce Osborn, Board Member

ATTEST:

  
Gladys Ridder, Exec. Secretary

The following two letters are the result of the above meeting.

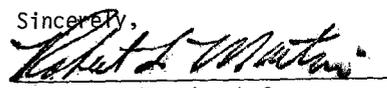
Lafayette, Indiana  
June 17, 1975  
RE: Ilgenfritz Ditch

Dear Landowner,

I am writing this letter in order that you may be informed as to the action taken by the Tippecanoe County Drainage Board at the meeting held on June 4, 1975.

It was brought out at the meeting that to perform any kind of maintenance at this time on the outlet of the Ilgenfritz Ditch would most likely do some damage to properties located further downstream, especially those properties located on the Dismal Creek Ditch.

Since Dismal Creek Ditch is not presently established as a part of the legal drainage system of Tippecanoe County, it was recommended that those owners affected by it's condition take steps to have it established as part of the legal system. Until this situation is taken care of, I will not undertake any cleaning or deepening of the Ilgenfritz Ditch. If you have any questions regarding this please feel free to call the Tippecanoe County Surveyor's Office.

Sincerely,  
  
Robert L. Martin, L.S.  
Tippecanoe County Surveyor

RLM/gr

June 13th, 1975 meeting continued

Lafayette, Indiana  
June 17, 1975

RE: S. W. Elliott ditch

Dear Landowner,

This report is to inform you as an interested landowner on that part of the S. W. Elliott Ditch which is the main tile branch, that after hearing testimony and seeing evidence that there is a real need to take steps to eliminate the pond on Mr. Richard H. Smith's property and after due consideration, it was recommended to the Drainage Board by the County Surveyor that the tile portion of the main ditch be changed in classification from one in need of periodic maintenance to one in need of reconstruction.

It should be made into an open ditch rather than tile. If this should be done the costs of reconstruction would be based on an assessment determined by benefits and damages to the various tracts involved.

Should you have any questions concerning this, please feel free to call or write the Tippecanoe County Surveyor.

Sincerely,



Robert L. Martin, L.S.  
Tippecanoe County Surveyor

RLM/gr

REGULAR MEETING OF THE TIPPECANOE COUNTY DRAINAGE BOARD HELD JULY 2, 1975

The regular monthly meeting of the Tippecanoe County Drainage Board was held in the County Council Room of the Tippecanoe County Court House on Wednesday, July 2nd, 1975 with the following members present: Bruce Osborn, William Vanderveen, Fred Hoffman, Robert L. Martin and Gladys Ridder.

Minutes  
Approved

Upon the reading of the minutes of the special called meeting held on June 13th, 1975, Bruce Osborn moved the minutes be approved as read. The motion was seconded by William Vanderveen. The following two letters are the result of that meeting:

Lafayette, Indiana  
June 17, 1975

RE: S. W. Elliott Ditch

Dear Landowner;

This report is to inform you as an interested landowner on that part of the S. W. Elliott ditch which is the main tile branch, that after hearing testimony and seeing evidence that there is a real need to take steps to eliminate the pond on Richard H. Smith's property and after due consideration it was recommended to the Drainage Board by the County Surveyor that the tile portion of the main ditch be changed in classification from one in need of periodic maintenance to one in need of reconstruction.

It should be made into an open ditch rather than tile. If this should be done the costs of reconstruction would be based on an assessment determined by benefits and damages to the various tracts involved.

Should you have any questions concerning this, please feel free to call or write the Tippecanoe County Surveyor.

Sincerely,

/s/  
Robert L. Martin, L. S.  
Tippecanoe County Surveyor

Lafayette, Indiana  
June 17, 1975

RE: Ilgenfritz ditch

Dear Landowner;

I am writing this letter in order that you may be informed as to the action taken by the Tippecanoe County Drainage Board at the meeting held on June 13, 1975.

It was brought out at the meeting that to perform any kind of maintenance at this time on the outlet of the Ilgenfritz ditch would most likely do some damage to properties located further downstream, especially those properties located on the Dismal Creek Ditch.

Since Dismal Creek Ditch is not presently established as a part of the legal drainage system of Tippecanoe County it was recommended that those owners affected by it's condition take steps to have it established as part of the legal system. Until this situation is taken care of, I will not undertake any cleaning or deepening of the Ilgenfritz Ditch. If you have any questions regarding this, please feel free to call the Tippecanoe County Surveyor's Office.

Sincerely,

/s/  
Robert L. Martin, L.S.  
Tippecanoe County Surveyor

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REGULAR MEETING OF THE TIPPECANOE COUNTY DRAINAGE BOARD HELD JULY 2, 1975 CONTINUED

The following letter was received from Dr. Andrew B. Schilling, P.P.:

May 23, 1975  
Ref. No. 384-75

The County Drainage Board  
County Courthouse  
Lafayette, Indiana 47901

RE: Review and comments on the proposed Acres-0-Lake Campground Project.

Gentlemen:

Enclosed kindly find one copy of a site plan in connection with the above referenced project.

This office is respectfully requesting your three member board as to reviewing, evaluating, and commenting on the drainage and sewerage aspects of this project.

The proposed campgrounds are planned at the intersection of Interstate 65 with State Road 38 in Tippecanoe County abutting the Western Pancake House and a number of residential homes in the area. Dr. Carr, a dentist who is one of the abutting owners has stated repeatedly both at the rezoning public hearing held by APC and the Board of Commissioners, that his property has been flooded by the placing of the Western Pancake House in this location. Furthermore, the APC Executive Director has spotted at the time of his site inspection traces of septic tank overflow in this project area.

Kindly review and report on this project prior to the June public hearing to be held by APC.

Very truly yours,

/s/  
Dr. Andrew B. Schilling, P.P.  
Executive Director

ABS/ssh

Lafayette, Indiana  
July 2, 1975

Dr. Andrew B. Schilling, P.P.  
Executive Director  
Area Plan Commission  
Tippecanoe County, Indiana

RE: Acres-0-Lake

Dear Sir:

The Tippecanoe County Drainage Board reviewed the site plan, as submitted, for the above project at it's regular meeting, held on July 2, 1975.

It was determined that the surface water treatment would be adequate for this type of development. Any review of the sewage aspect would necessarily be the responsibility of the Board of Health, therefore, this approval shall be for the surface water plan only.

Sincerely,

/s/  
Robert L. Martin, L.S.  
Tippecanoe County Surveyor

RLM/gr

Don Snyder, Clinton County Surveyor, Carroll Beeson, Montgomery Co. Surveyor together with Ellsworth Biesecker, Clyde C. Johnson, Frank Pletch, Clinton Co. Commissioners and Sam Boots, Don Yundt, Montgomery Co. Commissioners met with our Board to discuss the reconstruction of a part of the John McLaughlin ditch. Arthur Waddell was also present at the meeting.

Informal  
J. McLaughlin  
drain  
joint meeting

Mr. Snyder spoke for the many landowners of Clinton County who are in the watershed area of the tile portion of the McLaughlin drain. He said they were very much in need of a maintenance fund for the tile had many blow-ups. He said in their county one of the tile branches was referred to as the W. M. Milner ditch. The County Attorney said to set up a maintenance on that branch with the information given to those people that when the McLaughlin ditch is reconstructed that they will also be assessed on the main ditch.

Mr. Beeson said they had been so busy and were still not in position to set up a reconstruction or maintenance hearing on the McLaughlin ditch. Because the majority of the McLaughlin ditch is in Montgomery County, Mr. Beeson would have to be the ex-officio member of the joint Board and pretty much inform the rest of the Board when and what he planned to do. He could also delegate the work load to other members of the Board. Because Mr. Martin is a registered surveyor he would do the engineering field work with Mr. Snyder assisting him. Mr. Beeson did not feel that he had the time to give to this project as yet.

The law states that the president of the various boards appoint one member to serve on the joint board. Mr. Bruce Osborn will serve from Tippecanoe County, Ellsworth Biesecker will serve from Clinton County as Chairman of the Joint Board and Sam Boots from Montgomery County will serve on the Board and also as Secretary to the Board. Mr. Osborn moved that Mr. Biesecker make a feasibility study and all would go from there. Mr. Osborn moved that the meeting adjourn and the motion was seconded by William Vanderveen.

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REGULAR MEETING OF THE TIPPECANOE COUNTY DRAINAGE BOARD HELD JULY 2, 1975 (CONTINUED)

Chas. Kemmer (see below)

(absent)  
Robert F. Fields, Chairman

William Vanderveen  
William Vanderveen, Vice Chairman

Bruce Osborn  
Bruce Osborn, Board Member

ATTEST:

Gladys Ridder  
Gladys Ridder, Executive Secretary

Judge  
Kemmer

Judge Charles Kemmer appeared before the Board to request a waiver of the 75 foot easement on a tract of land in the Lydia Hopper Legal Drain watershed area. He asked the Surveyor if he would go to the site of the land his client wanted to purchase and help determine if the request would be necessary. The Board said when all of the information was gathered to come back and then the decision could be made. Mr. Kemmer will be placed on the agenda for the August 6th, 1975 meeting.

SPECIAL CALLED MEETING OF THE TIPPECANOE COUNTY DRAINAGE BOARD HELD NOVEMBER 26, 1975

The Tippecanoe County Drainage Board met in the Superior Court No. 2 on November 26th, 1975 at 10:00 a.m., with the following members present: Bruce Osborn, Robert Fields, William Vanderveen, Fred Hoffman, Robert L. Martin and Gladys Ridder. Also in attendance at this meeting were: John Fisher, Louis E. Thomas, Pat Shaw, Paul Coutts, Theodore Schaffner and Dick Barnett.

The purpose of this meeting was to get permission to connect into the present S. W. Elliott ditch with a tile ditch serving the Staley Company Industrial Area.

Mr. John Fisher presented drawings of the proposed ditch, retention ponds, etc. with an Alternate A and an Alternate B proposal.

Alternate "A" was to use the existing tile ditch, which is a 15 inch tile, plus the use of retention ponds to control the run-off so it enters the ditch at no greater rate than presently exists.

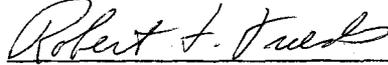
Alternate "B" was to use an open channel where part of the old Elliott tile exists and put in new 18 inch tile for the outfall.

It was pointed out that the present tile system has quite a bend in it on the Fairfield Mfg. property and that a new N & W Railroad bed had been placed on top of the branch of the S. W. Elliott ditch.

Mr. Osborn said he would say "no" to putting any more water into the present S. W. Elliott ditch for it was overburdened already. The County Attorney said the impoundment of water all along the Elliott ditch he felt most desirable.

Dick Barnett said the Staley Company preferred using the present tile plus their retention ponds for limiting the amount of flow.

Alternate "A" was obviously the most preferred by all present and the Board assured the Staley Company that there would be a letter of acceptance of this Alternate. Meeting adjourned.



Robert F. Fields, Chairman

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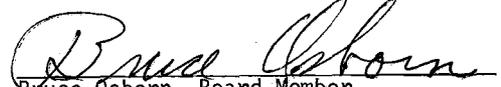
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Special meeting of the Tippecanoe County Drainage Board on November 26, 1975 continued.

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William Vanderveen, Vice Chairman



Bruce Osborn, Board Member

ATTEST:



Gladys Ridder, Executive Secretary

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

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

Minutes Approved

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

9:30 a.m. Maintenance hearing

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

J. Lofland ditch

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

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

Richard Donahue for

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

R. Gurnick

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

Eugene Johnson for Daugherty ditch

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

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

Arthur Waddell on Anderson branch

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

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

  
Robert F. Fields, Chairman

  
William Vanderveen, Vice Chairman

  
Bruce Osborn, Board Member

ATTEST:

  
Gladys Ridder, Executive Secretary

MINUTES OF THE TIPPECANOE COUNTY DRAINAGE BOARD HELD APRIL 7, 1976

The Tippecanoe County Drainage Board met in the County Council Room at 9:15 a.m., on April 7, 1976 with the following members present: Robert Fields, William Vanderveen, Bruce Osborn, Fred Hoffman, Robert L. Martin and Gladys Ridder.

Minutes Upon reading the minutes of the March 3rd, 1976 meeting a motion was made by Bruce Osborn, seconded by Approved William Vanderveen and made unanimous by Robert Fields to accept the minutes as read.

9:30 a.m. A called hearing on the James N. Kirkpatrick ditch to increase the maintenance fund assessment was opened with the County Surveyor explaining to those present the need for additional monies. Mr. Martin James N. Kirkpatrick Main-tenance In-crease said that the ditch was now over sixteen thousand dollars in debt and there was still work to be done on the ditch. Because of quick sand conditions and the price of repairs always being larger than anticipated this ditch should probably have a two dollar per acre assessment but he felt the one dollar per acre assessment was a must.

Those in attendance were: Walter Pendleton, Robert Brady, Bob Browning, Porter Kirkpatrick, Homer Kerlin and Harry P. Schultz.

Walter Pendleton and Robert Brady said the tile, a thirty inch one, that serves them was running full most of the time. The run-off in heavy rains could not get into the tile and ponded on their farms. Mr. Martin said when the work planned to be done in the near future was completed it should help their situation. Mr. Osborn said he felt only an open ditch could alleviate that problem and with quicksand as a base, he felt an open ditch would prove unsuccessful. Mr. Osborn said that if an open ditch was constructed it could not be done with maintenance money. He thought the Board's responsibility was to keep the tile operational. Mr. Pendleton asked if the subdivisions being built in the area were dumping their water into the Kirkpatrick ditch and the Board assured them that the engineers were instructed to build holding ponds and Mr. Pendleton said he felt the engineers could not always be trusted and sighted a case where they did not do as promised.

Mr. Vanderveen and Mr. Hoffman explained how the newly proposed ditch being built by John E. SMith would relieve a part of the water problems of the James N. Kirkpatrick ditch.

When the question of the one dollar assessment was asked, no one objected so Bruce Osborn made the motion to establish a one dollar per acre assessment, William Vanderveen, seconded the motion and Robert Fields made it unanimous.

John Fisher and Tom McCully for N & W Railroad John E. Fisher, representing the N & W Railroad showed profiles of a newly proposed track to service the Staley Company and General Foods. When the new tracks are built the Railroad would like permission to remove an old legal tile and replace it with a 36 inch twelve gauge steel pipe. Those in attendance were: Thomas McCully, John Fisher, Mike and Rocky Romanage. Thomas McCully, Attorney for the Railroad, said they would use a steel pipe for they felt it was sturdier. Mr McCully said the Railroad would ask the Drainage Board to take over the maintenance and Mr. Osborn said with the experience in the past with the Railroads, he would not accept that responsibility. Mr McCully said he would ask the Railroad to maintain the pipe under their tracks and write a letter to that affect. With that change, the Board said they would approve the replacement of the old tile on Branch No. 14 of the S. W. Elliott ditch.

Agreement from N & W

AGREEMENT

THIS AGREEMENT, made this \_\_\_ day of April, 1976, by between THE TIPPECANOE COUNTY DRAINAGE Board ( hereinafter referred to as the "Board") and the Norfolk and Western Railway Company (herein- after referred to as the "N & W")

WITNESSETH:

WHEREAS, due to industrial development along it's main line in Wea Township, Tippecanoe County, Indiana, it has become necessary for the N & W to construct additional yard and support facilities to provide adequate service to it's customers;

WHEREAS, the construction and drainage plans for such yard and support facilities have been submitted to and reviewed by the Board and are identified as \_\_\_\_\_.

WHEREAS, a portion of said facilities will be in the One Hundred Fifty foot (150') statutory right-of-way for branches twelve (12) and fourteen (14) of the S. W. Elliott Ditch; and

WHEREAS, the Board is willing to approve said plans and grant written permission for construc- tion in accordance therewith on the rights-of-way for branches twelve (12) and fourteen (14) of the S. W. Elliott Ditch provided the N & W agrees to permit access to the area by proper agents of the Board for purpose of inspection and to maintain the tile forming a part of those branches under it's own right-of-way at it's own expense.

NOW, THEREFORE, for and in consideration of the premises and the mutual covenants and agree- ments hereinafter set

1. The N & W agrees:

- a. to permit proper agents of the Board to enter upon its right-of-way in the area of branches twelve (12) and fourteen (14) of the S. W. Elliott Ditch for the purpose of inspection at all r-easonable times at their own risk.
- b. to maintain the portions of branches twelve (12) and fourteen (14) which it proposes to replace on its own property in accordance with the plans identified above, all at its own expense. It is understood that this agreement covers maintainance only and shall not apply to relocation or enlargement of said lines at the request of the Board.

2. The Board hereby:

- a. Approves the construction and drainage plans identified as \_\_\_\_\_.

*S.W. Elliott*

- b. Grants permission to the N & W to construct the additional grade and tracks on the statutory right-of-way for branches twelve (12) and fourteen (14) of the S. W. Elliott Ditch in accordance with said plans.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

NORFOLK AND WESTERN RAILWAY CO.

/s/  
Robert F. Fields, Chairman

By: \_\_\_\_\_

/s/  
William Vanderveen, Vice Chairman

/s/  
Bruce Osborn, Board Member

Wm Martin  
for  
Gary Hitchcox

Mr. William Martin of the SCS office, appeared before the Board to ask for permission to tap onto a branch of the S. W. Elliott Ditch. He explained hwo Mr. Gary Hitchcox had developed the Hitchcox-Robinson subdivision. A perk test had been taken by Mr. Burton Vester and showed approval that the water would get away. Although all of the lots have been sold, Mr. Hitchcox feels greatly responsible to help those persons to whom he sold the lots to find the answer as to how to relieve the water that now wicks up and fills their basements. Mr. Martin said he had spent considerable time trying to find the answer as to how to relieve that water and the only way he could figure any relief was into a branch of the S. W. Elliott ditch.

Mr. Osborn said he fully understood and sympathized with the situation but that the Elliott Ditch is now overburdened. The branch in question is the same branch that is supposed to relieve Mr. Richard Smith's pond. As it does not do that job, Mr. Smith has threatened to sue the Board. To add one bit more water to an already bad situation does not seem an intelligent answer. Mr. Martin told the Board he would be happy to go to the sight of the problem and explain what he had already learned. The Board asked the surveyor to set up a time when they could all go out there.

Upon establishing an increase of maintenance funds on the James N. Kirkpatrick ditch, the Board signed new Certificate of Assessments and Order and Findings.

*Robert F. Fields*  
Robert F. Fields, Chairmen

*William Vanderveen*  
William Vanderveen, Vice Chairman

*Bruce Osborn*  
Bruce Osborn, Board Member

ATTEST:

*Gladys Ridder*  
Gladys Ridder, Executive Secretary

A special meeting of the Tippecanoe County Drainage Board was held on April 16, 1976 at 2:00 p.m., in the County Council Room with the following members present: Robert F. Fields, William Vanderveen, Bruce Osborn, Fred Hoffman, Dan Ruth, Jr. and Gladys Ridder. Also in attendance was William Stovall.

Gary Hitchcox

This meeting was called to try to eliminate some pressing problems that have arisen. One was the answer of a request of Gary Hitchcox. Mr. Hitchcox's subdivision of four lots had been given an ok after a perk test. Two houses have been built thus far and they have water wicking up into their basements. There is no apparent outlet other than a branch of the S. W. Elliott ditch. With this legal drain already overloaded, the Board was most reluctant to grant Mr. Hitchcox's request. After having visited the site and needing to vote on the decision, the Board called this meeting.

The Board asked the Secretary to write Mr. Hitchcox a letter stating that if he would enter into a contract with them promising he would not build any more houses in that subdivision, they would give permission to use S. W. Elliott ditch to relieve the existing problem.

A letter to the State Board of Health from Richard H. Smith reads:

Mr. & Mrs. Richard H. Smith  
4340 Newcastle Road  
Lafayette, Indiana 47905

Indiana State Board of Health  
Indianapolis, Indiana

Dear Sirs:

Due to failure of two drainage systems our farm has from 50 to 80 acres of land

SPECIAL MEETING OF THE TIPPECANOE COUNTY DRAINAGE BOARD HELD APRIL 16, 1976 ( CONTINUED)

that has had water standing on it, most of the year, for the past several years. Naturally our main concern has been crop loss, but with the recent increase of encephalitis we have also been concerned with the neighbors and our family getting this disease due to the hordes of mosquitos that breed in the stagnant water of this pond.

Richard H. Smith

We have contacted our drainage board many times for several years about this problem. The drainage board had authorized repairing a part of one ditch, but have not solved the problem in that they quit working on the ditch before the problem was solved. About 1/2 to 3/4 mile of the tile yet remains to be probed to find the stoppage and it repaired. The drainage board has continued to drag their feet on this matter. They have also dragged their feet on cleaning a ditch south of our farm that has put the bulk of the water onto our farm.

We will not be legally responsible for keeping the mosquitos eradicated from this pond nor will we be legally responsible for illnesses neighbors might have as a result on insects breeding in this stagnant area. The legal responsibility should rest on the negligent drainage board of Tippecanoe County.

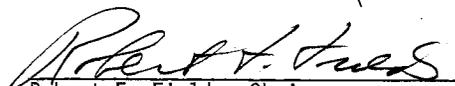
Any encouragement to our county officials would be greatly appreciated.

Sincerely,

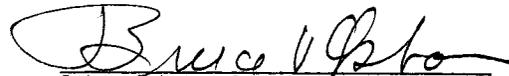
/s/ Mr. & Mrs. Richard H. Smith

After some discussion about the letter received from Mr. Smith, Mr. Vanderveen moved to instruct the County Surveyor to prepare the field work for a reconstruction on that part of the S. W. Elliott ditch that affects Mr. & Mrs. Smith. Motion seconded by Bruce Osborn and made unanimous by Robert Fields.

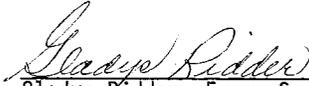
The business having been dealt with, Mr. Osborn moved to adjourn. Motion seconded and carried.

  
Robert F. Fields, Chairman

  
William Vanderveen, Vice Chairman

  
Bruce Osborn, Board Member

ATTEST:

  
Gladys Ridder, Exec. Secretary

The Tippecanoe County Drainage Board met in the jury room on the 4th floor at 9:30 a.m., on May 5th, 1976 with the following members present: Robert F. Fields, William Vanderveen, Bruce Osborn, Robert L. Martin and Gladys Ridder.

Minutes  
Approved

Upon the reading of the minutes of the April 16th, 1976 special meeting, Bruce Osborn motioned to accept the minutes as read and William Vanderveen Seconded. Mr. Robert Fields made the motion unanimous.

The surveyor opened the hearing on the Jacob Taylor ditch by explaining the reason for this hearing, namely, to add the branches that go into Fountain County to the Jacob Taylor Legal drain. Those persons on those branches are assessed to the Legal drain already so adding those branches to the Legal drain does not change the assessment, only the fact that the maintenance money will help maintain their branches also.

9:30 am  
Jacob  
Taylor  
Ditch

Those in attendance were: Larry C. Wagner, Larry Carlson, Orville Carlson, Hal R. Davis, Wayne Stevenson for Farmcraft Service, Inc. and Alberta Taylor Bennett.

All persons in attendance were in favor of a maintenance fund but felt a reconstruction of that part of the ditch lying in Fountain County might be necessary. With the line so fine as to where maintenance ends and reconstruction begins, those possibilities were openly discussed. Mrs. Bennett said she would just be happy to be able to farm her land as each and every year she lost part of her land. Wayne Stevenson suggested they talk to Ralph Patrick at the SCS office to see if help could come from there and if necessary to change the size of the tile. The amount of fall and the depth of the tile was also discussed.

Whether reconstruction was necessary or not, they expressed the desire for the Board to establish the two branches as part of the legal so the maintenance monies could help them too. William Vanderveen so moved that the Board accept Branches No. 5 and Six, described as follows:

Branch Number Five

Begins at the headwall of main line at Station 133 +20 of main ditch and runs thence Southwesterly for a distance of 5016 feet more or less to a point located 530 feet West and 1600 feet South of the Northeast corner of the Northwest quarter of Section 4, Township 21North, Range 6 West.

Branch Number Six

Begins at a point 528 feet South and 924 feet East of the Northwest corner of the Northeast quarter of Section 4, Township 21 North, Range 6 West and runs Southerly for a distance of 3300 feet more or less

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THE TIPPECANOE COUNTY DRAINAGE BOARD MEETING HELD MAY 5, 1976 ( Continued)

to a point located 1452 feet North and 530 feet East of the South West corner of the South East quarter of said Section 4.

Bruce Osborn seconded the motion and Robert Fields made the motion unanimous.

The following letter was received from Gary Hitchcox:

Gary  
Hitchcox

Mr. Robert F. Fields  
Tippecanoe County Drainage Board  
Lafayette, Indiana

Garrett L. Hitchcox  
6220 Wyandotte Road  
Lafayette, Indiana

April 21,1976

Dear Mr. Fields:

In answer to your letter of April 19th, regarding the outlet of a drain pipe into Elliott Ditch for the Hitchcox-Robinson Subdivision.

The remaining lots that you referred to are sold and were sold when all of this came up. We know these people want to build and would like for the Board to reconsider.

Very truly yours,

/s/  
Garrett L. Hitchcox

In answer to Mr. Hitchcox's letter the Board decided they would stand by their first decision for until the S. W. Elliott ditch could find relief they did not want to add to an already bad situation. The Secretary was instructed to write to Mr. Hitchcox and inform him of their decision.

The following letter was received from the Area Plan Commission:

Tippecanoe County Drainage Board  
Tippecanoe County Court House  
Lafayette, Indiana 47901

April 28, 1976  
Ref.No. 216-76

Gentlemen:

We are in receipt of inquiries from the bonding company seeking release of contract bonds on Parts 5 and 6 of Raineybrook Estates. Apparently, there are drainage facilities involved in addition to the streets.

Part 5 bond was dated March 30, 1970, and is in the amount of \$6,000.00. The final approval of the plat was given by the APC on march 23, 1970 under file S-385.

Part 6 bond was dated November 27, 1973, and is in the amount of \$25,000.00. Final approval of the plat was given October 22, 1973 under file S-532.

If the drainage facilities for these subdivision tracts are complete and acceptable, please so inform this office so that we may release the bonds. Thank you for your cooperation in this matter.

Sincerely,

/s/  
Frank A. Blair  
Zoning Administrator

FAB:dk  
Enc.

The Board asked the County Surveyor if he would check out the drainage facilities for these two Parts of Raineybrook Estates and report back to them.

Mr. Carl Kupfer, professional engineer for the Site Planning and Civil Engineering Corporation came before the Board with some temporary engineering suggestions to show the possibilities in developing some ground lying south of the Hilton Inn and located in the watershed of the Cuppy-McClure drainage area.

Carl Kupfer  
for  
SPACECO

They had planned a retention pond plus an open ditch in the lowlands of the site and relocate the existing tile of the Cuppy-McClure legal drain. Michael Gitlitz, who came with Mr. Kupfer, asked the Board what was needed to get things rolling and the Board said everyone in the Cuppy-McClure watershed should be notified and a public hearing with more detailed drawings be shown. The Board asked the Secretary to check with the Attorney to see if time allowed the regular June 2, 1976 meeting to be that hearing. If so, to do the necessary notifying.

State Hgy.  
St. Rd. #43

April 15, 1976

SR 43 Spot improvement at north  
junction with S.R. 25 in Lafayette  
all in Tippecanoe County

ST-F Project 191(20)  
Preliminary Road File

TIPPECANOE COUNTY DRAINAGE BOARD MEETING OF MAY 5, 1976 ( continued)

Mr. Robert L. Martin, L.S.  
County Surveyor  
1631 Klondike Road  
West Lafayette, Indiana 47906

Dear Mr. Martin:

The Design Department of the Indiana State Highway Commission is preparing construction plans for the project described above. Actual construction has not been scheduled, however, the R/W phase has been initiated.

We are sending you today, under separate cover, two sets of our preliminary plans for this project. One set of these plans is for review of the proposed drainage by the County Drainage Board. We request your approval or comments on the drainage as planned. If we fail to hear from you within 30 days, we shall assume that you are satisfied and that the Board has approved the plans as submitted with this letter.

The second set of plans is for your use in determining your need for land monuments as required by law, to be established during construction of the project.

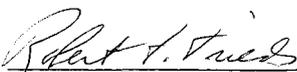
If other information is desired, please advise.

Very truly yours,  
/s/  
S. R. Yoder  
Chief, Division of Design  
For: G. K. Hallock  
Chief Highway Engineer

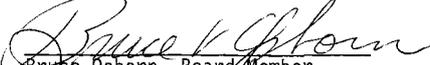
FM: sw

The Board found no fault with the plans.

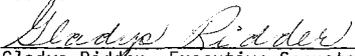
With the business of the day completed, William Vanderveen moved to adjourn and Bruce Osborn seconded that motion. Robert Fields so voted to make it unanimous.

  
Robert F. Fields, Chairman

  
William Vanderveen, Vice Chair.

  
Bruce Osborn, Board Member

ATTEST:

  
Gladys Ridder, Executive Secretary

The regular meeting of the Tippecanoe County Drainage Board was held October 6, 1976 at 9:00 a.m., in the County Council Room with the following members present: Robert F. Fields, Bruce Osborn, William Vanderveen, Robert L. Martin, Fred Hoffman and Gladys Ridder.

*Edwards*  
Minutes

Upon reading of the minutes of the September 1st and September 10, 1976 meetings, a motion was made by Bruce Osborn seconded by William Vanderveen and made unanimous by Robert Fields to accept those minutes as read.

Mr. Richard Donahue, Attorney for Robert Gurnick, came before the Board to report that his client had as yet no relief from a water problem that he felt the Drainage Board should take care of. He said the Drainage Board had assessed Mr. Gurnick for maintenance on the S. W. Elliott ditch but that Mr. Gurnick's water could not get to the ditch. Mr. Osborn questioned Mr. Donahue as to whether Mr. Gurnick's problem was

R. Donahue  
for  
R. Gurnick

120

MEETING OF OCTOBER 6, 1976 CONTINUED

*Edwards*  
the result of the Elliott ditch not functioning properly or was it surface water that could not get to the Elliott ditch because of an obstruction created by a neighbor of Mr. Gurnick's. It was pretty well established that I. M. House had created a dam which constricted the flow of the water towards its natural waterway creating the problem. Mr. Hoffman said the drainage board had no jurisdiction if this were the case. To insure all present that those are the facts, the Board suggested that our surveyor go to the scene and make a determination as to whether the S. W. Elliott ditch was plugged anywhere and if there were broken tile in the Elliott ditch to make necessary repairs but if the problem was not the Elliott ditch's failure to perform then theirs was a legal problem and would have to be handled in the courts. Mr. Gurnick said all of those people south of State Road 38 were in trouble. Namely Kenny Biery, Neal Dexter Stu Fisher, Mary May, Robert Gurnick, and Ed Anderson. Mr. Donahue presented a letter from the State stating their position on the problem.

Donahue  
for  
Gurnick

There were acreage changes suggested by the county surveyor on the Ray Skinner ditch and the Anson Delphine ditch. Both changes were explained and the fact that all of the property owners in the watershed area of these two ditches was noted. No one appeared on either ditch. The Board so moved to accept the change in the watershed as proposed by the surveyor.

Mr. Fred Montague of the Scholer Firm appeared before the Board to explain the drainage system proposed for the Indiana Employment Security Division. He said there was no legal drain affected other than the water eventually gets to the Elliott ditch and his sole purpose for attending this meeting was to show the Drainage Board that the design was not to increase the load on Elliott ditch. Mr. Fields said the Board surely appreciated that fact but that he felt Mr. Montague should take this drawing to the City Engineer. Mr. Montague said when the Imperial Equipment Company built in this locale, John Fisher had come before the Board and he had a letter of approval from Dan Ruth to that effect so he felt he should do the same.

A call from Mr. Fink to the county surveyor complaining about new tile that Lewis Beeler had just laid in his field was brought to the attention of the Drainage Board. Because this was a complaint on a private drain the attorney told the Board that they had no jurisdiction over this problem. The Board then asked the surveyor if he would go out and check all of the facts and bring them back to this Board.

With all of the business at hand attended to, Mr. Bruce Osborn moved to adjourn. That motion was seconded by William Vanderveen and made unanimous by Robert Fields.

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

*William Vanderveen*  
William Vanderveen, Vice Chairman

*Bruce V. Osborn*  
Bruce V. Osborn, Board Member

ATTEST:  
*Gladys Ridder*  
Gladys Ridder, Executive Sec'y.

Dick Donahue  
for  
Robert  
Gurnick  
  
Ray Skinner  
and Anson  
acreage  
corrections  
  
Indiana  
employment  
Security Div.  
  
Mr. Fink  
Vs  
Lewis Beeler

A special meeting called by the Tippecanoe County Drainage Board was held in the County Council Room at 1:30 p.m., on January 24th, 1977 with the following members present: William Vanderveen, Robert F. Fields, Bruce Osborn, Robert L. Martin, Ron Melichar and Gladys Ridder.

A petition was brought before the Tippecanoe County Drainage Board requesting a vacation of a part of the Layden branch of the S. W. Elliott ditch. The part to be vacated reads on the petition as follows:

STATE OF INDIANA )  
 )SS: BEFORE THE TIPPECANOE COUNTY  
 TIPPECANOE COUNTY) DRAINAGE BOARD

IN THE MATTER OF THE )  
 VACATION OF A PORTION OF )  
 THE MICHAEL LAYDEN DRAIN )

PETITION TO VACATE DRAIN

The undersigned Petitioners respectfully petition The Tippecanoe County Drainage and show the Board as follows:

1. This Petition is filed pursuant to Section 111 of The Indiana Drainage Code (IC 1971, 19-4-1-11).
2. The Petitioners request the Board to vacate the following portion of the Michael Layden (sometimes spelled "Leyden") Drain, lying wholly within Sections 26, 27 and 35, Township 23 North, Range 4 West, in Fairfield Township, Tippecanoe County, Indiana:

All that portion of the Michael Layden Drain which lies north and west of that tract of real estate owned of record by Paul Metzger (which tract is located in the south-east corner of the Northwest quarter of Section 35) including all branches of said drain except that part of the Gault & Peters Branch which lies west of the west line of Section 26.

3. The Petitioners are the owners of more than ten per cent (10%) in acreage of the land which would be directly affected by the vacation prayed for herein.
4. A brief description of the land which would be directly affected by the vacation prayed for herein is as follows:

- a. The land which is served by that portion of the legal drain described above is presently zoned for industrial and commercial uses. Part of said land is presently used for industrial and commercial purposes. The remainder is presently used for agricultural purposes, pending its development for industrial and commercial purposes.
- b. Petitioner Lafayette National Bank, Trustee of Land Trust No. 1440, holds options to purchase all of the tracts owned by the other Petitioners. Should those options be exercised, all of said tracts will be developed for industrial purposes within the next three (3) to five (5) years. Should those options not be exercised, Petitioners believe that said tracts will be developed for industrial and commercial purposes within the next decade.

5. That portion of the legal drain described above, which was designed and constructed in 1908 to drain ground water from land used for agricultural purposes, is wholly inadequate to drain surface water from land developed and used for industrial and commercial purposes. The reconstruction of that portion of the legal drain described above as an urban drain (to make it adequate to drain surface water from the land when it was developed for such purposes) in its present location would be quite expensive, and substantially interfere with the development and use of said land for such purposes, and therefore be impracticable.

6. The present condition and lack of maintenance of that portion of the legal drain which lies north of McCarty Lane (County Road 100 South) is such that Petitioners doubt whether it functions as a drain. At present, most of said land is drained by a private open-ditch and tile drainage system (herein referred to as the "Kepner Private Drain"), which runs through the land owned by Petitioners and into the Wilson Ditch, and which was constructed by certain of the Petitioners pursuant to a written agreement among them.

7. Petitioners (and their successors and assigns as owners of the land through which the Kepner Private Drain or will construct, operate and maintain any drainage system which may replace the Kepner Private Drain in such manner that said drain will accept the existing ground water discharge without restricting or impairing the flow as it presently exists or altering the characteristics of any public drain which flows into the Kepner Private Drain. Without limiting the generality of the foregoing, Petitioners Helen F. Kepner and the Lafayette Union Railway Company (and their successors and assigns as aforesaid) will operate and maintain, through the Kepner Private Drain or otherwise, a drain which will be adequate to carry the ground water discharged from the Gault & Peters Branch, at its present capacity (i.e., an 8 inch tile), from its outfall into the Kepner Private Drain at the intersection of the west line of Section 26 and McCarty Lane to the Wilson Ditch.

8. The Petitioners (and their successors and assigns as owners of the land through which the Kepner Private Drain runs) will operate and maintain the Kepner Private Drain or will construct, operate and maintain any drainage system which may replace the Kepner Private Drain in such manner that the rate of discharge of water from said drain into the Wilson Ditch will not exceed the rate at which water is presently discharged into Wilson Ditch.

9. The vacation and abandonment of the portion of said legal drain described above will not be detrimental to the public welfare.

10. Annexed hereto as Schedule A is a list of the names and addresses of the owners (other than the Petitioners themselves) of the land which Petitioners believe would be directly affected by said vacation, together with tax duplicate descriptions of the tracts owned by each of them.

11. The Petitioners wish to have the date on which the matter will be referred to the Surveyor for report advanced in accordance with Section 110(g) of the Indiana Drainage Code (IC 1971, 19-4-1-10(g)).

12. The names of the attorneys who will represent the Petitioners in these proceedings are set out below, opposite the names of the Petitioners whom they represent.

WHEREFORE, the Petitioners pray that the Board  
 a. serve notice of intention to vacate the portion of the Michael Layden Drain described above on all owners of

Michael  
 Layden Br.  
 S. W. Elliot  
 Ditch

ALL OWNERS of land affected by said vacation;  
 b. advance the date on which the matter will be referred to the Surveyor for report;  
 c. fix a date for and hold a hearing on the proposed vacation; and  
 d. issue an order vacating the portion of the Michael Layden Drain described above as a legal drain.

Name and Address of Petitioner	Tax Duplicate Description of land owned by petitioner	Name and address of Counsel for Petitioner
Lafayette National Bank, Trustee of Land Trust No. 1440 337 Columbia Street Lafayette, Indiana	Optionee	Stuart, Branigin, Ricks & Schilling P. O. Box 1010 Lafayette, Indiana

By /s/ Stuart A. Main  
Trust Officer

Betty M. Smith 3516 Cypress Lane Lafayette, Indiana	E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ 26-23-4 116.408a
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/s/  
Betty M. Smith

James F. Murtaugh 3525 State Road 26E Lafayette, Indiana	SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW SW $\frac{1}{4}$ 26-23-4  N END E $\frac{1}{2}$ E $\frac{1}{2}$ S END E $\frac{1}{2}$ E $\frac{1}{2}$ 27-23-4 119.081a
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/s/  
James F. Murtaugh

Joseph M. Murtaugh  
Gerald Murtaugh  
Rita G. Caesar

By/s/ James F. Murtaugh  
James F. Murtaugh  
Attorney-in-fact for  
Joseph M. Murtaugh  
Gerald Murtaugh and  
Rita G. Caesar

Helen F. Kepner % Paul L. Hamman 2710 Ross Road Lafayette, Indiana	Undivided $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ 26-23-4 30.00a
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/s/  
Helen F. Kepner

The Lafayette Union Railway Company % C. G. Ball Ball, Eggleston, Bumbleburg & McBride 810 Purdue National Bank Building Lafayette, Indiana	Undivided $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ 26-23-4  PT SE $\frac{1}{4}$ 27-23-4 PT SW $\frac{1}{4}$ 26-23-4 67.625a	Ball, Eggleston, Bumbleburg & McBride 810 Purdue National Bank Building Lafayette, Indiana
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By /s/ Winston H. Robbins  
President

Seal  
C. G. Ball  
Secretary-Treasurer

G. Murtaugh	NW SW	26-23-4	40.00	1-007-006
D.C. & M.F. Lecklitner	E SW	26-23-4	76.90	1-007-007
Lafayette Union Ry Co.	W W SW SW	26-23-4	10.00	1-007-010
Helen Kepner	Und $\frac{1}{2}$ PT SW	SW 26-23-4	30.00	1-007-011
Lafayette Union Ry Co	PT SW	26-23-4	5.00	1-007-004
Betty M. Smith	NW NW	26-23-4	38.204	30-058G-001
Betty M. Smith	E NW	26-23-4	78.204	30-058G-002
State of Indiana	PT NW	26-23-4-	3.592	30-058G-003
G. Murtaugh etal	SW NW	26-23-4	40.00	30-058H-001
R.Q. & P.L. Calloway	Morland Commercial Park	Lot 1		30-58F-002
" " " "	" " " "	Lot 2		30-58F-003
" " " "	" " " "	Lot 3		30-58F-004
" " " "	" " " "	Lot 4		30-58F-005
" " " "	" " " "	Lot 5		30-58F-006
" " " "	" " " "	Lot 6		30-58F-007
" " " "	" " " "	Lot 7		30-58F-008
Better Brands, Inc	" " " "	Lot 8		30-58F-009
" " " "	" " " "	Lot 9		30-58F-010
" " " "	" " " "	Lot 10		30-58F-011
" " " "	" " " "	Lot 11		30-58F-012
L.A. & M.J. Darnell	" " " "	Lot 12		30-58F-013
" " " "	" " " "	Lot 13		30-58F-014
" " " "	" " " "	Lot 14		30-58F-015

## SPECIAL MEETING OF THE TIPPECANOE COUNTY DRAINAGE BOARD HELD JANUARY 24TH, 1977 CONTINUED

Tippecanoe Ware-Housing	Mor-Land Commercial Park	Lot 15	30-58F-016
"	"	Lot 16	
"	and 10' N side	Lot 17	30-58F-017
"	excluding 10' N. Side	Lot 18	30-58F-018
"	+ 10' N Side	Lot 19	30-58F-019
"	excluding 10' N Side	Lot 19	30-58F-020
"	"	Lot 20	30-58F-021
"	"	Lot 21	30-58F-022
Culligan Water Condition- ing of Lafayette	"	Lot 22	30-58F-023
"	"	Lot 23	30-58F-024
"	"	Lot 24	30-58F-025
New Century Homes	Pt NE Kepner Industrial Tract		
	Sec 27-23-4	9.543a	1-009-023
Biggs Pump & Supply	Pt NE Kepner Industrial Tract		
"	Sec. 27-23-4	1.38	1-009-020
"	PT NE Kepner Industrial Tract		
"	Sec. 27-23-4	5.5	1-009-019
State of Indiana	PT NE Kepner Industrial Tract		
"	Sec. 27-23-4	.457	1-009-058
"	"	.234	30-58E-051
"	"	.467	30-58E-058
Country Life Ins. Co.	PT W NE 27-23-4	1.226	30-58E-023
Koehler Bros, Inc.	PT NE Kepner Industrial		
	Tract 27-23-4	6.273	30-58E-022
Laf Bank & Trust Co. Successor Trustee	Kepner Indus. Tract Pt Lot 28 and Pt. Lot 29	27-23-4	30-58E-001
B & S Enterprises	Kepner Indus. Tract NE Lot 27		30-58E-003
"	"	Lot 26	30-58E-004
"	"	Lot 25	30-58E-005
"	"	Lot 24	30-58E-006
Continental Baking Co.	"	Lot 20	30-58E-010
"	"	Lot 19	30-58E-011
R.P. & P. K. Lowe	"	Lot 18	30-58E-012
Wilhelm Realty Co.	Kepner Indus. Tract NE Lot 17 <sup>a</sup>	4.00a	30-58E-019
"	"	Lot 16	30-58E-014
"	"	Lot 15	30-58E-015
"	"	1.38a	30-58E-018
Biggs Pump and Supply	Kepner Indus. Tr. NE Lot 21		1-08A-022
"	"	Lot 22	1-08A-023
"	"	Lot 23	1-08A-024
Helen F. Kepner	Und $\frac{1}{2}$ PT W W	61.91	1-012-001
Laf. Union Railway Co.	"	61.91	1-012-001
"	Und. $\frac{1}{2}$ PT NE NW 35-23-4 and PT E NW	55.83	1-012-002
Helen F. Kepner	"	55.83	1-012-002
E.L. & A. Kluth	Pt NE NE NW 35-23-4	0.85	1-012-003
Bennetts Greenhouse, Inc	"	3.44	1-012-004
W.H. & E.G. Bennett	"	2.76	1-012-005
K.E. & P.K. Bennett	PT NW	0.24	1-012-006
"	PT NE NE NW	2.71	1-012-007
State of Indiana	PT Kepner Indus. Tr. 27-23-4	.189	30-58E-056
"	PT E E NE 27-23-4	.919	30-58E-057
Indiana National Bk.Tr.	PT NE KEPNER INDUS.	.881	30-58-047
"	"	"100X309.9'	.71
Tipco Leasing	PT KEPNER IND. NE 27-23-4	2.13	30-58E-043
J.H. & D.V. BOWsher	"	.71	30-058E-042
"	"	.71	30-058E-041
V. F. Bergman	"	.71	30-58E-040
R & C.R. Johnson	"	.71	30-58E-039
Wabash Shores, Inc.	"	.71	30-58E-050
Pizza King Franshises	"	"1.42	30-58E-055
W.D. & C.E. Skiver	"	1.42	30-58E-059
J. F. Murtaugh, etal	Tract No. 1 and Tract No. 2 N End E E NE 27-23-4	24.081	30-58E-048
State of Indiana	PT KEP INDUS. TR. NE	.202	30-58E-052
"	"	.212	30-58E-054
F. Fortner	"	1.208	30-58E-025
Norandex, Inc.	"	.788	30-58E-026
Saturn Corporation	"	.41	30-58E-027
Corporate Cleaning	"	.69	30-58E-028
H.E. & J. I Beeler	"	.69	30-58E-029
R.G. & M.L.Schwartz, etal.	"	.69	30-58E-049
Tipco Leasing, INC.	"	.69	30-58E-030
"	PT NE KEPNER 27-23-4	1.38	30-58E-031
"	"	.69	30-58E-032
"	"	.69	30-58E-033
Bouma-Betten of Ind.	"	.69	30-58E-034
H.A. & R. Miller	"	.70	30-58E-035
R. & R. M. Brooks	"	.70	30-58E-036
Bearings, Inc.	"	.70	30-58E-037
U. S. Metalite Corp.	"	1.41	30-58F-028
C.M. Hamman	"	1.44	30-58F-038
C.E. & W.R.D.Skiver	"	.71	30-58F-031
R. E. Gurnick	"	.71	30-58F-033
Kemmer Const. Co. Inc.	"	.71	30-58F-032
"	"	.71	30-58F-030
G. Murtaugh, etal	S End E E NE 27-23-4	15.00	30-58F-029

## SPECIAL MEETING OF THE TIPPECANOE COUNTY DRAINAGE BOARD HELD JANUARY 24TH, 1977 CONTINUED

Lafayette Union Ry Co.	PT SE	27-23-4	61.34	1-008-028
Navco	PT S SE	" "	28.65	1-008-037
National Homes	PT S SE	" "	3.08	1-008-031
C. M. Hamman Life Est				
Helen Kepner	PT SE	" "	11.42	1-008-033
"	PT SE	" "	1.44	1-008-020
C. M. Hamman	PT Kep. Indust. Tract	NW SE	1.0	1-008-038
"	"	" 27-23 <sub>π</sub> 4	"	2.32
"	"	"	"	3.94
National Homes Corp.	PT S <sub>1/2</sub> & H Taylors Plan			
"	SW Laf. Union Ry Lot 9		53.197	1-008-012
"	PT W END SE	27-23-4	5.42	1-008-013
"	W END S SE	"	1.178	1-008-014
College Life Ins. Co. of				
America of Marion	PT W <sub>1/2</sub> SE <sub>1/2</sub>	"	.987	1-008-032
J.A. & M S Livesay	PT W E END S SE	"	1.5	1-008-029
	104 X 685.9'			
J.M. & R.J. Christopher	PT S SE	"	3.5	1-008-030
B.A. & M. Holliday	PT SW SE	"	2.0	1-008-019
J. R. Wierenga	PT W END S SE	"	1.0	1-008-018
L.M. Kinbrell	W END S SE	"	.79	1-008-017
J.L. & M. Lynch	PT SW SE	"	.21	1-008-035
R. V. Rohrman	KEPNER INDUS. TRACT	PT LOT 13		1-08A-006
"	"	" LOT 12		1-08A-005
J. K. Hamman	"	" LOT 11		1-08A-003
"	"	" LOT 10		1-08A-004
J. O. Southard	"	" 75' N Side		
C. M. Hamman	Lot 9 & 50' S Side	Lot 10		1-08A-002
"	Keppner Indus. Tract Part	Lot 9		1-08A-001
"	"	" Lot 8		1-08A-014
"	"	" Lot 7 and		
"	"	25' N Side Lot 6		1-08A-013
"	"	" 75' S Side Lot 6		1-08A-012
"	"	" Lot 5		1-08A-011
"	"	" Lot 4		1-08A-010
"	"	" Lot 3		1-08A-009
"	"	" Lot 2		1-08A-008
"	"	" Lot 1		1-08A-007
Navco, Inc.	NAVCO BUSINESS PARK	Lots 1. to 14, Inc.		1-08B-001-015
D.L. & C.A. LeFevre	Fr E E NE	34-23-4	.72	1-011-031
R. E. & M. R. Goad	E E NE NE	34-23-4	.25	1-011-030
J.J. & K.I Long	Fr Pt E E NE NE	"	.25)	1-011-029
	and PT NE	"	.10)	
Lafayette Broadcasting, Inc.	PT E E NE NE	34-23-4	8.44	1-011-032
"	PT E NE	"	9.92	1-011-028
R. O. & M. Richardson	PT NE NE	110X396'	1.00	1-011-027
L. & M. Leaf	PT NE NE	"	9.00	1-011-026
J.C. & M.L. Burghardt	PT NE NE	"	9.00	1-011-025
D.F. Dexter & L.J. Kenney	SW NW NW NE	"	.19	1-011-010
Super Test Service ST.	"	"	2.31	1-011-011
J. R. & E. M. Lewis	PT N END NW & NE	"	.57	1-011-012
W. & F. O. Wainwright	N END NW NE	"	1.93	1-011-013
L.H. & M.L. Bridge	N END NW NE	"	1.10	1-011-014
G.R. & H.B. Polk	N END NW NE	"	.84	1-011-015
Fireproof Garage Co.	N END NW NE	"	.84	1-011-016
J. R. Hedworth	N END NW NE	300X132'	.91	1-011-017
W. W. Hedworth	N END NW NE	"	2.06	1-011-018
Fireproof Garage Co.	N END NW NE	"	5.08	1-011-019
G. G. & D. R. Buck	N END NW NE	"		
	also 12' E Side	"	1.42	1-011-020
H & M Holdman	N END NW NE	"	1.25	1-011-021
D. F. Dexter & L. J. Kenny	PT S NW NE	"	.107	1-011-058
"	PT NW NE	"	.69	1-011-033
"	PT NW NE	"	.32	1-011-034
"	PT NW NE	"	.69	1-011-048
G. AND F. Kingma	PT S NE & PT S NW	"	1.25	
			.137	1-011-035
R. L. & H. D. Dorroh	PT S NE	"	.76	1-011-036
R. W. Arndt etal	PT S NE	"	.65	1-011-037
"	PT S NE	"	.6	1-011-038
J. C. YOUNG	PT S NE	"	.58	1-011-039
M.B. Chapman	PT E	"	1.94	1-011-040
J.C. & M.L. Burghardt	PT SE NE	"	5.00	1-011-041
B. R. Arihood	PT NE	"	5.35	1-011-042
C.I. Kenny, Jr. &				
L & D Dexter	PT SE NE	"	9.07	1-011-043
"	PT NE SE	"	3.00	
"	PT E	"	14.96)	1-011-044
"	PT NE SE	"	.06	
L.F. & G. H. Roark	N END NW NE	"	1.5	1-011-022
O. K. Gerhard	PT NE NE	"	.83	1-011-023
M.E. & D.S. Bowlin	PT NE NE	"	.17	1-011-024
	50 X 150'			

Those in attendance were: Gordon Kingma, John E. Fisher, Patricia Shaw, George DeLong, Keith McMillin, Paul Coates and Doug Branigan. A. Dan Ruth also sat in. William Vanderveen opened the meeting and then turned it over to the attorney who prepared the petition for some explanation of the petition and the urgency of same. Mr. Branigan explained that an option to buy the land for commercial or industrial use was to expire in April and with the requirements by law of notifying all of those people in the watershed of the branches to be vacated within a period of not more than forty days but not less than thirty days, and to hold a hearing on the next regular meeting of March 2nd, time was getting short. When asked about land north of St. Rd. 26 draining to the south, Mr. Fisher said, "yes, he felt there was water north of 26 that that should have been in this drainage watershed."

SPECIAL MEETING OF THE TIPPECANOE COUNTY DRAINAGE BOARD HELD JANUARY 24TH, 1977 CONTINUED

Mr. Vanderveen then asked the Engineer, John E. Fisher, to explain at greater length what he had proposed. MR. Fisher said the petition pretty much spells out the condition of the existing eight inch tile and stressed article No. 6 and article No. 7 where owners of the "Kepner Private Drain," which runs through the lands of the petitioners, have given a written agreement to accept the existing ground water. The Board referred the petition to the surveyor for his report and set the date of hearing to be March 2, 1977. Robert Fields asked the Secretary if she would also notify Mr. William Martin of the SCS Office and Mr. Maurice Callahan, City Engineer for Lafayette.

Business taken care of, Bruce Osborn moved to adjourn. The motion was seconded by Robert Fields and made unanimous by William Vanderveen.

  
William Vanderveen, Chairman

Robert F. Fields, Vice Chairman

  
Bruce Osborn, Board Member

ATTEST:

  
Gladys Ridder, Exec. Secretary

REGULAR MEETING OF THE TIPPECANOE COUNTY DRAINAGE BOARD HELD MARCH 2, 1977

The Tippecanoe County Drainage Board met at 9:30 a.m., on March 2, 1977 with the following members present: William Vanderveen, Robert F. Fields, Bruce Osborn, Robert L. Martin, Michael Spencer, Fred Hoffman, Grady Jones, and Gladys Ridder.

Minutes

Upon the reading of the minutes of the February 2, 1977 meeting, a motion made by Bruce Osborn, seconded by Robert Fields and made unanimous by William Vanderveen to accept the minutes as read.

Mr. Robert F. Fields chaired a meeting with regards to Priority No. 1 of the EDA. William Warren, William Martin, John Fisher, A. Dan Ruth and Robert L. Martin were present along with Paul Coates, George DeLong, James Murtaugh and Richard L. Smith.

William Warren explained the urgency in preparing a tentative Capital Development Statement. He presented the following letter:

U.S. DEPARTMENT OF COMMERCE  
Economic Development Administration  
Midwestern Regional Office  
32 West Randolph Street  
Chicago, Illinois 60601

EDA and

OEDP

Mr. Robert F. Fields, Chairman  
Tippecanoe County OEDP Committee  
% Board of Commissioners  
Tippecanoe County  
Lafayette, Indiana 47901

Dear Mr. Fields:

The Overall Economic Development Program (OEDP) sponsored and submitted by your organization for Tippecanoe County, Indiana, meets the minimal standards for designation as a redevelopment area for an initial OEDP. Therefore, we recommend that approval by Washington be given.

It is important to note that approval of your OEDP does not constitute approval of individual projects which may be described in OEDP.

We wish you success in carrying out your program to improve employment and economic conditions in your area. If you have any questions, please contact our field coordinator, Mr. William E. Wilson, 336 Federal Courts Building, 46 East Ohio Street, Indianapolis, Indiana 46204.

Sincerely,

/s/ \_\_\_\_\_  
Donald E. Goostrey  
Chief, Planning Division

Mr. Osborn stated that in the last meeting he wasn't convinced that Tippecanoe County would get the Federal Funding. Mr. Warren said let's file the application with the necessary drawings and proceed positively.

The vacation of part of the Layden branch of the S. W. Elliott ditch and drainage in the general area was discussed.

Mr. George DeLong asked if the Post Office was in the natural drainage basin and could help be sought through them.

Mr. William Martin said the SCS office had a plan to get rid of the Post Office water by piping it to Sagamore Parkway.

Mr. Jim Murtaugh said he felt anything on the North side of State Road 26 should be taken north to the Wildcat Creek for it was so much closer.

Mr. William Martin said when the Elliott ditch was established (Layden Branch) there was question then about a part of the water north of State Road 26. He said he felt that any time you could stay in the natural watershed and take the water the way it would go naturally, you had less problems. He also said that when he had come before the Commissioners, the Coleman ditch was not doing it's job, the ditch through Robert Fields land was not doing it's job and that if putting pipes under State Road 26 alleviated some of the ponding along State Road 26, that seemed the sensible thing to do.

REGULAR MEETING OF THE TIPPECANOE COUNTY DRAINAGE BOARD HELD MARCH 2, 1977 ( Continued)

Robert Fields asked the attorney if it could be proven that State Road 26 had created the problem would the law when enforced make them correct the error. And the attorney answered in the affirmative.

Mr. William Martin pointed out that north of Union Street and part south of Union was all built up into housing units and to take water that way could get pretty costly.

Mr. Murtaugh said to abandon the Layden branch of the S. W. Elliott ditch would do no one any harm and if new construction in that area took care of their drainage it would be much better.

Mr. Warren said his personal recommendations were:

1. That Tippecanoe County prepare a tentative Capital Development Statement to include priority, sub-priority, and cost estimates for all proposed projects contained in the OEDP.

2. That Priority Number 1: The Best Line Industrial Site, be subdivided into sub-priorities as follows:

1. Belt Line Industrial Park-Priority No. 1

Sub-Priority No. 1-Creasy Lane A public road be improved and classified as sub-priority No. 1.

Sub-Priority No. 2-Drainage needs for the Belt Line Industrial Site Area including all of the development area within the watershed be developed, and the proposed drainage lines follow existing right-of-ways.

Sub-Priority No. 3- That similar plans be prepared for sanitary sewer, water lines, etc. be prepared and that they follow existing right-of-ways.

Priorities No 2 through No. 12 not be subdivided at this time and that the communities first application to EDA pursue Priority No. 1.

It is my personal feeling that his procedure should expedite the community's application with dispatch and provide a more realistic approach to our immediate needs and concern. It is obvious that EDA will not fund all projects this year, therefore, we should pursue the project with the greatest potential...the Belt Line Industrial Project.

The Board asked Robert Martin and William Martin if they would get together and do the sketch and cost basis for Mr. Warren in the next few days.

The Chairman, William Vanderveen, opened the informal hearing on the reconstruction of the Michael Binder ditch. This hearing was set up by the Board at the last regular meeting in February

Michael

The only objector to the reconstruction of the ditch was John Shelby and his objections were that in an estimate from the SCS office he could put in his own tile ditch at a much more reasonable figure than the estimate of the county surveyor.

Binder

The Board had instructed the surveyor (by motion) to assess on a per acre assessment. Mr. Osborn asked the attorney how the law reads on reconstruction assessments and Mr. Hoffman said it specifies that assessments should be made according to benefits and damages. He felt that if Mr. Shelby took his case to court, the court would go along with Mr. Shelby. The Board then asked the surveyor if he would figure according to the benefits and damages and renotify all in the watershed of those figures and come before the Board again in April.

Informal

Those in attendance were: Jack DeVault, John Shelby, Raymond C. Bender, Eleanor B. Frost, Doug and John Sheets, Robert Ade, Raymond Bennett, Paul Ade and Norman Bennett.

Many voiced their opinions pro and con but without actual figures to do a comparison were reluctant to vote either way-until figures and facts were clearer. Robert Fields asked the surveyor if he would assess those in the watershed using the benefits and damages method and notify the land-owners within the thirty days prior to the next meeting so the comparison could be made.

Because the motion at the last meeting was made to assess on a per acre basis, Bruce Osborn said they would let the minutes stand as were until the next meeting.

Bruce Osborn moved to adjourn. The motion was seconded by Robert Fields and made unanimous by William Vanderveen.

*William Vanderveen*

William Vanderveen, Chairman

*Robert F. Fields*  
Robert F. Fields, Vice Chair.

*Bruce Osborn*  
Bruce Osborn, Board Member

ATTEST:

*Gladys Ridder*  
Gladys Ridder, Executive Secretary

## REGULAR MEETING OF THE TIPPECANOE COUNTY DRAINAGE BOARD HELD ON APRIL 6, 1977.

The regular meeting of the Tippecanoe County Drainage Board met in the County Council Room in the Tippecanoe County Court House with the following members present: William Vanderveen, Robert F. Fields, Bruce V. Osborn, Robert L. Martin, Kenneth A. Miller, Fred Hoffman and Gladys Ridder.

The minutes of the March 2nd, 1977 meeting were read. A motion was made by William Vanderveen, seconded by Bruce Osborn and made unanimous by Robert Fields to accept the minutes as read. Minutes Approved

Don Barker and Malcolm Stingley came before the Board asking for help on the Isfalt ditch. Mr. Barker said in 1950 Arthur Buerkle had tile out there to repair the ditch and someone instituted an injunction against it, so it was never fixed. Mr. Vanderveen asked the surveyor if he would start proceedings for a reconstruction on this ditch. Mr. Martin said he would have something ready for the meeting on the 18th of May, 1977 and the Board set the time at 10:00 a.m. This change of date would allow the time to get notices to the people. Isfalt ditch

William Vanderveen opened the reconstruction hearing on the Waddell Branch of the J. B. Anderson ditch by asking those present, namely, Arthur Waddell, William Waddell and E. Eugene Johnson, how they felt about the new figures sent to them by the secretary, reflecting a new cost estimate. The estimate was about double of the first estimate and when bids were opened on the first estimate the lowest bid was almost twice the surveyor's estimate. Mr. Waddell said even though it was much higher than they had hoped, he was for it. His feelings were echoed by the other two present. Mr. Waddell questioned the damage to crops and the Board said the statute said the farmer planted at his own risk. Mr. Osborn assured him that any reputable contractor would be as careful as possible. Waddell Br. of the

Mr. Waddell asked if when bids were ready would we notify Robert Chittick of Mulberry, Indiana. Upon motion of Bruce Osborn, seconded by Robert Fields and made unanimous by William Vanderveen, the Board moved to J.B. Anderson readvertise for bids on the reconstruction of the Waddell Branch of the J. B. Anderson ditch. ditch

E. Eugene Johnson asked the status of the Johnson ditch. It had formerly been agreed upon that a portion of the Johnson ditch needed to be cleaned out and Eugene had brought in a figure from Robert Hodgen. With the maintenance money available the job could be done but the amount of money involved would require advertising for bids. Mr. Osborn suggested with the cleanout being so expensive, the Johnson ditch should have a new hearing to raise the assessment to about \$3.00 per acre instead of the one dollar per acre assessment that is presently on the ditch. The secretary was instructed to notify all in this watershed and hold that maintenance hearing on the 18th of May, 1977 at 10:30 a.m. The Surveyor said he would have bids for the work ready to open on May 2nd, 1977 at 10:00 a.m. Eugene Johnson Ditch

Because the neighbors on the Michael Binder ditch wished to get together before the hearing and discuss things just between themselves, when Mr. Vanderveen opened the hearing on the Michael Binder ditch he asked Norman Bennett to report on the private meeting held in the surveyor's office. Mr. Bennett said he was afraid they were no closer to an agreement than before and that the Board would have to decide what to do. Mr. Vanderveen asked the Attorney to read both remonstrances that were filed. Mr. Shelby was still not in favor of the per acre assessment but then he said he was not in favor of the benefits and damages, either. Mr. Robert Ade said he wasn't really in favor of either the per acre or benefits and damages. His remonstrance was written in protest to the benefits and damages. With the exception of these two, all others present were in favor of reconstruction. The Board felt it would be wrong to deny drainage to many when only two were opposed. Michael Binder ditch

Mr. Shelby ask about the connecting of the existing tiles to the new tile and the Surveyor said it would be in the specifications to connect all existing tiles. Then Mr. Shelby asked about payment for the damages that had accrued on his land for over the last twenty years. Mr. Osborn said when the maintenance fund is established those holes can be repaired out of that fund.

A motion was made by Robert Fields to reconstruct the Michael Binder ditch according to benefits and damages. That motion was seconded by Bruce Osborn and made unanimous by William Vanderveen.

The Surveyor said he would have the specs ready and the letting of bids could be at 10:00 a.m. on May 2nd, 1977.

Those in attendance were: Robert C. Ade, Raymond Bennett, Sr. Norman Bennett, John Shelby and son, John C. Sheets, Paul W. Ade, Charles E. Kerber, Eleanor B. Frost and Raymond C. Bender.

The vacation hearing on that part of the Michael Layden ditch that lies North of the Section Line of Section 36 and Section 35 brought many interested landowners into the court house with many questions to be answered. Mr. Vanderveen opened the hearing by asking the corporations attorney, Roger D. Branigan to speak on behalf of the petitioners. Doug spoke in behalf of his client (unnamed) and the petitioners as to why it was necessary to vacate this portion of the legal drain.

Mr. John Fisher had an easel set up with Exhibit "A", an aerial photo of the entire watershed and explained how that watershed could fluctuate several feet by even the way in which the ground was tilled. Then he carefully explained the difference between ground tile to take care of farm land's sub-surface water and an Urban drain that handled the majority of the run-off water. He said the ditch as it is now was built sixty nine years ago and certainly not designed to handle anything but sub-surface farm water. He spoke of the problem now existing in this area caused by State Road 26 being a dam and the blacktop driveways and roofs that created much more run-off water, and the need for a good Urban drain to handle that problem. He said in no way would the vacation of this old field tile either hamper or improve their drainage. He explained it's sole purpose was to remove the one hundred fifty foot easement that exists on all legal drains. The network of old field tile with an easement of 150' would make it virtually impossible for anyone to develop the land. Rather to vacate the old tile and let the new neighbor who is obligated to get rid of his water, help with the design and payment of a new urban drain that would help solve all of their problems.

Mr. Fisher gave his registration number, S-0025, and introduced his engineer, Paul Coarts.

Many expressed their dire need for drainage. Mr. Robert Wesner said at Sullivan and Fortner's parking lot a pond formed every time it rained and stayed there for many days. He felt convinced that this was the best way to get their situation improved and voiced his opinion to vacate.

Oka LeMaster asked about the water on the north side of State Road 26. Mr. Fisher said the vacation of this old field tile will neither help or harm that situation.

The surveyor's report was asked for and Mr. Martin submitted his recommendation to vacate the portion above mentioned. His report was made a part of the transcript.

Mr. James Shook spoke on the change of land in the area and that it is now zoned for business. He explained how many of the landowners put in an open ditch at their own expense, approximately \$125,000.00 and that some of the water from Biggs Pump and Supply along with other industry found it's way into the Kepner Private Drain. He said his client was well aware of the drainage problem in the area and was anxious to help solve the total drainage problem.

The cost of an Urban Drain would be high enough that probably a bond issue would need to be floated

REGULAR MEETING OF THE TIPPECANOE COUNTY DRAINAGE BOARD HELD ON APRIL 6, 1977 (continued)

because the General Drain Fund could not possibly handle an amount of that magnitude, Mr. Osborn said.

Mr. John C. Sheets sat in on the meeting in the place of Robert F. Fields who had land in the area and had disqualified himself for this meeting.

Part of  
Michael  
Layden  
Branch of the  
Elliott  
ditch

Those in attendance were: Pat Redd, who took the transcript, Ron Norberg, John Fisher, Pat Shaw, Paul Coats, Roger D. Branigan, Jr., John E. Smith, Carl E. Brour, Oka LeMaster, Clarence LeMaster, George Needham, Jr., Cable G. Ball for Lafayette Union Railway Co., George E. DeLong, Charles Skiver, Gordon Kingma, James C. Shook, Donald C. Lecklitner, Robert D. Wesner, Jim Murtaugh and Bill Oakes.

Mr. Wesner asked the Board when they could possibly expect any relief. Mr. John Fisher said he would guess probably two years.

With most questions answered, Bruce Osborn made a motion to vacate that portion of the Michael Layden Branch of the S. W. Elliott ditch that lies North of the Section Line of Section 35 and 36. That motion was seconded by John C. Sheets and made unanimous by William Vanderveen.

Jim Hilligoss was scheduled to appear before the Board at 11:45 a.m. but due to a mix-up in time the Board re-scheduled the appearance to 1:45 p.m. (same day)

RECESS

Board adjourned until 1:45 p.m.

Jim Hilligoss did not appear as was scheduled but John Fisher knew his need for coming before the Board so he filled in for Mr. Hilligoss. Mr. Fisher said when Mr. Ruth was County Surveyor, he had asked that the storage basins be re-designed for the streets to carry 20% of the water in the Fink Meadows Subdivision. Swails would be designed to carry the underground water in a conduit to the Elliott ditch. Bruce said he would like to table this until the Board could study it more thoroughly. He told Mr. Fisher to give them at least two weeks and they would try to have an answer ready.

A meeting between the Benton County and the Tippecanoe County Drainage Board on the Wetherill-Darby ditch was opened with the Chairman, Norman Skoog, addressing the two Attorneys for some answers to questions that this Joint Board had at their last meeting, held in Otterbein on April 4, 1977.

The minutes of the April 4, 1977 meeting were read and approved. In those minutes the questions of the last meeting were: Can the expense of the Engineering be charged to the project instead of being borne by the whole county. Mr. Sparr said Section 106F says when it is necessary to hire outside help, the expense of it should be assessed to the project. He said it was not very specific about the expense if the project did not mature, however, he said he would assume the project would still bear the expense.

The second question, is it legal for someone to vote in another's place as happened in the last meeting. Mr. Sparr said it didn't matter for that was not a legal hearing.

It was noted that the Secretary should notify the Department of Natural Resources of the State of Indiana as is required by law when any reconstruction is to be done.

Those present at this meeting were: Norman Skoog, Wayne Anderson, Dave Baxter and Robert Sparr from Benton County and Bruce Osborn, William Vanderveen, Robert L. Martin, Fred Hoffman and Gladys Ridder from Tippecanoe County.

Wayne Anderson said he felt we should select an engineer as quickly as possible for he would need to walk the tile portion of this ditch and locate the holes that only need repair instead of a whole new tile system. Then when heavy undergrowth makes photography and on the ground surveys more difficult the majority of the work could be done.

Norman Skoog said he felt John Fisher could do the job better, and faster than anyone else. That feeling was pretty unanimous, so John Fisher was brought into the meeting and asked to do the job. He was asked if he had a contract form or if he would like the attorney to draw one up and it was decided that Mr. Robert Sparr would draft a contract.

Mr. Fisher said he will fly the area immediately then 1. Accurately assess problem areas, 2. Define the watershed 3. Put data in plotter and accurately determine area 4. talk to people to see what they want most- a public relation 5. Calculate the run-off 6. Check the outlet and see what extra water's affect would have on this situation.

He said he would try to have the plans ready by autumn-1st of October.

Norman Skoog suggested that when one half of the plans were ready we would hold another meeting.

John said his firm would gladly work with the Board on assessing according to benefits and damages.

Mr. Fisher said his first request for a draw would not be until June and then in proportion to the Engineering completed.

With the completion of the day's business the Board signed the Order and Findings and the Certificates of Assessment and adjourned.

Norman Skoog, Chairman of the Joint Board

*William J. Vanderveen*  
William Vanderveen, Chairman

*William J. Vanderveen*  
William Vanderveen, Vice Chairman of the Joint Board

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

*Bruce V. Osborn*  
Bruce V. Osborn, Board Member

*Bruce Osborn*  
Bruce V. Osborn, Board Member

Wayne Anderson, Board Member

ATTEST:

Dave Baxter, Board Member

*Gladys Ridder*  
Gladys Ridder, Exec. Secretary

The regular meeting of the Tippecanoe County Drainage Board met on Wednesday, May 18, 1977 (instead of it's regular first Wednesday) in the County Council Room of the Tippecanoe County Court House with the following members present: William Vanderveen, Robert F. Fields, Bruce Osborn, Fred Hoffman, Robert L. Martin, Kenneth A. Miller and Gladys Ridder.

Upon the reading of the minutes of the April 6th, 1977 meeting, a motion was made by Bruce Osborn, seconded by William Vanderveen and made unanimous by Robert Fields to accept the minutes as read. Minutes

The Chairman opened the maintenance hearing on the Rebecca Grimes ditch by asking those present if they understood why this meeting was called and if there were any objections to the proposed increase from one dollar per acre assessment to a three dollar per acre assessment. He explained with the ditches needs and the rising cost of repairs the present one dollar assessment was just not adequate. 9:30 a.m.

Those present were Isaac Hoss, Mr and Mrs. Paul Kerkhoff and Mr. and Mrs. Fred Klinker. All were in favor of the increase for all were in favor of keeping their ditch repaired. General discussion as to the outlet needing to be cleaned and what could be done about the cement culvert that was a problem where the tile emptied, etc., ensued. Mr. William Stovall was called in because of the highway being directly involved. Bill said the highway would cooperate in what ever way was necessary. It was decided that the Surveyor and the Highway Supervisor get together and decide the best way to solve the problem. Rebecca Grimes Ditch

Upon motion of Bruce Osborn, seconded by Robert Fields and made unanimous by William Vanderveen, the Board moved to accept the new maintenance assessment of three dollars per acre.

Don Barker, Malcolm Stingley and his son appeared in behalf of the Gustav Isfalt branch of the Davis chain. They had requested a reconstruction hearing in the April 6th, 1977 drainage board meeting. The Chairman asked the County Surveyor if he had figures on this ditch and he said his estimate of \$ 39,435 or roughly \$143 per acre for a tile ditch and he still would not guarantee it would work properly. Mr. Barker said they all would prefer an open ditch from road 500E to the Kirkpatrick ditch. The Kirkpatrick ditch spoken of was formerly the Horney Davis ditch rebuilt by the SCS Office. 10:00 a.m. Isfalt

The Board suggested to the surveyor that when he had figures on an open ditch compiled to hold a new legal hearing with all people notified of the findings.

Mr. Ralph Jackson, farm manager for the Faye Hoffman property came before the Board requesting the reconstruction of the Calvin Peters legal drain. The Board then referred the Peters ditch to the Surveyor. Calvin Peters Ditch

Mr. Norman Bennett came before the Board asking the Board to please re-advertise for bids on the Michael Binder ditch. He said he had checked with the SCS office and some other contractors and found the amount of the bids, although they exceeded the Surveyor's estimate, to be fairly priced. Michael Binder Ditch

Robert F. Fields instructed the Secretary to advertise once again for bids based on the specifications now on file in the Surveyor's office in hope to find a bidder closer to the Surveyor's estimate. He recalled the second time bids were asked for on another ditch, they had received one that was lower.

It was moved by Robert Fields, seconded by William Vanderveen and made unanimous by Bruce Osborn to readvertise for bids and the letting date would be June 13, 1977 at 10:00 a.m. in the County Commissioners meeting.

The Chairman opened the new hearing on the E. Eugene Johnson ditch by explaining the reason for calling the new hearing; namely that the funds were not adequate to handle the work to be done on the ditch. A bid of \$9,500.00 by Willard Merkel to clean out the outlet had been let and the maintenance funds were not great enough to handle the expense. Eugene Johnson ditch

The Surveyor explained the amount of \$9,500 would be borne by the Johnson, Daugherty and Coe ditches but the percentage to each he could not give at this time.

Mr. Johnson questioned whether the cleanout was going far enough and it was agreed that all interested persons meet at the site and with the Surveyor's instruments would make the final determination.

Mr. Osborn suggested they meet on May 25, 1977 at 8:30 a.m. When questioned as to when the work would be completed, the Surveyor said November 30, 1977.

Johnson ditch continued Mr. Vanderveen urged all present, although there were two remonstrances filed that totaled about 45% of the total acreage, to accept the three dollar assessment. He also said he favored going ahead with boring under the railroad to get immediate relief for Mr. Ora Gish.

William Vanderveen moved to accept the three dollar per acre assessment. Robert Fields seconded the motion and Bruce Osborn said he would make it unanimous if along with the motion was the instruction to the Surveyor to begin immediately to get relief under the railroad.

Because the bid for reconstruction on branch No. 5 of the Jacob M. Taylor ditch had gone over the Surveyor's estimate a new hearing had to be called asking those in the watershed if they would be willing to accept the lowest bid, that of Bob Hodgen at \$14,480.60.

In attendance were Larry C. Wagner, Ruth Berneice Oteham, Alberta Taylor Bennett, Wayne Anderson for the Giffin farms, Hal Davis, Larry Carlson and Orville Carlson.

All had been notified of the increase in assessment thirty days prior to the meeting and all in attendance were in favor of accepting the bid of Mr. Bob Hodgen.

Bruce Osborn moved to accept the bid of Bob Hodgen, the motion was seconded by William Vanderveen and made unanimous by Robert Fields.

The Board, with the exception of Robert Fields, signed a contract with John E. Fisher, L.S., for the purpose of developing a design and reconstruction plans for the western portion of developing a design an reconstruction plans for the western portion of the watershed located in parts of Section 22,23,25,26,27,34,35 and 36, located in Fairfield Township, Tippecanoe County, Indiana.

COMMISSION CONTRACT

The TIPPECANOE COUNTY DRAINAGE BOARD, hereinafter referred to as "Board", does hereby commission John E. Fisher, L.S., hereinafter referred to as "SURVEYOR" to develop a scheme for the surface water management of a portion of the earth's surface in Tippecanoe County, Indiana, which is parts of Sections Twenty-two (22), Twenty-three (23), Twenty-five (25), Twenty-six (26), Twenty-seven (27), Thirty-four (34), Thirty-five (35), and Thirty-six (36). More specifically, the watershed that lies within the above mentioned sections of real estate and which is tributary to the Wilson Branch of the Elliott Ditch.

The scope of this work shall, chronologically, accomplish the following items.

1. To develop a technique or basic design, preliminary cost estimates, and review some of the environmental impact problems of this basic design, and work to accomplish the best possible and mutual agreement among everyone involved in this problem.
2. After the Board has satisfied itself that the scheme to be employed is our best possible option and after considering all the input from owners and other governmental agencies, then the Surveyor shall go upon the grounds and make any necessary surveys and calculations required to design the structure in its entirety, along with the necessary specifications, and obtain any additional approvals required from other governmental agencies, such as the Department of Natural Resources, Division of Water, and County Surveyor, etc. The Construction Plans shall also take into consideration land acquisition and the specific location of boundaries so as to develop the proper plans, keeping with standard engineering techniques. Inasmuch as this work shall be done on a per diem basis, it is the Surveyor's intent to very closely coordinate this work with the Board, or any of the Board's personnel, so that the Board may, at it's discretion, use it's own personnel in conjunction with the preparation of property owner lists, sending out advertisements, and other related functions. In the development of the construction plans, there will be a schedule establishing the design criteria for the structure with certain limitations pursuant to various areas within the watershed and where these sub-basins have been predesigned to enter the main channel.
3. After proper review of these Construction Plans and Specifications by the Board, and after it has satisfied itself to their adequacy pursuant to the management of the water of this part of the subject watershed, the Surveyor, at the Board's request, will advertise the work for bid, as prescribed by law, and if a contract is awarded, the Surveyor will assist the Board, at it's request, pursuant to the construction of the facility.
4. The Surveyor's compensation for performance of the above-described services shall be in the amount of Four Thousand Nine Hundred Dollars (\$4,900.00) and shall be payable by the Board in monthly draws based on the number of hours actually worked times the hourly rates found on the attached fee schedule, plus the cost of material, determined at cost.
5. The Surveyor shall, at his expense, provide the insurance, as prescribed by law. The Board hereby agrees to furnish all necessary permission and assist the Surveyor in acquiring permits, if necessary, such as road crossings, etc., for the subject work.
6. Either party to this Contract may terminate the contract by written notice, sent by certified mail, ten (10) days prior to the date of termination.
7. It is believed that this work should be completed in twelve (12) months from the date of this Contract. However, if, due to unforeseen delays, the work has not been completed within this time, this Contract may be extended by a Letter of Extension by the Board.

Made this 21st day of April, 1977.

TIPPECANOE COUNTY DRAINAGE BOARD

BY /s/ William Vanderveen, President

/s/ Bruce Osborn, Member

/s/ John E. Fisher, L.S.

With the increase of maintenance funds on the Rebecca Grimes and the E. Eugene Johnson ditches, the Board signed the Order and Findings forms and the Certificate of Assessments for both ditches.

Upon the completion of the days business, William Vanderveen moved to adjourn. The motion was seconded by Bruce Osborn and made unanimous by Robert Fields.

William J. Vanderveen  
William Vanderveen, Chairman

Robert F. Fields  
Robert F. Fields, Vice Chairman

Bruce V. Osborn  
Bruce V. Osborn, Board Member

ATTEST:  
Gladys A. Ridder  
Gladys A. Ridder, Executive Secretary

## BUCK CREEK OPEN DRAIN REPORT AUG. 5, 1977

A committee was appointed when the Buck Creek Open drain had a maintenance hearing—see page 118—and that committee was to walk the Buck Creek Open drain and report back to the County Surveyor of their findings. On August 5, 1977 the following persons appeared in the County Surveyor's Office at the Tippecanoe County Office Building to make their report: Kelly M. Day, John B. McCormick, Robert S. Shively and J. Eric McCormick.

ATTEST:

/s/  
Robert L. Martin, Surveyor

## TIPPECANOE COUNTY SPECIAL DRAINAGE BOARD MEETING HELD AUG. 15, 1977

A special Drainage Board meeting was called at the request of Larry O'Connell and the Robbins Agency to ask for a release of a seventy five foot easement on which a house now stands. Those in attendance were: William Vanderveen, Robert F. Fields, Bruce V. Osborn, Fred Hoffman and Gladys Ridder.

A description of the proposed easement release is as follows:

Part of the East half of the Southwest quarter of Section 3, Township 22 North, Range 4 West, more particularly described as follows:

Commencing at a point which is in the centerline of what is commonly known as the Elliott Ditch and which is 1101 feet, more or less, Southwesterly along the centerline of said ditch from a point in the center of a blacktop road known as Concord Road, which is 122 feet South of the center of said section; thence North and parallel with said Concord Road a distance of 105 feet, more or less to the approximate Northwesterly side of an Open Ditch easement; thence in a Northeasterly direction, on and along said easement line, a distance of 78 feet to the point of beginning of this description; thence South and parallel with said Concord Road a distance of 20 feet; thence Northeasterly and parallel with said easement line a distance of 58 feet; thence North and parallel with said Concord Road a distance of 20 feet to a point on said easement line; thence Southwesterly on and along said easement line a distance of 58 feet to the point of beginning.

Located in Wea Township, Tippecanoe County, Indiana.

The Board having taken the request under advisement Certified the following resolution:

CERTIFIED RESOLUTION CONSENTING TO THE  
EXISTENCE OF A STRUCTURE ON THE  
ELLIOTT DRAINAGE DITCH EASEMENT  
BY THE TIPPECANOE COUNTY DRAINAGE DITCH BOARD

WHEREAS, Tippecanoe County Drainage Ditch Board, pursuant to IC 1971, 19-4-6-1, has the authority to consent to the presence of an existing permanent structure that encroaches into a ditch easement, that being a ditch under the control and authority of said Drainage Ditch Board; and

WHEREAS, the Elliott Drainage Ditch is presently, and has been, a drainage ditch under the authority of the Tippecanoe County Drainage Ditch Board; and

WHEREAS, it has been brought to the attention of the Tippecanoe County Drainage Ditch Board that a structure partially encroaches upon the Elliott Drainage Ditch; see the attached "Exhibit A," made a part of this resolution by reference thereto; and

WHEREAS, the Tippecanoe County Drainage Ditch Board has the authority to consent to the presence of an existing permanent structure that encroaches upon the drainage ditch easement; and

WHEREAS, it has been shown that said structure has been so located and was constructed prior to the passing of the Indiana Drainage Code of 1965; and

WHEREAS, the Tippecanoe County Drainage Ditch Board, having called a meeting on August 15, 1977, and pursuant to IC 1971, 19-4-6-1, et seq., and having duly considered those facts presented to it,

THEREFORE, BE IT RESOLVED that the Tippecanoe County Drainage Ditch Board consents to the existence of a permanent structure on what is known as the Elliott Ditch Easement, as shown by Exhibit A.

Passed this 30<sup>th</sup> day of August, 1977.

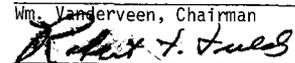
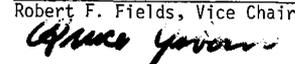
  
William Vanderveen, President  
Tippecanoe County Drainage Ditch Board

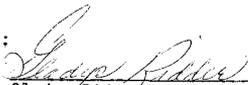
I, the undersigned, secretary of the Tippecanoe County Drainage Ditch Board, have read the foregoing resolution and attest to the fact that said resolution was duly considered at the August 15, 1977 meeting of the Tippecanoe County Drainage Ditch Board and said resolution was passed by said Board.

  
Secretary, Tippecanoe County  
Drainage Ditch Board

Mr. Vanderveen instructed the Secretary to bill the Robbins Agency through Mr. O'Connell for the expense of the special meeting of this Board.

Meeting adjourned.

  
Wm. Vanderveen, Chairman  
  
Robert F. Fields, Vice Chairman  
  
Bruce V. Osborn, Board Member

ATTEST:  
  
Gladys Ridder, Exec. Secretary

## THE REGULAR MEETING OF THE TIPPECANOE COUNTY DRAINAGE BOARD HELD SEPTEMBER 14, 1977

The tippecanoe County Drainage Board met in the Commissioner's Room at 9:15 a.m. with the following members present: William Vanderveen, Robert F. Fields, Bruce Osborn, Robert L. Martin, Kenneth Miller, Fred Hoffman, Grady Jones, Ethel Kersey, Mike Spencer and Gladys Ridder.

Minutes Approved Upon the motion of Bruce Osborn, seconded by Robert F. Fields and made unanimous by Robert Fields, the minutes of the August 3rd and 15th, 1977 were read and approved.

New Hearing Arthur Rickerd Ditch The only person to attend the hearing to increase the maintenance funds was Robert F. Fields who excused himself from the Board. He asked the Board to consider a \$3.00 per acre assessment in preference to the \$4.00 suggested assessment. He said his neighbors were unhappy with as much as \$4.00. Mr. Osborn moved to increase the assessment per acre on the Arthur Rickerd ditch to \$3.00 per acre. William Vanderveen seconded the motion. Mr. Fields abstained from voting because part of his land lay in this watershed.

The Chairman opened the new hearing on the Audley Oshier ditch by asking for the remonstrances that might have been filed. As there were none filed he then asked those in attendance how they felt about the increase and explained it was necessary because the ditch was in the red.

Those in attendance were: Mary E. Pflug, Elizabeth J. Briar, Arthur Hawkins, Lynn Hawkins, Mr. & Mrs. Audley Oshier, Leon R. Cyr and Bruce E. Conrad with Indiana State Highway Commission.

New Hearing Audley Oshier Ditch The objection of most of those present was that no care had been taken to clean the open ditch and so much money had been spent without their knowledge. Some said they would like to pay whatever indebtedness was due then vacate the ditch. They discussed this prospect among themselves and Mr. Cyr voiced his feelings of leaving the amount at the present rate until they were out of debt and then petition the Board to vacate. Mr. Cyr asked Mr. Martin, the Surveyor where the money had been spent. Mr. Martin said he didn't know. Mr. Lynn Hawkins said he had watched W & W Contracting work and it took them a week to do what he felt should have been done in two days at the very most.

All agreed to follow Mr. Cyr's suggestion so the Board moved that the present rate be continued with the agreement that there would be no more work done on this ditch. William Vanderveen seconded the motion and Mr. Fields made it unanimous.

Dr. Robert Buker came before the Board with slides and drawings showing his findings on the Elmer Thomas Ditch that goes through his property and is adjacent to State Road No. 225.

Elmer Thomas Ditch He asked the Surveyor to dig down and locate the blockage or to give him permission to dig down and try to locate the problem. Mr. Martin had given him a work order to do whatever he felt necessary. Dr. Buker brought with him some of the things he found. A piece of badly damaged 6 inch pipe and slides of the pea gravel that had been placed in the tile ditch. He also asked the Board to consider retribution for his expense in doing the digging as well as his lost crops damaged by a obstruction placed in the tile of the Elmer Thomas legal drain.

Mr. Hoffman told Dr. Buker that he would have to do a research of the law to see what could be done to help him. Dr. Buker had the Statutes before him and read the one he felt covered his situation.

Mr. Weast, from the Indiana Gas Company said the Gas Company felt they had no responsibility here for they had complied with the wishes of the County Officials at the time the installation was done. Mr. Hoffman asked which County Official would have given permission and he was not sure just who was involved. Dale Remaly was in attendance and said he had been a County Commissioner at the time the work was done and certainly had no authority to give permission to do anything on a State Highway Right-of-Way.

Mr. Hoffman said he felt it was a clear case of neglect on the part of the Indiana Gas Company and that they should correct the problem they caused. He said he would serve an order on the Gas Company to that effect and if the work was not done then he would sue by writ of mandate.

It was so moved to send an order to the Indiana Gas Company to repair the damage done by their company and to remove all obstructions. The motion came from Bruce Osborn, seconded by Robert Fields and made unanimous by William Vanderveen.

Harrison Creek Dale Remaly spoke to the Board about taking a twelve inch fill out of Harrison Creek. Mr. Remaly said it would be approximately eighty rods that needed to be cleaned. He said the new Junior High School have asked permission to take their run off water through John Garrott's land then eventually it will reach Harrison Creek. Mr. Garrott had given the permission. Mr. Remaly asked the Board to please consider the cleanout in their budget in the near future for it was most necessary.

It was moved by the President for the Surveyor to take readings and make a full report back to the Board of the needs of Harrison Creek. Motion seconded by Robert Fields and made unanimous by Bruce Osborn.

John Fisher John E. Fisher, Surveyor, appeared before the Board asking advice on what to do about the old John Boes ditch located in Wabash Township. He explained that many homes were built over the top of the old Boes ditch but that it was still a legal drain. John said his client has the intentions of developing part of the land in that area. The Board said they felt the wisest thing to do at this point was to petition to vacate. John thanked them for the suggestion.

John's second question was what to call the drainage project in the old Layden branch of the S. W. Elliott ditch. William Vanderveen suggested "The Layden Urban Drain" and all present agreed it would be a good name.

After establishing a new rate of assessment on the Arthur Rickerd ditch, the Board signed the "Order and Findings" and the "Certificate of Assessments".

With the days business completed, Bruce Osborn moved to adjourn. That motion was seconded by William Vanderveen.

ATTEST:

*Gladys Ridder*  
Gladys Ridder, Exec. Secretary

*William E. Vanderveen*  
William Vanderveen, Chairman  
*Robert F. Fields*  
Robert F. Fields, Vice Chairman  
*Bruce V. Osborn*  
Bruce V. Osborn, Board Member

## REGULAR MEETING OF THE TIPPECANOE COUNTY DRAINAGE BOARD HELD MARCH 1, 1978

The regular meeting of the Tippecanoe County Drainage Board met in the Community Meeting Room in the County Office Building at 9:30 a.m. with the following members present: William G. Vanderveen, Bruce Osborn, Richard L. Smith setting in for Robert F. Fields, David W. Luhman setting for Fred Hoffman, Grady Jones, Mike Spencer, Kenneth Miller and Ethel Kersey.

Upon motion of William G. Vanderveen, seconded by Bruce Osborn and made unanimous by Richard L. Smith the minutes of the February 1, 1978, meeting were approved as read.

Minutes  
Approved

The Chairman opened the reconstruction hearing on the James A. Shepherdson Ditch by reading the following Letter:

Tippecanoe County Drainage Board  
Re: James A. Shepherdson Ditch

Dear Sirs:

I am writing this letter to voice my objection to the number of acres that I have been assessed for the purpose of rebuilding the Shepherdson Ditch which crosses my farm. I have been assessed on 128 acres which the Board claims drains in this ditch, a figure I feel is entirely too high. Of this 128 acres, no more than 60 acres would actually drain in the Shepherdson Ditch as most of the rain fall runs off as surface water. I am in favor of rebuilding the Ditch but not under the present assessment.

Reconstruct  
ion of the  
James A.  
Shepherdson  
Ditch

Sincerely yours,

/S/ Bernard Spitznagle  
Bernard Spitznagle

ams

The Chairman, William Vanderveen, Then asked if there were any remonstrances from those present, there were none.

Those present were: Mr. & Mrs. Morris Gochenour, Mr. & Mrs. Bernard Spitznagle, Mrs. Margaret Cornell, Mr. & Mrs. Floyd Bolyard and Mr. & Mrs. John E. Haan.

Mike Spencer explained the way the total cost of the improvement was assessed against each tract of land, which for this reconstruction was based upon the benefit to the land resulting from the improvement. The assessment is \$10.00 per acre for the open ditch, and the assessment for the tile portion of the ditch ranging from \$45.00 to \$70.00 per acre. The open portion of this ditch is on Mr. Ayers' property.

Kenneth Miller and Mike Spencer were asked if they would please check on Mr. Bernard Spitznagle's remonstrance, objecting to the number of acres he is assessed for, that is in the watershed. He was not objecting to the reconstruction of the ditch, only the assessed acres.

William Vanderveen made a motion that the surveyor proceed with the legal procedures of letting the contract for Bids. Bruce Osborn seconded the motion.

Mr. Bill Andrews came before the Tippecanoe County Drainage Board asking permission to relocate a portion of Branch #1 of Branch #13 of the Elliott Ditch, the Board approved the proposed relocation with the following conditions:

1. That the owner petition to vacate a portion of Branch #1 of Branch #13 of the Elliott Ditch.
2. That the owner petition to reconstructed a porton of Branch #1 of Branch #13 of the Elliott Ditch.
3. That the expense of creating this legal entity as well as the installation of the improvements be borne by the petitioner.
4. That the construction plans for said legal drainage be approved by the Tippecnaoe County Drainage Board.

Bill  
Andrews  
Br.13 of  
Elliott  
Ditch

Jim Shook came before the Drainage Board asking permission to relocate a portion of Branch #14 of the Elliott Ditch, the Board approved the proposed relocation with the following conditions:

1. That the owner petition to vacate a portion of Branch #14 of the Elliott Ditch.
2. That the owner petition to reconstructed a portion of Branch #14 of the Elliott Ditch.
3. That the expense of creating this legal entity as well as the installation of the improvements be borne by the petitioner.
4. That the construction plans for said legal drainage be approved by the Tippecanoe County Drainage Board.

Jim Shook  
Br14 of  
Elliott  
Ditch

Mr. Shook asked about the easement that would be required for this portion of the legal ditch. The Board opinion was to have the same amount of easement as was required of Ward's Warehouse, when John Fisher & Co., relocated a portion of this Branch #14.

The following order was received to appoint a special member of the Board in Robert F. Fields place due to the fact he was unable to be present.

ORDER

Comes now the Tippecanoe County Drainage Board by its Secretary, and certifies that it will be necessary to have a special member to act in the proceedings concerning all the Ditches scheduled to begin on March 1, 1978, for that day only, and being further advised finds in the premises that Richard L. Smith is a resident freeholder of the County and is qualified to act as a special member of the Board.

Order

## REGULAR MEETING OF THE TIPPECANOE COUNTY DRAINAGE BOARD HELD MARCH 1, 1978 (continued)

IT IS TEREFORE, ORDERED, ADJUDGED AND DECREED that Richard L. Smith be and is hereby appointed a special member of the Tippecanoe County Drainage Board to serve as a special member in all proceedings occurring on March 1, 1978.

/S/ Warren B. Thompson  
Warren B. Thompson  
Judge, Tippecanoe Circuit Court

Letter to the Indiana Gas Company, Inc., which they requested, of approval on the corrections they did on the Elmer Thomas Ditch.

March 9, 1978

Indiana Gas Company, Inc.  
639 Columbia Street  
Lafayette, Indiana

Attention: Mr. Edward Weast

Dear Mr. Weast:

This letter is to acknowledge the fact that you have now complied with our Notice and Order of October 6, 1977, and the Resolution of February 1, 1978, by making the necessary corrections in the Elmer Thomas Ditch where said ditch crosses Indiana State Road #225 near Battle Ground, Tippecanoe Township, Tippecanoe County, Indiana. Such corrections in our opinion are satisfactory.

We thank you for your cooperation in correcting this defect in the legal drain.

Very truly yours,

/S/ William G. Vanderveen  
William G. Vanderveen, Chairman  
Tippecanoe County Drainage Board

/S/ Kenneth A. Miller  
Kenneth A. Miller, First Deputy  
Tippecanoe County Drainage Board

WGV/ek

The days business completed, Bruce Osborn moved to adjourn. William Vanderveen seconded the motion.

William G. Vanderveen  
William G. Vanderveen, Chairman  
Bruce Osborn  
Bruce Osborn, Vice Chairman

/absent/  
Robert F. Fields, Board Member

ATTEST: Ethel Kersey  
Ethel Kersey, Exec. Secretary

Letter to  
Indiana  
Gas  
Co., Inc.

REGULAR MEETING OF THE TIPPECANOE COUNTY DRAINAGE BOARD HELD JUNE 7, 1978

The regular meeting of the Tippecanoe County Drainage Board met in the Community Meeting Room in the County Office Building at 9:30 a.m. with the following members present: William Vanderveen, Bruce Osborn, Robert F. Fields, J. Frederick Hoffman, Michael Spencer, Kenneth Miller, Dan Ruth and Ethel Kersey.

The minutes of the May 3, 1978 meeting were read and approved.

Minutes  
Approved

The Tippecanoe County Drainage Board all read a copy of the Petition to Reconstruct a portion of Branch No. 14 of the S. W. Elliott Ditch and the Waiver of Notice and Consent. The Petition and Waiver of Notice and Consent were filed with the Surveyor and read as follows:

STATE OF INDIANA )  
                          ) SS:  
TIPPECANOE COUNTY )

BEFORE THE TIPPECANOE COUNTY  
DRAINAGE BOARD

Branch #14  
S.W.Elliott  
Ditch

IN THE MATTER OF THE )  
RECONSTRUCTION OF A PORTION )  
OF BRANCH NO. 14 OF THE )  
S. W. ELLIOTT DITCH. )

PETITION TO RECONSTRUCT DRAIN

The undersigned Petitioners respectfully petition The Tippecanoe County Drainage Board and show the Board as follows:

1. This Petition is filed pursuant to Section 110 of The Indiana Drainage Code (IC 19-4-1-10).

2. Petitioner The First National Bank of East Chicago is the owner, and Petitioner Richard E. Cochran is the purchaser under a binding offer to purchase, of a 4.09-acre tract in the Southeast Quarter of Section 3, Township 22 North, Range 4 West, Wea Township, Tippecanoe County,

Indiana. A legal description of said tract is annexed hereto as Exhibit A.

A plat of survey of said tract is annexed hereto as Exhibit B.

3. Petitioners' tract, like all of the real estate which adjoins it, is zoned for use for industrial purposes. Most of said adjoining land is presently being used for industrial purposes. The remained, like Petitioners' tract, is lying idle, awaiting development for industrial purposes.

4. As shown on said plat of survey, a portion of the tiled drain known as Branch No. 14 of the S. W. Elliott Ditch runs through the middle of Petitioners' tract, and renders the same unusable for industrial purposes.

5. Petitioners propose that the course of that portion of Branch No. 14 which runs across Petitioners' tract be relocated to run along a line which is parallel to and ten (10) feet east of the entire west line of said tract of real estate. Petitioners further propose to install therein new tile or corrugated pipe having a capacity at least as great as that of the present drain and to connect it up to existing portions of Branch No. 14 at the north and south lines of their tract, and to do so at their sole expense and in accordance with plans and specifications approved by the Board or its representative.

6. Petitioners submit that none of the other lands drained by Branch No. 14 will be in any way affected by the proposed change in course and reconstruction of that portion of said Branch No. 14 which runs through their tract.

7. Petitioners further request the Board to narrow the right-of-way provided by Section 601 of The Indiana Drainage Code (IC 19-4-6-1) to a forty (40) foot strip of even width, lying ten (10) feet on the west side and thirty (30) feet on the east side of the relocated centerline of that portion of Branch No. 14 which runs across their tract, and to permit the construction of permanent structures on any and all parts of their tract except said forty (40) foot strip. Petitioners submit that said forty (40) foot strip is more than adequate to provide for inspection and maintenance of Branch No. 14.

8. As stated above, Petitioners submit that the reconstruction of Branch No. 14 of the S. W. Elliott Ditch and the narrowing of the statutory right-of-way, as prayed for herein, will make their tract usable for industrial purposes and will have no effect whatsoever on any other lands served by Branch No. 14, and that therefore the granting of this Petition by the Board will serve the public welfare.

9. The Petitioners wish to have the date on which the matter will be referred to the Surveyor for report advanced in accordance with Section 110 (g) of The Indiana Drainage Code (IC 19-4-1-10 (g)).

10. The Petitioners will not be represented by counsel in this proceeding.

WHEREFORE, the Petitioners pray that the Board

a. Serve notice of intention to reconstruct that portion of

Branch No. 14 of the S. W. Elliott Ditch described above on the owners of land affected by said reconstruction;

b. Advance the date on which the matter will be referred to the Surveyor for report;

c. Fix a date for and hold a hearing on the proposed reconstruction;

d. Issue an order (i) relocating that portion of Branch No. 14 of the S. W. Elliott Ditch which runs across Petitioners' tract along the new route prayed for herein, and (ii) narrowing the statutory right-of-way provided by Section 601 of The Indiana Drainage Code to a strip of land forty (40) feet in width, lying ten (10) feet along the west side and thirty (30) feet along the east side of said relocated drain.

THE FIRST NATIONAL BANK OF EAST  
CHICAGO

By /S/ Edward D. Ryan  
Edward D. Ryan, Sr. Vice President

Attest: /S/ Ronald D. Sevier  
Ronald D. Sevier  
Assistant Cashier

/S/ Richard E. Cochran  
Richard E. Cochran

STATE OF INDIANA )  
                          ) SS:  
TIPPECANOE COUNTY )

BEFORE THE TIPPECANOE COUNTY  
DRAINAGE BOARD

IN THE MATTER OF THE )  
RECONSTRUCTION OF A PORTION )  
OF BRANCH NO. 14 OF THE )  
S. W. ELLIOTT DITCH )

WAIVER OF NOTICE AND CONSENT

The undersigned is the owner of real estate affected by the petition to reconstruct drain filed by The First Nation Bank of East Chicago, regarding the reconstruction of a portion of the Branch No. 14 of the S. W. Elliott Ditch; The undersigned has received and read a copy of the petition to reconstruct drain, is agreeable to such reconstruction and waives all notice of hearing on such petition and consents to an order by the Tippecanoe County Drainage Board, granting the relief sought in said petition and the reconstruction of said drain, such reconstruction is to be done entirely at the cost of Petitioner.

/S/ Fairfield Mfg. Co, Inc.

/S/ Charles E. Kramer  
President

Robert F. Fields made a motion to approve the Petition along with that we, Tippecanoe County Drainage Board have an inspector and they, The Petitioner pay for the inspection. Bruce Osborn, seconded the motion and made unanimous by William Vanderveen.

After approving the Petition the Board signed the "Order and Findings".

Mr. Alvin Pilotte was again present at the Drainage Board meeting. William Vanderveen asked Pilotte what he would like to talk about and of course it was the Ilgenfritz Ditch. Mr. Pilotte started out by complaining about the tile ditch he said is under the open ditch, which his property is still draining into. Apparently in his opinion when the open ditch was cleaned out there were some tile at the bottom of the ditch that were broken and this is letting the tile ditch fill up with dirt so that his property is not draining. Mike Spencer reported that the legal description for the Ilgenfritz was all an open ditch. Alvin insisted and repeated that there was only a waterway over the tile ditch but didn't know if the tile ditch is a legal or private drain. Ilgenfritz Alvin Pilotte

After a discussion about the work that had been done on the Ilgenfritz ditch and the work that is to be done, the above complaint of Mr. Pilotte was dropped and the meeting returned to the problem of the obstruction that Pilotte had placed in the ditch. After, Alvin talked for awhile, he was reminded by Mr. Vanderveen that he had been order to remove the obstruction. He said he would take the culvert out and then asked when he could look forward for a bridge. He was told in the next four years.

Mr. Hoffman told Mr. Pilotte he could have fifteen (15) days to removed the obstruction and that he would tell the Judge.

William Vanderveen opened the informal reconstruction hearing on the Michael Binder ditch.

Some of the people of this ditch asked for the hearing and the Surveyor needed to know how many of the people in this watershed were in agreement on the reconstruction of this ditch and what was there opinion of the report of the SCS concerning this ditch before he did all of the field work necessary.

Informal Reconstruction Hearing Michael Binder Ditch

Those in attendance were: Raymond C. Bender, Charles Shelby, John Shelby, Raymond Bennett Ser., Norman Bennett Doug Sheets, Charles E. Kerber, Paul W. Ade, Robert C. Ade and Ralph W. Patrick, Ann Clark and Mark De Poy from SCS.

The property owners and the Surveyor's office had both asked the Soil Conservation Service for any technical assistance their agency may be able to provide in reviewing or any changes that may provide for the reconstruction of this drain. The property owners was mailed a copy of the report from SCS along with the notice of the informal reconstruction hearing. Job Investigation

A discussion on the pros and cons of reconstructing the drain, with most of the question being answer by Ralph Patrick. Mr. John Shelby was the only one that had an objection to the reconstruction plans. He was objecting to the open ditch on his property, because he would be losing some farm ground.

Mr. Vanderveen asked for a show of hands from those in favor of going ahead with the plans to reconstruct the Michael Binder Ditch. The vote was unanimous.

All were informed that when the Surveyor was finished with his work, a new hearing with the results would be called. The Surveyor is to recheck the watershed.

Branch #5 J.N. Kirkpatrick Ditch

Pat Cunningham, Representing David Price, came before the Drainage Board asking permission to relocate a portion of Branch #5 of the James N. Kirkpatrick Ditch, the Board approved the proposed relocation with the following conditions:

1. That the owner petition to reconstructed a portion of Branch #5 of the James N. Kirkpatrick ditch.
2. That the expense of creating this legal entity as well as the installation of the improvements be borne by the petitioner.
3. That the construction plans for said legal drainage be approved by the Tippecanoe County Drainage Board.
4. That the owners up stream be notified by the legal notice procedure or have a Waiver of Notice and Consent signed.

Eugene Johnson Ditch

The repair work under the railroad on the Eugene Johnson Ditch, came under reconstruction not maintenance. Meeting for Reconstruction before work is done.

Upon motion made and carried the meeting adjourned.

*William G. Vanderveen*

William G. Vanderveen, Chairman

*Bruce Osborn*

Bruce Osborn, Vice Chairman

*Robert F. Fields*

Robert F. Fields, Board Member

ATTEST:

*Ethel Kersey*  
Ethel Kersey, Exec/Secretary

A Letter from the Tippecanoe School Corporation reads as follows;

June 1, 1978

Board of Commissioners County of Tippecanoe  
County Office Building  
20 North Third Street  
Lafayette, Indiana 47901

Gentlemen:

Subject to your approval and the approval of the Tippecanoe County Drainage Board, the Tippecanoe School Corporation will construct and thereafter maintain a storm water drainage system to serve Battle Ground Junior High School located in Tippecanoe Township, Tippecanoe County, Indiana, in accordance with the plans and specifications for such drainage system prepared by Fanning/Howey Associates, Inc., which plans and specifications have been submitted to and approved by you.

It is understood and agreed that Tippecanoe School Corporation shall be solely responsible for the construction and future maintenance of the drainage system and will save and hold harmless the County of Tippecanoe from any expenses, damages, and/or causes of action arising from the construction, maintenance, or lack of maintenance of said storm water drainage system.

TIPPECANOE SCHOOL CORPORATION

By: /S/ Richard W. Harlow  
President

Attest /S/ Mary I. Sherwin  
Secretary

Battle Ground Junior High School

REGULAR MEETING OF THE TIPPECANOE COUNTY DRAINAGE BOARD HELD FEBRUARY 7, 1979

The Tippecanoe County Drainage Board met in the Community Meeting Room in the County Office Building at 9:00 a.m. on Wednesday, February 7, 1979, with the following members and staff present: William G. Vanderveen, Robert F. Fields, Bruce Osborn, Dan Ruth Jr., Michael J. Spencer, David Luhman and Ethel Kersey.

Upon motion made and carried the minutes of the January 10, 1979 meeting were approved as read.

The City of Battle Ground was on the agenda for 9:30 a.m., but no one appeared for the hearing.

Next on the agenda was the opening of the Bids for reconstruction of the Shepherdson Ditch. The bidders were as follows:

Fairfield Constructors, Inc.-----	\$26,630.19
J. E. Benson, Inc.-----	34,147.60
Perry N. Davis, Michigantown, In.-----	27,210.44
Bob Hodgen-----	27,871.50
Willard F. Merkel-----	20,404.15
Birge Farm Drainage-----	11,183.50

The Bids will be taken under advisement and the bidders will be notified of the results.

Harrison Meadows Subdivision  
Floyd Mitchell, Paul Coutts and Mr. McBride, Attorney came before the Drainage Board with plans and petition to establish a legal drain for Harrison Meadows Subdivision. Dan Ruth, County Engineer, had asked that they come before the Drainage Board because the description of the legal drain didn't include the portion from the outlet to Burnetts Creek. All were concerned about what would happen if this portion of the drain became blocked, or destroyed. Mr. Mitchell stated that he had asked the property owner to let this become apart of the legal drain, but the property owner wouldn't go along with him as this property already has too many easement.

The Secretary is to notify the Attorney, of the date, time and place that a hearing will be held by the Tippecanoe County Drainage Board on establishing a new legal drain for Harrison Meadows Subdivision.

A letter from H. Stewart Kline read as follows:

H. Stewart Kline for Indiana Vocational Technical College

H. Stewart Kline and Associates, Incorporated  
engineers  
architects  
surveyors  
317-742-0295  
106 South Sixteenth Street, Post Office Box 1684, Lafayette, Indiana 47902

February 7, 1979

Drainage Board, Tippecanoe County  
Tippecanoe County Office Building  
20 North Third Street  
Lafayette, Indiana 47901

Gentlemen:

The Indiana Vocational Technical College is presently planning the construction of a new facility to be located on US 52 South at County Road 250 South. The new building is to be located in the area of the cultivated field just north of the old Ross Anne\*

building. Preliminary proposals include a building of approximately 45,000 square feet and site improvements will include the construction of access roads and parking areas for between 400 and 500 vehicles.

The present plan is to provide an internal storm water drainage system for the site with the outfall going into the Wilson Ditch Branch of Elliott Ditch which runs along the north side of the property. The engineering design will provide some scheme for storm water retention and the rate of discharge into the Wilson Ditch will be approximately the same as presently exists.

If this plan is acceptable, we will proceed with final engineering design. After completion of design, the final plan will be submitted for your approval.

Very truly yours,

/s/ H. Stewart Kline  
H. Stewart Kline  
H. Stewart Kline and Associates, Inc.

cc: Thomas Reckerd

HSK;ns

The Drainage Board accepted the above preliminary drainage plans for Indiana Vocational Technical College.

William Vanderveen, The Chairman, opened the preliminary hearing on the Wilson Property. Those present were: Thomas Wilson, property owner, Robert W. Crum from R. W. Crum Realty, Inc., Patrick L. Glon P.E., and Richard a Boehning, Attorney.

The following letter described the location and plans for above mention land, it reads as follows:

February 2, 1979

Drainage Board  
Tippecanoe County  
County Office Building  
Lafayette, In. 47902

Engineer  
Tippecanoe County  
County Office Building  
Lafayette, In. 47902

Re: Wilson Property

Dear Sirs:

As you know, on January 22, 1979, the Board of Commissioners of Tippecanoe County and the Tippecanoe County Drainage Board passes a resolution which requested the Area Plan Commission to not approve any preliminary plat or final plat for rezoning until such time as a satisfactory plan for disposition of the runoff of storm water for the property which is contained in the plat had been presented to the Tippecanoe County Engineer and approved by the Tippecanoe County Engineer and the Tippecanoe County Drainage Board.

I am representing the owners of the Wilson tract located at the intersection of I-65 and State Road 26. The particular area comprises only several acres and will constitute two building sites. The attached sketch shows the location and approximate size of the land in question and also the immediate surrounding area.

The area in question is an isolated piece of property surrounded by an apartment to the north, four businesses to the west, State Road 26 to the south and I-65 to the east.

Bob Crum has talked to you about this matter previously and Patrick Glon has prepared the attached drainage plan for the property.

The natural drainage of the two tracts is easterly into the I65 drainage system. Contact has been made with the Indiana State Highway Commission and tentative verbal approval has been given. The request was reduced to writing on January 25th and is now being processed by that Commission.

Two businesses are being considered for construction on the site. When constructed, the establishments would have hard surface over approximately 75% of the area. This would include roof area and associated parking area.

The proposed drainage plan as prepared by Mr. Glon limits the rate of discharge to an amount equal to or less than the present rate of discharge of the undeveloped land. This is to be accomplished by grading the parking area to form a water storage basin which would discharge the surface water through an undersized pipe into either the I-65 drainage system or the State Road 26 drainage system which drains into the I-65 drainage system. The size of the storage basin and the pipe would be sized to limit the rate of runoff discharge and to adequately store the anticipated volume of water to the area.

We are aware that there have been some drainage problems along other protions of State Road 26. These areas, however, are considerably further west than the area under consideration here.

The important points to consider in this matter are as follows:

1. The plan drains the storm water in the same direction as the natural flow off of the land.
2. The rate of discharge after development will be equal to or less than the present rate of discharge before development.

WILSON  
PROPERTY

## REGULAR MEETING OF THE TIPPECANOE COUNTY DRAINAGE BOARD HELD FEBRUARY 7, 1979 (continued)

Because an application for preliminary plat approval will be submitted to the Area Plan Commission shortly, we are submitting this request to you in the spirit of the resolution passed by the Board several weeks ago. We would accordingly respectfully request that both the Tippecanoe County Engineer and The Tippecanoe County Drainage Board approve the enclosed drainage plan.

We are on your upcoming February 7th agenda. We will plan on seeing you at that time. We did, however, want to submit this to you so that you would have sufficient time to review it prior to the meeting. If you have any questions that you would like answered before that meeting, please give me or Bob Crum a call.

Many thanks for your cooperation.

Very truly yours,

Bennett, Boehning, Poynter & Clary

Richard A. Boehning

After a short discussion on the pros and cons of the plans those present were told that the plans would be taken under advisement and would notify Area Plans Commission.

The Drainage Board asked for a letter stating Mr. Wilson, position on the proposed legal drain for that area.

Tile Bid Accepted The Bid of Banning-Barnard, Inc. D/B/A Flora Tile Co. for Material or Materials, Equipment, Goods or Supplies was accepted by the Drainage Board.

Upon motion made and carried the meeting adjourned.

*William G. Vanderveen*

William G. Vanderveen, Chairman

*Bruce Osborn*

Bruce Osborn, Vice Chairman

*Robert F. Fields*

Robert F. Fields, Board Member

ATTEST:

*Ethel Kersey*  
Ethel Kersey, Executive Secretary

The regular meeting of the Tippecanoe County Drainage Board met in the Community Meeting Room in the County Office Building at 9:30 a.m. on Wednesday, May 2, 1979, with the following Members present: William G. Vanderveen, Bruce V. Osborn, Robert F. Fields, J. Frederick Hoffman, Michael J. Spencer and Ethel Kersey.

Upon motion of Robert F. Fields, seconded by Bruce V. Osborn and made unanimous by William G. Vanderveen the minutes of the March meeting were approved as read.

Minutes  
Approved

Engineer for Cloverleaf Properties, Dale Koons, John Fisher, and William K. Bennett came before the Drainage Board with the Preliminary Plat for Creasy Lane Industrial Park.

Creasy Lane  
Industrial  
Park

The purpose of this meeting was to receive the approval of the Drainage Board of the preliminary plan for disposition of the run off of the storm water. Dale Koons explained that a portion of the Layden Branch of the Elliott ditch crosses this property and he felt that the Developer would like to relocate this portion of the Layden Branch and locate it along side of the new pipe that was installed along Creasy Lane by the County Highway. The relocation would be the Developer expense and they would not use this legal drain but would construct a new drain approximately in the center of the property to take care of the surface water. They were informed that if a ditch is relocated, the petitioner is to follow all legal procedures for reconstruction of a legal drain.

The drainage plan to be taken under advisement and William Bennett was asked to write a letter for Area Plan Commission to be approved and signed by the Drainage Board.

William Vanderveen opened the informal meeting on the Reconstruction of the James A. Shepherdson Ditch and immediately turned the meeting over to the County Surveyor, Michael J. Spencer. The Surveyor explained that we had on February 7, 1979, received six (6) bids for the reconstruction of the Shepherdson ditch. All bids were rejected. We readvertised for bids, and on , April 23, 1979, the Drainage Board received only one bid, from Fairfield Contractors, Inc. in the amount of \$26,630.19. This bid was, also, over the estimated cost.

INformal  
Hearing  
Reconstruct  
ion  
Shepherdson  
Ditch

Mike then asked those present what they would like to do. With no comment, Mike than suggested that by adding the bid price plus material that we could figure the price per acre and send out notices of assessment which would be higher than the original assessment. If you, the property owner, would agree with this and if the Fairfield Contractor, Inc. would extend the time of their bid. After a short discussion, the Drainage Board was asked to take a roll call as to how many was for the above plan. The roll call of those present and acres assessed as follows:

Howard Ayers---would go along with majority---Yes	50.00 A.
John and Mary Haan-----Yes	40.00 A.
Bernard and Mary Spitznagle----- No	128.20 A.
Margaret Carnell-----Yes	96.66 A.
Morris and Hazel Gochenour-----Yes	78.77 A.
Floyd H. and Phyllis L. Bolyard Jr.-----Yes	50.00 A.
John David Wolf(represented by F. Bolyard Jr.-Yes	4.00 A.
Ora & Claris Melvin (Represented by )---Yes	1.23 A.
Tippecanoe County Board of Commissioner-----Yes	14.53 A.

The total number of acres of property owned by persons in favor of the plan was 335.19, being more than fifty per cent (50%) in acreage of the lands affected that is required to go ahead with a project. There will be a new hearing on the schedule of assessments for reconstruction.

The Chairman,thank all for coming.

Next on the agenda was Sen Yon Restaurant. Those present for this hearing were: Harry Liu, John E. Fisher and Kent Moore. The purpose of this meeting was to receive approval from the Drainage Board for the proposed storm water management plan. The drainage plan to be taken under advisement. If the County Engineer give his approval of the Drainage Plan sowill the Drainage Board.

Sen Yon  
Restaurant

Those attending the meeting for Wakerobin Subdivision were: Herb Schwetman, Jim Jones, John H. Karl Jr., Kent Schuette, R. Donald Jacobson, Martha Jacobson, Arthur Kunz, Don Twiddy, John K. McBride and John E. Fisher.

Wakerobin  
SD.

John Fisher explained the drainage plan for the new subdivision which were plans that would take care of the 10 year storm and the rate of flow of water would be no greater than at present. After many questions and objections form those present, it was suggested that the plan be based on a 100 Year storm in place of the 10 year storm.

Mr. Fisher stated that they would go back to the drawing board. He asked if there could be a special meeting of the Drainage Board before, Wednesday, May 16, 1979. The Board agreed to a special meeting. Mr. Fisher is to let us know when he would like to have the meeting and we inturn would notify herb Schwetman and he in turn will notify the property owners in the Sherwood Forest Subdivision.

Bruce Parker, John Fouts and John E. Fisher came before the Drainage Board with revised drainage plan for Deardorf Estates. The plan will be taken under advisement and a letter to Area Plan Commission.

Deardorf  
Estates

Robert F. Fileds asked Fred Hoffman to write a letter, for the Drainage Board, to the State requesting a pipe being opened on State Road 26.

The Drainage Board increased the Watershed boundaries for Treece Meadows Legal Drain.

There being no further business the meeting adjourned.

*William G. Vanderveen*  
William G. Vanderveen, Chairman

*Bruce V. Osborn*  
Bruce V. Osborn, Vice Chairman

*Robert F. Fields*  
Robert F. Fields, Board Member

ATTEST: *Ethel Kersey*  
Ethel Kersey, Exec. Secretary

The Tippecanoe County Drainage Board met in the Community Meeting Room in the County Office Building at 11:25 a.m. on Monday, August 13, 1979, with the following members present: William G. Vanderveen, Robert F. Fields, Bruce V. Osborn, Willian D. Martin, J. Frederick Hoffman, Michael J. Spencer, Dan Ruth, and Ethel Kersey.

Seasons  
Four  
SD

Mr. Allen Buckley came before the Drainage Board with construction plan for Seasons Four. Seasons Four storm water discharges into the Elliott Ditch.

Dan Ruth stated that the Drainage Plan is alright, except the 36 inch pipe going into the Elliott Ditch, and they were proposing a rip-rap to prevent erosion.

The Drainage Board requested from Mr. Buckley a letter from Mr. John Fisher stating that this subdivision is within the city limits and that the drainage plan was designed for a 100 year rain, also, a letter from the City of Lafayette Engineer that they have approved the construction plan, including the detention pond, for Seasons Four.

Mr. Buckley was told that the Drainage Board would be at the Count Building at 11:00 a.m., Tuesday, August 14, 1979, if he wished to see them and if he had both letters they would then try to give him an answer.

Meeting adjourned.

Robert F. Fields  
Robert F. Fields, Board Member

William G. Vanderveen  
William G. Vanderveen, Chairman  
Bruce Osborn  
Bruce Osborn, Vice Chairman

ATTEST: Ethel Kersey  
Ethel Kersey, Exec Secretary

The Tippecanoe County Drainage Board met in the Commissioners Meeting Room in the County Office Building at 9:00 a.m. on Wednesday, October 3, 1979, with the following members present: William G. Vanderveen, Bruce V. Osborn, Robert F. Fields, Michael J. Spencer, William D. Martin, John Wilson & Dan Ruth were also present, Marsha Tull.

The minutes of September 6, 1979 meeting were approved.

Watkins  
Glen  
South

Watkins Glen South: Obtaining approval of the drainage plan. Pat Cunningham was representing Watkins Glen South. Mr. Cunningham explained how they were going to deal with the water.

Watkins  
Glen  
South

MOTION: Bruce Osborn-motion to approve.  
Mr. Vanderveen 2nd the motion.

Made unanimous that the drainage plan in Watkins Glen South be approved.

Orchard  
Heights 3rd  
Subdivision

Orchard Heights 3rd Subdivision: Paul Coutts-proposing an open channel. Paul stated that, their thoughts are, Steve and I talked about getting with Max Wastell who has option on this ground and going on a joint venture down to the sanitary, which is on the north side of Kinsington and coming through his property.

Orchard  
Heights  
3rd  
Subdivi-  
sion

Bruce Osborn asked, are you proposing an open channel?

Paul Coutts replied: Yes, We are willing to work with the city and Korty people on that land on an overall plan. Another engineer has been hired to do some engineering for Korty land. We are not all in substantial agreement with their treatment. Therefore, we would like to make our own separate proposal. If indeed, something comes about on the overall and the timing is appropriate, we are willing to go ahead and work with it on an overall basis.

What we would like to do, is to put another outlet pipe under Union Street (15" pipe) and then rework this open channel. Enclose it from the Southern side of Kinsington put in a 24" corrugated metal pipe and take down the hill in 12" CMP. We want to put a concrete bottom so it doesn't become and erosive situation. We tried to work in 3 to 1 side slops. Which is better than what is there now.

MOTION: Bruce Osborn-motion to approve the drainage plans for Orchard Heights 3rd Subdivision.  
Robert Fields 2nd the motion.  
Mr. Vanderveen made unanimous.

Lux  
Properties

Lux Properties: Obtaining approval of drainage plan. State Road 43 and Beck Lane. Fred Mark explained about the 15" tile underneath ST. RD. 43. Resurvey of where water goes, as to the fall. Jim Miller called in. The pond is to be retention area. Pond is going to have permanent 8' of water all the time.

Lux  
Properties

Fred Hoffman asked, how will it catch the excess if it isn't empty?

Jim Miller replied: From the banks. We need grade to keep it from getting marshy.

Mr. Lehnen stated that Mr. Lux had granted easement for future expansion. Mr. Lehnen also had a written statement from Mr. Lux that he would maintain the holding pond.

Mike Spencer mentioned that Dan Ruth was wondering if the 15" could be changed to 12".

It was made sure that it was to be made for 100 Year rain, instead of 10 year.

Mr. Hoffman stated that the Board would need a letter from the state giving their approval.

Fred Mark asked for recommendations.

Mike Spencer requested more time to study the plans.

The Board took it under advisement, for further study by Mr. Ruth and Mike Spencer.

Indiana Gas Co.: Gordon Pritchard was requesting permission to cross Elliot Ditch S. 18th St. South 300 S.

Robert Fields asked, how deep in the banks?

Mr. Pritchard replied: We will go back into the banks far enough to get concrete stabilizers 4' from surface of ground. All in county right away. There are concrete spillways coming down the side of banks for drainage ditches. We will have to come through and probably have to take out the existing spillway. We can either replace the same as it is, or use concrete sand bags and redo it all.

Dan Ruth called in: It should go back to the original ditch bottom elevation.

Mr. Vanderveen: 5' under the original elevation would be all right.

Mr. Ruth was asked to check into it.

Drainage Board approved with the condition that Mr. Ruth would check it out.

Upon motion made and carried the meeting was adjourned.

*William G. Vanderveen*

William G. Vanderveen, Chairman

*Bruce Osborn*

Bruce Osborn, Vice Chairman

*Robert F. Fields*

Robert F. Fields, Board Member

ATTEST: Marsha Tull  
Marsha Tull, Executive Secretary

Indiana  
Gas Co.

The Tippecanoe County Drainage Board met in the Community Meeting Room in the County Office Building, on April 2, 1980 at 9:30 a.m. with the following members present: Bruce V. Osborn, Robert F. Fields, Ed Shaw for William Vanderveen, Michael Spencer, Fred Hoffman, George Schulte, and Marsha Tull.

Crum Reality-Mountain Jacks: Brent Clary, attorney, explained that he was before the board concerning the Mountain Jacks tract of land. It is an 18.9 acre tract, located on the South side of Highway 26 adjacent to the Mountain Jacks Resturant area. They have a problem arranging a drainage system to serve the 6 tracts of land that are located in that area. This eventually flows into the Treece Meadows system. A design was put together to serve all 6 tracts.

Crum  
Reality  
Mountain  
Jacks

The before development runoff for the area is something in excess of 9.5 cfs. With the plan as presented, that rate drops to something less than .05 cfs. As far as controlling the runoff, this is a very excellent plan. It makes use of the natural flow in the area to the south, with natural swails and construction of the channel.

The system will connect over in the Southwest corner, to the Farrington Apartments system. There is an existing pipe there. To fit into the system, it does require a substantial reduced rate. All the calculations in regard to the system have already been presented to the Engineering office, and they have reviewed them completely.

There is no detention in that area at the present time. There is going to be just one retention pond. A constant water level of 6 feet will be in the pond. There will be a 12" outlet pipe with Orifice Plate. Mike Spencer mentioned that this will be a private system, and that they will need an adequate maintenance agreement that satisfies the County Drainage Board and the restrictions and covenants that will cover this.

The County Engineering Office has recommended approval of the plan with recommendations.

It was stated that one person owns everything except Mountain Jacks. Mountain Jacks has agreed to participate.

Mike Spencer: "One of the reasons that we requested it be built all at once is for existing conditions, as they are right now. Even if they are not built immediately, at least the pond will be there to take care of what water does drain off there now. Let's leave the condition concerning the 6 parcels of land in the recommendations, until you can come up with something that will tie it down tighter."

Brent Clary: "That is acceptable". He also mentioned that they do have commitments from the owners of the existing pipe to tie into it. There is a letter forthcoming. These people will be assessed on the Elliott Ditch and Treece Meadows Drain.

Robert Fields went over what the Drainage Board wanted concerning the proposal.

- a) A letter concerning the tile, stating that Farrington Apartments approves of the tie in.
- b) A Maintenance agreement.
- c) If you are going to build this in stages, then building permits must be tied with these different areas.

Fred Hoffman recommended that they complete this in one phase.

Brent Clary: "We will agree to that right now."

MOTION: Bruce Osborn made the motion to approve the plans subject to a proper maintenance agreement, an agreement to install the detention pond at once, an agreement from the present owners of the drain-permission to hook on, an agreement in writing from Mountain Jacks, that they will participate, and the conditions in the letter from the Drainage Engineer.

Ed Shaw: 2nd the motion.

Robert Fields: Unanimous.

Britt Drain: Brent Clary explained that they were before the Drainage Board with the proposal of a Private Drain situation instead of a public drain. What they are talking about, is a drain to serve area East of Creasy Lane and coming across down St. Rd. 26 North side of the road. The function and purpose is to limit the runoff in that area to a pre-development stage. It will be a split system which will help to control the flow from various areas. The flow will be maintained at less than the present level. It does require the use of a detention storage area.

The flow was based on 10 year and 100 year calculations.

It was the conclusion of the Drainage Engineer that the proposed system is adequate and will relieve the downstream erosion problem to some extent.

The Drainage Engineer does recommend approval of the plan with some recommendations.

- a) There is to be an emergency overflow outlet.
- b) The structure must be designed so that the outflow from the detention basin can be limited to the before development runoff of the area.
- c) Present to the Drainage Board the final plans and specifications with a design report. This is being prepared right now.
- d) Subsoil investigation. This can be done. It is the county's desire to run soil test to determine whether a hard surface must be included, there is no objections to doing that. This will be done to prevent unwanted vegetation growth.

The cost of the Private Drain will be assessed to the property owners it helps.

The proposed plan does not divert the flow of water.

It was mentioned that the property owners East of I-65 in the downstream area should be invited to a meeting to be advised of the proposed plan.

The Drainage Board set up a Special Meeting on April 7, 1980 at 1:30 p.m. for the purpose of notifying Troy Moore and the other property owners, of the proposed plan and to here their ideas on the matter.

MOTION: Bruce Osborn made the motion to approve the concept of the plan subject to notification of the property owners East of I-65 and the recommendations made by the Drainage Engineer.

Ed Shaw: 2nd the motion.

Robert Fields: Unanimous.

Coleman Ditch: Bob Grove before the Drainage Board with his Drainage plan of the Kenny Habbon Property, just West of Crouch School. The Goleman Ditch runs down the property line so he was told to get Petition to Vacate the drain, before the Drainage approval will be given, also, the entire Watershed is in the city.

Robert Fields: Go ahead and file the petition, then come back for the Drainage Board approval.

Bruce Osborn: 2nd the motion.

Ed Shaw: Unanimous.

Indiana Gas: Gordon Pritchard was before the Drainage Board to get a gas line in to serve Staley's and Caterpillar. It will go from County Rd. 600 S. straight north along the Powerline easement.

To do so, they will be crossing several Legal Drains. Several Branehes of the Elliott Ditch, and the main open on the Elliott, and the J.N. Kirkpatrick Drain.

The Drainage Board required that the Board hire a full time inspector at Indiana Gas expense, to make sure that all tile is repaired and everything is done legal and correct.

MOTION: Bruce Osborn made the motion to approve their request with the condition that the Board hire a full time inspector at Indiana Gas's expense.

Robert Fields: 2nd the motion.

Ed Shaw: Unanimous.

MOTION: Bruce Osborn made the motion to adjourn.

Ed Shaw: 2nd the motion.

Robert Fields: Motion carried and Unanimous.

ATTEST: Marsha Tull  
Marsha Tull, Exec. Secretary

Ed Shaw, Member

Robert F. Fields  
Robert F. Fields, Chairman  
Bruce Osborn  
Bruce V. Osborn, Vice Chairman

The Tippecanoe County Drainage Board met in the Community Meeting Room on November 5, 1980, at 9:30 a.m. with the following members present: William G. Vanderveen, Bruce V. Osborn, Robert F. Fields, Fred Hoffman-Attorney, George Schulte-Drainage Engineer, Mike Spencer-Surveyor, and Marsha Tull-Secretary.

Great Lakes Chemical

George Schulte came before the Drainage Board with a drainage proposal concerning the expansion of Great Lakes Chemical.

Mr. Schulte mentioned that they had located the Legal Drain. Mr. Schulte went over the Drainage Plans with the Board. The water eventually drains into the McClure Ditch. There was some discussion concerning the proposal. Great Lakes Chemical

MOTION: Bruce Osborn made the motion to approve the Drainage Plan for expansion of Great Lakes Chemical.

Robert Fields: 2nd the motion.

William Vanderveen: Unanimous.

J. N. Kirkpatrick

Richard Boehning came before the Board asking for approval of the Temporary Drainage Plan that was submitted last February, so that they can complete and get Final Plat approval on 22 lots of Valley Forge Subdivision. "This is 22 of the 40 lots. As you know, there have been previous conversations in the past, I will say approvals, to J. N. the effect that the Interim System would be approved for the first 40 lots. 18 of those have been approved by Kirkpatrick the Area Plan Commission. 22 are under submission now as the Final Plat approval on Phase 1, Section 2-Section 3 22 lots. Area Plan Commission says come to the Drainage Board and get approval of the Interim System so that we can get Final Plan approval on those 2 sections. We are asking for approval today."

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REGULAR MEETING OF THE TIPPECANOE COUNTY DRAINAGE BOARD (contin ued) HeId November 5, 1980

John Gambs stated that he represented some of the landowners involved with the Kirkpatrick Drain. He stated that the landowners had hired an Engineer, who has gotten together with John Smith's Engineer and discussed the situation. It is his conclusion after the discussion with Smith's Engineers and landowners represented, that the Interim Plan is acceptable with modifications that are in the letter that has been submitted to the Board as follows:

November 3, 1980

Mr. John R. Gambs  
Heide Gambs & Mucker  
214 First Federal Building  
Lafayette, IN 47901

Re: Valley Forge Estates Phase I  
Interim Storm Water System  
Kirkpatrick Drain

Dear Mr. Gambs:

This letter is wr-itten pursuant to your request that we review the interim storm water system for Valley Forge Estates Phase I.

Our review of the project consisted of reviewing plans and storm water calculations, inspecting the project site, and meetings with Robert R. Grove, P.E., of the John E. Fisher Co., Inc., who prepared the plans. The Phase I program calls for the development of 40 single-family residential lots in Valley Forge Estates Section 1, 2, and 3. The interim stor-m water management program covers only Phase I development.

We have reviewed the storm water calculations prepared by Mr. Grove and believe them to be accurate. The volume of storm water stored also appears to be adequate.

The technique of interim storm water storage by building a levee in the low are with controlled discharge is also adequate. Our questions about the proposed plan revolve around the finished product. Following are a list of comments regarding the plan.

1. The levee as designed does not have any free-board. The minimum acceptable free-board is 2 feet above maximum water level.
2. The levee and storage area should be completed prior to subdivision construction. The levee and pond area should be seeded to prevent erosion. The seed and fertilizer used should be as recommended by the Soil Conservation Service for this condition.
3. The control discharge piping should have rip-rap placed on the influent and effluent side of the pipes to prevent erosion. In order to prevent levee deterioration we would also recommend that anti-sepage collars be used on the control pipe.
4. An erosion control plan to be followed during construction should be made a part of the subdivision plans.
5. No storm water storage areas should be placed within the 150 foot legal drain right-of-way.

If you have any questions regarding our review of the plans, please feel free to contact us.

Very truly yours,

TRIAD ASSOCIATES, INC.

/S/

Thomas M. Schubert, P.E.  
Vice President

Richard Boehning stated that they had no objections to the letter.

There was \$1,000.00 per lot to be put in escrow toward the completion of a final drainage system for the entire subdivision.

MOTION: Bruce Osborn made the motion to approve the Interim Drainage System for Valley Forge Estates Phase 1, with the 5 stipulations listed and \$1,000.00 per lot, for a total of 40 lots, should be escrowed until a permanent solution to the Drainage problem be found and established.

Robert Fields: 2nd the motion.

William Vanderveen: Unanimous.

L. J. N.  
Kirkpatrick

Richard Boehning submitted and read a petition to the Board, as follows:

November 5, 1980

Tippecanoe County Drainage Board  
20 North 3rd  
Lafayette, IN 47901

Attn: Michael J. Spencer

Subject: Tippecanoe Development Corporation  
Valley Forge Estates  
Storm Water Management System

Dear Mr. Spencer:

We have submitted several storm water management plans for the subject development to your Board in the past. Although these plans have met the Board's criteria, they have been rejected for other reasons. As we understand, the two main reasons for rejection have been (1) encroachment on the Kirkpatrick drainage easement with detention facilities, and (2) potential conflict with long range improvements and maintenance to the Kirkpatrick drain.

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REGULAR MEETING OF THE TIPPECANOE COUNTY DRAINAGE (continued) Held November 5, 1980

Although we do not agree with this reasoning, we are proposing a new concept for managing the storm water from Valley Forge Estates, which eliminates these two concerns. This plan involves collecting the storm water from the subdivision through a system of storm sewers as previously presented. The storm water from the proposed development, both the area North and South of Kirkpatrick drain, will be piped to the West under Ninth Street where it will be detained. This storm water will then be metered at the allowable predevelopment flow rate to the surface of the existing Kirkpatrick drain. The detention facility will be located entirely off of the Kirkpatrick drain easement; thus eliminating one concern. The discharge will be held to the allowable predevelopment flow rate and discharged to the existing surface elevation. This will eliminate the second concern of potential conflict. Any future improvement to Kirkpatrick drain will no doubt involve a lowering of the existing channel as opposed to raising the flow line.

We have not authorized the Engineering work for this proposal. We have already incurred the cost for developing three storm water management plans which were not acceptable to your Board.

Therefore, we are requesting conceptual approval at this point. Thereafter, we will meet your criteria in developing the above described plan. We anticipate your approval of the final Engineering Plan.

In other words, we will proceed with the fourth "storm water management plan" upon the approval of our concept.

Very truly yours,

TIPPECANOE DEVELOPMENT CORPORATION

/s/

John E. Smith  
President

CC Richard A Boehning  
Robert R Grove  
James C Hilligoss  
Harry A Meshberger

John Gambs also submitted and read a petition to the Board, as follows:

J. N.  
Kirkpatrick TO THE TIPPECANOE COUNTY DRAINAGE BOARD

J. N.  
Kirkpatrick

PETITION FOR THE PREPARATION OF A MASTER PLAN FOR DRAINAGE IN THE WATERSHED SERVED BY THE KIRKPATRICK DITCH

The undersigned, being owners of property within the watershed and assessed for the Kirkpatrick Ditch, do hereby petition the Tippecanoe County Drainage Board to undertake the preparation of a master plan for drainage in the watershed served by the Kirkpatrick Ditch and in support of their petition show the Board as follows:

1. That there are currently problems with the drainage of both surface and subsurface waters in various places in the watershed.
2. That the watershed is currently undergoing some conversion from agricultural to other uses and development thereof and that, under existing patterns of growth, this will continue in the future.
3. That currently, individual landowners within the watershed are proposing various solutions to individual drainage problems without taking into account the overall problems and needs for drainage.
4. That unless a master plan is prepared for the entire watershed, individual solutions to drainage problems of particular tracts will result in waste and duplication in solving the overall drainage problem which can only be solved by coordinated action based upon an overall master plan.
5. The best time for the preparation of an overall master plan for the watershed is prior to the approval of any permanent drainage plans for any tract in the watershed.

Wherefore, petitioners pray that the Board undertake a master plan for drainage in the Kirkpatrick Ditch watershed including specifically the following:

1. A study of any necessary and feasible maintenance and/or reconstruction of the existing buried tile ditch;
2. A study of improvements to handle the surface water drainage;
3. A study of existing and proposed structures at railroad and highway crossings; and
4. Any and all other improvements necessary to enable the Kirkpatrick Ditch drainage system to handle the agricultural run off from a 10-year storm.

It was mentioned that there is 3,100 acres in the watershed area.

There was some discussion on the schedule of assessments and the cost of reconstruction.

Richard Boehning made the statement that they are asking approval of the above mentioned petition or letter so that they can hold their water on the other side of 9th Street.

MOTION: Bruce Osborn made the motion to take the petition under advisement.

Robert Fields: 2nd the motion.

William Vanderveen: Unanimous.

Twychenham Apartments

Bob Grove came before the Board to seek Final Approval on the Twychenham Apartment detention area. He briefly went over the plans with the Board.

Mike Spencer asked Mr. Grove if he had received City approval.

Bob Grove: "No."

Twychenham  
Apartments

It was stated that the water will be metered into the May Ditch, which is vacated, and eventually drain into the Ortman Ditch. They will be retaining the water in a permanent retention pond and metering it into the surface drainage.

REGULAR MEETING OF THE TIPPECANOE COUNTY DRAINAGE BOARD (continued) Held November 5, 1980

MOTION: Bruce Osborn made the motion to approve the drainage plans for Twychenham Apartments.

Robert Fields: 2nd the motion.

William Vanderveen: Unanimous.

Treece Meadows South

Joe Bumbleburg came before the Drainage Board for approval so they can get the Final Plats.

George Schulte and Mike Spencer submitted a letter of review and recommendations.

Bob Grove stated some of the minor problems to take into account. They have not calculated the effect of the 100 year flood, but they plan to lower the entire system to 2'. "We were dealing with Treece Meadows South only and in the process of creating on our plan we have provided some relief up stream. If the right restrictions up through that system were removed, we could handle more water through the entire system, this was based on the design of Treece South."

There is a legal drain that goes through Treece Meadows South property.

George Schulte stated that as far as their criteria for the Treece Meadows South that it does meet the Drainage Board requirements.

William Vanderveen mentioned that for Treece Meadows South they have accurate drainage plans but there will still be a problem with the First Treece Meadows.

Fred Hoffman stated that the two problems must be dealt with separately.

MOTION: Robert Fields made the motion to approve Treece Meadows South.

Bruce Osborn: 2nd the motion.

William Vanderveen: Unanimous.

Carriage House Apartments

Richard Boehning came before the Board in regards to Lot 13 in Carriage House Estates. The tile drains into Branch 13 of the Elliott Ditch with the statutory 150' easement. He stated that they would like the easement reduced to a 40' set back. All of 75' easement on the South side of the tile and 15' on the North side.

MOTION: Robert Fields made the motion to approve the easement reduction on Lot 13 in the proposed Carriage House Estates, that the North line of the easement be reduced down to 5' North of the 40' set back. 45' from the right-of-way line.

Bruce Osborn: 2nd the motion.

William Vanderveen: Unanimous.

MOTION: Robert Fields made the motion to adjourn.

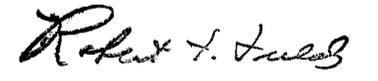
Bruce Osborn: 2nd the motion.

William Vanderveen: Unanimous.

Motion made and carried, meeting adjourned.

  
William G. Vanderveen, President

  
Bruce V. Osborn, Vice President

  
Robert F. Fields, Board Member

ATTEST: Marsha Tull, Secretary

Treece  
Meadows  
South

Carriage  
House  
Apartments

## REGULAR MEETING OF THE TIPPECANOE COUNTY DRAINAGE BOARD ---- Held January 7, 1981

The Tippecanoe County Drainage Board met in the Community Meeting room on January 7, 1981 at 10:00 a.m. with the following members present: William G. Vanderveen, Bruce V. Osborn, Sue Reser, Ron Melichar-Attorney, Mike Spencer-County Surveyor, Natalie Boyer-Secretary.

Election of Officers Because Section 105 of the Indiana Drainage Code states that the members of each Drainage Board shall organize at the Board's first meeting, and each January thereafter shall elect one chairman, one vice chairman, one secretary and appoint the attorney for the year. The officers for 1981 are: William G. Vanderveen-Chairman, Bruce V. Osborn-Vice Chairman, Sue Reser-Board Member, Fred Hoffman-Attorney, and Natalie Boyer-Secretary.

Tile Bids One bid was received from Banning-Barnard Inc., Flor Tile Company. The bid was opened and approved by the attorney.

MOTION: Bruce Osborn made the motion to accept the bid from Flor Tile.

Sue Reser: Seconded the motion.

William G. Vanderveen: Unanimous.

Brookview PDR

George Schulte was before the Drainage Board asking approval for a 90' maximum 80' minimum easement on the extension of the Elliott Ditch.

There was some discussion.

MOTION: Bruce Osborn made the motion to accept the 90' maximum easement from the center line on the south side of the Elliott Ditch.

Sue Reser: Seconded the motion.

William Vanderveen: Unanimous.

MOTION: Bruce Osborn made the motion to adjourn.

Sue Reser: Seconded the motion.

William Vanderveen: Unanimous.

Motion made and carried, meeting adjourned.

*William G. Vanderveen*

William G. Vanderveen-Chairman

*Bruce V. Osborn*

Bruce V. Osborn-Vice Chairman

*Sue M. Reser*

Sue Reser-Board Member

ATTEST: *Natalie Boyer*  
Natalie Boyer-Secretary

The Tippecanoe County Drainage Board met in the Community Meeting Room on Wednesday, May 6, 1981 at 9:30 a.m. with the following members present: William Vanderveen, Bruce Osborn, Sue Reser, Fred Hoffman-Attorney, George Schulte-Engineer, Mike Spencer-Surveyor, and Natalie Boyer,-Secretary.

Brookview

George Schulte was before the Drainage Board requesting Drainage Board approval of Brookview Subdivision drainage plans. It is located on the corner of South 9th Street and County Road 350 South.

It was stated that there will be a 90' easement from the centerline of the Elliott Ditch.

The total development consists of 37 acres. There are 47 single-family lots and approximately 41 patio-home lots.

They are proposing to construct 2 detention basins underneath an existing PSCI easement. The detention basins will serve a little over 13 acres. There will be some direct run-off due to the lay of the land. The run-off will be uncontrolled. They will compensate for this direct run-off by decreasing the allowable release rate from the two detention basins to meet the before and after development. The two basins will be designed for a 100-year storage.

George Schulte stated that they had talked to Public Service. The Public Service indicated that the only thing they want is an access so they can get in and work on their structures when necessary. They have no power poles in the middle of the detention basins. For the record, the Board would like a letter from the PSI stating they have no objections.

The outlet from the two ponds will be outletting into the Elliott Ditch. There will be a controlled release rate structure in the ponds to control the volume in the two detention basins.

William Vanderveen asked who will maintain the detention areas.

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The basins will be part of the lots and will be built with gentle enough slope so that the people can maintain them. It will be stated in the Covenants.

Brookview  
Subdivision

MOTION: Bruce Osborn made the motion to approve the drainage plans for Brookview Subdivision, subject to approval of final construction plans, and a letter from the PSI stating they have no objections to having the retention ponds in their easement.

Sue Reser: Seconded the motion.

William Vanderveen made the motion unanimous.

MOTION: Bruce Osborn made the motion that no occupancy permits be issued until the storm drainage system has been installed and approved.

Sue Reser: Seconded the motion.

William Vanderveen: Made the motion unanimous.

Red Roof Inn

Steve Baumgartner was before the Drainage Board requesting permission to supply a cash bond so they could receive their occupancy permit before they had completed their detention pond.

Red Roof  
Inn

MOTION: Bruce Osborn made the motion to deny the request for the cash bond for the completion of the drainage system for Red Roof Inn.

Sue Reser: Seconded the motion.

William Vanderveen made the motion unanimous.

Ranch Road Subdivision

Roy Easton was before the Drainage Board seeking approval of drainage plans for Ranch Road Subdivision.

Ranch Road  
Subdivision

Mike Spencer mentioned several questions which he and George Schulte had concerning the plans. He stated that the retention pond could not be located in the flood plain. He was also concerned with who would maintain the system.

There was some discussion on where the retention pond will be located and how it will be maintained.

It was agreed upon that it would be put in the Covenants that the people who maintain it be aware of that fact when they purchase the property.

MOTION: Bruce Osborn made the motion to give conceptual approval of Ranch Road Subdivision drainage plans, pending the location of the retention pond, the approval of the Legal Department of Restrictive Covenants, and final construction plans.

Sue Reser: Seconded the motion.

William Vanderveen made the motion unanimous.

Twychenham

Richard Boehning was before the Drainage Board representing Twychenham Building Company, INC. He was seeking Drainage Board approval of the drainage plans for Phase 1 and Phase 2 of Twychenham Estates, and conceptual approval of the drainage system for the entire area.

Other representatives present for Twychenham Building Company, INC., were: Mr. Jim Hilligoss, Mr. Bob Grove, and Mr. John E. Smith. Twychenham

Bob Grove went over the total Master Drainage Plan for the entire Twychenham Development pointing out the drainage to the Board.

There was some discussion on the vacation of the legal drain. The legal drain will go into a non-legal drain and back into a legal drain.

Fred Hoffman stated that this will cause some problem because there will be no control over the non-legal drain. It is poor practice to vacate portions of a legal drain.

There was further discussion on the maintenance of the drain if a portion of it would be vacated.

Bob Grove stated that their system meets the Drainage Board Criteria for the 10-year capacity in the piping and has met the criteria for detention.

It was also stated that the plans were not worth much without the vacation of a portion of the legal drain.

Mike Spencer asked Fred Hoffman if the Board could approve the drainage without having the Ortman Drain vacated.

Fred Hoffman stated they could approve the plan, but it should be stated that it will in no way affect their decision at a later date if they file a petition to vacate it. It may not be vacated.

MOTION: Bruce Osborn made the motion to approve the drainage plans as presented, that it no way affects the present legal drain and does not constitute any ruling as to a petition to vacate the drain, and that everybody understands that the drain may not be vacated.

Sue Reser: Seconded the motion.

William Vanderveen made the motion unanimous.

Bruce Osborn made the motion to approve the conceptual plans for the northern run-off of the Twychenham Subdivision project.

Sue Reser: Seconded the motion.

William Vanderveen made the motion unanimous.

MEETING OF THE TIPPECANOE COUNTY DRAINAGE BOARD ---- Held May 6, 1981 (continued)

Petition to Vacate a Portion of the Ortman Ditch

Petition to vacate portion of Ortman Dr. The Board received a petition to vacate a portion of the Ortman Legal Drain. The petition was submitted by Richard Boehning, representing Twychenham Building Company, INC.

Valley Forge

Valley Forge Bob Grove submitted to Mike Spencer a preliminary drainage proposal for Valley Forge for review and comments.

Vacation of the Police Barracks Branch of the Cuppy-McClure Ditch

The Board received a petition to vacate a branch of the legal drain known as the Cuppy-McClure Ditch.

Petition to vacate Police Barracks Branch The petition was submitted by Richard Boehning, representing John Sei and Franklin Parks Associates and Normandy Farms.

MOTION: Bruce Osborn made the motion to accept the petition to vacate the Police Barracks Branch of the Cuppy-McClure Ditch.

Sue Reser: Seconded the motion.

William Vanderveen made the motion unanimous.

MOTION: Bruce Osborn made the motion to adjourn.

Sue Reser: Seconded the motion.

William Vanderveen made the motion unanimous.

Motion made and carried, meeting adjourned.

*William Vanderveen*  
William Vanderveen, Chairman

*Bruce Osborn*  
Bruce Osborn, Vice Chairman

*Sue M. Reser*  
Sue Reser, Board Member

*Natalie Boyer*  
ATTEST: Natalie Boyer, Secretary

The Tippecanoe County Drainage Board met in the Community Meeting Room on April 7, 1982 at 9:30 a.m. with the following members present: William G. Vanderveen, Sue M. Reser, Fred Hoffman-Attorney, George Schulte-Drainage Engineer, Mike Spencer-Surveyor, and Natalie Cronin-Secretary.

Treece Meadows Drain

The purpose of the meeting was to explain and bring the board up to date on George Schulte's recommendations for cleaning up the drainage in Treece Meadows. George Schulte has a couple alternate plans on what could be done to get the water down to the Wilson Branch.

Treece  
Meadows  
Drain

STORM DRAINAGE REPORT AND RECOMMENDATIONS-TREECE MEADOWS DRAIN

I. Introduction

This report presents the results of a surface drainage study conducted for the watershed tributary to the Treece Meadows Drain which includes Treece Meadows Subdivision, Part 1 and Part 2. The study was made considering Treece Meadows Part 1 and Part 2 as fully developed and the remaining area in its present state of development. The analysis was made by developing synthetic runoff hydrographs for each sub-basin in the subdivision using the Illudas computer program and for the remaining sub-basins within the watershed using the S.C.S. TR-20 computer program. The hydrographs developed by the Illudas were introduced into the TR-20 computer program and routed through the existing Treece Meadows Drain. See Figure #1 for location of the watershed area analyzed.

II. Scope of Analysis

In an attempt to analyze the watershed and the Treece Meadows Drain, the following questions were asked:

1. What is the peak rate of runoff from the watershed in its present state of development and with Treece Meadows being fully developed?
2. What is the adequacy of the Treece Meadows Drain to safely convey runoff from the watershed in its present state of development and with Treece Meadows being fully developed?
3. What effect will future development have on the Treece Meadows Drain?
4. What corrective measures can be taken to alleviate the flooding problems that occur in the Treece Meadows Subdivision?

III. Procedures Used for Runoff Analysis

The basic input into the analysis involved a determination of the watershed limits, the sub-basin areas and a subsequent modeling of the sub-basin areas in terms of parameters as required by the Illudas and the TR-20 computer programs.

A. Watershed Delineation: A variety of information was used to delineate the watershed and sub-basins with regard to size and characteristics. Topography from the Caterpillar property was used to delineate the watershed to the west and plans from the Indiana State Highway Commission for construction of S.R.-26 were used to delineate the watershed to the north. Plans for Treece Meadows South were used to delineate the watershed to the south and topography from the Gipe property was used to delineate the watershed to the east, all in conjunction with U.S.G.S. quad maps. As-built construction plans were used to delineate the sub-basins in Treece Meadows Subdivision. Construction plans, visual inspection, and field survey work provided specific data for all structures and improvements.

The 623 acre watershed is primarily farm land with a scattering of residential and commercial developments. Of the 623 acre watershed, approximately 152 acres which belong to Caterpillar, lies to the west of Creasy Lane.

B. Soil Groups: The computer programs require information on hydrologic soil groups for the prediction of infiltration characteristics. These programs use the S.C.S. classification system which separates various soils into four categories. The soils in this watershed area are primarily silt loams and silt clay loams of the Chalmers, Toronto and Fincastle series which are classified as Type C hydrologic group soils. These soils characteristically exhibit slow infiltration and high runoff rates. See Figure #2 for a copy of the soils map for the watershed.

C. Drainage Structure Survey: Pipe culvert information, such as the area of opening, length, slope, entrance conditions, type of material and allowable headwater was gathered by field survey or from as-built construction plans. From this data, head-discharge and head-storage relationships were calculated for use in the TR-20 computer program.

Treece  
Meadows  
Drain

Channels were cross-sectioned, slopes determined and hydraulic roughness assigned. From this information, depth-end area and depth-discharge relationships were developed.

D. Rainfall: Because a computer was used, it was possible to investigate a range of runoff due to different rainfall values. From published rainfall data for the Lafayette area, the following storms were used to develop the synthetic runoff hydrographs:

<u>Duration</u>	<u>Return Period (Years)</u>	
4 hour	$\frac{10}{2.90 \text{ in.}}$	$\frac{50}{3.67 \text{ in.}}$

#### IV. Assumptions Used in the Analysis

A. Antecedent Soil Moisture Conditions (AMC): The runoff from an area is dependent upon the soil moisture existing prior to a storm. The soil moisture has a significant impact on the infiltration of rainfall. The Illudas and TR-20 uses conditions defined by the Soil Conservation Service. An AMC of 3 was used for Treece Meadows and an AMC of 2 was used for the remaining watershed area in this study.

B. Huff First-Quartile Storm Distribution: The time distribution of rainfall as developed by Huff(1967) and as displayed in Rain Table 3 of the TR-20 and as displayed in the rainfall distribution of the Illudas was used for development of hydrographs. This standard distribution, first-quartile storm is recommended for use in this area.

#### V. Results

Various sections and structures of the Treece Meadows Drain were analyzed by determining the peak rate of runoff tributary to the section or structure under consideration. With Treece Meadows fully developed and the remaining watershed in its present state of development the following conditions were found:

1. The peak rate of storm water runoff tributary to the Structure #2 (Julia Lane) was determined to be approximately 127.6 cfs and 198.6 cfs for a 10-year and a 50-year storm event respectively. With these flow rates and the limited capacity of Structure #2, it was determined that storm water runoff would overflow Julia Lane for both storm events analyzed.
2. With the limited capacity of Structure #3, flooding of the cul-de-sac adjacent to the open channel on Sickle Court would occur for both the 10-year and 50-year storm events analyzed.
3. The pipe culvert under McCarty Lane, Structure #4, is adequate to convey runoff from both storm events analyzed and this is due to restrictions in the upper portion of the Treece Meadows Drain.
4. The existing detention basin is not adequate to store runoff from either of the storm events analyzed.
5. The peak rate of runoff for the 623 acre watershed was determined to be approximately 180.8 cfs and 280.5 cfs for a 10-year and 50-year storm events respectively.

See Drawing No. 1 for additional information concerning the watershed limits, sub-basins, and runoff rates tributary to various sections of the Treece Drain.

The 471 acre watershed, which excludes the Caterpillar area, was analyzed for existing conditions using a 10-year storm event. The peak rate of runoff from a 10-year storm event, for the existing and before developed conditions, is what can be anticipated when the watershed is fully developed with properly functioning detention storage systems. The peak rate of runoff for the 10-year storm event is approximately 123.7 cfs. This runoff would cause flooding in the existing detention area.

#### VI. Conclusions

With Treece Meadows Subdivision fully developed and the remaining watershed in its present state of development, it has been determined that flooding will occur in the subdivision from a 10-year storm event and from less frequent higher intensity storm events. To alleviate excessive flooding that may occur from a 50-year or a 100-year storm event, it will be necessary to provide a positive outlet from the upper section of the Treece Meadows Drain beginning at Structure #2.

#### REGULAR MEETING OF THE TIPPECANOE COUNTY DRAINAGE BOARD ---- Held April 7, 1982 (continued)

The question may be asked what will happen when Caterpillar completes development of their property and diverts runoff to the Hammond Ditch and the remaining watershed becomes developed? The diversion of runoff from the approximately 152 acre Caterpillar area will not stop flooding problems that are occurring in the subdivision. As the remaining portion of the watershed is developed and detention storage is provided as presently required by the drainage board, flooding will still occur in the subdivision with the existing drainage system. The runoff tributary to Structure #2 will be approximately 99 cfs for a 10-year storm event which is greater than the allowable capacity of Structure #2 and Structure #3. Also, as the watershed develops it will be necessary to provide emergency routing to carry runoff from unusual storm events and the Treece Drain is the only available outlet for the upper portions of the watershed.

#### VII. Recommendations

Several alternatives were reviewed and the following alternates will resolve the flooding problems in the subdivision and provide a positive outlet for the watershed.

##### A. Alternate No. #1

1. Beginning at Structure #2, construct a 10 foot bottom open channel running south along the east property line of Treece Meadows Subdivision, placing a pipe culvert under McCarty Lane, and then take the open channel west along the south side of McCarty Lane to the existing Treece Drain. This change will alleviate the flooding in the subdivision and provide a positive outlet for the upper part of the watershed.
2. Structure #2, located at Julia Lane, should be limited to a capacity of approximately 20 cfs. This change will alleviate flooding of the cul-de-sac on Sickle Court.
3. The existing channel from the intersection of the proposed channel to the detention basin should be widened to a 12 foot bottom channel with 2 on 1 side slopes. This modification is required to carry additional runoff routed through the proposed channel from Structure #2.
4. The 24" corrugated metal outlet pipe running from the existing detention basin to a 58" x 36" corrugated steel pipe arch under Creasy Lane, should be removed and replaced with a 4 foot bottom open channel. This will increase the allowable flow from the detention area which is adequate for a 10-year storm event.
5. Increase the existing detention basin volume to 30 acre feet of storage. The existing detention basin easement will provide approximately 12 acre-feet of storage 4 feet deep which is about the maximum depth that can be attained in this area. An additional 4.5 acres, 4 feet deep, will be required to provide the recommended storage volume. The recommended storage volume is adequate to detain runoff from approximately a 10-year storm event, for the watershed as analyzed, without flooding the immediate area around the basin. See Figures 3 and 4 for detention storage required for 10-year and 50-year storm events.

B. Alternate No. #2

Items Number 1 through 3 as outlined for Alternate No. #1 will be the same for Alternate No. #2. Other recommendations for Alternate No. #2 are as follows:

4. Remove the 24" corrugated metal pipe at the existing detention basin and construct a 12 foot bottom open channel to the 58" x 36" pipe under Creasy Lane. From the 58" x 36" pipe, construct a 5 foot bottom open channel running south along the east side of Creasy Lane to a point just east of the Wilson Ditch. From this point, place a 58" x 36" corrugated metal pipe arch under Creasy Lane outletting into the Wilson Ditch. This modification will provide a positive outlet for the watershed capable of conveying runoff from a 10-year storm event for analyzed conditions.

The alternates as outlined above will alleviate flooding in the subdivision and they are adequate to convey runoff from a 10-year storm event without flooding the lower areas of the watershed. The alternates will not stop flooding in the lower areas of the watershed caused by less frequent higher intensity storm events until Caterpillar has diverted their runoff and the remaining watershed is fully developed with properly functioning detention storage systems.

It is also recommended that as a basis for a storm water management program for this watershed, the allowable release rate for detention storage systems be limited to 0.20 cubic feet per second per acre for the area the detention storage system is serving.

The estimated construction cost for Alternate No. #1 is \$110,000.00 and for Alternate No. #2 is \$67,000.00. These costs do not include the cost of additional drainage easements or engineering design.

William Vanderveen: Does Caterpillar have any schedule on when they will take care of their drainage?

Mike Spencer: I did talk to them, and they have no time table whatsoever.

William Vanderveen: That will help.

Mike Spencer: Yes, it will help, but it won't solve the problem.

There was some discussion on the money situation. It would be a reconstruction project.

George Schulte mentioned that whatever plan goes in, there needs to be a final solution.

John Fisher and Joe Bumbleburg were also present in order to make comments and suggestions on the recommendations made by George Schulte.

Joe Bumbleburg pointed out to the board that they are talking about a long term solution, which could be drug out because of the payment structure; what do you do in the short range.

John Fisher mentioned his concern for the short term solution.

Mike Spencer explained to the Board they will need more dedicated easement.

Dan Ruth, highway engineer, was present at the meeting to explain to the board that the pipe put in along Creasy Lane is designed only to handle the four-lane Creasy Lane.

It was recommended by the drainage board that Mike Spencer and George Schulte will need some definite plan to present to the landowners who will be asked to give up land for more easement of the Treece Meadows Drain.

A time will be set up to meet with these landowners, once it is decided which landowners will be affected.

REGULAR MEETING OF THE TIPPECANOE COUNTY DRAINAGE BOARD ---- Held April 7, 1982 (continued)

Elliott Ditch

Mr. Smith, Mr. Witz, and Mr. Elliott were before the drainage board regarding the reconstruction of 9500' of pipe on the Elliott Ditch.

The question was raised whether or not this would be a reconstruction or would this be taken out of the maintenance fund.

Fred Hoffman: Since it is where the present drain is, it would be considered a reconstruction.

Elliott Ditch

Mike Spencer: We can do sections out of maintenance money, but if we do the whole thing at once it would be a reconstruction. We can spend \$5,000.00 without going into a bid process.

It was decided by the drainage board to start by fixing the main tile south of the sod farm out of the maintenance fund of the Elliott Ditch.

Carriage House Apartments

Mike Spencer presented a maintenance agreement on Carriage House Apartments for the drainage board to sign.

Fred Hoffman stated he has looked over the agreement and in his opinion it is satisfactory.

Carriage House Apartments

The board did sign the maintenance agreement for Carriage House Apartments.

PRF Drainage

Purdue University is moving their farming operation to the Baker Purdue farm in Montmorenci; they are closing down their operation just north of West Lafayette.

They are proposing either more industrial park or some type of land development.

PRF Drainage

They are looking into alternatives on how to handle the drainage. There are several legal drains in the area; one is the Dempsey Baker Ditch, another the McClure Ditch, and Lindberg Lake. Something has to be done with Hadley's Lake.

John Fisher has done a profile from Indian Creek through Hadley's Lake all the way down to Burnett's Creek. They need a way to control the water level on Hadley's Lake. The problem now is that Indian Creek over flows into Hadley's Lake and there is no outlet for Hadley's Lake.

George Schulte suggested to use Hadley's Lake as a reservoir for the excess water, and as Indian Creek goes down it can drain Hadley's Lake back out. You will still have a certain water elevation in Hadley's Lake, but you can control the elevation in Hadley's Lake.

MOTION: Sue Reser made the motion to adjourn.

William Vanderveen: Unanimous.

Motion made and carried, meeting adjourned.

*William Vanderveen*

William Vanderveen, Chairman

*Sue M. Reser*

Sue Reser, Boardmember

ATTEST: *Natalie Cronin*  
Natalie Cronin, Secretary

The Tippecanoe County Drainage Board met in the Community Meeting Room on July 21, 1982 at 9:30 a.m., with the following members present: Bruce V. Osborn, Sue M. Reser, Eugene R. Moore, Fred Hoffman-Attorney, Michael Spencer-Surveyor, and Natalie Cronin-Secretary.

Orchard Heights Part III

Mr. Bill Abbott of 533 North Creasy Lane was before the drainage board. Mr. Abbott had been to the meeting held November 4, 1981. At that time PSI, instructed by Mr. Gunstra, had cut his tile. The board told Mr. Abbott, at that time, it was a mutual drain and the board had no jurisdiction, but they would talk to Bruce Gunstra and PSI.

Today Mr. Abbott would like to know the action the drainage board can take in order to help clear up his drainage problem. Mr. Abbott has hooked onto the city sewer, but it has not solved the problem.

Jerry Withered, an attorney representing Mr. Abbott, told the board it is a public drainage problem, and we

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SPECIAL MEETING OF THE TIPPECANOE COUNTY DRINAGE BOARD ---- Held July 21, 1982

would hope that the board would take some action to clear up the drainage in the area.

Bruce Osborn mentioned it was a mutual drain; the drainage board has no jurisdiction over the drain. Mr. Osborn told Mr. Abbott they could petition the drainage board to put in a new legal drain. Orchard Heights

West County Line Road

The drainage board moved a motion be made to grant approval to the Highway Department to pay one half the cost of pipe and installation on the West County Line Road where the Darby Ditch crosses.

MOTION: Sue Reser made the motion that the Highway Department pay one half the cost of pipe and installation on the West County Line Road where the Darby Ditch crosses between 750 N and 900 N. West County Line Road

Eugene Moore: Seconded the motion.

Bruce Osborn: Unanimous.

MOTION: Sue Reser made the motion that the Highway Department pay the total cost of pipe and installation on County Road 900 W between 750 N and 900 N.

Eugene Moore: Seconded the motion.

Bruce Osborn: Unanimous.

#211 General Drain Fund

Mike Spencer explained to the board that on the drainage board budget for 1983 a new line item #225 has been added to include an appropriation of \$200,000.00 to the General Drain Fund. General Drain Fund

Elliott Ditch

Mike Spencer presented to the drainage board a bill for labor of the Elliott Ditch for over \$5,000.00. The reason for the increase in the cost was due to quick sand.

The board declared an emergency for the Elliott Ditch.

The board granted approval to pay \$5,389.10 for labor on the Elliott Ditch to Fauber's Construction. Elliott Ditch

Felbaum Branch of the Berlovitz Ditch

A petition to reconstruct the Felbaum Branch of the Berlovitz Ditch was submitted to the drainage board. Felbaum Branch

Treece Meadows

Mike Spencer reminded the board they are meeting with the property owners on the Treece Meadows Drain in order to get more right-of-way. Treece Meadows

Ilgenfritz Ditch

Mr. Bob Lahrman was before the drainage board in regards to the Dismal Ditch, which is not a legal drain.

Mr. Lahrman was asking the board to grant Mike Spencer the permission to survey the Dismal Ditch. The survey would give the people an idea of the cost involved in cleaning out the Dismal Ditch. Ilgenfritz Ditch

Mr. Lahrman would like to see a clean out of the Ilgenfritz Ditch regardless of what is done to the Dismal Ditch.

Fred Hoffman suggested that they file a petition to the drainage board to extend the Ilgenfritz Ditch down to the Wea Creek, what is now the Dismal Ditch. The petition would include a clean out for the whole ditch.

MOTION: Eugene Moore made the recommendation for Mike Spencer to survey from the Wea Creek to the outlet of the Ilgenfritz along the Dismal.

Sue Reser: Seconded the motion.

Bruce Osborn: Unanimous.

Elliott Ditch

Mr. Elliott and Mr. Witz were before the drainage board requesting that their drainage problem on the Elliott Ditch receive immediate attention.

A stretch of pipe downstream, put in in 1974, is a foot higher than the pipe that the County just put in. The water is flowing; it just has to go uphill to get out. Elliott Ditch

Bruce Osborn instructed Mike Spencer to check the grade through the sod farm and inform the drainage board of his findings.

The Elliott Ditch is approximately \$40,000.00 in the red. The assessment needs to be raised in order order for the ditch to get money to operate.

MOTION: Eugene Moore made the motion to start procedures to raise the assessment to \$5.00 per acres, and \$10.00 per lot.

Sue Reser: Seconded the motion.

Bruce Osborn: Unanimous.

MOTION: Eugene Moore made the motion to adjourn.

Sue Reser: Seconded the motion.

Bruce Osborn: Unanimous.

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SPECIAL MEETING OF THE TIPPECANOE COUNTY DRAINAGE BOARD ---- Held July 21, 1982

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Motion made and carried, meeting adjourned.

Bruce V. Osborn  
Bruce V. Osborn, President

Sue M. Reser  
Sue M. Reser, Boardmember

Eugene R. Moore  
Eugene R. Moore, Boardmember

ATTEST: Natalie J. Cronin  
Natalie J. Cronin, Secretary

The Tippecanoe County Drainage Board met in the Community Meeting Room on August 4, 1982, at 9:30 a.m. with the following members present: Bruce V. Osborn, Sue M. Reser, Eugene R. Moore, Mike Spencer-Surveyor, and Natalie Cronin-Secretary.

Elliott Ditch

Elliott Ditch Mike Spencer will get estimates and write up specifications on the Elliott Ditch. If the cost estimate exceeds \$5,000.00, the drainage board will ask for bids.

Willowood Subdivision

Judy Johnson was before the drainage board with a drainage problem on Willowood Drive off of 400 East. She explained everytime it rains they get excess water off a field which belongs to Mr. Pershing. Mrs. Johnson presented pictures to the board showing the flooding problem on their street.

Willowood Subdivision

Bruce Osborn told Mrs. Johnson he has seen the problem. The trouble he saw was due to the dike overflowing; the water comes from up the hill east of you from that field. The drainage board has no authority over this problem. There is no legal drain involved.

The ditch that runs in front of Mrs. Johnson's property was put in by the County Highway. She was instructed by the board to check with Mr. Wilson as to when they would be cleaning out the ditch.

Bruce Osborn told Mrs. Johnson the best solution would be to go to the SCS Office for assistance.

Drainage Problem on S.R. 225 and Stair Road

Opal Hatke was before the drainage board; her letter of complain reads as follows:

S.R. 225 Stair Road

This sketch that was prepared by Stuckey Drainage Service might help you to understand the kind of trouble I am having at Jewitzport. Roy Stuckey did considerable work for Tippecanoe County in the early 1970's. The County built a catch basin and laid the tile from the basin to the tile that parallels S.R. 225 to the river. We gave permission for this to be installed on our property with the understanding that the County would maintain it. The County has cleaned out the catch basin many number of times, but not once did they have the tile repaired. I have spent over \$4,000.00 on this project and not a drop of this water is from my farm. The sketch will verify the flow of water, and I have records, ledger sheets, and invoices as to verify the amount of money I have spent on repairs. I have taken this subject up with the Commissioners, Mr. Rath, and the surveyor numerous times. I even had the late Mr. Harry Schultz working on this matter to get some relief for me from the damages and expenses. All I ever heard was have it made into a court ditch then we can help. I gave the surveyor a petition signed by Mr. and Mrs. Cordell, Mrs. Myers, and Mrs. and Mr. Wayne Kingman. I never heard from this afterward. The water in the catch basin and tile across my field is all County water, drained from the southside of Topath Road, under the road, into the basin and on into the tile that parallels 225. I don't know who owns this tile that parallels 225. When the road that is now S.R. 225 was changed from a County Road to a State Road, what was the width of the right-of-way from the center of the road? The state engineer, Lowell Ford, ordered my tenant not to farm so close to the REMC poles because that was state property. He also ordered us not to drain the catch basin into the tile that parallels 225 for the same reason. The state right-of-way was 40 feet from the center. After trouble erupted in the tile close to the river, Ford claimed that this was my property and the state right-of-way was 20 feet from center and not 40 feet. Now, I want to know just what it is. I was worried that a killing, a murder, would take place if this problem is not corrected immediately. Norman DeBoy, who farms Frank Washburn's land that lies across 225 from my farm, attacked my tenant, Paul Stein. Knocked him to the pavement, broke a rib, cut his lip, and bruised him all over. This is all because water was flowing in natural flow from my field under 225 to Washburn's field. They built a dam to force the water back on my field. The state engineer had the dam removed. They built it again and someone knocked part of it out, and their field was flooded again. My tenant, with an auxiliary policeman-a neighbor, went there to check our bean crop when DeBoy attacked him. I had Willard Merkel working on this problem when they had Jeffrey Hemrick write to me threatening to take me to court if I didn't have this tile repaired immediately. Here is Hemrick's letter to me. I am getting the blame for all the water, that I repeat, not a drop of it is from my farm. So far, I have had all the responsibilities and all the expenses to pay to maintain the County and State drainage problem at this location. The high taxes, high cost of producing a crop, and low grain prices, I simply cannot continue paying these bills that our not mine. When our public employees request higher salaries, where do they think the money is coming from. How do they think property owners are going to get money to meet the higher taxes. We are taxed way beyond our means now. I just wish our public employees would do a little thinking.

Opal Hatke told the drainage board to reimburse her for some of the bills or take the culvert out.

The board will decide on what action to take and notify Opal Hatke of their decision.

MOTION: Eugene R. Moore made the motion to adjourn.

Bruce V. Osborn: Unanimous.

Motion made and carried, meeting adjourned.

*Bruce V. Osborn*  
 Bruce V. Osborn, Chairman  
*Eugene R. Moore*  
 Eugene R. Moore, Boardmember  
*Sue M. Reser*  
 Sue M. Reser, Boardmember

ATTEST: *Natalie J. Cronin*  
 Natalie J. Cronin, Secretary

The Tippecanoe County Drainage Board met in the Community Meeting Room on October 6, 1982 at 9:30 a.m. with the following members present: Bruce V. Osborn, Eugene R. Moore, Fred Hoffman-Attorney, George Schulte-Engineer, Mike Spencer-Surveyor, and Natalie Cronin-Secretary.

Wastl Property

Wastl Property John Fisher was before the board to present to them a concept to develop a Master Drainage Plan for that watershed area around the Wastl Property. The Wastl Property is located east of State Road 43 and south of Beck Lane.

Bids-Elliott Ditch

Elliott Ditch Bids The drainage board signed the specifications for maintenance work on the Samuel W. Elliott Ditch. Bids will be opened at 11:00 a.m. on Monday, October 18, 1982.

The work includes replacement of approximately 2000' of 24" corrugated metal pipe.

Agreement: Wilson Branch of Elliott Ditch

Wilson Branch of the Elliott Ditch Eugene Moore made the motion to accept the agreement between the Tippecanoe County Drainage Board and Helen F. Kepner in regards to maintaining the banks of the Wilson Branch of the Elliott Ditch for a distance of one-hundred twenty five (125) feet extending in a westerly direction from Ross Road.

Bruce Osborn made the motion unanimous.

Signature Inn Motel

Signature Inn Motel LOM Corporation was before the board in order to receive preliminary approval for Signature Inn Motel located on State Road 26 and I-65 east of Bob Evans.

Mike Spencer and George Schulte have received and reviewed the preliminary plans for Signature Inn Motel; the concept meets with their approval.

The board granted preliminary approval of the concept and calculations for Signature Inn Motel.

Mary Southworth Ditch

Mary Southworth Ditch Do the September 1972 drainage board minutes truly reflect the board's action regarding the vacation of the Mary Southworth Ditch?

Nina Kirkpatrick was before the board representing Purdue University concerning the 1972 vacation of the major portion of the Mary Southworth Ditch, including that portion which ran through the Purdue Wildlife refuge west of C.R. 750 West. It is entirely clear in context that the drainage board intended to vacate all of that portion of the ditch, and to leave open only that portion beginning at the east line of what was then the Shidler tract and continuing east down to State Road 26. Apparently in writing up the minutes

the clerk skipped from the point where there was to be a description of the vacated part, and went directly into a description of the portion left open, leaving the impression that that was the portion intended to be closed.

Mr. Charles M. Kirkpatrick presented to the board several documents which he prepared at the time of the hearings which also reflect his understanding of the board's decision. These documents indicate that the abandonment of the drain was west of County Road 750 West.

Randall Von Derheide was the attorney representing Mr. and Mrs. Paul Kerker. "The board must consider whether there is a typographical error which has resulted in a misunderstanding on the part of various individuals involved."

Jackie Kerker was present at the September 6, 1972 hearing; she attended the hearing specifically to object to the vacation of the ditch west of the Shidler property. Jackie Kerker stated that the minutes do reflect what took place at the September 6, 1972 hearing.

The board will take the matter under advisement and inform both parties concerned of their decision.

Eugene Moore made the motion to adjourn.

Bruce Osborn: Unanimous.

Motion made and carried, meeting adjourned.

*Bruce V. Osborn*

*Eugene R. Moore*

Eugene R. Moore, Boardmember

Mary Southworth Ditch

ATTEST: *Natalie Cronin*  
Natalie Cronin, Secretary

The Tippecanoe County Drainage Board met for a special drainage board meeting on October 25, 1982 at 9:00 a.m. with the following members present: Bruce V. Osborn, Sue M. Reser, Eugene R. Moore, Fred Hoffman-Attorney, George Schulte-Engineer, Michael J. Spencer-Surveyor, and Natalie Cronin-Secretary.

Camelot Subdivision

Tippecanoe Builders and John Fisher were before the drainage board to discuss the dam in Camelot Subdivision.

Tippecanoe Builders asked John Fisher to look at the facility and to suggest the most practical way of getting the drainage resolved.

Camelot  
Subdivision

"We have basically two different alternatives. We can go in and clean out another 40,000 cubic feet of storage capacity; or we could raise the top level of the dike an addition 2 feet; or we could do something in between, take out a portion of the area and raise the dike proportionately. The simplest way to resolve the problem would be to raise the dike. The most inexpensive way to do it would be to raise the dike an additional 2 feet."

We are proposing to raise the dike an additional 2 feet.

George Schulte and John Fisher have discussed the possibility of elevating the dike.

George Schulte: "I think something else that needs to be considered is the pipe that is in there now. The pipe needs to be corrected. Basically the pipe is deformed. It has been squashed somehow or another. If it comes to the point where the county does take over the maintenance of the facility, I think they want a facility that they are sure will last a long time with minimum amount of maintenance. The pipe itself could possibly cause a problem."

Bruce Osborn: "Regarding the pipe, you should do what George suggests. If he tells you to take it out and put a new one in, you had better do it. If he is not satisfied, we will not be satisfied."

Fred Hoffman: "I think that the people involved should have some notice of what you are proposing to do before it is done. So that they may have a chance to voice their opinion."

Notices will be sent to landowners in the watershed area of the Camelot Subdivision informing them of a drainage board meeting to be held on November 10, 1982 at 9:30 in the Community meeting room of the County Office Building,

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in regards to the reconstruction of the dam at the lower end of the retention pond in Camelot Subdivision.

Acceptance of bid for the Elliott Ditch

Eugene R. Moore made the motion to accept the bid from Fairfield Contractors for the maintenance work on the Elliott Ditch. The bid was for \$28,840.00.

Sue Reser: Second.

Bruce V. Osborn made the motion unanimous.

Elliott  
Ditch  
Bid

Eugene R. Moore made the motion to adjourn.

Sue Reser: Second.

Bruce V. Osborn made the motion unanimous.

Motion made and carried, meeting adjourned.

Bruce V. Osborn  
Bruce V. Osborn

Eugene R. Moore  
Eugene R. Moore

Sue M. Reser  
Sue M. Reser

ATTEST: Natalie J. Cronin  
Natalie J. Cronin, 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*

REGULAR DRAINAGE BOARD MEETING OF SEPTEMBER 7, 1983.

The Tippecanoe County Drainage Board met in regular session in the Commissioners Conference Room of the Tippecanoe County Office Building on September 7, 1983.

In attendance: Bruce Osborn, Chairman; Eugene Moore, Boardmember; Sue Reser, Boardmember; Michael Spencer, Surveyor; George Schulte, Engineer; and Frances Bates, Secretary.

Lockwood Subdivision - Part 3.

Kent Parkinson, Representative of John Fisher Co. Inc., and Dave Kovich of Tippecanoe Enterprises appeared before the Drainage Board to request final approval of Part 3 of Lockwood Subdivision.

Lockwood SD George Schulte reported that John Fisher Co., Inc. had submitted all calculations and construction plans. Mr. Schulte stated that he had reviewed the plans, made some additions, and verified that the plans do comply with Drainage Ordinances and do adequately provide for future expansion.

Bruce Osborn questioned if Part 3 had any connection to the existing dam. Dave Kovich stated that this section does not go through the dam, but is downstream.

Michael Spencer and George Schulte both gave approval to the plans.

Sue Reser made the motion that the Tippecanoe County Drainage Board grant final approval to Lockwood Subdivision, Part 3.

Eugene Moore seconded the motion.

The Tippecanoe County Drainage Board gave unanimous final approval to Lockwood Subdivision, Part 3.

Woodland Terrace Mobile Home Park - Phase 2.

Woodland Terrace Michael Spencer reported that calculations had been received on Thursday, September 1, 1983; and given to the Engineer on Friday, September 2, 1983. Mr. Schulte reported that he had not received the plans in time to thoroughly review them and requested delay in action in order to review the plans with Robert Williams due to questions he had as to expansion plans and proposed detention basins.

Mr. Williams stated Phase 2 plans to include expansion of the Park to the north with future Phase 3 plans to include thirty acres to the east. Mr. Williams reported that the owners of the Park were considering withdrawal of the Phase 2 approval request from the Area Plan Commission, with a later request to be made including both Phase 2 and Phase 3.

Bruce Osborn stated that no Drainage Board action would be taken at this time due to the need for Mr. Schulte and Mr. Williams to confer on the submitted plans.

Mr. Williams requested that Woodland Terrace Mobile Home Park be placed on the October agenda of the Drainage Board.

S.W. Elliott Ditch - Report on Reassessment

Elliott A progress report was given on the reassessment proposed for the S.W. Elliott Ditch based on the storm water runoff potential from each type of land use. This new type of assessment to vary from \$3.00 to \$7.50 per acre depending on the zoning of land into six categories. A minimum assessment of \$15.00 would total a yearly income of \$58,135.42.

Bruce Osborn requested if others had been consulted concerning the new assessment procedure.

Michael Spencer reported that legal counsel, Attorney Fred Hoffman, had reviewed the materials and had recommended combining the Treece Meadows and the Elliott into one drainage system, thereby necessitating one assessment for the entire watershed, rather than two separate ones. This method would simplify bookkeeping and prevent double assessment of land owners.

Bruce Osborn suggested that a presentation be made to affected Industries in the area by the Engineer in order to explain the new assessment procedure. Sue Reser suggested a public hearing for all affected land owners would be advisable.

A decision as to the scheduling of informational meetings is pending.

The September regular meeting of the Tippecanoe County Drainage Board was adjourned at 8:55 a.m.



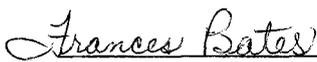
Bruce Osborn, Chairman



Eugene Moore, Boardmember



Sue Reser, Boardmember

ATTEST:   
Frances Bates, Secretary

The Tippecanoe County Drainage Board met in regular session in the Community Meeting Room of the Tippecanoe County Office Building on November 2, 1983 at 8:30 a.m.

In attendance: Bruce Osborn, Chairman; Sue Reser, Boardmember; Eugene Moore, Boardmember; Michael Spencer, Surveyor; Fred Hoffman, Legal Counsel; George Schulte, Engineer; and Frances Bates, Secretary.

I Camelot IV & V

Bob Grove, representing Tippecanoe Builders, appeared before the Board to request Preliminary Approval for a proposed detention facility to serve Camelot IV & V. The proposed pond to be tributary to an existing detention pond and to serve 100 acres north of currently undeveloped land. The proposed pond to be built 1200 feet north of the existing pond on the northern boundary of the subdivision to both control water flow from the 100 acres and to protect the existing structure. Mr. Grove displayed hydrographs showing the proposed facility to include: a 21" pipe, a detention basin, berm, integration of roadway fill so as not to dam water, and a 36" overflow pipe. Mr. Grove noted that water would go over the road in case of excessive storm conditions. The 10 year and 100 year runoff to be reduced and detained with the proposed facility; the 50 year-6 hour event to be reduced with overflow through the 36" pipe. The new pond to reduce water over the spillway in the existing pond in the event of a 50 year storm and to detain both 10 and 100 year storm water with no overflow.

Mr. Grove requested flexibility as to the new basin depth since it was being placed in an existing stream bed. The depth needing to be altered from the original 4' depth plan so as not to limit the lot. Mr. Grove noted that the data submitted was for pre-development flow with a need to closely monitor as development progresses.

In response to Mr. Osborn's question as to upstream property owners, Mr. Dave Kovich noted them to be Mr. Bart and Mr. McDonald. Mr. Osborn requested that maintenance responsibility be defined for the proposed pond. Mr. Grove stated that proposals were to make both ponds ultimately part of a County legal drain with County maintenance.

George Schulte reported that a 3 year maintenance bond was in effect on the existing pond. Mr. Schulte recommended that in future this area should be made a legal drain to the Wildcat Creek, noting the importance of controlled drainage maintenance in this area.

Michael Spencer stated that Lockwood drainage also ties into the Camelot system below the existing pond. Mr. Spencer advised that a petition be obtained and hearings be held on the establishment of a legal drain before the drainage design in this area becomes further complicated.

Jack Kovich of Tippecanoe Builders stated that as developers of this area they had no objection to the establishment of a legal drain. However, Mr. Kovich requested that they be permitted to proceed with development of the detention area simultaneously with the establishment of the legal drain. Mr. Kovich stated that Tippecanoe builders would accept responsibility for the new detention pond as they had for the existing pond, would abide by the ordinances, but did not want development delayed for the possible establishment of a legal drain.

Mr. Hoffman reported that within the 3 year maintenance bond period the establishment of a legal drain should be pursued. He noted that nothing had been accomplished toward the legal drain establishment since the construction of the existing pond. No petition had been filed.

Jack Kovich stated that an attempt had been made a few years ago to establish a legal drain, but due to lack of property owners agreement, it was shelved. Mr. Spencer noted that the petition had been returned because it was inadequate. Mr. Kovich stated his belief that the legal drain could be established

Camelot IV & V (cont.)

fairly quickly if a majority, and not all property owners in the watershed, were needed to give consent.

Mr. Osborn stated that property owners in a watershed should be consulted before, not after, a structure is built affecting their drainage, especially if it is one for which they may have to accept future maintenance responsibility. Mr. Osborn stated that responsibility for maintenance should be that of the property owners in that watershed. He stated that the County does not want, nor is entitled to, this responsibility. Mr. Osborn disagreed with Mr. Kovich that development should continue with or without the establishment of a legal drain within the 3 year period of the bond.

Camelot

Mr. Osborn and Mr. Hoffman conferred that maintenance bonds were inadequate to guarantee responsibility. Mr. Osborn stated that responsibility and expense for upkeep needed to be defined, and that the establishment of a legal drain should be pursued before further development. Mr. Spencer cited that 10% of ownership or 25% of the assessed evaluation were needed for establishment.

Mr. Grove advised that the construction of the new pond as soon as possible would be to everyone's benefit and would give relief to the existing structure. Mr. Kovich proposed to have the new pond built by Spring.

Mr. Schulte and Mr. Hoffman recommended that the Department of Natural Resources be consulted as to the new detention area plans, especially as to criteria for dam height. He noted that the roadway height may be considered a dam by DNR criteria.

Dan Ruth, Highway Engineer, cited that Highway policy to object to any dam using highway fill or not on private property. He questioned the responsibility for pipe maintenance. Mr. Grove explained that the edge of the berm or top of the bank would be on the right-of-way or within private property, the bench to continue into the right-of-way through the roadway fill. Mr. Grove could not answer for Mr. Ruth as to whose responsibility it would be in case of leaks developing out of the fill. Mr. Ruth recommended that all dams be on private property and off the right-of-way. Expense and problems from a similar situation on 900 E were noted. Mr. Grove explained that both the pond and bank were to be on private property, there being a separation between the dam and the fill, the fill not to be used as part of the dam. Mr. Ruth recommended a ditch line down to the 21" pipe.

Mr. Schulte explained that the 36" pipe would serve as emergency overflow, the lower pipe to go from right-of-way to right-of-way across the road, with possible water over the road in extreme conditions.

Mr. Moore recommended that a legal drain be established before Final Approval was granted. Mr. Osborn restated that responsibility be defined.

Mr. Kovich requested if other responsibility could be defined in case the legal drain was not established. The Board was not in favor of other possibilities, citing bond or homeowners' associations as unreliable.

Prior to final approval of construction plans, Mr. Osborn and Mr. Hoffman recommended that the legal drain procedure be instituted, that affected property owners be advised of development plans, and that Mr. Ruth be consulted for plan approval.

Mr. Spencer recommended that Lockwood be included in the petition, since it is in the same watershed to the Wildcat. Assessments to be determined after the filing of the petition.

Mr. Kovich requested Preliminary Approval of the concept so that construction plans could be formulated. Mr. Schulte cautioned that due to proximity of the detention pond to the property owner on the north that possible problems could occur with water being placed on this property. He recommended delay of construction plans until resolution of this possibility.

The Tippecanoe County Drainage Board granted Preliminary Approval of the proposed Detention Basin Concept to serve Camelot IV & V.

II Maple Point Subdivision

Joseph Bumbleburg, Attorney, representing Maple Point Subdivision, appeared before the Drainage Board to present a petition to vacate a portion of the legal drain easement for the S.W. Elliott Drain. This vacation of easement requested in order to record plat for a four lot subdivision, as prepared by Fisher, of properties currently owned by Kepner family and in the process of forming Maplepoint Enterprises. Mr. Bumbleburg reported that the Subdivision had received conditional approval from the Area Plan Commission subject to Drainage Board approval of storm water management plans and the reduction in easement now requested for a house and garage. The intent of the petition is to clear both the house and the garage from the legal drain easement, the house pre-dating the legal drain ordinances according to Mr. Bumbleburg, and leaving a 25' easement from the top of the bank at Ross Road.

Maple  
Point SD

Mr. Hoffman reported that there had been problems in this area previously with County use of the easement. Mr. Bumbleburg stated that this matter had been resolved in 1982. Mr. Hoffman concurred that if the house pre-dated establishment of the legal drain easement that it had seniority, but could not justify vacation of easement for the garage.

Mr. Osborn stated that it was not beneficial or recommended that easements be altered, noting difficulty and liability of maintenance work being performed in a reduced easement area. Mr. Osborn also noted the possibility of rebuilding occurring on the easement if a reduction were granted.

Mr. Spencer stated that the easement line at present runs through the house, and if the house were completely destroyed, could not be rebuilt. Disagreement on this point was noted by Mr. Bumbleburg.

Mr. Bumbleburg restated the request that the Drainage Board grant approval of: 1) the storm water management plans for the subdivision, and 2) vacation of easement to 25' for Lot 4. Mr. Bumbleburg stated that no changes were being made on the land, only lot lines established for the Subdivision. Any changes, Mr. Spencer noted, would require Drainage Board approval.

The Tippecanoe County Drainage Board granted unanimous approval of the storm water management plans for Maple Point Subdivision.

The request for reduction in drainage easement of the S.W. Elliott ditch for Lot 4 of Maple Point Subdivision was denied by the Tippecanoe County Drainage Board.

III Ilgenfritz Ditch

Mr. Dick Smith, property owner, was present to discuss a drainage problem on the Ilgenfritz Ditch. He reported that a portion of this ditch is on a slope on Mr. Pilotte's property, thereby requiring a levy or dike on the north side to accommodate at least a 4' water level. Mr. Smith stated that Mr. Pilotte had torn down the dike at his yard line and has used the dirt causing the water to overflow onto Mr. Pilotte's property. To alleviate the water flow onto his property, Mr. Pilotte had then opened up the dike on the east causing the water to flow into Mr. Smith's pond and resulting in \$50,000.00 crop loss. Mr. Smith requested that either the Drainage Board repair the levy or that the Board require Mr. Pilotte to make the needed repairs.

Mr. Smith stated that sand bags had proved inadequate due to 300' at Mr. Pilotte's yard having no levy. This dike destruction causing an increase in Mr. Smith's pond from 40 acres to 70 acres. Mr. Spencer confirmed the pond size and acreage loss.

Mr. Smith and the Board then discussed repair procedure and requirements. Mr. Hoffman affirmed the Board's right to make repairs on the ditch within the easement. Repair needed to include: repair of holes in the dike, rebuilding of 300-400' of levy, and hauling in of dirt. Mr. Spencer reported the need to work on the entire ditch starting at the road and working east in order to get needed dirt, otherwise dirt would have to be brought in. Mr. Smith noted that Mr. Pilotte had previously objected to increasing the ditch depth. Importance of repair was discussed since this ditch area drains 500 acres upstream.

Mr. Smith stated his preference to avoid court proceeding if possible. Mr. Hoffman, however, stated the illegality of this levy destruction and anticipated the need for litigation against Mr. Pilotte for repair payment.

Whether or not a committee had been formed on the Ilgenfritz in the past could not be given. Mr. Spencer confirmed that funds were available for maintenance work on the Ilgenfritz. He reported that a petition to reconstruct the entire Ilgenfritz was currently out, that a petition to make the Dismal Creek a legal drain had been received, but that neither petition for reconstruction on the drains had been received.

Mr. Spencer recommended that a meeting be scheduled with Mr. Pilotte to discuss this matter. Mr. Hoffman advised that a registered letter be sent to Mr. Pilotte. The possibility mentioned by Mr. Osborn of repairing the ditch and adding the cost onto Mr. Pilotte's taxes was not advised by Mr. Hoffman.

Noting that it was to everyone's benefit to have this ditch repaired, the Tippecanoe County Drainage Board decided to first send a letter to Mr. Pilotte advising him of the necessity to address this drainage problem.

IV Heritage Health Care, Inc.

Pat Cunningham, Vester & Associates, and Richard Boehning, Attorney, presented to the Drainage Board the plans for Heritage Health Care, Inc. water management. This facility located on Soldier's Home Road. Mr. Cunningham requested both Preliminary and Final Drainage Board Approval of these plans.

Mr. Cunningham stated that the ditch serving this 4.86 acre area had no outlet due to blockage and that water from 2 acres drained northwest into a sanitary sewer. The proposed drainage plans to include: regrading the ditch, drainage into an 18" pipe and then into a 36" pipe. The storm water going ultimately into the ravine. It was noted that University Farms, Indian Village, and Heritage Health Care, Inc. all drain into this same system causing the drainage problem. Mr. Cunningham stated that Health Care's proposed development plans would not increase the existing problem.

Mr. Schulte reported that it was possible that water would go over the road, noting the use of the sewer system as inadequate. He stated that the original design for this area was probably for a 10 year storm rate. Mr. Schulte recommended in future that a pipe be installed under the road, foreseeing more problems in this area with further development.

Mr. Boehning added that this proposed plan was the best solution possible under the given circumstances. Mr. Cunningham conferred that the attempt was being made to direct the water along natural flow lines. Mr. Hoffman advised that the solution proposed be considered as a temporary one with the future of this area needing to be addressed.

Mr. Dan Ruth, Highway Engineer, advised that getting rid of the water as proposed was better than the existing situation of water standing adjacent to the road. Mr. Ruth reported the proposed Highway plans in this area were to widen the roadway and to cut a ditch on the east side of the road to the ravine. Mr. Ruth noted that Vester's plans were a moderate improvement.

Mr. Schulte did not oppose Approval being given at this time, stating that pre-existing conditions in this area were not within the control of the Health Care proposal. He stated that Mr. Cunningham's plan was adequate given the existing drainage situation and advised that the outlet problem should be pursued, as well as the consideration of future reconstruction. It was concurred by both Mr. Schulte and Mr. Hoffman that a legal drain establishment for this area would be beneficial, especially in view of this area's future development.

Mr. Osborn requested of Mr. Mike Smith if he would be agreeable to the establishment of a legal drain in the future. Mr. Smith gave his consent to approve a future legal drain for this area.

The Tippecanoe County Drainage Board granted unanimous Final Approval to Heritage Health Care, Inc. drainage plans.

V King's Ridge Subdivision

Mr. John Fisher, Ms. Cindy Coddington, and Mr. Bob Grove, representing Charlie Ingram- King's Ridge Subdivision developer, requested Preliminary Approval of the drainage design for King's Ridge Subdivision. The development located east of Peter's Mill Bridge across from Wildcat Creek Park.

Ms. Coddington explained the design to include a storm water management plan as well as an erosion control plan, improving and widening a ditch along Eisenhower Road in the right-of-way at the developer's expense, construction of four drop structures to decrease the velocity, and two detention basins to receive controlled flow.

King's Ridge Subdivision (cont.)

Mr. Osborn requested that maintenance responsibility for these structures in the future be defined. Mr. Fisher stated that their plans were to petition for a legal drain establishment from the terminus at Wildcat to off-site, and requested future discussions on the extent of properties to be included in a legal drain.

Mr. Ingram noted that redesigning had been done to provide direct access to easements for maintenance on Lot 20 from Eisenhower Road. Ms. Coddington also reported that access easement on Lot 57 was provided, a lot not to be built on, and the owner of this property advised of the detention area to be included on his property. Mr. Ingram added that the development would include central water, blacktop, curb, and gutter.

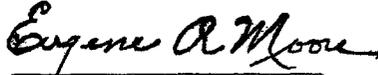
Mr. Spencer asked if easement would be given along the existing creek for maintenance. Mr. Fisher affirmed that easement would be given.

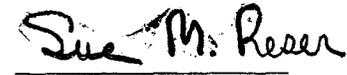
Mr. Schulte advised the use of channel, rather than pipes, to direct water from Basin 1 to Basin 2 to forestall future maintenance problems. Mr. Fisher stated that this change would be reviewed. Mr. Schulte noted that due to time limitations and recent receipt of these plans, he had not had time to review the plans in depth. He recommended conditional preliminary approval due to the time limitations for review.

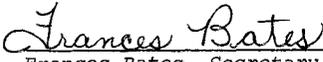
The Tippecanoe County Drainage Board granted Preliminary Approval for drainage design to King's Ridge Subdivision on condition that changes requested by the Drainage Board Staff be reasonably complied with by the developer.

The Regular November Meeting of the Tippecanoe County Drainage Board was adjourned at 10:30 a.m.

  
Bruce Osborn, Chairman

  
Eugene Moore, Boardmember

  
Sue Reser, Boardmember

Attest:   
Frances Bates, Secretary

King's  
Ridge SD

REGULAR MEETING OF THE TIPPECANOE COUNTY DRAINAGE BOARD  
January 11, 1984

The Tippecanoe County Drainage Board held their regular monthly meeting in the Community Meeting Room of the Tippecanoe County Office Building on January 11, 1984 at 8:30 a.m.

In attendance: Bruce Osborn, Chairman; Eugene Moore, Boardmember; Sue Reser, Boardmember; Michael Spencer, Surveyor; William Martin, Administrative Assistant; George Schulte, Engineer; Fred Hoffman, Attorney; and Frances Bates, Secretary.

I Election and Appointments - 1984

Mr. Fred Hoffman opened proceedings for the election of officers and the appointment of consulting staff for the Tippecanoe County Drainage Board for the year 1984.

Officers  
1984

President of the Board -

Eugene Moore nominated Bruce Osborn for President of the Drainage Board for 1984. Sue Reser seconded the motion. Bruce Osborn was elected President of the Tippecanoe County Drainage Board for the year 1984, and conducted the following proceedings.

Vice-President of the Board -

Sue Reser nominated Eugene Moore for Vice President of the Drainage Board for 1984. Bruce Osborn seconded the motion. Eugene Moore was elected Vice President of the Tippecanoe County Drainage Board for the year 1984.

The following appointments were made for the year 1984:

Frances Bates - Secretary of the Drainage Board  
Fred Hoffman - Drainage Board Attorney  
George Schulte - Drainage Board consulting Engineer

II King's Ridge Subdivision

Mr. Bob Grove and Mr. Joe Bumbleburg appeared before the Board as representatives of the King's Ridge Subdivision developer to request Final Approval of the drainage plans.

Mr. Grove explained changes which had been made since the request for Preliminary Approval was made. For purposes of storm water management, he explained that the 53 acres of the subdivision had been divided into two sections. The area near Eisenhower Road to have a detention basin in an outlet outletting into an intermittent stream tributary to the Wildcat. The second section being a steeper area which cannot be entirely served by a detention basin, with some direct runoff. This area requiring some over-detention and having a larger basin with access along the main road directly adjacent to the intermittent stream. This basin being larger in order to decrease the outflow and in order to over-detain, and therefore to make up for the direct runoff on site. Mr. Grove then indicated, on plans exhibited, those areas to have direct runoff and those to be directed into the basin. Mr. Grove stated that the attempt had been made to balance the areas of direct runoff with those areas of controlled runoff, so that the average total development runoff would be less than/or equal to the predevelopment runoff. To accomplish this balance, the outlets would need a .5 cfs per basin. After consultation with Mr. Schulte and Mr. Spencer, it was recommended that a 15 inch pipe be used with no orifice plate and a 3.5 cfs outlet on one basin, and an 8 inch orifice plate with 5 cfs on the other basin. These recommendations would allow more runoff after development than before development, but would provide greater ease of maintenance.

King's  
Ridge:SD

In response to Mr. Osborn's question as to the Wildcat being the final destination of the runoff water, Mr. Grove replied that it was, as before, to follow the natural path to the Wildcat, curb sections and high runoff areas to be routed into basins, and grassy areas behind houses to run off direct.

Mr. Osborn asked if the land adjacent on the other side of the road was owned by the developer to the stream. Mr. Grove replied that it was not, but that a narrow strip of land between the Wildcat and the development was privately owned, with other adjacent areas to be part of the First Wildcat Creek Park. Mr. Osborn asked if the plans would increase flow at any given point. Mr. Grove stated that they would not, since any increase would be routed to the detention basin and then through outlet pipes to the stream itself. Mr. Osborn asked if the plans would increase the flow onto adjacent, not development owned property. Mr. Grove replied that they would not, since runoff would be detained for that area. He stated that the 15 inch pipe would decrease, not increase, the runoff.

Mr. Hoffman requested that the route of the runoff to the Wildcat be explained. Mr. Grove stated that the 15 inch outlet pipe from the basin crosses Eisenhower Road and outlets on the downstream end of the twin culverts into the stream. The outlet pipe itself being in the right-of-way, the outlet held in the right-of-way, and the flow maintained within the right-of-way and not crossing any other properties. Mr. Grove could not state for certain if any footage of privately owned property was involved between where the Wildcat actually touches the right-of-way.

Mr. Spencer reminded the Board that questions concerning the Legal Drain were yet to be answered. Mr. Bumbleburg stated that if Final Approval were granted, that a letter of credit would be secured along with the petition for a Legal Drain. Mr. Grove explained for Mr. Osborn that 50 acres above and adjacent areas would be involved in the drain area.

Mr. Spencer stated that he had reviewed and made changes on the plans, and anticipated no problems with the changes being made. Mr. Grove noted that a letter would be forthcoming detailing the changes to be made as discussed. Mr. Spencer verified the calculations and scheme of the plans to be acceptable. Mr. Schulte agreed that the plans substantially comply with the ordinances, noting that the development area was a difficult design terrain. He restated that a greater runoff than normal had been allowed because of the terrain and in order to ease maintenance.

Mr. Moore made a motion that Final Drainage Board Approval be given to King's Ridge Subdivision. Sue Reser seconded the motion. Mr. Osborn granted the approval to be unanimous. This approval to be given contingent upon the following conditions: 1) That changes and corrections requested by the Drainage Board staff on the final plans be made; 2) That a petition to establish a Legal Drain be forthcoming, accompanied by a letter of credit.

III Camelot Subdivision, Parts IV & V

Mr. Robert Grove, representing Tippecanoe Builders, came before the Board to request Final Approval of drainage plans for Camelot Subdivision, Part IV & V. Mr. Grove stated that basic Preliminary plans had been carried through with few changes, the subdivision being rural in nature with large lots and not much increase in runoff after development. The final plans to include a northern upstream basin, larger than the existing basin, to lower flow from the 100 acres north and to decrease predevelopment overflow to the lower basin to 6 cfs in a 100 year storm, and to 12 cfs in a 50 year storm event. He stated that there would be some overflow still occurring from this basin, and that therefore a large concrete headwall structure to protect the roadway had been included. Mr. Grove also noted that erosion control measures had been provided in steep areas, including a temporary sediment basin.

Camelot  
IV & V

In response to Mr. Osborn's question as to this area being made part of the overall Legal Drain, Mr. Chris Kovich replied that it would be part of the Legal Drain to the Wildcat. Mr. Spencer and Mr. Kovich agreed that the new basin would relieve the problems on the lower basin.

Mr. Schulte stated that he had reviewed the plans, made changes, and agreed that the large basin, in contrast to a plan for many small basins, would be easier to maintain. Mr. Schulte noted that Mr. Grove had submitted plans for the revisions.

To clarify previous proceedings concerning the Legal Drain establishment, Mr. Hoffman quoted from the Drainage Board minutes of November 2, 1984:

Mr. Moore recommended that a legal drain be established before Final Approval was granted. Prior to final approval of construction plans, Mr. Osborn and Mr. Hoffman recommended that the legal drain procedure be instituted, that affected property owners be advised of development plans, and that Mr. Ruth be consulted for plan approval. Mr. Spencer recommended that Lockwood be included in the petition, since it is in the same watershed to the Wildcat. Assessments to be determined after the filing of the petition. Mr. Kovich requested Preliminary Approval of the concept so that construction plans could be formulated. Mr. Schulte cautioned, due to the proximity of the detention pond to the property owner on the north, that possible problems could occur with water being placed on this property. He recommended delay of construction plans until resolution of this possibility.

Camelot Subdivision - Part IV & V (cont.)

Mr. Schulte concurred that there was a possibility of water being placed on the property to the north in the event of a 200 or 300 year storm, but he believed this would not occur in a 50 year - 6 hour storm or in a 100 year storm event.

Mr. Chris Kovich stated that he had the final petition ready to submit, with the recommended additions to the original petition, as advised by Mr. Spencer, being completed. The petition, he stated, included the entire watershed area. Mr. Hoffman questioned if the petition included a legal description of the drain to be established, and if it noted the detention basin. Mr. Kovich replied that the petition included a legal description of properties per the tax records and a general description of the route of flow, but did not specifically detail a detention basin.

Mr. Spencer clarified that a more detailed drain description would be made, with the exact location to be given after survey. He noted of most importance that verification of easements be made to assure that these easements do contain the drain. Mr. Dave Kovich stated that all back easements of 50 feet were placed already per previous Drainage Board request.

Mr. Hoffman requested information as to cost responsibility for the legal drain establishment. Mr. Spencer quoted from the original petition he had received:

Page 1, Part 8:

The petitioners will pay the cost of notice and all legal costs, if petition is dismissed, and post a bond, if required, to cover the costs of such notice, in case the improvement is not established.

Mr. Hoffman recommended that a bond be posted to cover the costs. As to an estimate of costs, it was agreed that \$10,000.00 would be sufficient to cover the survey costs. Mr. Spencer agreed that previous work accomplished by Fisher Engineering would be helpful, but would still need to be verified, a line run, and a legal description written of the drain. As to cost responsibility for the establishment of the legal drain, Mr. Hoffman concurred that Part 8 of the petition would be sufficient. For Ms. Margaret Nolan, legal counsel for Tippecanoe Builders, Mr. Hoffman stated that a letter of credit in place of the bond would be acceptable, as along as some guarantee of cost responsibility was made, and that the petition did meet the 10% criteria.

Ms. Sue Reser moved that Final Approval be granted to Camelot Subdivision, Parts IV & V with the following stipulations:

- 1) That an approved petition be filed for establishment of the Legal Drain meeting ordinance criteria.
- 2) That a letter of credit or a bond be posted in the sum of \$10,000.00 to cover the survey costs.

Eugene Moore seconded the motion. Bruce Osborn made the motion unanimous. Final Approval was granted by the Tippecanoe County Drainage Board to Camelot Subdivision, Parts IV & V, with the above noted conditions.

IV Stewart Oil Company - Mr. Pat Cunningham, representing Stewart Oil Company, declined to attend.

V Dismal Creek - Legal Drain Establishment

Mr. Spencer reported that assessment lists and preliminary work had been completed on the establishment of the Dismal Creek Legal Drain. He requested that a hearing date be set by the Drainage Board so that notices could be sent. By consent, it was agreed to set a hearing date of March 7, 1984 at 9:30 a.m. The hearing to be held in the Community Meeting Room of the Tippecanoe County Office Building. The agenda to be:

- 1) To hear the petition for the establishment of the Dismal Creek as a Legal Drain.
- 2) To establish a maintenance fund for the Dismal Creek Legal Drain.
- 3) To combine the Dismal Creek, the George Ilgenfritz, and the Luther Lucas drains into a single drainage system.

Mr. Spencer explained that legal counsel had advised that assessments from the three drains be equalized, with the Lucas and Ilgenfritz landowners not to be assessed until the Dismal Creek maintenance fund had reached a comparable per acre level. Mr. Spencer noted that he anticipated the receipt of a Reconstruction Petition on the Dismal once it was made a Legal Drain, stating that it needed dredging, and advised that the maintenance fund establishment was necessary in the event that the Reconstruction Petition failed.

VI Elliott Ditch - no hearing date set at this time.

The Tippecanoe County Drainage Board was adjourned at 9:15 a.m.

Bruce Osborn  
Bruce Osborn, Chairman

Eugene A. Moore  
Eugene Moore, Boardmember

Sue M. Reser  
Sue Reser, Boardmember

Frances Bates  
Frances Bates, Secretary

ATTEST:

Camelot  
IV & V

Dismal  
Creek

The Tippecanoe County Drainage Board met in regular session on Wednesday, February 1, 1984, at 8:30 a.m. in the Community Meeting Room of the Tippecanoe County Office Building.

In Attendance: Bruce Osborn, Chairman; Eugene Moore, Boardmember; Michael Spencer, Surveyor; William Martin, Administrative Assistant; Fred Hoffman, Attorney; George Schulte, Engineer; and Frances Bates, Secretary.

#### I Capilano Estates

Joseph Bumbleburg, Attorney for Mr. and Mrs. Wu, owners of Lots 83 & 84, Capilano Estates, appeared before the Board to request the vacation of drainage easement on the common lot line. Mr. Bumbleburg stated that the builder had obtained a Building Permit and begun construction on the two lots, the building being at present \$80,000.00 complete. He stated that the builder had informed Mr. & Mrs. Wu not to be concerned with the building being done on two lots since it would not be an issue unless mortgaging was undertaken, which is now being done, but was not originally planned.

Mr. Bumbleburg was therefore requesting a partial vacation of the drainage easement, not to include the back line or the outside easements, but only to include the common lot line where the house is already constructed. He then explained this request to be the first step, the request for the legal vacation of easement to be made at the next County Commissioner's meeting; and then a request to replat the two lots into one lot to be made at the Area Plan Commission. He stated that public service, water, and gas companies had replied in agreement to the replat, the cable TV company having a separate easement agreeing to provide necessary documents. Mr. Bumbleburg reported that neighbors of this property had been notified of meetings concerning this vacation and that no objection had been made.

Mr. Hoffman stated that he had advised Mr. Spencer to check the easements prior to the request. Mr. Spencer reported that he had done so and verified that the easements were not in use, no drainage swail cut, with a natural slope to the east.

Eugene Moore made the motion to approve the vacation of the common lot line easement between Lots 83 & 84, Capilano Estates, herewith described as:

A strip of land being ten (10) feet in even width, five (5) feet on each side of the following described line:

Beginning at the southwest corner of Lot Numbered Eighty Three (83) in Capilano Estates Subdivision as platted upon a part of the East Half of the Northwest Quarter of Section Three (3), Township Twenty-three (23) North, Range Five (5) West in Wabash Township, Tippecanoe County, Indiana; thence North 0°-02'-30" West along the west line of said lot a distance of 145.00 feet to the point of termination of the herein described line.

Bruce Osborn seconded the motion.

The Tippecanoe County Drainage Board unanimously approved the vacation of drainage easement for common lot line between Lots 83 & 84, Capilano Estates. (Verified petition for vacation placed on file - Surveyor's Office- Capilano Estates file.)

#### II Treece Commercial I

Mr. Bumbleburg reported Treece Commercial I is a lot on the southeast corner of Creasy and McCarty Lanes. Mr. Bumbleburg explained that in the platting of this property that \$1500.00 had been deposited for the purpose of insuring water, sewer, and drainage to be properly placed. This certificate of deposit to be renewable every six months. He reported the water and sewer to be in place, the drainage however not completed due to future plans for major drainage work in this area, i.e. any drainage constructed at this time to be only temporary in nature. After consultation with Mr. Spencer, Mr. Bumbleburg stated that future plans would include plans for reconstruction and relocation of the Treece Drain and the elimination of a retention pond.

Mr. Bumbleburg therefore requested a release of the certificate of deposit, since construction of any permanent drainage was not possible at this time and a renewing of the certificate to be bothersome and meaningless. After consultation with Mr. Hoffman, Mr. Bumbleburg requested that a bond from Treece Rentals and Investments be substituted for the certificate of deposit, with time control of this bond to be under Drainage Board control.

Mr. Hoffman reported that he saw no problem with the substitution and noted this to be a difficult situation due to the need for drain reconstruction in this area.

Mr. Bumbleburg explained the final drainage plans for Treece Commercial I would include grading of sidelot swail, location of outflow from the swail to the Treece Drain, location plans being at present impossible to finalize until Treece Drain reconstruction is completed.

Mr. Spencer added that plans were to combine two legal drains in this area and to begin reconstruction petition procedures.

Mr. Osborn inquired if further Building Permits would be requested prior to the drainage being corrected. Mr. Bumbleburg replied that any further development in this area would necessitate subdivision of property, which would necessitate Drainage Board approval. Mr. Bumbleburg stated that he could not speak for Mr. Treece, but that no further ground could be sold, therefore he could see no reason for requests for Building Permits. Mr. Osborn cautioned that the Drainage Board did not want to set precedent to allow building without fulfilling Drainage Board requirements.

Mr. Hoffman clarified that building could not proceed since subdivision would not be done until drain reconstruction was completed. Mr. Bumbleburg also added that this was a matter of substitution, not elimination, of responsibility format.

Upon approval of Mr. Hoffman and Mr. Spencer, Mr. Moore made the motion to release the \$1500.00 certificate of deposit and to accept the substitution of a bond from Treece Rentals and Investments as a guarantee of drainage construction to be completed for Treece Commercial I at the time the Wilson Branch of the Elliott Ditch is extended and Treece Drain is reconstructed. (Letter placed on file, Treece Commercial I file, Office of the Surveyor.) Bruce Osborn seconded the motion.

The Tippecanoe County Drainage Board unanimously approved the release of the certificate of deposit and the substitution of a bond for Treece Commercial I as a guarantee of drainage construction per letter placed on file.

#### III Camelot - petition for Legal Drain

Mr. Hoffman clarified for Mr. Chris Kovich that in addition to the letter accepting financial responsibility for expenses incurred by the County Surveyor for work performed in the legal drain process, that a letter of credit would also be necessary to guarantee financial responsibility.

#### IV King's Ridge Subdivision

Mr. Hoffman also explained for Mr. Bumbleburg, in regards to legal drain establishment for King's Ridge Estates, that his letter as to cost estimate for legal drain construction was acceptable. He stated that in addition a bond or letter of credit would need to be submitted to guarantee cost responsibility in the amount of \$26,000.00. (Letter placed on file - King's Ridge Subdivision file- County Surveyor's Office.)

#### V Lockwood Subdivision

Mr. Chris Kovich appeared before the Board to discuss two problems concerning Lockwood, Part 3. He stated that Preliminary Approval had been granted with a condition that all improvements be put in prior to a request for Final Approval. Mr. Kovich requested that the requirement for seeding, mulching, fertilizing, and tacking down be waived until weather permitted, per letter received from Slusser's Landscape Company. Mr. Kovich stated that tile, riprap and other erosion control measures were in place. He requested permission to submit a bond or letter of credit to be in effect until date set by the Board for completion of improvements so that building could begin. After waiver by the Drainage Board, Mr. Kovich stated that the plans would be resubmitted to the Area Plan Commission for approval.

Mr. Hoffman explained that the request was for a delay, not a waiver, of Drainage Board requirements, to which he had no objection, provided Tippecanoe Builders would post a \$4000.00 bond to guarantee the work to be completed by May 1, 1984.

Mr. Spencer noted that "as-builts" would need to be submitted before Final Approval could be given. Therefore, no further Building Permits could be issued.

The Tippecanoe County Drainage Board approved Tippecanoe Builder's request to delay the completion of the seeding, mulching, fertilizing, and tacking requirements until May 1, 1984 with the stipulation that a bond of \$4000.00 be posted.

The second problem concerns the tile under Lockwood Drive. Mr. Dave Kovich gave a brief history of this problem beginning in 1976 when preliminary work was first done by Dale Brown. Per Fisher Engineering advice, it was deemed necessary to put three 18 inch tiles under the Drive. These tiles, he stated, were sized with the County prior to Drainage Ordinances, with the idea to detain the water. In 1979-1980, Kovich's purchased this property and tiles from Dale Brown and began Lockwood, Phase 1 & 2. From April to June, construction plans for drainage of Lockwood, Phase 3, were formulated and submitted to the Drainage Board engineer in June. This design using 18 inch pipes costing \$5000.00 to \$10,000.00, according to Mr. Kovich. In September, the drainage plans were approved after changes had been made using larger tile per engineer's Fletcher advice. Since the County has accepted Lockwood Drive, Mr. Kovich requested who should bear the cost of these larger tiles to provide for a 100 year storm event as designed in the construction plans accepted by the Board. Mr. Kovich contended that the County had altered the drainage policy in this area, from one of water detention to one now of allowing natural flow. Due to the use of a detention pond, Mr. Kovich stated the flow to be controlled and saw no need to change the pipe size or a need for a 100 year storm event requirement. Mr. Spencer and Mr. Schulte explained that plans using larger (54") pipes had been accepted as designed for a 100 year storm event in order to protect homes built in the area and because water had gone over the road. Mr. Schulte questioned whether any plans for this total area of development had ever been submitted in 1976. Mr. Dan Ruth, Highway Engineer, stated that the use of 18" pipe was approved on the basis of the subdivision area as submitted and did not include plans for drainage of area outside the subdivision itself.

Mr. Schulte stated that the new design was an improvement, since the original design had used up four lots for detention, had provided no emergency routing, and had allowed the possibility of flooding. Mr. Schulte advised that a cost evaluation of the two plans, loss of four lots as compared with cost of larger pipes, should be undertaken by the developer.

Due to the complexity of this problem, Mr. Osborn recommended a delay in action and a need for further discussion. Mr. Osborn stated that a decision would be rendered in seven (7) days.

#### VI Tile Bids - 1984

Tile bids for the Tippecanoe County Drainage Board for the year 1984 were received and opened. Bids for concrete tile and materials were received from: Economy Tile Company, P.O. Box 157, Economy, IN 47339; and from Reed's Quality Tile Company, 10 West Hoop Street, Flora, IN 46929.

These bids to be reviewed and a decision rendered at a later date.

#### VII Stewart Oil Company

Mr. Pat Cunningham presented to the Board the drainage plans for a 1.93 acre site owned by Stewart Oil Company and located in Dayton, Indiana. Of the entire site, .8 acres is presently a gas station and paved area with the remainder being a grassy area. The developed .8 acres drains north along State Road 38, through tile under State Road 38, and then into the I-65 drainage system. No proposal is being made, he stated, to change the runoff from this area. The grassy area drains south along the N & W Railroad, goes under I-65, and then under the Railroad and into a branch of the Elliott Ditch. The remainder of the watershed area draining north and east, the area south of the Railroad draining south. Mr. Cunningham noted that this was not a well defined drainage area, the land being relatively flat over the entire watershed area with only a slight depression in one field.

Mr. Cunningham stated that the proposal of Stewart Oil Company was to convert the existing gas station site into a truck terminal-gas station-small restaurant with some proposed new hard surface area. Drainage plans proposed to include a detention pond in the southeast corner, a 12" outlet pipe with a 7.5" orifice plate, outletting into an existing swail along the Railroad and then under I-65 into the Elliott Ditch by use of surface drains. Mr. Cunningham stated the pond to be shallow having a 1.2' of water depth.

Mr. Schulte and Mr. Spencer recommended overall approval, requesting final construction drawings and as-builts to be submitted. Mr. Cunningham stated that Stewart Oil Company would privately maintain this site.

Eugene Moore made the motion to grant Final Approval to Stewart Oil Company contingent upon the receipt and approval of final construction plans and as-builts.

The Tippecanoe County Drainage Board granted Final Approval to Stewart Oil Company contingent upon the receipt of requested plans.

#### VIII Woodberry Planned Development

Mr. Robert Grove, representing Roy Moore, requested Preliminary Approval of revised drainage plans for Woodberry Planned Development and requested also that a special meeting be scheduled in two weeks to request Final Approval. Mr. Grove stated that construction plans had already been submitted with revisions only to be under discussion.

Mr. Grove explained that the first plan had been to construct one detention basin near an outlet to handle the entire development. Further review verified this plan not to be feasible due to the large area needed for the basin and due to the terrain not allowing maintenance. It was therefore decided to allow direct runoff in ravine areas and then to overdetermine in other areas to meet drainage ordinances. The second plan therefore included two ponds to decrease runoff. This plan proved however to be too tight, a house too close to the basin, and the bank very steep. Mr. Grove stated that Mr. Moore had spent eight years and a considerable sum to prevent erosion and did not want further pond construction.

Woodberry Planned Development - (cont.)

The new plan proposed is to remove the upperbasin to outside the development limits to across the road. This land being owned by Mr. Moore from the County Road culvert to the Wildcat. Mr. Grove stated that Mr. Moore did plan on making this a legal drain in the future through the development and at least to the property line. The culvert consisting of both 36" and 24" pipe with the cfs rate of 25.5 with existing grades. Mr. Grove stated that the second smaller detention basin on the development site was still needed. The proposed plans to be a wider ditch, trash rack and overflow structure in the ditch to back up the overflow to a 2' depth and increase the peak flow through the existing culvert. This plan would reduce a 13.3 cfs for 100 year storm to 7.7 cfs with a cfs rate of 21 to 22 routed through the culvert.

Mr. Schulte advised that maintenance problems on back lots should be noted for future legal drain with easements necessary. Mr. Grove stated that part could be platted as an outlot and not deeded to any individual. Mr. Grove estimated 50' to be considered as an outlot. Mr. Osborn recommended the outlot be made part of the easement so that future maintenance would be funded. Mr. Grove stated that lot lines could be changed to provide open channel maintenance and that Drainage Board recommendations would be heeded.

Mr. Roy Moore noted lots to be ½ acre lots and suggested drainage to the northwest to an existing pipe and then into a ravine. Mr. Moore questioned if it was possible to eliminate the legal drain for the upper portion. Mr. Spencer explained the reasons for legal drain establishment and the need to provide for maintenance. Mr. Moore questioned if access could be gained from the street with easements off two lots and if sod could be used in place of concrete in the open channel. A discussion ensued as to easement requirements, erosion control, and channel design.

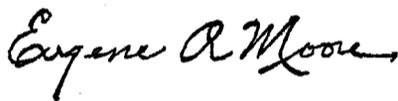
Mr. Grove explained the new detention site to be a delta area with no ravine. Proposed plans are to regrade, create a levy 10' wide around the basin and to provide a gravel access road. The storage to be 1.19 acres. A rate of 21.5 cfs entering the pipe with added runoff to a total of 24 cfs which would be reduced to 8.5 cfs. The total development runoff including both direct and controlled to be 24.1 cfs. George Schulte advised that offsite detention should be incorporated into the Legal Drain with access for maintenance.

Mr. Osborn recommended that the Drainage Board staff be consulted when revised plans were near completion and that a meeting be set up to discuss the final plans and Final Approval.

The Regular Meeting of the Tippecanoe County Drainage Board was adjourned at 11:10 a.m.



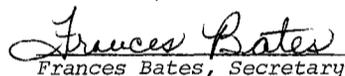
Bruce Osborn, Chairman



Eugene Moore, Boardmember



Sue Reser, Boardmember



Frances Bates, Secretary

ATTEST:

REGULAR MEETING APRIL 4, 1984  
TIPPECANOE COUNTY DRAINAGE BOARD MINUTES

The Tippecanoe County Drainage Board met in regular session Wednesday April 4, 1984, at 8:30 A.M. in the Community Meeting Room of the Tippecanoe County Office Building.

In attendance: Bruce Osborn, Chairman, Eugene Moore, Board Member Michael Spencer, Surveyor, Fred Hoffman, Attorney, George Schulte, Engineer, Sue W. Scholer, Wabash Township Assessor, Maralyn D. Turner, Secretary.

I. KLONDIKE JUNIOR HIGH SCHOOL PHYSICAL EDUCATION FACILITIES - GEORGE SCHULTE

Klondike  
Jr. High  
School

Let the record show that our consultant George Schulte has a proposal to the Drainage Board, he asked to be excused.

The Tippecanoe County School Corporation is planning to construct physical education facilities at Klondike Junior High School which will consist of a football field, cinder running track, baseball field and two softball fields. The finished surface conditions will be essentially the same as the original surface conditions' increase of hard surface will be sidewalks; therefore there should not be an increase in stormwater runoff which will run into the existing storm sewer system. Will be flattening the area out with the steepest grade being 2% till it gets to the ditches. Ditch 1% grade. Mike Spencer, Surveyor, recommended approval of the proposed plans. Eugene Moore moved to accept the proposed plans, Bruce Osborn seconded to make it unanimous that the Drainage Board has given approval to the Klondike Junior High School Physical Education Facilities. Bruce ask George Schulte to return to the meeting to serve as consultant for further business to come before the board.

II. WOODRIDGE SOUTH SUBDIVISION - ROBERT GROVE

Woodridge  
South SDiv

The proposed development contains 8.92 Acres approximately 13 Lots. Charles Ingram is the developer. The total area in the watershed is approximately 9.12 A. The development is located south of the existing Woodridge Subdivision and north of the existing Elliot Ditch. The soil types is predominately Mellott Silt Loam with Moderate permeability. Further north, the soils are Wingate Silt Loams which are also rated moderate permeability. The area now drains directly to Elliot Ditch. The 100-year flood hazard elevation for the area is 641.5, which almost covers the existing legal drain easement for Elliot Ditch. The Elliot Legal Drain easement is approximately 100-foot north of the center line of Elliot Ditch south property line. Bruce ask if each lot would show easement of 75'? Mr. Grove answered-Right- Each lot would show easement, The proposed basin takes up only about 40 foot of the 75' legal drain easement. \*\*\* Elliot Ditch interceptor parrallels the ditch and is located about 45 foot within the easement. Proposes to build a levee with the legal drain and put a long swail in and discharge at the south end. Can't store anything below 641.5, have to be above that. It is taking volume away from flood hazard area. In order to restore that, proposing to cut the north bank of the Elliot Ditch to 3 to 1 slopes in conjunction with building the detention basin, will provide a net increase in flood plain volume, a more stable slope and a usable access road for both the proposed basin and the ditch. The proposed access road elevation is 646.00 which is 5 foot above the 100-year flood elevation. This would be a dry access, plus cut the \*\*\* banks, makes banks more stable.

\*\*\* There are several existing sanitary sewers located within this legal drain easement.

Two reasons developer wants to change contour of existing drain is: to blend into the proposed detention

facility. Building the levee will take volume out of flood plain, if banks are cut back this will more than return that volume. Difference between what is being taken away and put back by cutting slopes is 1.8 acres ft. of storage volume. Dirt can be used for levee. Mr. Hoffman ask who is going to seed and restore the banks? Mr. Grove said, would be the developers responsibility to Drainage Boards satisfaction. With the 36' interceptor sewer not much can be done as far as location of ditch or reworking of the ditch along north bank. Mr. Grove doesn't think his proposal is going to make the situation any worse. Mr. Hoffman ask if they are putting water in 40 foot easement. Mr. Grove answered. taking up 40' with levee, water is about 20'. George Schulte said they use majority legal drain easement by putting basin in there. Storage of water will be on easement of legal drain. 3 1/2' -4' deep above the 100 year flood plain elevation. There is 75 feet of easement off the property which is 75' from the top of the bank. If they take 40' they still have 60' from center line of ditch/ This should not cause problems with property owners on easements. Bruce ask question, would holding pond be dry most of the time, and who would maintain it? Mr. Grove said the plan is to have a dry basin and the developer would like to turn over the maintenance to the Drainage Board. Is pond going to be made into legal drain? Mike Spencer said there are problems with the proposal if ditch banks are put to a 3 - 1 slope. Elliot Ditch interceptor will be under this new slope. This means that any work that would have to be done on sewer would have to be done from a slope. As it is today the ground above the sewer is flat. Mr. Hoffman said another problem would be making part of Elliot Ditch a pond, this would not be fair to the other people to make detention pond a part of their responsibility. Should be made separate and charge to that Subdivision. Subdivision would pay for maintenance of pond plus maintenance of ditch. Much discussion was given on the many problems of the proposal. George Schulte's concern is giving up one side and then the fellow on the other side of drain comes in and giving him part of the easement, pretty soon there is nothing left. George Schulte said Mr. Grove's proposal had alot of merit, but the big problem is the easement. Problem with easement from Concord Road to Railroad tracks along north side of ditch because of houses built in that area many years ago. Bruce ask Mr. Grove to come back leaving the easement alone, perhaps the Drainage Board could do some more trading on easement. Storage needed .7 of maximum storage 3 1/2, water depth 5". Bruce ask if 35' easement would developer have room for pond providing 35' would not be a part of holding pond. George Schulte brought up the problem of the 42" storm sewer and the sanitary sewers putting detention on top of sanitary sewer what would this do to the Board legally. Mr. Hoffman said, no legal problems as far as the Drainage Board, legal problem would be with landowners and the developers. Sanitary sewer should be taken up with the E.P.A.. Man holes would have to be lowered, Mr. Schulte said man holes are sealed and are within the easement. Sewer is City sewer. Bruce ask Bob to go back and take into consideration that the less you mess with existing easement the better. Mr. Hoffman ask Mr. Grove to talk with the city about the sewer and get something in writing from them on what they will permit regarding their sanitary sewer. Mr. Grove ask that they be able to work with Mike and do a little horse trading on what they have to have. Mike suggested that the Board go out and go over the area, study the easement.

### III. KINGSRIDGE SUBDIVISION - ROBERT GROVE

Robert Grove representing developer Charles Ingram. Mr. Grove state he had a change in the approved construction plans for Kings Ridge Subdivision. The change he is proposing is to construct an inverted syphon because of a grade conflict between the storm sewer and the Texas Eastern Gas Pipeline. The Texas Eastern people say there must be a minimum of 12" between storm sewer and pipeline. Main reason brought before the board is the fact that maintenance is a big problem later with sediments washing into sewer system. Can't maintain enough velocity to wash sand out. Question of whose responsibility will it be to keep maintenance up. Drainage Board or County Highway Department. When sewer plugs up there will be water standing all over streets. Mike Spencer recommended Drainage Board not take over maintenance of it until all the construction is completed, make sure there is a good stand of grass. Mr. Hoffman ask where is the positive outlet? Answer - A good positive outlet goes right into the Detention basin piped over to the wildcat down Eisenhower road, water goes across into the Wildcat Park, which comes under legal drain. Question Easement. It is all on developer's land or are they putting it on someone else's land? Easement would affect 50' of Wildcat Park Foundation property, should get a letter from them so they understand where the easement goes through their land. Intention is to keep within the road-right-of-way. Legal drain it's self is requirement of the Drainage Board from the outlet all the way across to the wildcat. George Schulte recommended approval of the syphon with the condition that County not accept the road system or drain system until the area is developed and covered with a growth of vegetation. The developer be responsible for that maintenance until system is checked and cleaned before the County accepts into their system. Mike Spencer stated we can go ahead before we get petition which we don't have yet. Could have hearing in mean time with the understanding no assessments or anything until it is done and accepted then we can start the assessments. Developer is going to have to maintain it all the time. Bruce Osborn ask what the cost would be should the 95' - 18" corrugated pipe need maintenance (cleaned)? Mr. Grove made a rough estimate between \$200.00 - \$300.00, could be done in one day. Mike Spencer ask, how do you propose to clean it out? Mr. Grove suggested get into man hole to clean as it is all sloping to the outlet. Cost under \$1,0000.00. (Estimate) Discussion of Maintenance Bond. Maintenance would come under the three year bond which the developer, Charles Ingram has filed. Board wanted to be sure this would come into play to cover expenses without going to General Drain fund. Whole thing is contingent of legal drain being approved to the Wildcat. Bruce ask that Mr. Grove get a letter from landowners other than developer that will have an easement stating they have no problems to the fact that they will be a part of the legal drain, with a 75' drainage easement. It is imperative that this letter be obtained. Mr. Hoffman stated that there is a new law just passed by Legislature to prevent cutting any legal drain easement below 50' per side, can't go below of what new law says, top of bank or center line of tile. He has not received copy stating the new law, but wanted Board to be aware of law. Bruce Osborn as Mr. Grove to come back with a letter from Wildcat Park Association stating they have no opposition to the development or the easement, since they are giving up land so that the development may live. Mr. Grove is to bring back redesign on easement to the Board. Bruce Osborn stated: No deviations should be made unless it is in Drainage Board minutes.

### IV. WILLOWOOD SUBDIVISION

George Schulte stated: Last meeting willowood was in for approval, there is concern about pipe under drive. Mike Spencer and George looked at watershed. They found that grass swail from south to property line mounds have been built which diverted water down to County Road 400 East. 71 Acres drains to county road with deversion. Along with additional 65 Acres making total of 136 acres drain into county ditch this is one of the problems. Pipes are undersized, almost a non-existing ditch. Discussion of what could be done. Rebuild entrance to Willowood Subdivision and put a battery pipe to carry a 25 year storm, 2 1/2" in an hour. No approval was obtained originally since area was developed before Drainage Board became active. George Schulte believes an improvement could be made on county side ditch, this would resolve alot of problems. Bruce said this is not Motor Vehicle Highway accounts problem, financially. Mr. Osborn ask that Robert Grove and client come back with proposal, working out something so that water can go the way is is suppose to. Board will be glad to talk with Mr. Grove or the developer, but something has to be done as this is a real problem. Landowners of property in discussion is in the family of Sheldon Pershing, Jack Boes son-in-law of Mr. Pershing was developer.

## V. TREECE MEADOW COMMERCIAL I

Mr. Hoffman stated the Board needs to go ahead and adopt a resolution for Area Plan Commission concerning Treece Commercial I Subdivision. Drainage improvement called for by the plans for this are not necessary at this time no bond needs to be set. Bond has not been released by Area Plan Commission. Mr. Hoffman said Drainage Board needs to adopt resolution stating improvements called for on construction plans are not necessary.

Treece  
Meadow  
Commercial  
I

## VI. RESOLUTION

Be it resolved by the Tippecanoe County Drainage Board that the drainage improvements called for by construction plans for Treece Commercial I are no longer necessary and that there is no necessity for a bond for such improvements and be it further resolved that the present bond be released and that the Tippecanoe County Area Plan Commission be notified in writing by being sent a copy of this resolution, that the present Certificate of Deposit for such improvements shall be released.

Resolution  
Treece  
Meadow I

Eugene Moore moved and Bruce Osborn seconded to become unanimous to accept resolution on Treece Commercial I and the resolution be forwarded to Area Plan Commission and the resolution be made a part of the Drainage Board records.

There being no further business. Meeting adjourned at 9:45 A.M. until regular meeting May 2, 1984 unless call for special meeting.



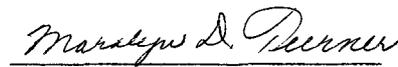
BRUCE V. OSBORN, CHAIRMAN



EUGENE MOORE, BOARD MEMBER

SUE RESER BOARD MEMBER

ATTEST:

  
MARALYN D. TURNER, SECRETARY

MINUTES OF REGULAR MEETING  
TIPPECANOE COUNTY DRAINAGE BOARD  
MAY 2, 1984

The Tippecanoe County Drainage Board met, Wednesday, May 2, 1984, at 8:30 A.M. in the Community Room of the Tippecanoe County Office Building, 20 North 3rd Street, Lafayette, In 47901.

Those in attendance: Bruce Osborn Chairman; Eugene Moore and Sue Reser, Board Members; Michael Spencer Surveyor; Fred Hoffman Attorney; George Schulte, Drainage Engineer; Sue Scholer Wabash Township Assessor; and Maralyn D. Turner Secretary.

Board Chairman, Bruce Osborn called the meeting to order with the following business transacted.

BOILERMAKER INN

Robert Olson, Engineer of L.O.M. Corporation of Indianapolis, Robert Calloway, Owner, and Joe Bumbleburg, Attorney for Mr. Calloway presented a conceptional design of the Drainage Plan for the Drainage Board. Much discussion was given to: detention basin, water flow and run off, State Right-of-way, ditch and pipe size, parking lot in complying with the Drainage Ordinance and landscaping in the detention basin.

Boilermaker  
Inn

Developer was ask to submit a plan for detention area so it does not exceed the existing water flow. The Board will give conceptional approval when the plan shows it is going to prevent any more run off than there is at the present time. Mike Spencer, Surveyor and George Schulte, Drainage Engineer, will have the right to approve with whatever applies with requirements complying with the Drainage Ordinance. The developer will come back with his technical design for final Drainage Board approval.

WOODRIDGE SOUTH SUBDIVISION

Robert Grove, Engineer representing developer Charles Ingram presented a proposal of reworking detention area of Legal Drain and Easement of 13 Lots which consist of 8.92 Acres, a branch of Elliott Legal Drain. Discussion of Drain Maintenance, giving up Lot and assessments of Lots.

Woodridge  
South SD

After much discussion George Schulte, Drainage Engineer, recommended: Going with separate Lot, setting it aside as Legal Drain, giving up Lot 81, put detention on that lot. Landowners of these Lots should be given Legal Documents familiarizing them of the maintenance assessment of their own Lots as well as an assessment on Elliott Legal Drain.

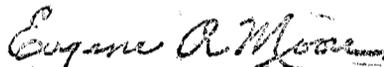
Eugene Moore moved to grant conceptional approval for Woodridge South, developer bring plans back relative to scarificing a Lot to make a 12 Lot Subdivision into a branch of the Elliott Legal Drain, Seconded by Sue Reser, Unanimously approved.

Mike Spencer, Surveyor, informed the Board, a petition had been received from Tippecanoe Builders, Inc. to establish a Legal Drain in Camelot and Lockwood Subdivision. An Informal Meeting will be held, then a time will be set for a formal hearing.

Meeting adjourned at 10 A.M.



Bruce V. Osborn, Chairman



Eugene Moore, Board Member



Sue Reser, Board Member

ATTEST:   
Maralyn D. Turner, Secretary

The Tippecanoe County Drainage Board met Wednesday, June 6, 1984 at 8:30 A.M. in the Community Meeting Room of the Tippecanoe County Office Building, 20 North 3rd Street, Lafayette, Indiana for regular business meeting.

In attendance: Bruce V. Osborn, Chairman; Eugene Moore and Sue Reser Board Members; Michael Spencer, Surveyor; Fred Hoffman, Attorney; George Schulte, Drainage Engineer; and Maralyn D. Turner, Secretary. Chairman, Bruce V. Osborn called the meeting to order.

TREECE COMMERCIAL I

Treece Commercial I, Agreement

Mr. Fred Hoffman, Attorney, presented agreement signed by Richard K. Treece, President of Treece Rentals and Investments, Inc., Treece Commercial I, 1 Acre, Lot 1 Commercial Subdivision that drainage not be installed until the Treece Legal Drain and the Elliott Ditch are reconstructed, Treece has agreed to such installation of the necessary drainage facilities on said property at its expense not to exceed \$1,500.00 for this lot, when the Treece Legal Drain is reconstructed. Eugene Moore moved the agreement of Treece Commercial I, be accepted relative to drainage and agreement be recorded, seconded by Sue Reser. Unanimously accepted. Agreement on file.

Watkins Glen

WATKINS GLEN

Patrick N. Cunningham, of Vesters Associates, representing Joe Watkins, developer, presented three Proposal Plans for development and existing developments.

Plan I, put detention in back yard areas, a design that would handle requirements and meet Drainage Ordinance, but would not provide any outlet for any future development. Mike Spencer, Surveyor and George Schulte, Drainage Engineer, did not like the back yard concept. George Schulte requested that developer take a look at providing outlet for possible future development.

Plan II, would provide a ditch to Norfolk and Western Railroad, in order to get the ditch in that area a deeper grade and lower cut would be required rather than using the existing outlet. A letter was sent to Norfolk and Western Railroad for an approval of this proposed plan. A letter of rejection was received back from Norfolk and Western Railroad.

Plan III, eliminates the rear yard detention. The design doesn't provide an outlet for future development, plan isn't what the County Drainage Board nor the developer would like. Watershed covers 40.5 A, required storage for area, 1.6 Acre foot, maximum depth 1.3' pond, pond would be very shallow.

Developer would like to get a preliminary approval on Plan III and be able to bond or come up with Certificate of Deposit for the Construction requirements of the detention for a period of two years, later come back to Drainage Board for final approval so Mr. Joe Watkins can proceed with development, then go back to Norfolk and Western Railroad with plan of lowering ditch on right of way and a proposal more attractive to the Railroad. Dr. Steven Ash owns property along Railroad, this could be an alternative. Plan III comes

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June 6, 1984 Drainage Board Meeting Continued

Watkins Glen continued

within drainage requirements. After much discussion, board ask the developer to notify landowners downstream of plan. Amount of Certificate of Deposit will be determined when final proposal is presented. Eugene Moore moved the Board accept preliminary plans of Plan III and be approved with the following conditions, that no more than eight houses be built until such time as the drainage provided by the plan is installed, drainage must be installed within two years, in any event there will be a Certificate of Deposit and the amount agreed upon, placed with the Board to be returned to them when drainage detention basin is installed pursuant to the plans and in proper working order. Seconded by Sue Reser, unanimously accepted.

Watkins Glen contd!

Otterbein Ditch

OTTERBEIN DITCH

Mr. Fred Hoffman, Attorney, had talked with Norman Skoog, Benton County Drainage Board, Chairman, pertaining to Otterbein Ditch. He suggested Benton County and Tippecanoe County Drainage Board appoint two board members each, to work jointly in studying the cleaning of Otterbein Ditch, no reconstruction. There is no Maintenance Fund. Michael Spencer, Surveyor gave the following figures from Records of Benton County Circuit Court, 1931. Tippecanoe County Watershed has 1,749.56 Acres, Benton County 1,071.245 Acres, a total of 2,820.805 Acres, Tippecanoe County has the most acreage, Michael Spencer will check the footage and report later. Eugene Moore and Bruce V. Osborn will serve as Board Members for the Joint Drainage Board, Tippecanoe/Benton County.

OTTERBEIN DITCH

There being no further business, the meeting was adjourned at 9:30 A.M.

*Bruce V. Osborn*  
BRUCE V. OSBORN, CHAIRMAN

*Sue M. Reser*  
SUE RESER, BOARD MEMBER

*Eugene A. Moore*  
EUGENE MOORE, BOARD MEMBER

ATTEST: *Maralyn D. Turner*  
MARALYN D. TURNER, SECRETARY

REGULAR MEETING OF TIPPECANOE COUNTY DRAINAGE BOARD  
AUGUST 1, 1984

The Tippecanoe County Drainage Board met August 1, 1984 for their regular meeting at 8:30 A.M. in the Community Meeting Room of the Tippecanoe County Office Building 20 North Third Street, Lafayette, Indiana.

Chairman Bruce Osborn called the meeting to order.

Those in attendance were: Bruce Osborn, Chairman, Eugene Moore and Sue Reser, Board Members, Michael Spencer, County Surveyor, George Schulte, Drainage Engineer, and Maralyn D. Turner, Secretary.

STATE ROAD 38 - ENCROACHMENT - JOHN AND TERRI JOHNSON

Encroachment  
John Johnson

Joseph Bumbleburg, attorney representing John and Terri Johnson landowners, of ground that joins Wilson Branch of the Elliott Ditch. Johnson's bought property in 1983, house and garage have been on property since 1953, ground is presently zoned LB accomplished in 1977 by the Tippecanoe County Board of Commissioners, rezoned from Residential Zone to Local Business over the adverse recommendations of Area Plan Commission. Previous owner had had business of Antique Car repair, radiator, heating and air conditioning repair. Remodeling to the property has created a problem. Mr. Bumbleburg ask the board to authorize Fred Hoffman and Michael Spencer to cooperate and prepare legal description and an encroachment permit for the record that would regularize for the record what Johnson has there now, with understanding that he could not increase the size of his building and realize if the building was destroyed he would have problems in rebuilding. Like to regularize so Johnson isn't in technical violation of the Ordinance of the County and not in jeopardy of being sued and having an action taken against him by some agency in the County requiring him to take down building.

Lee Dailey, Inspector of Tippecanoe County Building Permits, stated Johnson put up new structure after being told not to by Mr. Dailey. (new structure was on ditch easement). First notice was given October 31, 1983, by County Building Permits Department and at that time Mr. Jesse May, Field Investigator for Tippecanoe County Building Permits placed a red tag on building to stop work. Mr. Dailey contacted Mr. Bumbleburg to get things in order, advised him that there was an encroachment on the easement of drainage ditch, ask him to meet with Mr. Fred Hoffman. Mr. Dailey contacted County Attorney, no action taken by County Building Permits office. Status of building when red tag was placed, concrete had been poured and building had been expanded eastward of the original structure. State Highway Commission has contacted Building Permits Department on the encroachment on right-of-way, in regards to expansion of use of driveway upon State right, neighbors have complained. (June 1984) Building Permits problems are different than Drainage Board, but both departments are intertwined in the problems as well as the State being intertwined. Chairman Bruce Osborn advised Mr. Johnson that he had put the County in jeopardy and there is a reason why the County can't bend for a property owner. Mr. Johnson has demonstrated that he is a service to the community and commended him for this. After much discussion Mr. Bumbleburg and his client had a recess. Fred Hoffman, attorney for the Board and Joe Bumbleburg, representing John and Terri Johnson will work out an agreement on the encroachment and bring back to the Board for final approval.

Fred Hoffman stated: House is okay.

1. Remaining buildings, make sure property owner won't make any changes.
2. If there are any damages to building for just being there or if there is any construction on the ditch, that this is property owners problem and they have no claim against the County or Contractor doing the work.
3. In the event that they need to move the building, destroy or modify it in any way in order to do future work on the ditch that will be done at the owners expense. If there is a finding by the Board of such being necessary, there will be no appeal from Boards decision on that. Michael Spencer ask that all above items be in Mr. Bumbleburg's agreement papers.

BUCKRIDGE SUBDIVISION

Buckridge  
Subdivision

Robert Grove, engineer, representing Tippecanoe Builders, Inc. submitted Preliminary Drainage Plans and requested a Special Drainage Board meeting for the week of August 20th for board consideration of Preliminary approval. Construction Plans will be submitted by August 10, 1984, for final approval at September 5, 1984 Board meeting. Buckridge is located on north side of Eisenhower Road, just east of Lockwood Subdivision in Fairfield Township. Development contains 20 Single Family Lots and one out lot of 17.18 Acres.

Pat Cunningham, representing Watkins Glen Subdivision requested a Special Meeting.

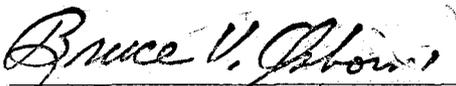
Watkins  
Glen  
Battle of  
Tippecanoe  
Outdoor  
Drama

BATTLE OF TIPPECANOE OUTDOOR DRAMA, INC.

Lou King and Pat Long, engineers of Reid, Quebe, Allison, Wilcox and Associates, Inc., representing Battle of Tippecanoe Outdoor Drama, Inc. submitted Preliminary Drawings for Battle of Tippecanoe Outdoor Drama, Inc. and requested a special meeting for approval of Preliminary Plans. Board requested planner to realize they are responsible for all mutual drains. Notice should be sent to surrounding property owners including copies of plans, and information that the County Parks Department is responsible for maintenance. The Property Owners should have a chance to voice their objections or suggestions before there is final approval. Owners down stream have responsibilities. Park Department has responsibility after it leaves.

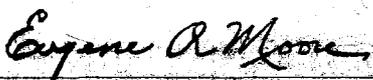
The Board agreed to have Special Meeting August 23, 1984 for those who requested.

There being no further business, the meeting adjourned at 9:45 A.M.

  
BRUCE V. OSBORN, CHAIRMAN

  
Sue M. Reser, Board Member

ATTEST:   
Maralyn D. Turner, Secretary

  
Eugene R. Moore, Board Member

N.G. COMMERCIAL SUBDIVISION  
The Tippecanoe County Drainage Board met in the Community Meeting Room, Wednesday, November 7, 1984, at 8:30 A.M. at 20 North Third Street, Lafayette, Indiana 47901

The meeting was called to order by Chairman Bruce V. Osborn with the following in attendance: Bruce V. Osborn, Chairman, Eugene Moore and Sue Reser, Board Members, Michael J. Spencer, Surveyor, George Schulte, Drainage Engineer, J. Fred Hoffman, Attorney, and Maralyn D. Turner, Secretary.

C.N.G. COMMERCIAL SUBDIVISION

Patrick N. Cunningham, Vester & Associates, Inc. representing C.N.G. Commercial Subdivision was to present Final Approval, but since last meeting have ran into some problems with the outlets on the property. Since the last meeting Alcoa has gone out with their fire truck on three different occasions and pumped water into the pipes. Final Plans to be presented for approval was to drain throught the 12" pipe which does not work. Since Final Plan was submitted it has been found that this 12" pipe is just a pipe that was put in the old side ditch along McCarty Lane, so Pat ask to discuss the concept then go back and work out a final plan for the concept and ask for a Special Drainage Board meeting so that he can get final approval for the concept. The only outlet for the property is the 15" pipe to the south. Bruce Osborn ask where does the 15" pipe go to? 15" pipe goes south and east along Main Street then under 52, it's into another 24" pipe in front of the Union 76 Station. Can't find where outlet is, but do know that it gets into the State Highway system. Then into Elliott Ditch. The 12" pipe picks drainage up where the Union Hall is located and a small area in the location of the Recycling property. A concrete gutter will have to be placed through the detention area because the

REGULAR MEETING  
TIPPECANOE COUNTY DRAINAGE BOARD  
February 6, 1985

The Tippecanoe County Drainage Board met Wednesday, February 6, 1985, at 8:30 A.M. in the Tippecanoe County Office Building, in the Community Meeting Room, 20 North Third Street, Lafayette, Indiana.

The meeting was called to order by Chairman Bruce V. Osborn, with the following in attendance: Bruce V. Osborn, Chairman, Eugene R. Moore and Sue W. Scholer, Board Members, Michael J. Spencer, Surveyor, George Schulte, Drainage Engineer, Dave Luhman, Attorney, and Maralyn D. Turner Executive Secretary, with others in attendance on file.

McCarty Lane  
Industrial  
Subdivision

MCCARTY LANE INDUSTRIAL SUBDIVISION

Joe Bumbleburg representing Robert Verplank developer for proposed Industrial Subdivision located on north side of McCarty Lane consisting of 12.37 acres divided into 19 small industrial lots which has had conditional approval from Area Plan Commission. Drainage of the tract goes east to Wilson branch into Elliott ditch. North side ditch of McCarty Lane has water hydrants with water main remaining where it is now and in between water main and development is where the city plans to place sanitary sewer, north side of sewer is telephone optical cable which is a serious problem for any development because of high repair, south side is gas line. Mr. Bumbleburg ask the Drainage Board to give permission to plan the Industrial Subdivision without a detention pond. Mr. Bumbleburg then ask Mr. Dave Hawkins, Lafayette City Engineer to explain the city's concern on the project.

Mr. Hawkins stated the city is undertaking a project expansion of McCarty Lane, in the process the city will be putting in their own sanitary sewer. In doing this they are leveling requirements upon joint land owners. Construction of the Sanitary Sewer will be on the north side of McCarty Lane, approximately 40' off McCarty Lane, as a result of the project there will be widening of McCarty Lane. Design of the sanitary sewer has been let for bids, have tentative award on sewer pending acquisition of easements on the route, except this is a new Subdivision tract being proposed and the possibility for the need of detention pond. City concern: In widening McCarty Lane, will have curb, guttering, and storm sewer, the city does not want to end up with a detention pond on top of sanitary sewer, which would complicate the area of Mr. Verplank's property on two (2) lots on the east side of his proposed subdivision. When does this become City or when does it become County?

George Schulte and Michael Spencer expressed their concern of a severe drainage problem downstream, they wish to take a look at the project and evaluate and calculate what impact it is going to have downstream and the kind of storm sewer. Mr. Hawkins pointed out the storm sewer design is a part of the road way design. After much discussion there were no decisions reached until calculations have been received from McCarty Lane Industrial Subdivision engineer and comments from George Schulte and Michael J. Spencer. Mr. Bumbleburg ask if a special meeting could be called if calculations were presented before the next regular Drainage Board meeting, it was granted.

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February 6, 1985 Drainage Board Meeting continued

Blackbird Pond-Iron Horse Phase 2 and 3

Robert Grove representing Iron Horse Phase 2 and 3 requested preliminary approval of drainage plans for Blackbird development Phase 2 and 3. Proposed layout was presented at an earlier Drainage Board meeting with the Master Plan being approved at that time. George Schulte had question concerning the 60" pipe as to whether it had drainage easement. Mr. Schulte requested that a Drainage Easement be provided for the 60" drain under Lindbergh Road and easement from Lindbergh Road to Blackbird Pond. Dave Luhman, attorney read a letter of January 26, 1985 from Mr. John Leitner Landowner joining Blackbird Pond with his comments of concern of drainage around Blackbird Pond. Mr. Leitner had previously signed off on original plans to provide positive outlet, the board and Mr. Grove thought that the signing of the original plans meant Mr. Leitner had agreed and understood what was being planned. His main concern at the time was whether the pond would go dry. Secretary was instructed to send Mr. Leitner a letter asking him to attend the boards reconvene Drainage Board meeting, Friday, February 15, 1985, at 8:30 A.M.. No decision made for request of Preliminary Approval for Drainage Plan of Blackbird pond pending February 15, 1985 meeting with Mr. Leitner and developer attending meeting.

Johnson, Encroachment JOHN AND TERI JOHNSON ENCROACHMENT AGREEMENT WITH EXHIBIT A

Encroachment agreement to the easement on Elliott drain between Tippecanoe County Drainage Board and John and Teri Johnson was presented. Eugene Moore moved that the board sign the agreement, seconded by Sue W. Scholer, Board gave unanimous approval to the signing. Copy of agreement is on file. Discussion as to whether this signed agreement should be recorded. Mr. Luhman will have consultation with Mr. Hoffman on recording. Decision was reached that the agreement is between John and Teri Johnson and the Drainage Board and should not carry over into the next property owner. Original is on file and copy sent to Mr. Joe Bumbleburg. Agreement with Exhibit A - Attached.

Camelot 4 and 5

Tom McCully representing developers of Camelot 4 and 5 for final approval of Drainage Plans for Camelot 4 and 5. Michael J. Spencer presented some of the stipulations which were required before approval. One problem was stand of grass not being up. Project overlaps with the County Highway because of the side ditches which is a major portion of the drainage. Erosion control is in place. (seeded, mulched, and strawed) Developer has agreed to reseed this spring if grass does not come up. Erosion on steep slope on east side of detention basin not being seeded, grate over outlet pipe, major silt fence below outlet pipe and straw bales need to be maintained by developer. \$20,000 bond is being posted with the County Highway Department in regards to Right-of-way. Board ask George Schulte and Robert Grove to get together on the slope and decide how to handle the slope, subject to the letter from Robert Grove, engineer of Wabash Engineering and Surveying Services. (onfile) Sue Scholer moved that the board accept the final approval of drainage plan for Camelot 4 and 5 with stipulations agreed to. File \$20,000 Maintenance Bonds in regards to improvements (Road Bond) agreed with the Tippecanoe County Commissioners to file \$2,000 Cash Bond (in joint bank account) to cover any grass or other improvement pursuant to erosion control plan and drainage plan. Unanimously agreed by the Board.

Maple Point Enterprises MAPLE POINT ENTERPRISES

Joe Bumbleburg representing Judith Hamman property owner of property immediately adjacent to Tippecanoe Mall and a piece across Ross Road. Ms. Hamman is planning a multiple use development. Would like to have conceptual approval in moving 18" drain tile and have engineers design to work in concrete with road, then the area could be turned into commercial use in form of subdivision (no argument). Area is branch of Elliott ditch branch of the Wilson. Marck Houck, engineer presented calculations. Like to plan resloping, ground coverings and widening of Wilson ditch (open part) making the area look nice. Conceptual consent requested for reduction on 150' easement, widen, clean slope it so that it will run properly. Purpose to set up a system restrictive covenant that require payments by owners of the area over and above drainage easement payments for the maintenance of the area, in the Homeowners Association or Builders Association. Board gave approval to the presentation as submitted on Maple Point Enterprises till developer comes back with proposed given easement of the Wilson branch of the Elliott drain.

Willowood WILLOWOOD

Previously, Hugh Galema and Dick Strawsma had offered their assistance in correcting drainage at the entrance of Willowood. Michael Spencer and George Schulte presented the following solution: System designed for a 25 year storm event, 2 pipes side by side 57" wide and 38" high across drive, suggest that a 6' bottom ditch be cut along county road 400 East to take care of drainage, property line south of Willowood down to railroad should be reconstructed to clean up the drainage problem. After much discussion it was decided that the two property owners affected should be invited to attend a drainage meeting and inform them of the problems and solution to correct. Mr. Galema is to contact Jim Cating and Harold Johnson asking them to attend drainage board meeting, Friday, February 15, 1985 at 9:30 A.M., Mr. Galema is to inform the secretary if they will be in attendance. Board adjourned to reconvene this regular meeting Friday, February 15, 1985, at 8:30 A.M. Due to inclement weather meeting was postponed for the 15th day of February, and rescheduled to reconvene, Monday, February 25, 1985 at 9:00 A.M.

The Tippecanoe County Drainage Board met Wednesday, August 7, 1985 in the Community Meeting Room of the Tippecanoe County Office Building, 20 North Third Street, Lafayette, Indiana for the regular meeting at 8:30 A.M.

Chairman Bruce V. Osborn called the meeting to order with the following in attendance: Bruce V. Osborn Chairman, Eugene R. Moore and Sue W. Scholer Board Members, Michael J. Spencer Surveyor, Fred Hoffman Attorney, George Schulte Drainage Engineer, and Maralyn D. Turner Executive Secretary. Others in attendance are on file.

SHAWNEE CREEK

David Nesbitt property owner, presented pictures of Shawnee Creek in the area of which he has concern. Description of the area is Sec. 36, of Jackson Township extending to road 1300 South through Todd Farm to Nesbitt/Todd property line, a distance of 160 rod. Shawnee Creek from 1300 South through remainder of Tippecanoe County has been kept in good condition (Tippecanoe/Fountain County Line). This has been kept clean by the property owners along the Shawnee Creek. Area in question is the 160 rod. Mr. Nesbitt has tried to talk to the property owner and gets no place. Mr. Nesbitt wants to know what his options are to make this a county ditch. After finding his options he is willing to contact the other property owners to proceed in making Shawnee Creek a legal ditch. Discussion: Is Shawnee Creek a Legal Drain? Michael Spencer gave the following report. In 1947 a petition to reconstruct clear into Fountain County is on file, and in 1952 ended up in court, at that time some changes were made. There is no Maintenance Fund. Files do not state the facts. Question is it a legal drain or does it come under Natural Resources statue. A County tile empties into Shawnee Creek south of 1300 South. Mr. Spencer stated that this is a legal question as property owner won't let Mr. Nesbitt on his property to see what can be done. Mr. Nesbitt is willing to do work at his own expense. Mr. Hoffman will check Tippecanoe County Superior Court records of Cause #279-1948. He will then let Michael Spencer know his findings. If this is a legal stream the property owner does not have to let him on his property, but if it is a legal drain he can go on other property, If it is a stream, to make it a legal drain will have to contact the Natural Resources Department to get permission. Guessing that it was a legal drain, would there be more acres in another county(still need to find the facts). Michael Spencer feels that Tippecanoe County has more acres in the watershed area than Fountain County, there would be some drain into Montgomery County. Michael Spencer will let Mr. Nesbitt know the findings and what procedures he will have to do to proceed with this matter. Mr. Nesbitt is just interested in the 160 rods, no further.

SEASONS FOUR PART II

Alfred Buckley developer of property on South 18th Street, Summertime Trail, and 300 South along the Elliott ditch. Drainage Board had passed on 200 lots in 1979, builder allowed the preliminary plat to expire on parts, the developer is now going at it piece by piece, 19 lots have been developed, approval has been given for an additional 24 lots which drainage has been approved on in the past, a larger detention pond has been installed along Summertime Trail and South 18th Street (six years ago within the old ordinance). Approval had been given National Homes in 1973, all the developer is asking for at this time is reapproval for the 24 lots. John Fisher was engineer for the original and now Paul Coutts is the engineer for the project. Construction Plans are the same except two lots have been taken out making the lots bigger than what they originally had been, increasing the frontages by 10'. Changes are in the Construction Plans not the drainage plans, changes in construction plans decreases the run off. Michael Spencer and George Schulte stated all were in compliance with drainage ordinance. Sue W. Scholer moved that approval be given on the revised Construction Plans for Seasons Four Part II, seconded by Eugene R. Moore, Unanimous approval given.

BUCKRIDGE PART I

Buckridge Part I

David Kovich developer ask for Final Drainage Approval for Buckridge Part I. After discussion Sue W. Scholer moved to give conditional final approval on Buckridge Part I and that developer be notified by letter as soon as the board receives maintenance bond and has as built plans. Seconded by Eugene R. Moore, Unanimous approval given.

DISMAL CREEK

Dismal Creek

Chairman Bruce V. Osborn ask about Tax Assessments being sent for Dismal Creek. Michael Spencer stated that the board had thought they had information for spring billings in the Auditor's office, but the Auditor said it was received too late, therefore the board requested the Auditor send billing for spring and fall now. Mr. Hoffman stated to have billings sent as soon as they are ready for both installments, it would be legal.

Mr. Osborn had to leave the board meeting, Vice Chairman Eugene R. Moore continued the meeting.

MCCARTY LANE INDUSTRIAL SUBDIVISION

McCarty Lane Industrial Subdivisio

Pat Cunningham representing McCarty Lane Industrial, Robert Verplank developer ask for Preliminary approval for 21.5 Acres, watershed area is in subbasin which consists of 44 acres that drains south to McCarty Lane then East along McCarty Lane to a catch basin, water goes into tile that goes on east in an underground tile, outletting in to the Layden branch of Elliott ditch which goes onto the Wilson Ditch. There are two 24" catch basins on east on each side of road. An 18" and 24" corrugated pipes under road act as an equalizer for surface water. This is in city, but board is asking for approval since the site is tributary to Elliott Ditch. Putting Detention Pond in SE corner on Lots 17 & 18 from there it will outlet into McCarty Lane side ditch, it has been designed for 10 and 100 year storm event as County requires. Evaluation was done at the 2-24" catch basin at 100 year, could get 100 cfs going to the area, after development 100 year 90 cfs would be decreasing the over all 100 year effect. Capacity of 24" pipes are about 50 cfs, they were never designed to carry 100 year rain. Question was ask about water back up. Mr. Cunningham said that most county drains were built on 10 and 50 year storm events, therefore there would be some back up on the 100 year. Mr. Spencer stated that the run-off caculations meet the drainage ordinance requirements. Question: What are you going to do with the 10 inch catch basin, are you going to grade to the east and go all the way to where the old Layden ditch crossess or stops at the 10" catch basin? George Schulte stated he was satisfied with the calculations which Pat Cunningham has presented on the existing conditions, he would like to see all drainage go to the Kepner Ditch, as it is the only positive outlet in the area. Mr. Cunningham will have to get approval from the City for his set backs etc. Sue W. Scholer moved to give preliminary approval to McCarty Lane Industrial Subdivision for Part I and Part II. Seconded by Eugene R. Moore, motion carried

INTERNATIONALCHURCH OF THE FOUR SQUARE GOSPEL

Intl' Church of the 4 Square Gospel

John Fisher engineer for the development ask for Final Approval of Drainage Plans. Mr. Spencer stated that Mr. Fisher had presented plans at the July board meeting, but there had to be somethings added to the plans, eroision control, side slopes, cross section of detention area, Construction Plans are in the surveyors office and they meet all requirements. Sue W. Scholer made motion to grant final approval to International Church of the Four Square Gospel drainage plans. Seconded by Eugene R. Moore, motion carred.

MCCUTHEON HEIGHTS SUBDIVION PART II

McCutheon Heights Subdivison PartII

John Fisher ask the board to go out and make an inspection of the area. Michael Spencer stated he had been to the area, the board agreed to go to the site.

There being no further business the meeting adjourned at 9:35 A.M.

Bruce V. Osborn Chairman

Sue W. Scholer Board Member

Eugene R. Moore Board Member

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

Regular Meeting, September 4, 1985

TIPPECANOE COUNTY DRAINAGE BOARD  
Regular Meeting  
September 4, 1985

The Tippecanoe County Drainage Board met, Wednesday, September 4, 1985 at 8:30 A.M. in the Community Meeting Room of the Tippecanoe County Office Building, 20 North Third Street, Lafayette, Indiana.

Eugene R. Moore, Vice Chairman called the meeting to order with the following present, Eugene R. Moore Vice Chairman, Sue W. Scholer Board Member, Michael J. Spencer Surveyor, George Schulte Drainage Engineer, and Maralyn D. Turner Executive Secretary, others in attendance are on file.

McCarty Lane Industrial Subdivision MCCARTY LANE INDUSTRIAL SUBDIVISION

Pat Cunningham representing developer presented final drainage plans, no changes have been made in the previous plans presented. Project consists of 21.5 Acres, parts drain to the Kepner ditch and the majority drains to the Layden Ditch a branch of the Elliott Ditch. To the east drains to two(2) 24" catch basins. One catch basin sets on the north side of McCarty Lane and the other one is on south side of McCarty Lane. Two corrugated metal pipes run under McCarty Lane which act as equalizers. Subdivision Part I has 9 Lots and Part II is undivided, as lots are sold they will be allotted at that time. Drainage pattern of subdivision drains to the south and east. Developer intends to put in new street and improve the existing Navco Drive to City Standards. Curb guttering, catch basin, and alignment changes will be made to improve the ditch situation along McCarty Lane, at this time there is no pipe under Navco Drive, but a new corrugated pipe will be installed under Navco Drive. City will be improving ditch from property line down to the Kepner ditch. Release rate will be 15.3 cfs, storage capacity will be 2.5'. Sue W. Scholer moved to give McCarty Lane Industrial Subdivision final drainage approval, seconded by Eugene R. Moore, motion carried.

Croxton Woods Sub Div CROXTON WOODS SUBDIVISION

Robert Grove representing developer of Croxton Woods which consists of 17 Lots on Poland Hill road off of Teal Road. Mr. Grove has met with Michael J. Spencer surveyor on site to make study of original plans. Project was approved September 1980 before the drainage ordinance was adopted. At that time designer wanted to store water in the street and outlet pipe would discharge into the ravine. Proposed outlet was on top of the hill, hill is extremely steep. Mr. Grove wants to continue working with the surveyor and stay in line with the ordinance without losing approval of plans. Ravine system is very fragile, as the outlet is behind Flower Shop. Developer doesn't want to change figuration of lots, but designate a lot as an out lot for a detention basin on the flat, discharge through a velocity dissipator. Mr. Grove will continue with original construction plans, but will come back with modified plans of the original for approval by the board.

Felbaum Branch of Berlovitz Ditch FELBAUM BRANCH OF BERLOVITZ DITCH

Michael J. Spencer surveyor has talked with property owners in the area of Felbaum Branch of the Berlovitz ditch. A petition was received in 1982 from property owners to reconstruct the branch. Survey has been done, plans are 90% completed. George Schulte has looked at the plans. Property Owners want to have a hearing. Rough Cost of the project which has 468 Acres in the watershed is \$62,255.97, \$133.00 an acre. Board gave approval to have a Reconstruction Hearing. A special meeting will have to be held as a 30 day notice has to be sent and for the next meeting of the Drainage Board time would be an element. An Attorney will be needed at the hearing, if Mr. Hoffman is not available the board will ask Mr. O'Connell to set in on the hearing.

There being no further business the meeting adjourned at 9:10 A.M.

*Sue W. Scholer*  
Board Member

*Eugene R. Moore*  
Vice Chairman, Acting Chairman

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

REGULAR MEETING  
December 4, 1985

The Tippecanoe County Drainage Board met Wednesday, December 4, 1985 at 8:30 A.M. in the Tippecanoe County Office Building in the Community Meeting room for the regular meeting.

Chairman Bruce V. Osborn called the meeting to order with the following present: Bruce V. Osborn Chairman, Sue W. Scholer Board Member, Michael J. Spencer Surveyor, J. Fredrick Hoffman Attorney, George Schulte Drainage Engineer, and Maralyn D. Turner, Executive Secretary. Others present are on file

WOODRIDGE SOUTH

WOODRIDGE  
SOUTH

Robert Grove engineer representing CME developer ask for Final Drainage Approval. The site contains 8.92 acres and is located directly adjacent to the North side of Elliott Ditch. Due to the small site and the drainage pattern, proposal has detention basin located in the South and West portion of the development.

Charles Engram developer doesn't feel it necessary to have a detention basin, runoff shows that they do not need detention basin and he realized that the Drainage Ordinance does not prohibit rear lot storage, the Board would prefer not to use rear yard storage for detention due to possible access problems. Michael Spencer surveyor, would like to see gravel road eliminated. Mr. Engram feels that the design presented looks like the developer is designing Subdivision for the Drainage people. He is trying to finish up a tail end of a Subdivision that was started in the 1960's that has 80 houses. He purchased the Subdivision in 1980 which consists of 13 lots, development is not in the city limits. The proposed control structure is a 48" manhole with a 24" pipe inlet inside. The inlet is a 24" concrete pipe set on end and grouted to the bottom of the manhole. The top of the inlet is open with a grate set at elevation 643.72 to control the basin volume at overflow. The inlet opening will be a 12" PVC pipe stub, this control facility should not require frequent maintenance.

George Schulte ask who is going to maintain? He agrees with the developer that two property owners be responsible for the two lots, however he stated it is up to the board, but he would not recommend the proposal. Michael J. Spencer ask question of how they were proposing County maintenance, were they going to make it a part of Elliott Ditch. Answer to question, not going to be a legal drain, however the maintenance road borders the 75' Elliott Ditch easement. Developer tried to raise elevation on 100 year flood elevation, they are waiting on a letter from the state. After much discussion Mr. Hoffman felt liability wise the board maybe held liable. Michael Spencer ask why the developer didn't maintain themselves? Robert Grove said that would be one solution. Charles Engram said to forget the roads and put detention basin on developers side and maintain then he will worry about selling the lots. Mr. Hoffman ask if the developer had restrictions regarding maintenance? Mr. Engram said there would be as soon as the board took action. Mr. Osborn ask Mr. Schulte if he saw a better solution to the problem? George understands Mr. Engram's stand point not wanting to give up a lot, however he would look at it very strongly, it is better to give up one lot and try to get the county maintain it, make the other lot worth more dollars, putting the pond in will really devalue the lots. George stated that the board would have a right to look at a 25 year release rate rather than a 10 year release rate which would cut down on the area required. This he would recommend. Mr. Engram ask if they would do this and maintain, would the board go along with the proposal. The board recess the meeting and will reconvene when Mr. Grove has the plans ready for board's approval. Michael wants the calculations and cross sections of storage. Board will give 48 hour notice of reconvened meeting.

Michael Spencer ask the board if they wanted to hold a regular board meeting in January? January 1, 1986 falls on Wednesday, which is a holiday, the board decided to meet January 8, 1986, at the present time there is nothing for the agenda, the board decided to hold a meeting, should there be no agenda the meeting will be cancelled. Mr. Hoffman will not be in attendance for the regular meeting in February. Meeting adjourned at January 8, 1986 meeting. 8:30A.M.

Bruce V. Osborn, Sue W. Scholer  
Chairman Board Members

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

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.

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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.

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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

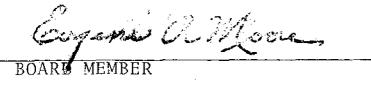
ELLIOTT DITCH

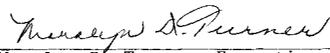
A hearing will be set sometime in 1986 for increasing maintenance fund on the Elliott ditch.

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

  
CHAIRMAN

  
BOARD MEMBER

  
BOARD MEMBER

ATTEST:   
Maralyn D. Turner, Executive Secretary

April 2, 1986 - Regular Drainage Board Meeting

April 2, 1986  
Tippecanoe County Drainage Board

The Tippecanoe County Drainage Board met Wednesday, April 2, 1986 at 8:30 A.M. in the Tippecanoe County Office Building, Community Meeting Room with Chairman Bruce V. Osborn calling the meeting to order.

Those present were: Bruce V. Osborn Chairman, Eugene R. Moore and Sue W. Scholer Board Members, Michael J. Spencer Surveyor, George Schulte Drainage Board Engineer, J. Fredrick Hoffman, Drainage Board Attorney, and Maralyn D. Turner Executive Secretary, others present are on file.

Maple Point Enterprises, Inc. was ask to present their request, not all representatives were present, therefore they ask to be heard later.

CROXTON WOODS

CROXTON  
WOODS

Robert Grove representing Croxton Woods Developer Mrs. Croxton, ask for final drainage plan approval. Project has been reviewed by Michael Spencer and George Schulte along with Mr. Grove. Michael ask questions in regards to: 1) Inlet structure behind Flower Shop on tile that comes under building. 2) Maintenance. Mr. Grove stated that he is not sure who would take care of the maintenance, he would have to ask the owner and her attorney as to who they want to handle maintenance. Mr. Hoffman suggested that it would be the county. Mr. Grove agreed. This would have to be to the outlet. Doesn't do any good to the upper part without the lower. Michael Spencer pointed out that this is underneath Teal Road and State Road 43, outlet crosses under building, into Durkee's Run on to the Wabash. After hearing this, Mr. Hoffman withdrew his statement. Mrs. Croxton owns the office building next to the Flower Shop, two ravines come down and tie together behind the office building, tile is 30" concrete tile (behind Building) goes on west under State Road 43. Mr. Hoffman ask what would happen if the people would put up a wall to keep water from getting to the ravine. Mr. Grove said that it would just push the water back up the ravine. Sue Scholer ask, at this point the water has been getting out, correct. Michael Spencer stated yes, but must realize there has been no development above to create a problem. Bruce V. Osborn ask, Land to be assessed for the maintenance, who is the owner? Mr. Grove stated that it depends on how the outlet is described. Mrs. Croxton owns the area, is planning on selling the office portion, the ravine comes down cuts across the Flower Shop, she now owns 98% and doesn't own the outlet. No one knows who owns the Flower Shop. After much discussion. Mr. Grove stated that Mrs. Croxton did not create the problem and they are doing everything that they can. Mrs. Croxton has given up a lot (\$7,000.00) to help the situation, more would cost her another \$3,000.00. Question, Could the other people help out? Would like to see the other people help. Legal Drain: Mr. Grove was ask if he could get their concurrence to make a legal drain, he stated he didn't know, would have to talk with the landowners. Mr. Hoffman stated that a meeting should be held with all property owners. Michael Spencer stated that it really is just Mrs. Croxton, the Flower Shop owner and the State Highway Department. Mr. Hoffman ask that a letter be sent to the property owners and the State Highway Department, with the State Highway Department see what they have in mind for the future. Mr. Bruce V. Osborn ask that Mr. Grove get the names so that a letter could be sent to the property owners. No action was taken. Mr. Grove will bring information back to the June 4, 1986 Drainage Board Meeting.

MAPLE POINT ENTERPRISES, INC.

MAPLE  
POINT  
ENTERPRISES

Joe Bumbleburg attorney, Judith Hammon President of Development, and Mark Houck engineer were present, Mr. Bumbleburg stated that they have two(2) kinds of problems, one a technical problem which Mark Houck presented later in the meeting in regards to Storm Events with Hobbies Ditch and the Wilson Branch. The other the board received a letter dated March 27, 1986 asking for the approval on two items: 1) Ditch side slopes - approval to MPE to change the existing slopes from a 2:1 ratio to 3:1 ratio. 2) Easement reduction - approval to reduce existing easements from 75 feet from the top of each bank to 25 feet. These matters had been discussed with Michael Spencer. The Board will give approval to change slopes under the guidance of the Surveyor. Bruce B. Osborn ask, you want to reduce easement to 25' on both sides? YES! Sue Scholer ask if this was in essence from the last presentation? YES! Michael Spencer said he could live with the reduction, but it was up to the Drainage Board. This is in an urban area and it is inevitable that dirt will have to be hauled, he feels this is enough room to haul dirt. Bruce Osborn disagrees with the surveyor, Mr. Osborn stated, he personally would be willing to give reduced easement on one side, maintain the 75' on the other, option would be the developer. Mr. Bumbleburg ask, on the side that is chosen for the 75' would the board entertain a request for an encroachment so the developer could use it for parking etc. Bruce stated that this had been done previously, but it needed to be understood that it may have to be torn up at some time at the owners expense. Michael stated that the dirt can not be spread on parking lot. Discussion in regards to spoil on the 75' easement. What happens to the spoil? Mark Houck feels the development in the area there would be no problem with spoil, he feels the area is not going to deteriorate. Mr. Osborn feels there should be no holding facility on an easement. Sue Scholer assumed the developer had come back with request because of the discussion in the last board meeting, March 5, 1986, their concern of having detention on the easement and then who is going to maintain them and the problem that may come. As it looks they have not eliminated wanting to use detention storage. Encroachment would be to the detention not the parking lot? Mark Houck stated, NO in response to the last meeting, instead of asking for 25' open space-10' one side plus putting both in easement. Can we reduce the easement thereby get those things out of the way. This would move this over and would provide access on both side of the ditch if a 10' were insignificant. Mark thought this was the major complaint at the last meeting. Originally they had plans to have one big lake, now they are looking at several small lakes, have stuck with the 75' easement, pond will be dry most of the time. Board would like for them to come in with the side they want to reduce. Again Sue Scholer stated she feels that the board is looking at plans today that the developer will bring back at the next meeting, answer is yes. They are trying to hold twice as much water that they are required to hold. In the long run as the entire watershed is developed. After much discussion. Sue Scholer moved to approve request for changing ditch side slopes of the existing side

April 2, 1986 Drainage Board Meeting Continued

slopes from a 2:1 ratio to 3:1 ratio under the guidance of the County Surveyor seconded by Eugene R. Moore, unanimous approval.

Eugene R. Moore moved to give approval on reduction of easement to 25' on one side and 75' on the other after the 3:1 slope and the developer have the choice of the side, seconded by Bruce V. Osborn, motion not carried as the board voted 2 to 1.

ILGENFRITZ ILGENFRITZ

Michael Spencer had a call from Mary Ann Smith a property owner, banks have broken out, he feels that sand bags will not hold it any longer, therefore he requested permission to hire a bull dozer to push the banks back up, would really like to have a dredger, but bull dozer will do. The area that needs repairs is on the easement, Alvin Pilotte property. Eugene R. Moore moved to give the surveyor permission to get a bull dozer to push the bank up, seconded by Sue W. Scholer, motion carried.

BRITT DRAIN BRITT DRAIN:

Mr. Hoffman ask the board to give the Britt Drain property owners a time limit for the Maintenance Agreement to be presented as it has gone to long. Eugene R. Moore moved to give the property owners six months from todays date, April 2, 1986 (time Limit) to have Maintenance Agreement signed and work completed, seconded by Sue W. Scholer, Unanimous approval.

ELLIOTT DITCH ELLIOTT DITCH

Michael wanted the board to know that we had print outs of the ditch and had discussed with the Data Processing Director ways to be helpful in making mailing etc for a hearing, after much discussion Eugene R. Moore and the board suggested the Drainage Board go before the Data Board at their April 7, 1986 meeting 10:00 A.M.

HOFFMAN DITCH HOFFMAN DITCH

Michael said holes had been dug and they had got shots for elevation, George Schulte, Robert Gross and he had walked the ditch, they will be getting plans and cost to the board soon.

SHAWNEE CREEK SHAWNEE CREEK  
JAMES PARLON

A hearing will be at the next board meeting May 7, 1986 at 9:00 A.M. James Parlon Ditch is already a legal ditch, the hearing is to make the Shawnee Creek a legal drain, then combining the Shawnee Creek and Parlon ditch into one legal drain, Shawnee Creek.

BUCK CREEK DITCH BUCK CREEK DITCH

Eugene Moore and Bruce Osborn had attended a reorganization meeting of Joint Board, Tippecanoe County and Carroll County for the Buck Creek Ditch, Michael Spencer surveyor was in attendance.

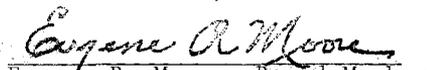
HADLEY LAKE HADLEY LAKE PROJECT

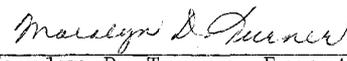
George Schulte wanted the board to know that he and the surveyor will attend a meeting April 9, 1986 in Indianapolis with the Department of Natural Resources, George will be presenting proposed reconstruction plans and recommendations.

There being no further business to come before the board, the meeting was adjourned at 9:50 A.M.

  
Bruce V. Osborn, Chairman

  
Sue W. Scholer, Board Member

  
Eugene R. Moore, Board Member

ATTEST:   
Maralyn D. Turner, Executive Secretary

The Tippecanoe County Drainage Board met Wednesday, May 7, 1986 at 8:30 A.M. in the Tippecanoe County Office Building, Community Meeting Room, 20 North Third Street, Lafayette, IN.

Chairman Bruce V. Osborn called the meeting to order with the following in attendance: Bruce V. Osborn Chairman, Eugene R. Moore and Sue W. Scholer Board Members, Michael J. Spencer Surveyor, George Schulte Drainage Engineer, Fred Hoffman Attorney, and Maralyn D. Turner Executive Secretary, others in attendance remain on file.

MAPLE POINT ENTERPRISES, INC.  
MAPLE POINT ENTERPRISES, INC.

Joe Bumbleburg attorney, for the Maple Point Enterprises, Inc. presented the board a Special Hydrologic Conditions in the Watershed Tributary to Branch 13 of the Elliot Ditch drawn by Omtak Engineering, Inc. The information presented and maps will help the Drainage Board in the future for development. The information and maps are on file with Maple Point Enterprises, Inc.

Michael J. Spencer surveyor, presented letters received from Fairfield Contractors, Inc. signed by William R. Davis General Manager, and Fauber Construction Company, Inc. signed by Michael D. McTague, letters were in regards to Ditch Maintenance easement requirements. reduction of easement, they stated that they can clean ditches in reduced easement. Copy of letters were sent to Joe Bumbleburg attorney.

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May 7, 1986 Drainage Board Meeting Continued.

SHAWNEE CREEK AND JAMES PARLON DITCH

SHAWNEE CREEK/  
JAMES PARLON DITCH

The Drainage Board called meeting to order for the hearing of Shawnee Creek and James Parlon Ditch 9:00 A.M. Michael J. Spencer surveyor stated that Shawnee Creek was an open drain and that petitions had been received requesting to have Shawnee Creek made a legal drain, the James Parlon ditch is a tile ditch runs east and outlets 200 feet south of road 1300 south, Michael had talked with Mr. Hoffman in considering making a combined ditch since the James Parlon ditch shares the same outlet. Michael requested to change the original James Parlon ditch assessment lists deleting 80 acres of Richard H. Shaw and 8.13 acres of Helen Shirley. Ernest Todd son of Home Todd had question in regards to 18 acres which is already on James Parlon assessment, in his notice it had been included in notice of hearing. Parlon Ditch has reached its four year assessment. Correction will be made. Others to be corrected will be Mary and William Goings, Richard Shaw, and Nesbitt Farms, Inc. Claire Meharry feels that the open ditch needs to be cleaned, he questioned how much it would benefit his lands as he feels he is quite a distance from the ditch. After discussion with Mr. Meharry, Michael said he would check out the area to be sure of the assessment as Mr. Meharry feels the way the land slopes, doesn't benefit his land that much. Eugene R. Moore moved to combine the Shawnee Creek and James Parlon Ditch as one legal drain, seconded by Sue W. Scholer, Unanimous approval. Eugene R. Moore moved to establish a Maintenance Fund for the Shawnee Creek drain \$1.00 per acre assessment, seconded by Sue W. Scholer, Unanimous approval. Bruce V. Osborn Chairman had to leave, Vice Chairman Eugene R. Moore ask if there was any more business to come before the board at this time, there being none the meeting adjourned at 9:10 A.M.

*Bruce V. Osborn*  
CHAIRMAN

*Sue W. Scholer*  
BOARD MEMBER

*Eugene R. Moore*  
BOARD MEMBER

ATTEST: *Maralyn D. Turner*  
Executive Secretary

The Tippecanoe County Drainage Board met Wednesday, June 4, 1986 in the Community Meeting Room of the Tippecanoe County Office Building, 20 North Third Street, Lafayette, In 47901. Chairman Bruce V. Osborn called the meeting to order at 8:30 A.M. with the following in attendance: Bruce V. Osborn Chairman, Eugene R. Moore and Sue W. Scholer Board Members, Michael J. Spencer Surveyor, George Schulte Drainage Board Engineer, Fred Hoffman Attorney, and Maralyn D. Turner Executive Secretary, others in attendance are on file.

RIVER BLUFFS PART III

RIVER  
BLUFFS  
PART III

Patrick Cunningham on behalf of Greg Sutter owner and himself presented Topography map, and requested preliminary approval of drainage plans for the subdivision. Drainage from subdivision goes down through ravine and ditches across David Stevenson property drains into Harrison Creek to the Wabash river. Behind River Bluffs there is a pond (10 acres), which Harrison Creek drains through the pond and continues onto the Wabash river. In the Subdivision there are four outlets areas- 1. 6.28 Acres, 2. 10.56 Acres, 3. 1.77 Acres, 4. 3.25 Acres each have their own watershed area, proposing to put a small detention pond at each outlet through the subdivision looking at 3 cfs runoff 4' deep, 8" orifice through 12' pipe, maxium storage .16 of Acre feet. (1). (2) 10.56 Acre-4.8' storage.35 Acre feet, (3)1.77 Acre 2.8'storage.8acre storage, (4) 3.25 Acres .8' .12 Acres feet storage.

Mr. Osborn ask if he had gotten into the proposal for the maintenance? NO. George Schulte had the same question, he felt there were no other problems to Mr. Cunninghams request as the proposal meets ordinance requirements. Michael felt that possibly the idea of having one big detention area was a better idea, he ask if he was calculating storage of 200 acres in the 100 year storm event? Answer yes, Michael stated that he could let it pass, wouldn't need to calculate for what he needed for his development. Mr. Cunningham had calculated in manner that he would not increase the greater runoff of the subdivision any more than what it is from the 10 year. Michael flet he was figuring for storing on a 100 year storm event for the whole 200 acre watershed, he would only need to figure for his own development. Question as to where the flood plain is in the area, flood plain is about 530 contour elevation.

Fred Hoffman ask where the pond was located in regards to the subdivision, and would it have any affect on the Stevenson property, no. The only affect would be during the construction phase. Mr. Cunningham has told Mr. Stevenson what he is planning to do, he hasn't seen the specific plans.

Maintenance will be the only problem and Mr. Cunningham will have to work that out when he presents his final drainage plans. Eugene R. Moore moved to give approval for preliminary plans for River Bluffs Subdivision, seconded by Sue W. Scholer, Unanimous approval. The Subdivision consists of 34 lots and the developer has petitioned for tap in for water and sewer with the Town of Battle Ground.

VALLEY FORGE

VALLEY  
FORGE

Robert Grove appeared before the board stated that the subdivision had previously been approved, owner has changed hands, the new owner wants to continue to develop additional 14 lots, construction plans will have to be submitted, improvements are in with the exception of the streets. Mr. Grove ask to come to the next Drainage Board meeting July 2, 1986 for final approval of basin, Michael and George will have to go over previous plans and the new plans. Minutes will have to be read of previous meetings in regards to Valley Forge. Department of Resource report for Kirkpatrick ditch should be on file.

LOCKWOOD IV

LOCKWOOD  
IV

Robert Grove appeared before the board requesting to increase allowable discharge requirements

## LOCKWOOD IV CONTINUED

June 4, 1986 Drainage Board Meeting Continued

reason is first, Lockwood IV system drains into the existing Lockwood III system considerable offsite water (34 Acre area) comes through Buckridge, in order to meet the ordinance would need to put something in the back yards, which the drainage board does not want done, as there is no access to easement, there is no way to control, too much water runs off, the only way to stop this is put a basin along the edge of the channel, which has been designed for a 50 year and a portion for 100 year storm event, feel it would be better to get water into the channel and out of the development and detain as much as they can, he had discussed with Michael and George the requirements for this outlet, at this point there is no outlet. Michael feels that putting a 3' sq orifice over a 12" pipe would be asking for trouble. Michael stated Robert had proposed putting a 12" pipe coming out of the detention basin without an orifice plate. Question would this have an effect on Mr. Mahan's bridge? NO. Michael stated he doesn't care to see a construction plan until a petition is in for a legal drain and an easement which there has been a question. The other ponds included would be 2 in Camelot, 1 in first section of Lockwood, and 1 in Buckridge. Enough time has elapsed, before going any further a petition will have to be submitted. Before Mr. Grove can go any further with construction plans he will have to know whether the board will consider an increase discharge at this point he could slap an orifice plate over the 12" pipe.

CROXTON WOODS  
CROXTON WOODS

Robert Grove stated the owner of the flower shop has been found, name he could not recall, he requested the board to write a letter to the owner stating the problems in the area. After much discussion, it was decided for the board not to write a letter, but have the owner write the board a letter stating that he doesn't care what is done in regards to an inlet and that he doesn't intend to pay for anything, and he does not have any problems with the situation. Question what about the next owner of the flower shop? Problem would be transferred to the next owner. Mr. Hoffman ask Mr. Grove to contact Ms Klinkhammer have her get something from the owner now that would be recordable so that if the property is ever sold the next owner would be aware of the situation.

BRAMPTON APARTMENTS  
BRAMPTON APARTMENTS

Dennis Grump engineer from Schneider Engineering Corporation representing Cardinal Industries, Inc. and Jack Cagaly land representative for Cardinal Industries, Inc. requested the approval of drainage plans for Phase I of Brampton Apartments located at northeast corner of Haggerty Lane and Windemere Drive, Fairfield Twp., Section 35, Twp.23N, Rge.4 W, SE $\frac{1}{4}$ . The development will eventually be a Three Phase on 11 acres located east of Briarwood. The development is in the area of Branch 13 of Elliot, legal drain runs along the north side of Haggerty Lane across the frontage of the property, which would be their outlet, in talking with Michael Spencer they discussed the present condition of the drain and the potential future development for the area, Michael ask Mr. Grump to ask the board for approval of Phase I drainage only, using the legal drain. Mr. Grump has talked with Cardinal Industries, Inc. and they wish to present a petition in the next month for reconstruction of the legal drain (Branch 13 of Elliot). They have other property owners interested in signing a petition to this effect. Pipe size for this particular area is 14" clay tile. Problem in the area is there is no positive outlet.

Fred Hoffman attorney, stated there is a problem of increasing one part of the Elliot drain and not the other, if you increase the branches and not the main one you have a problem. After much discussion in regards to the problem. George Schulte discussed surface run off and a positive outlet, this would control all the runoff by retention or detention basins. Peak rate would be control, a volume problem is with any development, if some provision isn't made to provide a positive outlet for the watershed area big problems are going to continue, in regards to ordinance stipulations and the concern of Maple Point the run off can be controlled and will not effect the Elliot Ditch. Mr. Grump stated that their site would only be allowed to release water at a 10 year predeveloped area.

Mr. Hoffman attorney, ask if the development increased rate of run off why do you need a bigger pipe? This is an agricultural drain and should not be used for this type of drainage.

Mr. Grump stated they would like to reduce the north side legal drain easement from 75' to 30' to make additional room for buildings in the area, same thing was done in the Briarwood Apartments, reduced on one side, Brampton wants to leave 75' on south side of drain. Jack Cagaly pleaded with the board for approval of the reduction of easements in Phase I, and conceptually look at Phase II and Phase III, time has ran out on their options to do anything else. Need the units to justify economics with the project up front.

Bruce V. Osborn ask if Phase I could be accomplished without disturbing the tile? Michael Spencer surveyor, had told them to come in with Phase I and a petition as he does not recommend letting the developer put all three phases into the 14" tile. Sue ask if Phase I would be Ok, Michael stated the board needs to look at the calculations.

Mr. Grump stated they would be using a combination of tile in Phase I, there will be 67 units they would be maintaining the detention requirements. He feels they can safely control the drain. They feel that it will be three years before Phase III is developed and hopefully the board will come up with a solution prior to that time so they can proceed with their plans.

Mr. Osborn stated that if Phase I could be accomplished without disturbing the tile with the understanding that Cardinal Industries, Inc. may not be able to develop the rest Phase II and Phase III until something is done on Elliot which could be 10 years, but he didn't want to lead the developer on.

Jack Cagaly stated that if the community was going to go after growth and development, the board has to come up with some solution to the drainage problems. Mr. Moore pointed out that the board doesn't set those goals it's the landowners, if they want to clean the Elliot ditch or Wilson branch, the landowner petition and agree to have the work completed.

Mr. Cagaly stated they are willing to comply with a petition or whatever it takes to get things working. Michael Spencer pointed out to Mr. Cagaly that they are assessed now for maintenance for the Elliot Ditch. George Schulte stated he would like to look over the plans of Phase I before a decision (final) is made. George sees problems, if something is done later and the tile is improved an open channel or whatever is done, how are you going to get across to get to the detention storage, some changes need to be made on Phase I in order for it to work with future plans. After much discussion the board wanted George to look over the Plans of Phase I and see what could be accomplished with the existing tile before make a final decision and also have Mr. Hoffman in on the decision and discussion, the board dismissed to reconvene at 1:30 P.M.

The Board reconvened at 1:30 P.M., Wednesday, June 4, 1986 with Chairman Bruce V. Osborn calling the meeting back to discuss Brampton Apartments Phase I Preliminary Drainage Plans. Mr. Grump presented the revised plans of Phase I only doesn't concern future phases. Going to relocate the 14" tile tying back in offsite, possible open ditch situation in the future if reconstruction comes about, locating the center of tile a typical ditch cross section of about 28' top of bank to top of bank, using the right of way behind as a starting point coming

June 4, 1986 Board Meeting Continued Brampton Apartments

out of 14' to center of tile. 44' of easement on the north side with a 14'  $\frac{1}{2}$  channel width and a 30' permanent easement, if channel comes about, this would make a total of 44' easement on north side. South side 75' easement, middle of Haggerty Lane, propose to reduce one building for the detention area, release into tile, would not increase the volume of water to the tile, still be the same volume as it is now. Plan to depress the area over the tile so the farm drainage that comes down would continue to flow over the over land in same manner as it does now, (same rate no changes) it's an existing rate. Mr. Hoffman ask George if he felt it would not increase the rate with the swail? Yes, from the existing farm land, all basic comes down that way now, once it reaches that point, basically what they have done is shifted it over the new tile. Fred wants to know if it is going to go over to Maple Point area any faster than it does now from the offsite? Fred ask if Maple Point had any objections to this? Mr. Cagaly responded that he had contacted them indirectly. Fred had no objections to the proposals. Sue W. Scholer moved to grant approval of Preliminary Drainage Plans for Brampton Apartments Phase I only as amended, seconded by Eugene R. Moore, unanimous approval given. Meeting adjourned at 1:50 P.M.

Bruce V. Thorne  
Chairman

Sue W. Scholer  
Board Member

Eugene R. Moore  
Board Member

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

TIPPECANOE COUNTY DRAINAGE BOARD

Wednesday, July 2, 1986

The Tippecanoe County Drainage Board met Wednesday July 2, 1986 in the Community Meeting Room of the Tippecanoe County Office Building, 20 North Third Street, Lafayette, Indiana.

Eugene R. Moore Vice Chairman of the board called the meeting to order at 8:30 A.M. with the following in attendance: Eugene R. Moore Vice Chairman, Sue W. Scholer Board Member, Michael J. Spencer Surveyor, George Schulte Drainage Engineer, Tom Bush Acting Attorney, and Maralyn D. Turner Executive Secretary. Other in attendance are on file.

CAMELOT AND LOCKWOOD SUBDIVISION

Robert Grove engineer representing Tippecanoe Builders and Chris Kovich owner requesting to make Camelot and Lockwood Subdivision a legal drain, and developer wants to include Lockwood IV in legal drain. Mr. Grove presented earlier plans and stated that he had surveyed from the center line, he pointed out that the existing flow line comes out of the easement, this was Camelot IV & V when it was developed, there was a requirement to make the entire drainage system a legal drain, Chris Kovich has started the petition requirement and Mr. Grove has gone out and established the actual location of the drain. A decision needs to be made as to what the legal drain is going to be how wide, as this would be different from a standard legal drain, the 75' centerline or top of bank, as this would be going through a developed area. Revision will have to be made, Mr. Grove stated that they need to go through piece by piece to determine what the legal drain will consist of, everything has been done up to that point.

Michael Spencer ask Chris how he would propose the part that is so far out of the easement, how would they cover that? Can't plot a new easement across the lot. Subject being discussed is Lot 11 and Lot 12, that is 95' out of easement. Robert Grove stated that if you come with a legal drain which ends up showing an easement jump and it goes through the Whole procedure of the hearing and the drainage board approves at that point and time, it becomes a legal drain easement on that land regardless of what was there before. Mr. Grove stated he does not know how it effects the plotting process. Chris Kovich feels it is up to the board now as how the mapping will go, exactly where it is going to be and how wide, then make a determination of the feasibility of legal drain itself. Tom Bush, acting attorney said he would like to take this subject under advisement before stating a decision. Mr. Kovich stated that when notices are sent out it will have to be informed that the drain will be in an area where it will be 95' higher up on their property in respect to the other people. Every property owner will have to be notified as to what the proposed legal drain is going to look like, therefore all property owner will have the opportunity to voice their opinion. Once it is done under the statute of the legal procedures there would be no problem, it will be on their title insurance and abstract, new individuals will know that it will be attached to the property. Chris Kovich stated that the next step would be getting description and getting notices out, Mr. Kovich has a list of property owners, there should be a lot by lot description, this would give an opportunity to change the easement width in every platted lot.

Michael Spencer stated that as long as it stays withing the existing easement he doesn't see any problem. Width is major concern, Michael stated they should go out to site and go over 15' to 20' to see what it does. Dave Kovich felt that if it was kept at the flow line it would be ok, Michael stated as long as it did not eat in. Lot 12 is for sale. Robert Grove stated the other portion would be coming up through Lockwood IV, this is the one to be approved as soon as possible, this would be a continuation of legal drain up to the property line and up to the basin. Michael as if Buckridge would be coming a portion? Will there not be any more basin? Answer maybe one, do not know how they are going to handle this matter at this time. Robert Grove felt there was no problem as there is one owner. Robert Grove stated the other thing in question is how is it going to affect Lockwood IV they are wanting to get preliminary approval as soon as possible and continue on with approval process at the same time.

Eugene Moore ask if there wasn't an agreement previous that the developer would petition for legal drain before going any further, the developer did get petition. Chris Kovich stated they are going to proceed, need to keep in mind that it may work and it may not, have to have people in. If the developer makes a good faith effort along while developing the area to proceed simultaneously with legal drain that they could continue developing as the

developer could come to a point that the people could say no., that depends on the county. The Developer has agreed to cooperate on the legal drain, they have not had any complaints with respect to the drainage area, the detention that has been put in upper and lower things have been running smoothly. Again Mr. Grove pointed out that they can only do so much up to a certain point, developer can't make it a legal drain that has to be done in proper procedure. Mr. Grove stated that they would like to continue on with the construction plans. He felt that things could get going in a couple of weeks and as soon as Micheal gets out to look at the project and describe it, get the petition, then things will proceed.

George Schulte recommended the following: Lockwood IV

1. Put filter cloth under spillway riprap at detention pond.
2. Require IDOH P-12 inlet at detention basin outlet instead of that shown.
3. Require concrete pipe anchors on the 50" X 31" CMP arch pipe and a strap anchor over the pipe.
4. Drainage easement for offsite storm runoff.
5. Easement to provide a positive outlet for the upper watershed, offsite watershed area consisting of 30 A, which would rain into the 50"X31" pipe.

David Kovich had questiin, were they to approach the two homeowners? Mr. Grove stated the way to handle would be to decide what would be needed, then inform them through the legal drain petition process. They would be notified the same as other property owners. Petition is in compliance, was amended

Sue W. Scholer moved to give preliminary approval for Lockwood Subdivision Part IV including the list of stipulations that had been given to Robert Grove, seconded by Eugene R. Moore, motion carried.

#### VALLEY FORGE

Robert Grove representing the Developer requested final approval subject to any changes. Area is Phase 2 Section I along Ninth Street South edge of Kirkpatrick legal drain. Construction Plans for the Permanent Basin for Valley Forge were submitted. These plans were requirement for the development of the remaining fourteen lots in Phase I and is sized to serve both Phase 1 and Phase 2. Runoff calculation and pipe sizes were submitted for both Phase I and Phase 2 at the time the Interim Basin was approved, the interim basin is to be removed after the completion of the permanent basin. Plan included the grading and utility plan for Phase 2 showing the approved pipe system, the plan has been revised to create an outlet for the proposed basin with a twenty-foot wide access to the Cul-De Sac. The development started in three phases which consisted of 40 lots, drainage board stopped development beyond the 40 lots at the time the interim detention basin was put in. Mr. Grove though there was an \$18,000.00 bond posted. The owners want to develop the 14 lots. In order to do so do so they need to build the permanent basin and storm sewer to it, another piece of storm sewer that exist now goes to an open ditch to the interim basin. There are 2-30" main pipes on the inside at the present time, in order to meet the requirements for the 14 lots the development will have to continue the whole system into the basin. Mr. Grove thought they would keep the interim basin as long as possible, not use it, but just use it for silt, then when they get into Phase 3 and it begins to work they can leave the interim basin, then when they get it seeded and a good stand of grass in the future take it out, he stressed it should be left in throughout the construction as it is a good silt basin. George ask in the basin that they are proposing, will it take care of the four phses, 40 lots plus the 14 lots? Answer -Yes, plus proposed Phase 3. The proposal is not platted, they had to come up with a lot configuration grading and utilities in order to make things work, so that in the future they will know everything is going to work. When construction plans are done a well defined swail needs to be put in to make sure that all the 100 year storm water does get into the basin, pipes in the development are proposed for a 10 year storm, not a 100 year storm then 100 year has to get into the basin by going down the streets behind the lots.

Michael stated the board would need to know if changes were going to be made how they were going to get the water over to the other basin. The developer has given up 1 lot instead of having an easement area, it is actually an out lot, which would be a part of the platted subdivision. Robert Grove felt an easement would be needed for the 14 lots, the easement being within the proposed right of way, if the county proposes to maintain, the developer proposes to give an easement right over the right of way for now including the out lot when it platted then there would be no problem.

George Schulte stated the detention area should be made a legal drain. The 40 lots would be included in the legal drain as those lots would have to be assessed to maintain. Valley Forge people would pay a separate assessment. Geogre Schulte had some recommendations if the county was going to maintain the detention basin.

1. P-12 inlet used on outlet structure from detention basin.
2. Place filter cloth under spillway riprap.
3. Paved gutter from strom pipe to outlet structure.
4. Easement around detention basin fro future maintenance.
5. Double inlets should be placed at low point on vertical curve, this could be something that should be discussed with the Highway Engineer Dan Ruth, as there are new rules in regards to state highway specification, as the streets will be county.

Mr. Moore ask if there were any petitions at this time for legal drain? NO. At the present time nobody is taking care of the area, only the developer would take care. Mr. Moore as if the county had accepted the streets? Nobody was sure, but assumed they have been accepted.

George stated the major drainage system going across the back lots need to have enough easement to maintain the pipe (30") anything out of the right of way(outside) should be included as a part of the legal drain, things in the right of way technically could be taken care of by the county highway, but things between lots would be outside the right of way. There would be no maintenance there. Developer is Tippecanoe Builing Corporation, Drew Freeman, Don Smith and Bradsha. They were partners with John Smith, John is no longer a part of the Corporation. Sue W. Scholer moved to give preliminary approval on Valley Forge Phase 2 Section I and proceed with a petition for legal drain and stipulations given before final approval, motion seconded by Eugene R. Moore, motion carried.

#### HOFFMAN DITCH

Robert Gross with Stewart Kline Associates presented Estimated Construction Plans for the Hoffman ditch, the ditch drains in an area of Carroll, Clinton, and Tippecanoe County. Currently is a combination tile and open ditch. A petition had been presented approximately

July 2, 1986 Hoffman Ditch Continued

two years ago to have the drain reconstructed. Mr. Gross is the engineer working on the estimates, defining the watershed area and determining what needs to be done. At 90° E, pipe structure needs to be lowered, grade is real flat, needs to be lowered to get better grade back up stream, there would be more channel excavation, priced probably to the County Highway for dropping the pipe. Cost would possibly be \$40,000.00, if the pipe isn't lowered or grade restricting there would be alot of siltation in the channel, base of the channel will silt full in 5-10 years, then it would have to be cleaned out again this would keep the velocity up and keep it clean(AltII).

PhaseII would entail alot of County Highway since several roads would be crossed, which would cause a need for new culverts or larger tile. The estimates were based on the assessed acreage. Correct acreage will be determined when a hearing is held. At this time we have different figures. Michael feels that we need to call a Tri-County Board meeting and have Mr. Gross present his Construction estimates, then let the board decide what to do. The board wants to get Dan Ruth involved in this project since 900 East needs to be lowered. Letters need to be sent out to the Tri-County Board members and have a hearing, just a board meeting.

See attached presentation of Robert Gross, engineer.

RIVER BLUFFS SUBDIVISION PART III

Patrick Cunningham engineer, representing Gregg Suttter and hisself as developers of Rover Bluffs Subdivision PartIII. June 4 Board Meeting Mr. Cunningham came before the board asking for preliminary approval of storm water management program, at that meeting Michael Spencer surveyor, and George Schulte Drainage Board engineer, suggested to the board a possibility of a waiver for the requirement of detention ponds in the subdivision, because of the proximity of the flood plain area and the Wabash river. At that time Mr. Cunningham did not look at that as he felt the board could not grant the waiver as drainage would go across the David Stevenson property. Mr. Cunningham is now requesting a waiver of the requirement for detention storage within the subdivision. Mr. Cunningham presented map showing the location of subdivision and drainage showing the channels as the drains come off the subdivision and drains down into the Wabash river with flood plain area having a 530' elevation. He stated that detention ponds are not an assest to subdivision, they are a continual maintenance problem, he feels that it would not be an impact upon the Wabash river, therefore a waiver could be allowed. Mr. Cunningham presented a letter from Mr. David M. Stevenson dated June 23, 1986 which reads:(Copy in River Bluffs File)

June 23, 1986

Drainage Board of  
Tippecanoe County  
County Office Building  
20 North Third Street  
Lafayette, Indiana 47901

Subject: River Bluffs Subdivision Drainage

Dear Commissioners:

I have no objections if your baord allows subject subdivision to be developed without detention storage ponds or any other form of storm water detention.

Respectfully yours,

David M. Stevenson  
1000 Ortman Lane  
Lafayette, Indiana 47905

Michael Spencer stated that he thought the board had ask for something that would be recordable, in checking minutes of June 4, 1986 meeting there was no discussion in regards to a document that would be recordable. The letter presented today is just a personal concept between himself and River Bluffs Subdivsion Part 3 developers. Should he sell his property this agreement would go with the property and the next owner may object. Mr. Cunningham felt there would be no problem getting a legal document from Mr. Stevenson as he has agreed. Michael Spencer has no objection to waiving requirements to detention storage if he has a recordable document that will run with the land.

George Schulte felt that the board was giving an opinion here in regards to the flood plain and the impact is going to be minimal in this area. What we are lookingat now is the legal issue on the subject from moderating the ordinance. Can that be done? The impact being minimal really won't affect the downstream area from this development. As far as the issue , can you say no you don't need detention storage this is up to the board and legal counsel. Mr. Cunningham stated there were some property owners sitting in the meeting and have an attorney here representing proeprty owners in the area. They are concerned about the effects of the detention storage in the area verses the over all impact of what the drianage might be in the flood plain area. Attorney Cy Gerde, stated there are property owners who have no financial interest in the development, but live in the first Phase of the development, these property owners are very much opposed to having detention ponds within the development for mosquitos, nuisance, and other complication, they support the waiver.

Sue W. Scholer moved the board go on record as being in favor of granting a waiver of detention if consultation with legal counsel indicates that it is advisable, seconded by Eugene R. Moore, motion carried.

ELLIOT

Sue W. Scholer ask what has been done toward the Elliot ditch? Michael stated we are not on it right now in regards to working with Data Processing in getting notices out for a hearing. The material is ready as soon as Data Processing Department gets a programmer and as soon as that person gets aquainted with the system... we can proceed with Elliot Ditch.

Tippecanoe County Drainage Board adjourned meeting at 9:35 A.M., with a recess until 10:00 A.M. when a hearing was held with Tippecanoe and White County Joint Drainage Board meeting to combine the Herman Beutler Ditch and Gosma Ditch. White County secretary is the Executive Secretary for the board and will furnish Tippecanoe County with a copy of the minutes. Minutes are in file.

July 2, 1986

HOFFMAN DITCH  
CONSTRUCTION ESTIMATE SUMMARY

PHASE I, ALTERNATE I

TOTAL ESTIMATED CONSTRUCTION COST	\$ 260,116.00
ESTIMATED COST PER ACRE	\$ 104.00

PHASE I, ALTERNATE II

TOTAL ESTIMATED CONSTRUCTION COST	\$ 323,839.00
ESTIMATED COST PER ACRE	\$ 130.00

PHASE II

TOTAL ESTIMATED CONSTRUCTION COST	\$ 191,580.00
ESTIMATED COST PER ACRE	\$ 77.00

*Bruce V. Johnson, absent*

*Lee W. Schuler*

*Eugene R. Moore*

attest: *Therese D. Turner*  
*Executive Secretary*

The Tippecanoe County Drainage board met Wednesday, August 6, 1986, at 8:30 A.M. in the Community Meeting Room of the Tippecanoe County Office Building, 20 North Third Street, Lafayette, IN 47901

The meeting was called to order by Vice-Chairman Eugene R. Moore, others in attendance were: Sue W. Scholer, Board Member, Michael J. Spencer Surveyor, George Schulte Drainage Board Engineer, Fredrick Hoffman Attorney, and Maralyn D. Turner Executive Secretary, others in attendance are on file.

CHEKER COMMERCIAL SUBDIVISION

CHEKER  
COMMERCIAL

Richard Boehning attorney and John Fisher engineer for the project representing Imerial Marketing which has an interest and successor to Cheker Oil Company and Carl Ritchie a motel developer from Indianapolis, Indiana. Mr. Ritchie is interested in purchasing one lot of the two lots of the Cheker Commercial Subdivision. Property is located near the Cheker Oil company on State Road 26 East near Howard Johnson, legal description is: A Part of the NW¼ of the NW¼ of Sec. 25 Township 23, Range 4, Fairfield Township, Tippecanoe County. Drainage Plans were submitted to the Drainage Board in 1982 at that time the plans were approved, the project was dropped, now is is being reinstated. The basin subdivision plan is exactly the same as it was in 1982 with the exception that based on the recommendation of the Technical Highway Committee and the Area Plan Commission the road way has been substantially modified and upgraded in order to meet all requirements, this would have an impact on the drainage. Updated calculations have been furnished, the old calculations based on the 1982 plans were outdated because of the change in plan. Mr. Boehning has discussed the project with Michael Spencer Surveyor and George Schulte Drainage Engineer, today he is asking for preliminary approval of the drainage plans, in order to get final approval Mr. Schulte has ask that the developer submit a final site plan showing the parking lot, the motel site, elevations etc. so the drainage engineer can make a judgement as to the final approval.

Sue W. Scholer moved to give preliminary approval for the drainage on Cheker Commercial Subdivision, seconded by Eugene R. Moore, motion carried.

SHEPHERDS  
POINT  
SUBDIVISION

SHEPHERDS POINT SUBDIVISION

Al Buckley developer for Sheperds Point Subdivision at County Farm Road and 500 North, legal description: A part of East ½ of Section 31, Township 24 North, Range 4 W., Wabash Township, Tippecanoe County consisting of 3.43 acres. Mr. Buckley is asking for Drainage Board approval prior to the submission of the final plat for four lots. Mr. Moore askif he had any houses at the site, the answer is no, there are two houses, but they are out side of this particular area with this site and the other two houses already in the areas will make 6 (six) building sites. Mr. Spencer ask if they were contemplating going further with more building? Answer, if they would go further they would have to go through a major subdivision. Mr. Hoffman ask where the water was going to go from these four houses, answer-goes down the side ditches at the present time. Mr. Hoffman ask, will it increase the flow in the side ditch? Mr. Buckley feels that it will reduce the flow as it will be grassed. At the present time it is just farm land, water runs off of it immediately. Mr. Spencer stated technically it probably does since it is hard surface, adverse effect Mr. Spencer wasn't sure. Mr. Hoffman ask, is it going to cause erosion in the side ditch? Answer-NO, as the ditches are sodded. Mr. Hoffman feels that if they come back at a later time this project wouldn't be able to be incorporated in drainage plans. Mr. Schulte ask if this is still being farmed, answer-YES. Mrs. Scholer ask about the corner, the corner is being filled as dirt is excavated out from the houses in the area. This is at the very corner of 500 N and 50 W, which is the low spot, the developer has put a new breather in this section. County Farm tile which is a legal drain is further east. Mr. Spencer stated the water from this area runs down to Burnett's Creek that runs through the County Farm. The area is drained by an open ditch. Mr. Spencer and Mr. Schulte have no problems in giving approval. Mr. Hoffman stated that if the board gives approval they will not be able to correct rectoactive when they decide to so something with the other lots. If there is any problems to the side ditches is a concern of Mr. Hoffman. Mr. Buckley stated that the water for the area will have to eventually drain to the side ditches in any event. Mrs. Scholer ask if Mr. Spencer and Mr. Schulte were comfortable with the drainage that is going north, answer-YES(correction) Mr. Spencer stated this is the natural flow.

Sue W. Scholer moved to give approval for Shepherds Point Subdivision drainage subject to Michael J. Spencer surveyor, inspecting and approving the drainage, seconded by Eugene R. Moore, motion carried.

CRACKER BARREL, OLD COUNTRY STORE, INC.

CRACKER  
BARREL,  
OLD  
COUNTRY  
STORE,  
INC.

George Schulte representing H. Stewart Kline and Associates, Inc. presented drainage plans for the developer of Cracker Barrel, Old Country Store, Inc. location of property is East of I-65 on State Road 26 and Frontage Road, containing 1.7 acre. To analyse the storm drainage the plans were drawn to break into 3 basins, basin #3 is uncontrolled runoff which would run into side ditch along Frontage Road going down under a pipe, basin#2 would drain into an underground storage system basin#1 would drain into an underground storage system. The developer did not want to use the parking lot for storage and did not want to provide any detention storage above ground, therefore the only way to go with drainage would be underground. System is set up to storerunoff from a 100 year storm event, basin #1 has 2 underground pipes 66" diameter corrugated metal pipe perforated, water will drain through inlets into the pipe, then drain to a side ditch, same for basin#2 draining through a 30" corrugated pipe and eventually go to the Wildcat Creek, drains down through a gully to the creek. Mr. Moore ask if there was an underground storage there before? This is the first application that Mr. Schulte is aware of, basically it is the same theory as an open storage. Mr. Hoffman ask if there was some way to avoid the drainage through the side ditch? Mr. Schulte answered he doesn't know as it has been draining there at the present time. Ditches are quite deep in the area, reason for side ditches is to get surface drainage away. Drainage system will be maintained by Cracker Barrel. Man holes have been provided into underground system so they can get into to flush them out. Bottom of the pipe is lower than the outlet, reason for this is so the silt, sand etc. used for maintenance for the parking lot can be flushed out. Mr. Hoffman is concerned about side ditch, but Mr. Spencer stated the release rate complies with the ordinances. Mr. Schulte stated the peak runoff is being decreased into side ditch.

Sue W. Scholer moved to give final approval for the drainage plans for Cracker Barrel, Old Country Store Inc., seconded by Eugene R. Moore, motion carried.

ELLIOT  
DITCH

ELLIOT DITCH

Mr. Hoffman ask what had been done toward getting notices out on the Elliot ditch. This broughtup much discussion. Maintenance Fund for the Elliot Ditch is in the red in the amounty of \$45,946.26, and again it was explained as in previous minutes that the Drainage Board has every thing ready for the Data Processing department, but since they have had a big turn over in programmers we were holding up on mailings. Eugene Moore stated that he had been approached by Chamber of Commerce in regards to the Elliot ditch, he and Mr. Spencer had presented all information we have, the tax rate per Industrial, Agriculture, Lots, Local Business, Residential, and General Business. This is a big project, there is 7,500 acres in the watershed area. Question could we borrow from General Drain or would there be a possibilty to go to the State to get a grant? Mr. Hoffman is to check into getting a grant or a Cumulative Fund for the project. It was pointed out that the top farmers(Landowners) are the ones hurt by the holding ponds. The Elliot ditch is not a legal drain west of Nineth Street. Mr. Hoffman stated it should be a legal drain clear to the Wea Creek, matter of courtesy the board should contact the Department of Natural Resources. Mr. Hoffman would like for the Elliot to get on next years taxes. Current tax rate brings in about \$55,000.00 in one year with minimum assessment according to zoning based on runoff.

HOFFMAN  
DITCH

HOFFMAN DITCH

A hearing had been scheduled for the Hoffman ditch, but due to Carroll County not being able to advertise the legal ad, the hearing had to be postponed. A hearing is scheduled fro Wednesday, Spetember 10, 1986 at 9:00 A.M. Michael Spencer stated that our representative Bruce Osborn would be unable to attend because of illness, therefore he will talk with Bruce in regards to resigning and then another member will be appointed. Carroll and Clinton Counties have received letters of confirmation and instruction to put in their respective newspapers. This letter is on ifle.

MCCUTHEON  
HEIGHTS  
PART II

MCCUTHEON HEIGHTS PART II

Mr. John Fisher was not present. Michael Spencer surveyor stated that the board had construction plans for McCutheon Heights Part II, there were nine items presented to Mr. Fisher for requirementto meet ordinance standards, to this date they have not complied to the request. The nine items are:

1. Who is going to maintain the facility?
2. What is the flood elevation for Wea Creek as established by the flood insurance study?
3. Details for orfice plate and outfall structure from the detention basin.
4. Need professional seal on site grading plan and insection details and drainage study plan.
5. What datum was used to determine contour elevation?
6. Access to proposed detention basin for future maintenance?
7. Need to increase storage by 6% to comply with ordinance.
8. Should the energy dissipator have reinforcing steel?
9. Offsite Basin?

RIVER  
BLUFFS  
D

RIVER BLUFFS SUBDIVISION

Mr. Hoffman stated he opposed the boards decision of granting no detention basin. He ask for a copy of letter received from David M. Stevenson, he now has a copy. Mr. Hoffman wants to see letter for recording when received.

There being no further business to come before the board at this time, meeting adjourned at 10:00 A.M.

*Bruce V. Osborn* (Not Present)

*Sue W. Schuler*, Board Member

*Eugene A. Moore*, Board Member

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

Tippecanoe County Drainage Board Wednesday October 15, 1986

SPECIAL MEETING

The Tippecanoe County Drainage Board met at 1:30 P.M. for a Special Meeting in the Community Meeting room of the Tippecanoe County Office Building, 20 Third Street Lafayette, Indiana 47901.

Vice--Chairman Eugene R. Moore called the meeting to order with following present: Sue W. Scholer Board Member, Michael J. Spencer Surveyor, George Schulte Drainage Engineer, and Fred Hoffman Drainage Attorney, Maralyn D. Turner Executive Secretary. Others present were John Fisher and Lloyd "Jim" Rahe.

RIVER OAKS PLAN DEVELOPMENT

RIVER  
OAKS  
PLAN  
DEVELOP  
MENT

John Fisher representing River Oaks ask for drainage approval for property located at end of Pine Lane consisting of 24.47 Acres with 13 lots, property has City water and city sewer. The existing culvert is under the old drive way. No culvert or bridge over the ravine. The culvert is approximately 3' X 4' masonry culvert under the gravel road to the south of the proposed PDR will be extended under the proposed granular road with a similar sized pipe. When the sewer was designed there was a problem with the grade, therefore they plan to use 2-21" pipes. The tributary watershed to this culvert produces a peak 10-year frequency runoff of 25.097 cfs. Mr. Hoffman ask if all the water ended up in the Wildcat Creek? YES. George Schulte felt that the pipe size should be just a little bigger possibly 36" pipes. George's concern is to put the same size in or greater, because of the development upstream, don't want to see them put any smaller. The old concrete culvert doesn't work now, it is 3' wide 8" deep. Mr. Fisher wants to go in and totally replace the culvert, put trash racks on the upstream end and use 10 square yards of shot rock at the end where the velocity is coming through. Mr. Hoffman ask if there was any storage facilities? NO, due to the nature of the area there's no storage. Department of Natural Resources doesn't recommend storage, second earth surface would be torn up a lot more. Mr. Hoffman ask how much would the runoff increase? Answer .6 of cubic foot per acre. Mr. Hoffman ask what percentage 1.8 cfs for the development, 10% increase 100 year storm event. Michael Spencer stated the problem is that the ravine is so big, they would be tearing up a lot of land to put detention in, be hard to maintain as it would be by bull dozer, putting it in the low ground area. Michael feels that if the right size pipes are put in, there will be no problems. Mr. Hoffman ask, the way it is there is no disturbance to the ravine, answer correct. The only place they will be crossing would be where the existing drive is now. Mr. Hoffman ask if there would be an erosion? NO. Mr. Fisher pointed out that this would be a private drive, they are not going to tear up the roadway. 20' wide stone drive with double chip and seal, privately maintained, the drive will not be taken into the highway system. Mr. Hoffman ask if there was something in the covenants that stated the fact. Tom McCully attorney, has prepared the covenants, the people who will buy the lots will know they are not going to get a public street. George agrees with the proposed plans. Michael Spencer surveyor stated if the board granted no detention they should stipulate that the people can not come back in and parcelize one lot into two, if they did there would be more homes on the area, and this can't happen, this should be put in the covenants.

Sue W. Scholer moved to grant final drainage approval for River Oaks PD drainage plan subject to the pipe size change under the new road, a review of the final covenants by the Drainage Board, notation in covenants that it will be a privately maintained drive, seconded by Eugene R. Moore, motion carried.

ELLIOTT DITCH

ELLIOTT  
DITCH

Jim Rahe Data Processing Director was ask to sit in on our meeting in discussing getting assessments out for the Elliott ditch. He ask for 30 days to study the program so they could produce a program. After much discussion, Mr. Rahe will possibly present a program at the November 5, 1986 board meeting and a hearing can be set for January 1987.

There being no further business to come before the board, the meeting adjourned at 2:10 P.M.

*Bruce V. Johnson*

NOT PRESENT

*Sue W. Scholer*

BOARD MEMBER

*Eugene R. Moore*

Vice-Chairman

ATTEST:

*Maralyn D. Turner*

Maralyn D. Turner, Executive Secretary

NOVEMBER 5, 1986

## Tippecanoe County Drainage Board, November 5, 1986

The Tippecanoe County Drainage Board met Wednesday, November 5, 1986 for regular board meeting at 8:30 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 Vice-Chairman Eugene R. Moore. Those present were: Sue W. Scholer Boardmember, Fred Hoffman Drainage Attorney, Michael J. Spencer Surveyor, and Maralyn D. Turner Executive Secretary, other present are on file.

CHEKER COMMERCIAL

CHEKER

COMMERCIAL

Richard Boehning attorney, representing Carl Ritchie property owner, plans have been presented for final approval of Drainage. The plans meet the code with the exception of 2 items. 1. The allowable release rate, because of the small area involved the release rate is 1.62 cfs and the ordinance calls for a 10 year release rate of 1.43 cfs, therefore they are requesting a variance. 2. Storage was the other problem, Mr. Schulte went through the plans and indicated that there was a 350'cf differential in the storage area. Revision of the parking was presented in the revision it picks up the 350'cf. Revised the grade of the parking lot. 2842 cf that are necessary. Asking for a 25 year storm event. Michael Spencer stated he and Mr. Schulte had gone through the plans considering all the limits in the area, he feels that the revised plan presented is OK. Mr. Hoffman ask if it complies with the 25 year release rate? Their request is to use a 25 year release rate from the detention area instead of a 10 year Storm Event. It is .2 cfs from 1.43 to a 1.62. Mr. Boehning said it was .19 cfs difference. Mr. Hoffman ask if it was going to cause any future problems and where it goes to the Elliott ditch or the Wildcat, the answer Wildcat, goes around the Interstate entrance ramp. What percentage difference was question of Mr. Hoffman, answer 10%, Mr. Hoffman, no way to get in the compliance of the Ordinance? Mr. Boehning answered, can't store any more, got to store to release. Michael Spencer stated that if they increase the pond going to make more water then they would need an increase in their drain down time compared to the ordinance as all the water is to be out within a certain time (24 hours). The parking lot will be wet longer. Puddle over the outlet which is going to be a manhole which has grate over it with an orifice plate in it. Mr. Hoffman ask if Michael felt this was the way to go with the plans, he felt it was, Mr. Hoffman agreed.

Sue W. Scholer moved to grant a variance to Cheker Commerical Subdivision for variance to the ordinance requirement of 1.43 to 1.62 cfs, seconded by Eugene R. Moore, motion carried. Sue W. Scholer moved to grant final drainage plan approval as revised, seconded by Eugene R. Moore, motion carried.

WOODBERRY SUBDIVISION PHASE II

WOODBERRY

SUBDIV

PHASE II

Robert Gross engineer, for Stewart Kline and Associates representing Leroy Moore owner. Originally had a plan with detention storage system located in Lots 26, 27, 28, and 29. The revised drainage plan will use Lot#29 as the detention storage basin which will give better access for future maintenance. The original plan set the allowable release rate at 10.27 cfs with a storage volume of approximately 0.3544 Ac Ft. The revised system will have an allowable release rate of 6.12 cfs and storage volume of 0.595 Ac.Ft. (25,933CFT) below the high water elevation of 658.95. The depth of water in the basin will be 3.25 ft and the storage volume includes an additional 6% as required by the ordinance. The discharge will be controlled by a 12" CMP going to structure. For less frequent, higher intensity storms, the basin will overflow into structure #1 and the 24" diameter pipe will serve as the emergency outflow. Lot 29 would be redesigned with an outlet structure, go through underground outlet out into side ditch, same outlet as before. Cost wise would be much more attractive, the owner gave up one whole lot instead of spreading it across the 3 lots, pipe is outlet instead of having an open ditch. with the revision the easement would be changed from 65' to 35'. this would give enough excess to dip pipe out. This will help down stream. Michael Spencer ask if the plan had been recorded, it has not. Mr. Gross feels there will be no maintenance problem. Question was ask if there would be maintenance to take care? Michael thought previously that Mr. Moore was going to petition for a legal drain. Michael Spencer stated the board may want to look at the construction plans after the detention areas was built before they recorded the plans. Sue W. Scholer ask how many land owners were we dealing with? Michael Spencer ask Mr. Moore what was decided in regards to a legal drain or Homeowners covenants. Mr. Moore is the biggest property owner. Mr. Moore wasn't sure, records would have to be checked. As it is now Mr Moore can petition for a legal drain. Mr. Moore said there would be a Homeowners Association. After much discussion, roads are not county maintained. Mr. Moore ask if Area Plan could finalize the project, before the Drainage Board? There is now problem with the plan, it is the matter of looking ahead at maintenance. Mr. Moore ask what we were looking at time wise? Michael Spencer stated it would take 60 days or longer, but it should not hold Mr. Moore up any way with his construction. Mr. Moore hopes to file his final plan soon, boundry has been approved and is ready to be recorded. Michael Spencer was checking to see what was discussed in regards to petition or Homeowners Association for Phase I, if there is to be a Homeowners Association need to check the covenants to see which is best for him.

Sue W. Scholer moved to give final storm drainage approval for Woodberry Plan Development Phase II with the stipulation that a petition for a legal drain be filed. Seconded by Eugene R. Moore, motion carried. For the records Mr. Hoffman took no action during the discussion as he has helped with this project.

ELLIOTT DITCH

ELLIOTT

DITCH

Jim Rahe Data Processing Director, stated that it would be another week before notices could be sent out. Mr. Hoffman stated that the percentage has to be 100% or more. Mr. Rahe will get this worked out. He stated that he needed a work order for the proposed Ditch Assessments. He needs the letter as soon as possible. Task Force will meet November 13, 1986. The meeting recessed at 9:10 A.M. to reconvene meeting at 10:00 A.M.

TRAIN COE HEARING

TRAIN

COE

HEARING

Mr. Hoffman opened the meeting for the Hearing of Train Coe ditch reconstruction asking Michael Spencer to present his findings. Property owners present were: Patricia House, Bob Higman, Bob Gross, Charles West, Jerry E. Kerkhoff, Larry Skinner, Marvin McBee for Grant and Steve McBee., others present are on file.

February 1986 a petition was signed by property owners with a total acreage of 1,267.144 within the watershed, starting at the outlet of Wea Creek.

Mr. Hoffman read remonstrance from Grant and Steve McBee stating they are against the Train Coe being cleaned out the way it is proposed, they are for cleaning only where it needs to be cleaned, they have a total of 132 acres in the watershed to be assessed. A letter from Michael L. Taylor stating that his two tracts of land with a total acreage of 1.5 was not in the watershed area.

Larry Skinner ask if dead sand in the area of county road 1150 south crossingf would stay clean after being cleaned out? Michael feels it will be a continuous problem with maintenance.

Jerry Kerkhoff has question in regards to his assessment, Michael will go out and check.

Mr. Hoffman ask what kind of pipe was he going to put in. There is an existing pipe and was replaced by the County Highway last year at that time the pipe was lowered so they could go through at a deeper grade. Tile outlets are, they going to be replaced with pipe? Hopefully when they are opened up they can be saved, there is alot of broken tile outlet, they will be replaced.

Larry Skinner, when do you plan to start this and when will the propetty owners be assessed? Would like to put out for bid as soon as possible, depending on what the outcome is of todays meeting. Depend on weather, May 1, 1987. Estimated Cost of \$40,157.33 @ \$25.00 Acre, Acreage 1,601.664. Pat House moved to go ahead with bids with an alternate Proposal of not cleaning the open ditch.

Mr. Hoffman ask about the ditch banks, not going to do any of the ditch banks as they are in pretty good shape, just be cleaning the ditch bottom. What's going to be done with the spoil? Will be spread out and leveled on the easements. All agreed to the May 1, 1987 as the finishing date. Michael felt that it should only take 45 working days to complete the project.

Marvin McBee father of Steve and Grant McBee stated the thing they were concerned about was taking the grass out only. They are not against the ditch. How soon is the grass going to be back in there since the ditch doesn't flow much water? Are we spending money for something that we don't need to spend for? Could it be modified as \$25.00 @ acre is stiff when corn is \$1.50.

Michael Spencer, to modify it any, could spray, but the major problem with spraying could it flow into an area that should have no chemicals. He really hates to spray. Mr. Hoffman ask if they could put the bids out so it could be bid two ways. Michael, set it up on a per ft basis as the whole ditch was measured. To remove grass the cost was approximatley \$9,000.00 for 8,850', Clearing of 5 acres, Excavation 10,200', Furnishing and install culvert 85" X 53" X20' Lump sum (1), Seeding, Lump Sum (1), Rip-rap delivered and placed Ton (100) maybe more or less. List of pipe 4" through 24", there is no way of knowing what type of pipe they will have to use, therefore it is hard to figure exactly, not clearing grass may change the assessement by an estimated price of \$5.00.

Larry Skinner ask if they plan to replace culvert between State Road 28 and County Road 1150 South road, the answer, NO, the only one they looked at was the one at Mr. West's property as it leads to the residence, they did redesign that one. This was to protect the County.

To answer Mr. McBee's question they will have an unit price on taking the grass out, know how much it will cost per ft., put an alternate in to deduct that, then the property property owner may want to go that way. We can advertise for bids putting stipulation in for 90 days, have the propety owners back in and then decide which way they want to go with the reconstruction. Mr. McBee wanted to know Michael's opinion. Michael would like to see the grass out in order to put the ditch in A-1 condition in one through, there is maintenance money in there now, currently there is a balance of \$3,877.85, the 4 year assessment is \$3,338,56, this is just a little bit over the 4 year collection of assessment, maybe they could use maintenance if a bad spot is found. Mr. McBee ask if they were going to take it out every year or so? Michael stated he would act accordingly to a complaint. Mr. McBee felt there should be a restriction of how close they can farm to the ditch, but if you farm too close this can create a problem. There are no regulations written by the Drainage Board, Mr. Spencer feels that this is an important thing not to farm too close to the ditches, but walking the ditch Michael felt the farmers have been doing a good job in staying back. Eugene R. Moore ask how far should the farmers stay back? Mr. McBee ask if they were going to put drop inlets in? There are a number of them along the drain now, they were put in in the early 70's when the ditch was reconstructed, he doesn't have any planned, however if they see there is a need for one they will put it in.

Pat House stated she has a couple areas that are bad, but they are caused from the drain pipes being stopped up the water can't go through, the water goes over the top, as soon as the pipes get to working there will be no problem. Mr. Moore ask the people what they wanted. Sue W. Scholer ask if they would like to have the bids come in an held so they can come back and look them over?

Pat House moved to have bids let and have another hearing. Bids will be put out with an alternate with the deduction of bottom cleaning. After much discussion the board decided to continue todays hearing, with advertising bids November 14, 1986, November 21, 1986 in the Journal and Courier, bids will be opened December 3, 1986 at 9:00 A.M. and a Special Meeting December 10, 1986 at 10:00 A.M.. The people will have two ways to consider the cost for reconstruction.

Sue W. Scholer moved to advertise for bids for Reconstruction of the Train Coe Ditch and continue this meeting till December 10, 1986 at 10:00 A.M., and look at bids that are due December 3, 1986, regular Drainage Board meeting, seconded by Eugene R. Moore, motion carried.

NOVEMBER 21, 1986

Tippecanoe County Drainage Board  
November 21, 1986

ELLIOTT  
DITCH

The Tippecanoe County Drainage Board held a Special Meeting for amending long range plan for S.W. Elliott Legal Drain, Friday, November 21, 1986 at 9:30 A.M. in the Community Meeting Room of the Tippecanoe County Office Building, 20 North Third Street, Lafayette, IN 47901.

Vice-Chairman Eugene R. Moore, called the meeting to order. Those present were Sue W. Scholer Boardmember, Michael J. Spencer Surveyor, J. Fredrick Hoffman Drainage Attorney, Maralyn D. Turner, Executive Secretary. Other present were: Gordon Kingma Chamber of Commerce, Secretary of S.W.Elliott Task Force, Betsy Liley Journal and Courier, Max Showalter WASK Radio.

Sue W. Scholer read letter Respectfully submitted by Gordon J. Kingma Secretary, Elliott Ditch Task Force recommending to the Tippecanoe County Drainage Board that the Tippecanoe County Long Range Plan for Drainage be amended to recommend to advance the date for proposed reconstruction of the Elliott Drain and to refer the matter to the County Surveyor to prepare a reconstruction report for the Elliott Drain and to employ a professional engineering firm to prepare such report, to be funded from the Tippecanoe County General Ditch Cumulative Fund, with the cost to be repaid as part of the assessment for reconstruction, when reconstruction occurs, and to proceed with a public hearing to present a proposed increase in assessment rates for ditch maintenance.

Fred Hoffman Drainage Board Attorney stated for the records this is a result of special meetings of a group of citizens and officials that have been designated by the Chamber of Commerce a Task Force for the S.W.Elliott Ditch and this is the recommendation from that group.

Sue W. Scholer read letter from Michael J. Spencer surveyor stating that he had viewed the S.W. Elliott ditch and based upon his inspection he requested that it be designated as an Urban drain because a substantial part of the watershed has been converted to Urban land. He also requested that it be classified as in need of reconstruction as an Urban drain and that the long range plan be amended to give priority to the reconstruction of the S.W. Elliott Legal Drain.

Mr. Hoffman stated that the letter from the Surveyor states very well the discussion that has been and Mr. Spencer's request bears out the desire concerning the ditch, it certainly is an Urban drain, needs reconstruction and should advance to the top of the list for reconstruction.

Sue W. Scholer stated that the designation as Urban drain will really fit in well with the revisions that have already been under taken in the divisions of the assessments to apply to the type of land use and the run off. This will help determine the capacity.

Sue W. Scholer moved to classify the S.W. Elliott ditch as an Urban drain, seconded by Eugene R. Moore, motion carried.

Sue W. Scholer moved to classify the S.W. Elliott ditch an Urban drain in need of reconstruction, seconded by Eugene R. Moore, motion carried.

Sue W. Scholer moved to amend the long range plan to give priority to the reconstruction of S.W.Elliott Legal Drain, seconded by Eugene R. Moore, motion carried.

Sue W. Scholer ask if action needed to be taken in regards to setting hearings?

Mr. Hoffman stated that the board was going to have to have someone to prepare a reconstruction plan, also hire help and declare an emergency, and employ an engineer or surveyor to prepare a reconstruction report. Question is, what manner you are going to select that person. There has been discussion of putting it out for bids as to who the board will employ.

Michael Spencer stated a requested proposal needs to be written up.

Sue W. Scholer moved to instruct the surveyor that the condition of the S.W.Elliott ditch constitutes an emergency situation as it impacts the development of the County and the board recommends that a request for proposal to hire a professional engineer to draw up the reconstruction report for the legal drain, seconded by Eugene R. Moore, motion carried.

A written draft of the proposal hopefully will be ready to be discussed at the regular Drainage Board meeting, December 3, 1986 and at that time a date will be set.

Maintenance procedures will go on simultaneously.

The Urban drain is not going to impact the assessment factor of use.

Mr. Hoffman ask what needed to be done in order to get letters out?

1. Need to get form letter to Data Processing.
2. Formula was discussed, the assessment was based on agricultural run off coefficient, adjustment can be done on the Industrial and General Business. Problems will occur if they start messing with the minimum assessment would have to change all of them. If minimums are not the same it messes up the program. Gordon Kingma stated it had been discussed to increase Industry to a minimum of \$25.00 and General Business \$20.00.

Michael Spencer stated that the run off coefficient could be increased, there is a range on the chart between per-centage of runoff. Price per acre is different. If they were paying by the acre Industry would be paying \$6.30 rate and General Business \$7.50, Farm \$3.00. Industry and Business will be paying more than twice the agriculture rate.

Mr. Kingma ask about rates for Industries like General Foods and Caterpillar? It would still be based on the current land use, if they would build on it this would change the rate to Industrial zoning, this is fair to them as it is still agricultural land, the run off coefficients are still there until they develop.

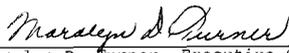
Form letter is all Mr. Raheer needs, this form is being taken to the Data Processing today, November 21, 1986.

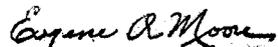
There being no further business the meeting adjourned at 10:10 A.M.

  
CHAIRMAN

NOT PRESENT

  
BOARDMEMBER

ATTEST:   
Maralyn D. Turner, Executive Secretary

  
VICE-CHAIRMAN BOARDMEMBER

Vice Chairman Eugene R. Moore called the regular Drainage Board meeting to order at 8:30 A.M. in the Community Meeting Room of the Tippecanoe County Office Building, 20 North Third Street, Lafayette, Indiana. Those present were: Sue W. Scholer Board Member, J. Frederick Hoffman Drainage Attorney, Michael J. Spencer County Surveyor, George Schulte Drainage Engineer, and Maralyn D. Turner Executive Secretary. Others present are on file.

S.W.ELLIOTT DITCH

ELLIOTT  
DITCH

Michael Spencer reported to the board that he has a draft written up for the Proposals for Elliott Ditch Study, however he feels since the new Auto factory is coming to the area the letter should be held as changes maybe needed in the study.

KNIGHTS INN

KNIGHTS  
INN

Dennis Grump engineer, representing Schneider Engineering Corporation and Cardinal Industries for the project of Knights Inn Motel located on State Road 26 East, West of I-65 and McDonald's on the north side of 26. Mr. Grump ask for drainage board approval of drainage system, he showed three (3) exhibits.

Exhibit I is the Site Plan of Utility lay out with storm sewer system, the discharge will be in the Britt detention area, calculations have been submitted and discussion with Michael and George in regards to the flow.

Exhibit II is the flood routing which has a swale on the north side 2' from the center of the property line, this is for 100 year storm water flow.

Exhibit III shows the easement which would encompass the flood routing swale to the detention area, have grading detail on the swale within the sub plans. Sue W. Scholer ask if they had the easement? Mr. Grump had a copy of letter from Shoney's giving their approval of using the rear of their property toward storm sewer system and the granting of the easement. The easement on the plan shows a cross hatched area which will contain a storm sewer. Michael Spencer ask, the 30' easement is in regards to the swale? Answer-Yes. This will allow all the storm water to get to the Britt Drain Detention Basin as planned in the overall master plan for the Britt Drain Watershed. George Schulte stated this will give them over land flood rating to the basin. Joe Bumbleburg was ask to explain the easement in regards to the flood routing swale. Mr. Bumbleburg explained that the Shoney's easment has been placed, this is on the east side of Shoney's. The letter that permits Knights Inn to use the easement has to be recorded. Michael ask if the 10' easement would be adequate to hold the swale? The swale will not be within the 10' easement. The storm sewer will be within the 10' easement as planned, Shoney's does own the property and that was the reason for the letter granting them approval to use the area, an easement will be recorded for the 10' strip. This has been transmitted to Shoney's. The letter was presented to the board today, Mr. Grump is not sure the easement has been signed it is in the process of being signed. Jack Cogley with Cardinal Industries stated that the easement is conditional upon closing, they are asking for approval here today so that they can close. Documents are out waiting to see if there are any other signatures required. Mr. Grump said this could be contained in the off side easement if they were not allowed to use Shoney's. Mr. Hoffman ask if they were going to have an easement for that? This is what the 30' easement covers, that's totally Britt property, this is the one the board is requesting to be recorded. All this will be done at closing, not before. Mr. Bumbleburg was representing Floyd Britt, however Mr. Britt was present. Mr. Hoffman stated to Mr. Britt that he understands that he is selling land plus going to give easement on the land that he retains. Yes, this is all done conditional and will be done at closing. Sue W. Scholer ask if there was any further recommendations on the drain.? George Schulte said his main concern was how they were going to get an emergency runoff to the main detention area during a storm. This will be a private system, maintained by Knights Inn. Mr. Hoffman ask if this complies with the ordinance code? Yes. Mr. Hoffman wasn't clear on the extra easements, are they to be used as detention storage? No, they are just emergency overflow. Mr. Hoffman, how does this comply with the Ordinance? Basically it goes into a detention basin then on to the Wildcat creek. Mr. Hoffman ask if the outlet of the detention pond was going to be affected, answer-no, rate will be the same. Mr. Bumbleburg stated that this land has original signatory agreement of many years ago. They are just making sure that the land here has access to the drainage to the detention pond. Mr. Schulte stated that the area has a master drainage plan that was approved by the Drainage Board. Mr. Hoffman ask if the pond was big enough? Yes, it is 1.5 acres. Mr. Hoffman said that approval has to be at the same time everything is recorded. Mr. Hoffman felt Michael Spencer could be given authority to give them approval letter at the same time everything is recorded, the board doesn't want to give approval and not have the easements. This should be conditioned on them getting easements. Dave Poelstra attorney, representing Burger King ask about calculations. Mr. Grump said that the calculations submitted to Michael and George included a portion of Burger King site which will flow through Knights Inn site. At the time the calculations were made, Burger King had not developed their site plan to the point of giving Knights Inn a drainage pattern so they would know what to include from the Burger King site. Mr. Grump had talked with Pat Cunningham who has done work for Burger King. Mr. Cunningham had indicated to Mr. Grump that the area they had allowed Burger King drainage is some what less than what actually

will come about, this has been with Michael Spencer they will revise their calculations to include the extra area which is about .4 of an acre and resubmit to Mr. Cunningham. Mr. Poelstra stated they are in agreement with Cardinal Industries to take Burger King water to meet their plans they want to make sure all the area is included in this plan. Mr. Hoffman stated no approval can be given to Burger King till they have their plans submitted. Mr. Bumbleburg stated to Mr. Poelstra that he wasn't asking for approval, asking for approval of drainage plan for Burger King site, only you are advising the board in asking them to approve as a part of conditional approval for Cardinal Industries the fact that .4 of an acre in whatever configuration has been calculated (100 year level) after development level is the best they can do to come into, this is all the board can do for Burger King. No approval can be given to Burger King as the board does not have the calculations for the site and not before the board at this time. The only thing the board can do is approve what is before the board. Mr. Poelstra wanted the board to understand that their calculations are including what is going to be coming in. Mr. Hoffman stated they didn't necessarily include what Mr. Poelstrs is asking. Mr. Poelstra stated this is what they are changing in their entire area. Mr. Grump stated they have included about 2/3 of their property, but it was based on not having an accurate plan(grading Plan). Mr. Cunningham representing Burger King wanted to add to the discussion and clarify what is happening with the Burger King property. The area including Shoney's,Britt property, property in question, and including Burger King was included into a master drainage plan which all was to be drained to the detention pond, as the property is situated if allowance isn't given for the future development of the property now in the approval of the drainage plan submitted, then it will be hard to come back next spring going through the project after it has already been approved and under construction and change things, basically what they are doing now they are setting up an agreement with Cardinal Industries to have them take Burger King after development water from the Burger King property across their property and route to the detention pond. Burger King will be taking about 1.2 acres only taking .4 of an acre. They want the board to understand that Burger King is going into an agreement upon the closing, the agreement is that Knights Inn will take Burger King water at the 100 year after development rate across their property to the detention pond. They want to insure that the Board understands that Burger King doesn't want to come back in in the spring and find out that they have to put a detention pond in the small area which has already been taken care of by having the original detention pond. Mr. Hoffman stated they were going to have to take care of the rest of their water as Knights Inn plan takes care of about 1/2 of it. The calculations submitted to the board shows a water basin area of about 2/3. Mr. Hoffman felt the board didn't have any authority to do anything toward what they are asking the board to do at this time. The only thing that is before the board is the application for approval of their project, if their project applies with the ordinance and statue we have to approve it. Burger King is not before the board at this time, and what the private dealings are with each other isn't the boards approval. Mr. Cunningham stated he didn't think they were asking for approval and they understand that they are not before the board, we are here for a clarification and understanding. Mr. Poelstra again stress that what Knights Inn is doing will cover Burger King. Mr. Hoffman stated he understood, he told Mr. Cunningham to come back, the only thing they can do today is conditional approval on plan presented today on bases of getting easements. Sue W. Scholer moved to give final approval for Knights Inn drainage plan conditioned upon proof to the surveyor the recording of these easements and proper documents,seconded by Eugene R. Moore, motion carried.

**TRAIN COE DITCH RECONSTRUCTION BIDS**

Five bids had been turned into the Auditor's office,Mr. Hoffman opened the following bids and found the necessary signatures and checks included:

	BIDS	ALTERNATE
1. Fairfield Contractors	\$45,879.00	\$29,564.00
2. Franklin Excavating	\$45,191.90	\$34,129.40
3. Fauber's	\$114,627.50	\$79,565.00
4. Bill Noland	\$25,895.00	\$21,998.00
5. W & W Contracting	\$28,382.00	\$23,280.00
Estimated cost for the project \$40,157.33		

The lowest bidder was Bill Noland ask the board if they had any questions to ask him,the board had none. Mr. Spencer thanked all for their bids and told the bidders that the board would let the bidders know after the hearing December 10, 1986 with the property owners.

**BRAMPTON APARTMENTS**

Dennis Grump from Schneider Engineering ask the board if they would hold a special meeting for Brampton Apartments Phase I to request final approval for drainage plans, they were before the board in June 1986 at that time they had conditional approval given to their preliminary drainage plans with revision, they have revised and want to submit to Michael Spencer and George Schulte. Mr. Hoffman suggested the board wait till the proper material has been submitted to the board before setting a special meeting. Mr. Grump will send the material by noon December 4, 1986. Michael will contact Mr. Grump next week in regards to a special meeting.

**DRAINAGE BOARD ORDINANCE**

Sue W. Scholer moved to draw up an Ordinance as an amendment to the drainage plan requiring all new Subdivisions and Plan Developments to have their drainage become a legal drain upon the boards final approval. A Public hearing be held before it is formally adopted, and to confer with the Area Plan staff so that they will know how to tie that into their system, seconded by Eugene R. Moore,motion carried.

The meeting adjourned at 9:35 A.M.

*Eugene R. Moore*  
 Eugene R. Moore, Vice-Chairman

*Sue W. Scholer*  
 Sue W. Scholer, Board Member

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

January 7, 1987

Wednesday, January 7, 1987

The Tippecanoe County Drainage Board regular meeting was held Wednesday, January 7, 1987 in the Community Meeting room of the Tippecanoe County Office Building, 20 North Third Street, Lafayette, Indiana 47901 at 8:30A.M.

Board Chairman Bruce V. Osborn called the meeting to order with the following being present. Eugene R. Moore and Sue W. Scholer Board Member, J. Frederick Hoffman Drainage Board Attorney, Michael J. Spencer Surveyor, and Maralyn D. Turner Executive Secretary, others present are on file.

This being the boards reorganization meeting Bruce V. Osborn ask Mr. Hoffman conduct the election of officers. Eugene R. Moore nominated Bruce V. Osborn as Chairman, seconded by Sue W. Scholer, there being no other nominations Eugene Moore moved to close the nomination for Chairman, Bruce V. Osborn was elected Chairman.

Bruce V. Osborn moved to elect Eugene Rm Moore as Vice-Chairman and Sue W. Scholer Secretary. So carried. Eugene R. Moore moved to appoint Maralyn D. Turner Executive Secretary of the Board, seconded by Sue W. Scholer, their being no other nominations, Maralyn was appointed Executive Secretary. Sue Wl Scholer moved to appoint J. Frederick Hoffman as Drainage Board Attorney, seconded by Eugene R. Moore, Unanimously approved.

Chairman Bruce V. Osborn felt the board should be aware of having unofficial Drainage Board meetings in regards to the Fuji-Isuzu Auto Factory drainage. He suggested that any discussion in regards to the drainage in the area be conducted in an Open Public Drainage Board meeting with notice given to the Public. Board was in agreement. Michael Spencer surveyor wants to request a print-out of the Parker ditch from the Data Processing Department, the Parker ditch is the legal drain which drains to the Wildcat Creek. There is concern in regards to the bottom outlet on the Charles Chamberlin property.

#### MCCUTHEON MCCUTHEON HEIGHTS SUBDIVISION HEIGHTS

Michael Spencer surveyor presented petitions and paper work which was received from attorney Bob Poynter January 5, 1987. Mr. Poynter wanted the board to formally receive the petitions. Eugene R. Moore ask if they had ever gotten the holding pond straightened out? Michael had one map that showed the whole area, the holding pond is the flood plan area and is off site. It is all included in the easement. The detention pond is not within the watershed limits. This involves the Prairie Oaks Subdivision with an easement going out to the creek which the board had requested. Personally Michael feels more information is needed, a list of all landowners is included as a part of the petition. Easements is a concern of the board. Eugene R. Moore ask if the board OK'd running the street to the creek? Michael stated that that outletted through the detention basin. Reason for that was that it was all coming down through the Prairie Oaks Subdivision. Michael stated we need to acknowledge that we received the petition and paperwork, but more information is needed such as an updated drawing of the plan. The Board acknowledged receiving the proposed petition for legal drain of McCutheon Heights Subdivision and requested the surveyor to respond to them within 20 days in writing, they in turn will have 20 days to respond to the boards request. Preliminary Plans have been received.

#### TRAIN COE BOND

#### PERFORMANCE BOND TRAIN COE DITCH

Michael Spencer presented the Performance Bond received from Bill Noland and Sons of Kokomo. Sue W. Scholer moved to accept the Performance Bond from Noland and Sons for the Train Coe Ditch, seconded by Eugene R. Moore, Unanimously approved.

#### ELLIOTT DITCH

#### Elliott Ditch

Fred Hoffman ask Michael to set down with him in regards to funds that are available for the Elliott Ditch, a letter should be sent to the Lt. Governor.

#### MILLER MCBETH HEARING

#### MILLER-MCBETH HEARING

Michael Spencer requested Mr. Hoffman to read the remonstrances from landowners. The following remonstrances were read and are on file in the Miller-McBeth ditch file. William R. Nesbitt total of 78 acres, 5.41%, Berk Farms, Inc. William E. Shield attorney, 886.11 acres, 45.34%, Harry E. and Charlene Pendleton 13 acres, 0.90%, Daniel, Dudley and Joanne 100 acres, 6.94%, Fifer, John and Joan 127.80 acres 8.87%, making a total of 1,204.91 acres with 67.55%. Property owners present were: Jack Fifer, Dudley M. Daniel, Jim Pendleton, Jack DeVault, Phillip Bercovitz, and William E. Shields, attorney for Berk Farms, Inc. Bill Shield attorney for Berk Farm Inc. ask Mr. Spencer the following questions. What are you planning to do down at the head wall? Plan to dig out from the open ditch, back up to where the tile is washed out, approximately 375', construct a new open channel through tile that it outlets into, then it would run down to the other open channel. Clear off the trees in the first 450' of the ditch. the thicket along the open ditch will not be cleared. (big open ditch). There is more clearing along fend line of Mr. Royer and Jack DeVault. Are you going to put new tile in the 450', answer - NO. Has there been any change in the ditch area in the past year? Reason for asking this is that he will question two(2) of the property owners, Mr. Pendleton(JIM) who has seen the area for 20 years or more. His testimony will be that he doesn't see any drastich change in the area of drainage. Michael ask Jack DeVault in the past 5 years has there been any changes? Mr. DeVault felt there had been, and Mr. Spencer felt possibly there were more tile holes. Mr. Shield ask Mr. Jim Pendleton who was representing his father Harry Pendleton questions. The farm for Berk Farms and their own and had grew up in the area, Mr. Shield ask if he has seen any major changes? He hasn't seen any problems with drainage in the 35 years and have no new problems, they do their own maintenance, which has been paid by the landowners, some has been done just recently. Mr. shield ask Mr. Pendleton if he seen any benefits from the proposed project to any of the land in which he is involved with, he sees no benefit. Not going to effect their drainage. Mr. Shield introduced Bill Bercovitz owner of Berk Farms. Mr. Bercovitz had visited the farm drainage area with Mr. Shields, Mr. Bercovitz stated under the proposal it seems that all the break down is purely per acreage. Answer-YES.this is the way all watersheds are approved. He feels there isn only two (2) pieces of property to benefits from the proposal, if project were done, the allocation of cost certainly should be comparable to the benefit to the property, doesn't thing any consideration has been given for that. He stated he is not for the project, doesn't see any good reason to spend money at this time. If it could be shown that it would benefit or necessary, he would go along with it. He stated it is a punishment at this time, as all these years nothing has been done, everybody has been maintaining their own, why change now. He will abide by the boards

January 7, 1987 Continued Miller-McBeth Ditch

decision.

Bruce V. Osborn told the property owners they need to realize that just because the water leaves your land that doesn't relieve your responsibility, can't work. Mr. Bercovitz stated that cause it didn't affect him, the heck with the other guy. He isn't saying that. Regardless of the law there is such a thing of being a good neighbor. This has been followed over the years. It's his concept that nothing has been done there by the County in memory of any one around here. Mr. Osborn pointed out that it was attempted in 1975 to put a maintenance on the ditch, at that time there was remonstrances and the board didn't do it. The ditch does not belong to the County, it belongs to the property owner, all the County does is administer the ditch. Michael Spencer stated the only way the board could do anything for the property owners would be to have a maintenance fund. Mr. Shield stated let the land that was going to be benefited pay the fee to get the property in shape, if it is a necessary thing. Mr. Shield stated he isn't a ditch expert, but other than looking nicer, he feels it will not change anything.

Jack DeVault stated he started on the ditch back 20 years ago to get something done, nothing has been done. Lofland ditch in 1975 was brought before the board, and at that time the Miller-McBeth branch be included, but property owners turned it down at that time. Mr. Osborn ask if the property owners would consider abandoning the ditch, maintain themselves, the property owners have that option. Would be cheaper for all concerned, if the property owners can get along. Would vacate the drain, would be a private drain, this would vacate the easement along the drain. The remonstrances read today takes alot of acreage away from maintenance, be stiff to put maintenance on. Jack DeVault stated that Mr. Bercovitz's father was for maintenance funds. Mr. Bercovitz ask if the County was against payment toward the ditch? The board stated this is how it works there is no maintenance f, if the property owners haven't agreed to establishing a maintenance fund for a watershed area, then no payment can be made to the property owners, it isn't that they are against payment. Bruce V. Osborn ask if the property owners were saying that the outlet need no work done on it? Question of Mr. Shields' is will it be a noticeable change in the drain? Mr. Bercovitz said that if they would have come to him five(5) years ago he would have had no problems of going along with the drainage board, but with the price of crops and so many changes he can't go along with it. A dead figure can't be put on the project, can run into some big money, comparing what they have spent this past year in ditch repair \$2,700.00 and it doesn't look as big as the project presented, and no assurance that there will be any benefits. Getting along now why burden the property owners now, in two years if there is a problem, then let's talk about it. Eugene Moore ask if nothing is done today, in the near future will we block up right of way? Answer NO.

Mr. Hoffman pointed out however if they ever want anything done it will take time for the assessment to raise any money, if they are talking about two(2) years from now it will take another two(2) years before anything can be done on maintenance.

Jack DeVault's concern is if more water gets ditched in the worse is will get. Is this legal? Mr. Hoffman stated they can't legally hook on without permission of the surveyor, Micheal stated that as long as it isn't any larger than a 12' tile the board doesn't have much to say. Mr. Hoffman stated they still need the permission, size of tile will have to be in compliance and hook on to a mutual drain regardless of size. Bruce V. Osborn ask if they wanted to abandon the drain? The answer is NO, they do not want to abandon the drain.

Eugene R. Moore moved to turn down the request to establish a maintenance fund for the Miller-McBeth drain, seconded by Sue W. Scholer, unanimously approved. Mr. Osborn hopes the property owners can get together and do it on their own.

Sue W. Scholer ask if they could come back and ask for a smaller maintenance fund to put on to build up and be used? Smaller rate they would not get much done. They expressed their thanks to the County Surveyor as he has been very helpful.

BRAMPTON APARTMENTS-Dennis Grump engineer representing Cardinal Industries, Inc. for Brampton Apartments located on Haggerty Lane, East of Carriage House Apartments. Last year they came before the board requesting a preliminary approval on the over all project, some suggestions were made with Michael Spencer and George Schulte's help they have revised the drainage plan for the Phase I for which they are asking for final approval on only, there are two(2) remaining Phases to the north of the property. Phase I consists of 4.5 acres, at a later date they will be asking drainage approval. The overall area is 11 acres. Proposal was for a large detention area along Haggerty Lane, this has been revised to smaller detention area draining and detaining the water for Phase I only, then providing additional detention area for future Phases. They are exiting into Branch#13 of the S.W.Elliott ditch, they had ask to relocate the Elliott drain across the frontage of the property, for further use they ask to relocate parallel to Haggerty Lane and to replace the existing 14" tile with a 15" tile because of not being able to get the 14" tile. Bruce V. Osborn ask how far off the right of way are they? They are off 13' of the right of way line. Mr. Hoffman ask where the 15" tile went into, it goes into 14" tile, there will be no problem as it goes into a manhole. An easement has been platted, this was recommended by Mr. Schulte and Michael. Sue W. Scholer ask how much right of way do they have? They are dedicating and additional 40' of right of way, would be 55' off the center of the road. Proposing to reduce the easement on the north side of the drain, the easement will be a part of the plat that is being reviewed by Sallie Lee in Area Plan. Mr. Hoffman ask how much it would be on each side? It will be approximately 44' from the center line of the tile on the north side and 75' on the south side and the road would lie within the 75' on the south side. This is a closed drain would be 55' from highway. 28' to top of bank-top of bank leaves 30' center of ditch to top of tile. Replacing a new shoulder widening Haggerty on their side to County specifications, 16' of payement on their side, still have a good 20' to where the top of bank would start of the proposed ditch. Sue W. Scholer ask how close the buildings were to the center line? Answer-84'.

BRAMPTON  
APARTMENT

The developer would like to start working soon, have gone through approval in Area Plan, they have started to widen Haggerty Lane and are to the point of getting permits for foundations. They can't go any further till they get those and the drainage board approval, then the recording of the plat is the last two items on the list before the building commission will let them go ahead and pour foundations.

Mr. Grump ask if it would be possible for a conditional approval till George Schulte County Highway Engineer has a chance to review the road? The developer does want to continue work at the site in order for them to develop on schedule.

After much discussion the board decided that they need to know what is going to be proposed in regards to the Highway with the new Auto Factory coming in, they will be meeting Monday, January 12, 1987 with the Highway Department, and would like to recess this meeting till Monday, January 12, 1987 at 1:00 P.M. in discussion of the Brampton Apartments.

WOODBERRY WOODBERRY SUBDIVISION PHASE I AND PHASE II

UBDIV  
HASE I  
ND II  
Robert Gross surveyor with Stewart Kline and Assoiates representing Woodberry Subdivisio, LeRoy Moore developer, petitioning to vacate and asking for approval of drain easements. Lot 24 and 25 in Plan Development were recorded a different way, therefore they are requesting vacation of the easement with the original plan. Original plan had a detention basin that outletted behind the other lots. Michael Spencer stated the plan being presnted is a better plan. They have taken out detention pond behind houses and taken up one whole building lot for detention pond, they now have a 24' outlet structure goes into side ditch down to main detention basin, then the Wildcat.

Eugene R. Moore moved to vacate the original easement plan for Woodberry Phase I and Phase II, seconded by Sue W. Scholer, unanimously approved.

Eugene R. Moore moved to approve the new drainage easements plan presented for Woodberry Phase I and Phase II, seconded by Sue W. Scholer, unanimously approved.

Letter received should be recorded with plat of Woodberry Phase I and Phase II. Copy of letter is on file.

ELLIOTT ELLIOTT DITCH

Richard Smith was in stated that the Elliott ditch is plugged up, Mr. Moore told him he would have to clean it out himself, since there were no funds he would have to pay for it and hold the bill, then present it when there were funds, he would be paid then.

Sue ask if Michael had done anthing in regards to the Task Force of Elliott-YES

The Board recessed till 1:00 P.M. January 12, 1987 for the Brampton Apartments.

Bruce V. Osborn called the recessed meeting of Wednesday, January 7, 1987 back in order at 1.P.M. Wednesday, January 12, 1987.

Dennis Grump engineer for Schneider Engineering Corporation representing Cardinal Industries Inc. and their proposed development of Brampton Apartments. Project is located on Haggerty Lane east of Creasey lane approximately 1/8 of a mile. Discussion previously with the Drainage Board, a question was raised about adequate right of way along the front of the property and what their dedications were in discussion with Michael Spencer and George Schulte County Highway Department. They have agreed to dedicate a 50' half right of way as recommended by Mr. Schulte for the improvement of Haggerty Lane in the future. Mr. Osborn ask if this was 50' at the center? Answer Yes. They have increased the right of way from original proposed 40' to 50'. Mr. Osborn ask what was there now? 20' right of way now. Mr. Osborn ask if Mr. Schulte had approved? Answer yes.

Mr. Grump stated that this item was not necessarily condition of Drainage approval, but discussion was raised at that point they wanted to iron out prior to getting final drainage approval for Phase I. Mr. Grump and Michael Spencer also discussed on site engineering questions in regards to the detention area, the discharge into the drainage tile. He has recalculated which he is submitting showing that they are below the apparent capacity of the tile so there is a small amount of reserve in the pipe and they do not over load the pipe. This includes an orifice for a control in the outlet pipe which is reducer and allows water to come out at a slower rate than what had originally been proposed.

J. Frederick attorney, ask if they still have a 14" tile going into a 15" tile back into 14" tile, answer yes. Because of the problem getting the 14" material. Mr. Hoffman where it goes into the orifice into the tile isn't a 14" tile? Answer no, it's a 12" and will be orficed down to a 6" in the mouth of structure. Essentially they are allowing the water to go through a 6" pipe and under head have small increases and discharge still below discharge with the capacity of the pipe. Bruce osborn ask how much territory is there? In the development approximately 4.3 aces in Phase I, the original tract 11.7 acres, they will propose in the future to have two additional Phases, each being about 3 acres. Mr. Hoffman ask in each site if they were going to have to do something different with the drainage? Answer Yes. The rate that they release the water from Phase I will be the same rate as the entire development, additional detention areas will be up stream of the detention basin so they can maintain the rate into the legal drain until at some point in the future that drain is reconstructed or improved.

Mark Houck representing Maple Point Enterprises ask to comment on Mr. Grump's proposed development. Earlier Mr. Houck had presented the Drainage Board a map of the area and had pointed out some of the problems in the area and a look into the future. At that time they expressed that this area was a very special one in terms of drainage, because of the natural pond, plus the potential of development being great as it developed drainage would have to be improved as it would have adversity effect down stream usage. The first point is to request the board pay special attention in using the material that Maple Point Enterprises has provided for the board.

POINT II is concerning the agricultural field drainage that this development is proposing to outlet the detention pond into. This eventually arrives in the Wilson Branch of the Elliott Ditch. The field drain as of now is unmeasured in terms of the flow rate through in along time period. It is conceivable that it is flowing full over large periods of time, also that it is flowing empty during large periods of time. If additional water is put into the field drain then it is going to be on top of the water that is already there. He stated he had not seen the calculations, but feels that it is sensitive to the amount of water that goes in, because it is being added to all properties. Draining property and during a heavy storm you have a pipe flowing full then have additional water that would not normally be entering into it at a high rate, something will have to give, either water will be backed up into the developments or backing up into the agricultural fields or dumping over land downstream or some place, he feels it will be appropriate to find out how much water is flowing through the field tile in order to assess truly the

January 12, 1987 Continued Drainage Board Meeting Brampton Apartments

ramification of adding additional water to it. Mr. Hoffman stated as he understands it with the reduced orifice on the interim the development isn't going to put any more water into it than what has been going into it now as far as the flowage rate, ask if this was right? From surface drainage was the answer.

Michael Spencer stated that the only difference would be that the piece of ground did not have a surface inlet into the tile before. Mark Houck felt that what was being done was that the amount of water leaving the property was the same. Whether it was being redirected into the field tile where it did not naturally now go there. Mr. Hoffman ask, it doesn't go into the tile now? Mr. Houck stated that he felt it was seeping through the ground. The entire area to Mr. Houck's knowledge there are none or very few surface inlets to collect surface water. Michael Spencer stated he felt there was one along the fence line north of the proposed apartments. To a large degree it is an agricultural tile and used to drain sub surfaced conditions, so as the water gets into the tile it does get there through an absorption through the soil. It is correct that they do not have a direct opening to the tile or property. It does remain a drainage outlet and Cardinal Industries has proposed and begun the necessary proceedings to petition drainage board for reconstruction, they understand that they have an agricultural drain and they are trying to drain an urban or semi urban situation into the agricultural drain this situations exists over 99% of the State of Indiana and the midwest. Mr. Grump stated they have began preparations to petition for reconstruction of Branch#13 so that it does upgrade it to an urban drain standard. Michael Spencer ask where the petition process was at this time? Mr. Grump stated the petition has been prepared and are in need of getting signatures from landowners in the watershed area. Michael ask if the process had been started, people contacted? It has just started. Jack Cogley representing Cardinal Industries, Inc. stated he is not an Indiana resident, therefore it is hard for him to carry a petition, he stated he was not sure of the Indiana statute in regards to percentage of signatures. If it is 10% he feels that it is going to take more than the 10% to get it approved, this is his personal feeling. Michael stated that this could very well be true, the board doesn't know either until petition is carried. Mr. Cogley stated that the other problem is that they are an out of town developer having trouble getting through the system here. Today he will hand it to local people to carry. Cardinal has reduced units and drainage on their site as they know they have problems with drainage. They are not opposed to the reconstruction. The practicalities have been very difficult for them to comply. Sue W. Scholer ask if Cardinal Industries, Inc. (title holders) had signed the petition? Mr. Cogley's answer, no, the reason for not signing because Mr. Cogley can not sign, their representative in Indianapolis has the authority. They will sign it, he pointed out that they are less than 1%, they paid to have it drafted, they have the roster, all they need is somebody to take it around. Mr. Cogley stated that Mr Houck had stated he needs a solution as he is down stream, Mr. Cogley has talked to Maple Point Enterprises, Inc. developer months ago then everything got dropped. His client (Mr. Houck's) talked about sharing the legal expenses, this never happened, Cardinal Industries, Inc. dropped it. His point is that their interim design was for Phase I, they are building a larger detention pond to allow drainage at a predevelopment rate. It was pointed out that they were putting in a catch basin to catch surface drainage. This will increase the rate, the same amount of water will be there, what absorbs through the ground and takes a week to get into the tile or whether they push it there in a matter of an hour. Eugene Moore had miss informed a few people as he had the impression that all they were actually doing was changing location of tile, he didn't know they were putting it in the catch basin. Eugene Moore ask Sue Scholer if she understood that when they were talking to Judith Hammon? Sue Scholer stated that Judith Hammon was talking about the 12" tile coming in.

Francis Albrechts property owner ask what kind of tile they were using? Michael Spencer stated plastic field tile. Mr. Albrechts ask if they would blow off very easy? Answer - No. Mr. Albrechts ask if it would put more water on the surface? Michael stated where the developer plans to reroute they are putting plastic, the rest of the tile will be the old clay tile.

Mark Houck- As another issue, if there is excess capacity in the agricultural field tile another concern is: Who gets to use it? For example should a single developer be able to use all the excess capacity by draining surface water into a tile or should excess capacity be used by any body in the area who wants to use it or by a proportional bases. This is assumed that there might be excess capacity, if there is not excess capacity then nobody should use it. Mr. Houck stated from the Maple Point Enterprises stand point they will ask for special consideration of all the development in the area, take a hard look at engineering solution of the problem and as the ordinance it speaks to the amounts of run off this should be questioned more severe. That the post development run off should be looked at to determine, is it really as low as it should be because of some natural ponding could occur. He feels at this point it will not occur on the Cardinal Industries, Inc. property. The second issue is where are you going to put the water that drains off? Mark Houck ask Michael Spencer to correct him if he is wrong. He stated the development is Briarwood Apartments west of Brampton Apartments they also have a detention area, a wet detention area or a permanent pool. Michael stated it is not a permanent pool. Their outlet is also to the legal drain, correct. 6" outlet into the legal drain. Briarwood development is at least five(5) years old. Michael stated they went through the Soil Conservation method of determining what 6" tile drainage, also they went through wet well first and tried to put it back in the ground before they went with the method they are using as far as he knows it worked.

Mr. Hoffman ask if theirs was going through the same tile, answer yes. Dennis Grump stated he felt were in a situation where it is a farm community the developer is caught between a farm community and a residential area expanding, so they are depending upon drains that are not constructed for residential. The Drainage Board needs to expand in this area, this is the reason petitions are needed. Dennis stated this proposal is a band-aid to the problem and a real cure to the problem is reconstruction for the drain. This has been discussed. With the new proposal of the Auto factory this area is going to develop because of the value of the area. Eugene Moore ask if they had to have the catch basin? Answer-yes. Have to have a way of releasing water, if they didn't have a direct tie into the tile would have a retention situation. Water would evaporate into the air and seep into the soil. For the detention basin they have calculated 3 $\frac{1}{2}$ -3 $\frac{3}{4}$  hours to the time it's peak discharge is going into the drain tile. Michael ask if this was 2.8cfs? No 3.92 hour to peak. Peak out flow will be 2.2cfs. Under conditions when legal drain is completely empty the relocated portion will flow at a rate of 2.58 cfs. Dennis Grump does not disagree with Mark Houck, he has seen enough of agricultural tiles and they do run a good share of the time and looking at this area the way the flows and slopes and as the ground appears to him, it does flow. Practically all year long even in the driest part of the year, but again the drainage system

January 12, 1987 Continued Meeting Brampton Apartments

they are proposing is not a solution to the problem, it's merely a temporary situation until the real root of the problem is corrected which is the legal drain.

Bruce V. Osborn ask if the Drainage Board didn't commit themselves to permit you this development Phase I and no more? Bruce stated the board had committed themselves so that they don't break their word to the Brampton Apartments Phase I. This is correct as they were proposing a Three Phase situation. Can't continue putting band-aids on the wound and this is the reason Michael Spencer ask them to get moving on the petition immediately. This will be an advantage to them. Mr. Hoffman stated that he understood that when they came in with the other Phase they were going to reduce the drainage for Phase I, this is going to be temporary. Isn't there going to be a larger plan for the other two Phases? Answer, it will be a larger plan, but no changes in Phase I, but Phase II is going to have detention similar to allow the flow from the property to be less than the undeveloped, so when the legal drain is reconstructed they will actually benefit the legal drain by putting in less water into as what normally goes into it now.

Bruce V. Osborn stated they are going to have to have temporary holding area during construction. answer yes, the detention area itself. Bruce stated before building permits issued-yes. Bruce ask if the board gave them temporary approval could they have petitions in 30 days? Yes. They will go through the motions the best they can.

Dennis Grump ask one of their conditions for approval would be if they can get petition in in the 30 days with signatures.

Mark Houck was ask if his client would be willing to sign petition? He stated he thought so, he feels she is willing to have reconstruction done. It was ask what percentage Maple Point Enterprises would have? Both Mark and Dennis are concerned about the interm, they feel it is a hazardous situation.

Francis Albegts has land coming on the area, he does not want any more coming on the area till it is reconstructed (Wilson Branch) there are alot of problems and they don't want any more. Every since the residential area has been developed it has caused problems. Eugene Moore stated they have a temporary problem. The ditch was paid for by the farmers and built by the farmer, now we have a problem why not let the developer pay for the correcting the problem.

Mr. Osborn stated perhaps the board has overstepped their authority in order to make their word good they will have to go along so far with the developer. The board agrees with Mr. Albegts and hears what he is saying. Sue W. Scholer stated that this discussion should have been in June, the board more less OK'd the band-aid till now. she ask if they could give approval under conditions that they get petition in? Bruce Osborn ask what they were going to run into down stream putting an urban drain in? This worries Mr. Osborn. If you put in an urban drain you are going to have to put it all the way down, per Mr. Hoffman. Bruce stated this is not going to happen. Dennis ask would it have to be an urban drain? He knows it is an urban area or a developing area. Mr. Hoffman stated at some point it is going to have to be. Bruce stated if not today it will tomorrow. Mr. Cogley ask if this was a dedicated drain down to the river, answer-no. It goes to Nineth Street. Mr. Osborn stated that he doesn't feel that putting an urban drain into a normal drain is going to fly as they will catch it from downstream. Mr. Hoffman ask if the Wilson Branch went into the Elliott Ditch, yes, so if the Elliott ditch is reconstructed this construction will have to go the same time. Mr. Osborn stated he felt the board was miss leading them by telling them they can put an urban drain in with existing conditions. Mr. Osborn ask Mr. Houck if he agreed? He agreed. Mr. Hoffman stated they could go ahead and reconstruct at least a part of the Wilson Branch at the time of reconstruction of Elliott he assumed they would consider the development of this area as a part of it. Reconstruction is needed here whether it is a legal drain or not. There maybe questions as to when it becomes an urban drain. He agrees with Bruce. Bruce ask if they were going to permit them to put an urban drain in? This is just a petition to reconstruct the existing tile.

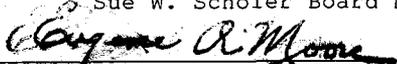
Eugene Moore moved to give approval to the proposed plan of using the existing tile with restrictions they they get the petition in within 30 days for reconstruction of Branch 13, seconded by Sue W. Scholer, unanimously approved.

Michael Spencer stated petitions for the Elliott ditch will take time and will have to be based on land use and future land use. All they are asking for now is Branch 13. Mark Houck stated he thought Branch 13 was Maple Point Enterprises.

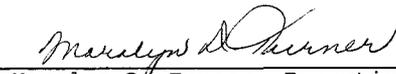
The meeting adjourned at 1:45 P.M.

  
Bruce V. Osborn, Chairman

  
Sue W. Scholer, Board Member

  
Eugene R. Moore, Board Member

ATTEST:

  
Maralyn D. Turner, Executive Secretary

February 4, 1987

February 4, 1987  
Tippecanoe County Drainage Board

The Tippecanoe County Drainage Board met Wednesday February 4, 1987 at 8:30 A.M. in the Community Meeting room of the Tippecanoe County Office Building, 20 North Third Street, Lafayette, Indiana with Chairman Bruce V. Osborn calling the meeting to order.

Those present were: Chairman Bruce V. Osborn, Board Member Sue W. Scholer, Surveyor Michael J. Spencer, Drainage Attorney J. Frederick Hoffman, and Executive Secretary Maralyn D. Turner. Others present are on file.

BRAMPTON APARTMENTSBRAMPTON  
APRTMENTS

Dennis Grump engineer of Schneider Engineering representing Cardinal Industries, Inc. project Brampton Apartments. Mr. Grump turned the meeting over to Richard Bovey attorney as he is the counsel for Cardinal Industries, Inc. Mr. Grump also introduced Jack Cogley Land Representative, Bill Martin District Representative, and Don Thomas from Cardinal Industries, Inc.. Jack Southerland Director of Engineering Services and Bruce Nicholson Registered Professional Engineer from Schneider Engineering Corporation.

Richard Bovey attorney representing Cardinal Industries, Inc. the developer of Brampton Apartments Phase I. They are requesting the board to fulfill its commitment to the developer to issue final approval of the plans for the drainage for Phase I. The records of the hearings held June 1986, through December 1986, and January 7, and January 12, 1987 reflects that the board has basically committed upon one final condition to issue clearance for the development of Phase I provided the developer submit a petition to reconstruct the legal drain namely Branch 13. The developer has met these conditions, it did retain counsel, it did cause a petition for reconstruction to be drafted prepared to be duly signed and notarized by one of the effected landowners involved. Mrs. Janet Lanie, Trustee of Krick Land Trust who owns more than 10% of the land involved that petition was submitted and filed on January 29, 1987 in the surveyor's office at 3:50 P.M. They are now requesting final clearance from the board. The developer is very anxious to get along with the construction of Phase I. Phase I has approximately 4 acres. There are not other Phases being developed at this time.

Bob Gross from H. Stewart Kline Associates reviewed the storm calculations for the area, he had prepared a drainage map and stated that it is close to what Dennis Grump had presented. Mr. Grump agreed, however area 5, they had more area going back to the basin. Mr. Gross stated he used the rational method to get the predeveloped condition, came up with a Q 10 of 4.8 cfs. Mr. Gross stated that post development uncontrolled runoff would be 1.8 cfs, therefore the post development release rate would be 4.8 cfs minus 1.8 cfs uncontrolled leaving 3 cfs as their post development release rate from the basin. Mr. Grump's calculations showed 2.2, this was less than the 3. Storage volume would be 1.33 acre feet. Using that storage volume the depth would be about elevation 42.5. Dennis Grump stated that their invert where the water flows out was elevation of 40 and storing (about) to elevation 42.05, storing about 2 feet in the detention area. Mr. Gross said the only problem is with the out flow control device with that much head of 42.5 you are pushing down over the capacity of the tile. The way he arrived the capacity was from the ACS tile drain. Mr. Grump ask what he arrived at for the tile capacity? For a new tile capacity between 1.6 and 2.5. Mr. Grump stated that they were indicating under manning's equation for that type of material they were indicating a 2.58. Mr. Gross's concern is the amount of acreage draining into the tile, the minimum drainage coefficient is  $\frac{1}{4}$  per 24 hours and the maximum area that will drain into the tile at full capacity would be around 200 acres. if he were to design a tile for 200 acres he would use  $\frac{1}{2}$ " drainage code efficient which would put it into an 18" tile. The present tile is a 14". Question was does it drain more than 200 acres, the answer is yes Michael doesn't think there is 200 acres upstream from the development as the tile goes down stream it is obviously larger, 18" at the outlet. Mr. Osborn ask Judith Hammon how many acres she had in her development, she has 90 acres. Michael stated that what Mr. Gross has told us the predevelopment run offs are fine, after development are fine, detention basin is sized right, release rate is alright except what they have on the plans. Dennis Grump again stated the fact all understand that this is an agricultural tile and this is why Cardinal is committed to spearhead the petition in order to get something done. The area is beginning to develop and the drain will not be adequate for an urbanized situation. He doesn't disagree about the large amount of water in the area. Judith Hammon ask question. Not only is the area inadequate for development as she understands it if they are putting that much water into the tile in their holding pond, the acreage above that tile that uses the tile won't be able to do so. The development would be hurt from the first tile down flow, but the agricultural tile will have to hold water longer than what it usually does. Therefore it isn't only urbanization that is being the problem. Agricultural land is hurt too. Mr. Grump agreed to some degree with Judith Hammon, but it is important to look at the time frame with which the different areas contribute to the tile. Subsurface drains that the tile provides to the agricultural area typically the maximum capacity of that pipe is achieved approximately a day after the rain because the water is absorbed through the ground. In their situation they get a detention area and a direct link to the tile. In a matter of 4-6 hours are contributing and then it begins to decrease long before the agricultural drain or agricultural requirement is achieved. Bruce V. Osborn asked about reconstruction? Michael Spencer stated a petition has been received that is more than 10% of the watershed area. A hearing will have to be set, notify all landowners which will take 30-40 days, have the hearing, this could be 6 months to a year by the time engineering is completed and physically have the construction done. Judith Hammon ask if all the overland came to this pipe through Branch 13? She stated right now predeveloped all is overland water which flows onto her land. Schneider Engineering personnel stated not necessarily does the overland water go onto her land, just as it exists now. Judith stated they are getting overland water off of Haggerty Lane into her property. Will this tile system take care of the overland water? Answer was it was not designed to when it was installed. Surface drainage and subsurface drainage water can't get into the tile unless it seeps through the ground or has an open inlet. Judith ask what the development overland water was going to do with this system. The overland water in two basin would flow into inlets which does come back to an overland situation, but it is the same water that she is getting now. They will be solving the area in building the experience would be no worse that what it has been. The condition that is happening now is preventing Maple Enterprises from developing, this is a constant battle. Question is: This isn't a natural drainage course. It is a common drainage procedure handle offsite water.

Mr. Grump stated he was not saying that there would not be any overland water he is saying that the rate that it goes to Judith's land will be no worse than it is now. This has been explained above. Some of the area does go into the culvert therefore some is backed off and routing it back through the Brampton Apartment system. Sue W. Scholer ask how long it would take to drain their detention area? Take between 6-10- hours from beginning of rainfall. Judith Hammon is concerned about the overload on the branch. Until the branch is reconstructed this is a potential situation. Bruce Osborn ask if Ms. Hammon's land was on the west side of Ross. Property is on both sides of Ross. The thin narrow line between Ross Road and 38, then 70 acres on the other side to 52. Branch 13 and Wilson Branch of the Elliott ditch converge on her property. She is dealing with two watersheds. Judith explained that the overland water from the area in question goes under a 12' culvert under 38 and then spews openly onto a 13 acre strip between 38 and Ross Rd, at the present time it is agricultural, it either stands or eventually drains through Branch 13. Sue W. Scholer ask what total acreage was in the watershed? Michael is not sure how many acres are above 38 or below 38.

Mr. Hoffman stated that Mr. Bumbleburg is going to take his name off the petition for reconstruction and Richard Bovey's name as attorney will appear, a letter to that fact was attached to the petition. With these changes Mr. Hoffman found the petitions to be in order.

Sue W. Scholer stated the board is obligated to go on with Phase I, the board can not allow any more Phases to be developed until reconstruction of Branch 13 is underway. The board is addressing additional problems that are associated with development as it moves farther into the watershed area. Mr. Hoffman ask the total number of acres on the petition. Michael Spencer stated that the property owners who signed have more than 10%.

Sue W. Scholer ask about additional right of way was dedicated she wanted to know if it was 50' from the center line. Correct. There is a 100' total right of way for road reconstruction, at least 50' on their side. Mr. Cogley stated his engineers have told him they are going to allow for four lanes with ample room to construct. He stated they are a very short distance from road that merges with State Road 38 if there is an issue of necessary or increased roadway beyond project after preliminary approval he doesn't feel this is another issue that will affect their development. Mr. Osborn just wanted everybody to understand so if something happens later you can't come back and say we did not tell you.

Michael Spencer stated the only comment he might have which could be a personal one is: He would still like to see Cardinal petition even though they do not have 10%. Representative of Cardinal stated Cardinal Industries, Inc. filed the petition in the Recorders office 2/3/87. Michael J. Spencer's recommendation is that Cardinal Industries, Inc. not be allowed to outlet into the tile. Their surface run off and their release rate is less than their 10 year before development run off.

Dennis Grump commented that he had discussed this with Michael Spencer surveyor and George Schulte who at that time was with H. Stewart Kline and Associates about using the tile understanding that they had an agricultural tile and the detention would have to be provided. This discussion was back in 1986, it was decided to proceed that way. Drainage Board gave preliminary approval at that point they proceeded to use the tile and want to continue to do so.

Mr. Bovey ask to make a few brief comments. It is Cardinal's understanding after a fairly long process of going through repeated hearings that after the last hearing January 12, 1987 the only condition would be the submission of the petition for reconstruction of legal drain Branch 13. No other conditions. That condition has been filled and on file. They are willing to place it on record, Cardinal's signature. He felt it improper and certainly beyond commitment they do consider it to be a binding commitment made at the January 12, 1987 meeting with Cardinal Industries, Inc. and any new conditions be added with respect to final approval of drainage plan for Brampton Apartments Phase I. This was the only issue properly before the board today.

Mr. Osborn ask if he wasn't going to have problems with Michael Spencer's statement? Mr. Bovey said there was some mention that they couldn't use the outlet. If that new condition is thrown in now it will cause a whole new scheme. They don't feel this is appropriate or proper. Mr. Osborn stated, drainage isn't an ordinary element. You have to live together and give. Mr. Bovey stated Cardinal has been a very responsible developer. They have in good faith complied, but if conditions continue to be added to final conditions they will never get out of a never ending battle. This has gone too long and the developer is anxious to be a good neighbor. They are not out to hurt anybody down or up stream. It is obvious that there is an inadequate situation with respect to the existing legal drain. They are willing to cooperate and work with all people involved after a cost benefits study is done by the County Surveyor, they will do their fair share. They feel their 4 acres which is less than 1% will not create adverse impact upon any one.

Mr. Hoffman wanted to make sure that petitions had been signed. Cardinal Industries, Inc. has signed and there's was recorded the petition signed by Mrs. Janet Lanie has not been recorded, it is in the surveyors office.

Judith Hammon stated that 200 acres southeast of Lafayette are creating alot of drainage problems. A Task Force has been developed to address the problems in 1600 acres. Extensive research has been done. She isn't trying to stop the project, she is asking for a sense of responsibility. Mr. Cogley and a witness sat in her office as she tried to explain the problems. Mr. Cogley stated he didn't have the time nor did he care. She cares about the community and the development. It was her understanding and she will check with George Schulte as she understands he always advised against the use of agricultural tile for urban development. If thats how it is used a year before reconstruction there will be alot of problems. She feels the problems can be worked out, but the kind of cooperation from Mr. Cogley hasn't been satisfactory. She feels that we can't have 12 acres cause so many problems in a large area and act like no one else is around. She was ask in what way does she want cooperation?

Sue W. Scholer made the statement that everybody has to realize that there are many problems facing the board in the drainage area and they will have to be looked at differently. she feels that what Ms. Hammon is asking and the board would ask as well that once the approval is given your concerns and interest remain at the same level.

Sue W. Scholer moved to give final approval to Brampton Apartments Phase I drainage plans as submitted and petitions for reconstruction of legal drain Branch 13 be in and recorded.

Mr. Osborn apologized to Cardinal Industries, Inc., mistakes have been we are all human, it was an effort to stop Cardinal Industries to keep it in proper context only to save them money. After this statement Unanimous approval was given to the motion.

#### TWYCKENHAM

TWYCKENHAM  
M

Robert Grove engineer representing Twyckenham Building Company requested Preliminary approval for drainage plans in residential area in the South portion of Twyckenham Estates. Northern portion contains Twyckenham Apartments is no longer in Twyckenham Building Company. It is held by the Lafayette Bank and Trust Company bank. Back in 1981 the whole design process with approval of all calculations at that time John Smith felt he would continue into the residential area with economy the project sat. The area is in the City as well as in the County. This will complicate things in some ways. Three basins are planned, one at the outlet point which is to the Ortman Legal drain across Ortman Lane it is an open ditch. They are reducing their flow down to 52 cfs through the detention system. Aslo picking three points up stream (offsite) for 10 yeare predevelopment flow conditions, they are not detaining, roughly a 100 cfs from offsite runs through the system. When they develop they have to detain and cut their flow down. when this was done it was based on a Master Plan instead of trying to piece meal. There is R-3 and R-1 even though it is in the County the potentials are there for the development. Main concern at this point is the process of vacating the Ortman legal drain. An area of main drain has been vacated, but the Ortman drain has not. Mr. Grove stated they are asking for preliminary approval of everything. Later they will come in and ask for final approval of Construction Plans on the first three sections at that time once work is completed they would like to have the drain vacated with surveyor inspecting, making sure that the tiles are tied back into the system properly. Nextion section would work same, eventually the entire drain would be vacated upon completion of the project. Michael Spencer stated there would be a problem of vacating a piece out in the middle of a legal drain or vacating an outlet of a legal drain and leaving it a leagl drain upstream. He has a problem with the stroage area on the plan, he realizes it will be in the City, but still a problem. He prefers one large basin down by the outlet structure at Ortman Lane. Like to see something done south of 300 south. In other words let's see something that shows the open channel on the south side of 300 sourth, this will handle the proposed runoff. Ortman drain is legal and has had no maintenance done. John Smith ask to make comment concerning the existing drain. The existing drain is not working very well it is full of dirt (for more). When they put in the new pipe with manhole so you can see in and be able to clean out with whats there now this can't be done. Sue W. Scholer stated that Michael is recognizing that system. They are going to have to study what will be happening later. Michael doesn't want something something happening down stream because of new flow and new pipe. He wants to make sure the downstream will be able to handle the flow that the developer will be putting in. Michael has not walked the drain. Mr. Smith stated it had plenty of flow line.

Mr. Hoffman stated he did not like the fact that they were going to have a ditch without a positive outlet. Control is a concern where there isn't a legal drain, it is Mr. Hoffmans recommendation that there be a legal drain through the entire area or vacate the whole thing. Mr. Smith ask since they were going to take the storm drain to County Road 50 East, the pipe being 36" they would be intercepting the two existing tiles with one being 10" and the other 8" run into 36" the people upstream should not object. The last time the developer came before the board they did not want to vacate the drain, this is the reason they were proceeding with the present system. Michael stated that all should be vacated. A petition to vacate will have to be presented and a hearing, this process will take approximately 2-4 months. They feel that there are only 3 property owners involved. Mr. Grove feels that there will be no problems this will help their drainage system later. Mr. Smith stated he really did not want to run a large pipe over to the ditch, but he has no choice.

Michael ask how the City felt in regards to the problem? Mr. Grove has gone through all the calculations with Mr. Callahan City Engineer, his comments were that he had no problems. His only concern was that the developer make sure they bring in South 9th Street at Ortman Lane (the storm water into the system). The way it is now it runs down side ditch. A letter was to have been sent to the Drainage Board from Mr. Callahan. The letter was basically to say they accept the plans and the concerns. Michael stated the plan does meet the Drainage Ordinance as far as run off and providing outlet upstream the only question City acceptance of plan and vacation of the legal drain, Ortman.

Sue W. Scholer moved to give preliminary approval on Twykenham Drainage Plans with the condition that the petition to vacate Ortman drain be filed and granted, and a letter be received from the City of Lafayette accepting the plan, unanimous approval was given.

#### ACTIVE DRAINS AND INACTIVE LEGAL DRAINS

ACTIVE  
INACTIVE  
LEGAL  
DRAINS

Mr. Hoffman ask Sue W. Scholer to read the letter to the County Auditor in regards to ditch assessments for 1987. A list is compiled and on file in the surveyors office. Those ditches made active for 1987 assessment were: Train Coe, Thomas Ellis, Hester Motsinger, Audley Oshier, and Shawnee Creek. Ditches made inactive for 1987 were: Jesse Anderson, A.P. Brown, James Kirkpatrick, and John Saltzman.

Sue W. Scholer moved to send this notification to the auditor, motion carried.

#### ELLIOTT DITCH

ELLIOTT  
DITCH

Mr. Hoffman presented a petition received from the Lafayette City Controller requesting the Auditor, Assessor and Treasurer of Tippecanoe County to petition the State Board of Tax Commissioners for Cancellation of Certain taxes on City property, a copy is on file. Mr. Hoffman stated this was on the streets and a couple pieces of property. Mr. Hoffman stated that the laws stated that the County Highway has to pay, therefore there are no exceptions for the City. His recommendation was that the petition be denied. Sue W. Scholer moved that based on the research done by Mr. Hoffman Drainage Attorney, not finding any legal reason to grant the petition the board deny the City's petition for removing real estate from the ditch assessments, unanimous approval was given. A letter should be sent to the City of Lafayette in regards to the denial.

#### VALLEY FORGE BOND

VALLEY  
FORGE

Sue W. Scholer read and presented letter and bond for Valley Forge Phase II, Sec. I. This is for the addition of 14 lots. The board agreed to this only if they secured

a Construction Bond and petitioned for a legal drain, this has been done. A hearing will be set soon in regards to the petition. Bons is post for half the total cost on the detention basin.

Sue W. Scholer moved to accept the Construction Bond secured by Depoist from Tippecanoe Development Corporation for Vally Forge Phase II, Sec. I as submitted, unanimous approval was given. Mr. Hoffman ask that the board have the bond recorded and present it to the Auditor.

After discussion in regards to a form for Secured Deposit Bonds the board ask Mr. Hoffman and Mr. Joseph Bumbleburg to work together in forming a Standard Form for Secured Deposit Bonds.

ELLOITT  
DITCH  
TASK  
FORCE

ELLIOTT DITCH TASK FORCE

Sue W. Scholer announced that the next meeting would be March 9, 1987 at 9:00 A.M.. They would like to set the week of March 16, 1987 for a hearing, with Michael setting the final date and use the Fairgrounds. Sue had a rough cover letter to send with the Notice of Hearing. They will present slides at the hearing as the video they are preparing will not be completed at that time. The rough cover letter was sent by Sue's request to some members of the Task Force on Wednesday, February 4, 1987, a copy is on file.

The board discussed the presence of George Schulte County Engineer, in the Drainage Board meetings. They feel that since he is most familiar with the Drainage Ordinance and his involvement with the County Highway he should receive the agenda and attend the meetings.

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

Bruce V. Osborn  
Bruce V. Osborn, Chairman

Sue W. Scholer  
Sue W. Scholer, Board Member

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

## TIPPECANOE COUNTY DRAINAGE BOARD MEETING

MARCH 4, 1987

The Tippecanoe County Drainage Board met Wednesday, March 4, 1987 at 8:30 A.M. in the Community Meeting room of the Tippecanoe County Office Building, 20 North Third Street, Lafayette, Indiana 47901.

Chairman Bruce V. Osborn called the meeting to order with the following being present: Eugene R. Moore and Sue W. Schlor boardmembers, J. Frederick Hoffman drainage attorney, Michael J. Spencer surveyor, George Schulte county highway engineer and Maralyn D. Turner Executive Secretary, others present are on file.

**CROXTON WOODS**

Robert Grove representing Phyllis Croxton, requested Item I. The condition of approval in construction plans in offsite inlet to the tile. This has been submitted to Michael Spencer surveyor, the drawing of the proposed offsite inlet, which will meet the condition. They are proposing to put inlet structure right on the tile behind the Flower Shop. This is not on the owners property she will have to obtain an easement from the other property owners. Mr. Grove doesn't think there will be any problem.

Item II. Condition was creating a legal drain. There are some difficulties with this, as these people are not going to create a legal drain through their building; therefore, they are asking some alternatives, one would be to create an easement without putting the building in a legal drain or easement. Michael thought it had been discussed at previous meeting, that since there would be no legal drain all the way to an outlet they were going to address it on a self maintenance deal in the subdivision. Mr. Grove said this would be an alternative. There would be more of a watershed area outside of the subdivision. A large section would be picked up along the State Highway where they are coming down the hills. An easement would be provided all the way through to the detention basin, if this was sold. (Speaking of the area joining the subdivision). Easement could go through undeveloped portion and whoever would sell that property the easement would go with it. They would always have that option. Mr. Grove felt the property owners wouldn't argue with that as Croxton Woods is providing them with a safety valve. Mr. Hoffman asked how wide is the easement? Mr. Grove stated at this point there is none. Mr. Hoffman understood that they were going to put one. Question: Homeowners going to own? Right, at this point the easement would be 25 to 30 feet. Problem is they can't get from the top to the bottom, but still want to protect the flow line. Mr. Osborn felt the County would be better off staying out of the drainage. Mr. Hoffman felt they should have a public easement on there so the Homeowners Association can take care of it, instead of them coming in and wanting the County do something. Michael Spencer felt all plans submitted were OK, the only thing he ask that they get an easement and get a written covenant saying they are going to create a Homeowners Association. Mr. Grove ask if the outlet was the only conditions? To the knowledge of Mr. Spencer this is correct, however he will check and if there is anything else he will let Mr. Grove know. There will be three easements, one along the property lines, piece to get into the inlet and one to get all the way across down the property. Mr. Osborn ask if the holding area was OK? Yes.

Eugene R. Moore moved to give approval to plans submitted with the three easements and the necessary covenants submitted to the surveyor and the drainage attorney for their approval, seconded by Sue W. Scholer, Unanimous approval given.

**PARK EAST**PARK EAST

Robert Grove representing Park 65 Corporation requested Conceptial approval of drainage plans for the project known as Park East. Property is located Southwest of Intersection of I-65 and State Road 26 East all the way to Treece Meadows down to McCarty Lane. The area has been rezoned up to 1,000 feet from McCarty Lane. They are looking at a 3 area Phase project as far as drainage. Phase I area outlets through 2-40X66" cross pipe under State right of way. Part of the problem in the area at the present time is that it is an agricultural type drainage, the inward elevation of the pipes is 654, the elevation in the area is 666, there are cattails in the area and has slow flow situations all the way down to the outlet. They first thought of using the outlet, looking at how it affects the other areas 3500 feet away ran into problems with grade running through a storm sewer system makes it worse. Owners have committed to put another pipe in which would be 4 foot lower than the pipes there now. Several reason for this. 1. Can better serve the area,

it allows to take approximately 20 acres of area which would be going into the Treece Meadows system. Taken through the First Phase handling through the detention basin and outletted to the 48" pipe. Michael ask, why? They are trying to develop in some reasonable fashion from the economic stand point. They want to keep it in packages so they can handle the area. Phase I will help Treece Meadows drainage system, if Phase III was never built they have done something for the area by dropping the outlet four (4) feet that gives a four(4) foot storage in the basin, which amounts to an overflow situation, they are not using that other than for an emergency overflow. The system will remain intact, they are not disturbing it. If the two pipes are running full they might carry anywhere from 160 to 180 cfs. Phase I consists of 145 acres, they anticipate 395 cfs, 100 year storm event coming into the basin with reduction to 80 cfs outlet to the 48". Another complication of Phase I is that there are two legal drains, one goes dead center in Phase I a commitment for 9 acres is on at the present time. The other goes where the two pipes are now. Legal drain would have to be vacated in developing the first Phase. Before development could be done in the other area the second legal drain would have to be vacated. The legal drains would have to be replaced with storm sewer system. Phase II consists of 240 acres which goes almost to Treece Meadows. They are proposing one large detention basin with a new outlet under I-65. Analysis of the area they would want to come through the basin with storm sewer system before getting into the final analysis they would want to reduce the size of the system. Michael ask if it would be a new pipe under the Interstate? Yes, it would be a 48" pipe. This would be looking at 470 cfs reduced to 80. Phase III is tributary to the Treece Meadows drain. Plans would be to go through the area and plug all the connections that go to Treece Meadows drain, Treece's main would be routed through the basin which would have a new outlet upstream water would go through the Treece Meadow system which has always been a problem. There is 20 acre feet of storage and an outlet of 42" maximum flow of 60 cfs. Basically there are 520 acres of all three discharges there would be approximately 220 cfs, .46cfs per acre. This is just a Conceptual plan, they haven't gone through any computer program that show any different rates. They are just asking for Conceptual approval of Phase I and here to answer any questions the board may have or any changes the board wants to see done. The way it is being developed they have a road system which may develop into two culdesacs this is not tied down till each parcel is sold at that time they will know where lot lines are. They are just looking at the over all area.

George Schulte had questions in regards to the runoff north of Treece Meadows. Mr. Grove stated at this point that area is out of their control. At one time they did approach the people about coming into the whole project. They will have to outlet to Park East system, but would be held to the requirements of the onsite storage if they were included in the plan.

George Schulte stated that the problem now in that area is the discharge from that area. Originally the complications had not been considered, Michael agreed, he stated the ditch on north side of Treece Meadows goes over and picks up an area of Caterpillar and side ditches. Michael just wants them not to forget all that water. Mr. Grove stated that they have the outlet proposed now to just control their runoff. If they know they have X number coming through they can enlarge and let it go through and even store. Right now they are stretching 20 acre feet just to control what they have another pipe can be placed, however he doesn't think they should be responsible for their storage. George Schulte again stated the concern of the board is to make sure the people on the offsite have a positive outlet so they can get through without impacting Park East and not to impact Treece Meadows any more. George Schulte ask what the plans were for south of McCarty Lane. Michael Spencer ask how they were going to hook in? Plan now is to cross the road that goes directly west. They will be handling everything on the north side. Michael wants to check the watershed map he thinks a little on the south side of McCarty lane goes to the north in the Ross ditch. Eugene Moore ask if they were taking out of one watershed and putting into another, is this a problem? Mr. Hoffman stated this is OK as long as a burden isn't put on the people below. Question: Nine acre piece, where are you going with the existing tile? They had talked with Mr. Hoffman in regards to the two outlets under 65, they plan to reroute it. Mr. Hoffman said the board wouldn't care as long as they had an in go and out go and where they ran it through the area didn't make any difference. Michael ask how soon they were going to come back with the first section? Mr. Grove stated that it will be right away depending on the out come of today's meeting and approval. Michael ask if the pipe would start underneath the interstate to provide themselves with an outlet? NO. Michael ask if they had started getting their permits from the State. Question was ask how far does the Ross drain go? Goes just a little south of McCarty Lane, at least that is the watershed area. Mr. Osborn ask George if he had any input. Mr. Schulte feels that area three really needs to have a sit down conversation and discussed thoroughly as it is a problem area. Area I and II he doesn't see any problems. Area III is a problem and it's going to be there until it is resolved. Developer only asks that the other landowners that are involved in Park East project is that they understand what Park East is trying to accomplish here and not expect to have a free ride. Park 26 wants to resolve the problem too. George's concern is that the offsite does not have a positive outlet. Unless Park East makes an allowance for the offsite to come into Park East system they are going to have a very large system of their own, they need to start evaluating whether it is better to provide a positive outlet for all that offsite ( an open channel) or make system big enough to handle till the area is developed above.

Don McLaughlin a partner in Park East stated that Area III will be the second Phase developed. If things go the way they expect it to some of the improvements would be going in in 1989-1990, northern area will develop first then to the four lane developing toward the southwest.

Mr. Hoffman informed the board that he represents one landowner in the area, he felt he did not have conflict of interest. The board saw no problem.

Sue W. Scholer moved to give Park East approval to their Conceptual Drainage Plan as presented and that the surveyor see that a meeting is held to discuss Area III drainage, seconded by Eugene R. Moore, unanimous approval was given.

#### SUBARU-ISUZU AUTOMOTIVE

SIA

Pat Long planning associate, and Steven Gress engineer involved in drainage and other aspects of the site design. Mr. Long stated they are here to discuss the plant site and ask for approval for temporary drainage for construction phase. A full set of plans have been presented to Michael Spencer, the plans included the drainage plans, discussion was on temporary construction drainage, basically drainage will not be changed on the site from current drainage no water will be discharged off the site, the site is mostly self contained and the plan to keep it that way until they have approval to discharge water into the legal drain. They are taking the 50' square French drain and expanding it to a 1600' x 250' French drain, this will be pond #4, this will not alter drainage on the site and it's affect on the surrounding area. They will be draining the existing lakes out there (pancake lakes), they will be pumped dry into onsite drainage, the two ponds will be filled up. It is felt that drainage problems with the Town of Dayton will be resolved.

Mr. Long was open for question.

Bruce V. Osborn ask if the drainage plans were for just site work? Yes, this is just earth moving, no building. Only involves the roads surrounding it. There will be parking area during site building. RQAW is not involved in the design of the Parker legal drain. Midstates Engineers was hired by the State to do the Parker drain. Once permanent drainage approval is given they will go back in and line all four basin. Until that time they are leaving them with a granular base, alot of seepage can be expected, the site is going to drain just like it has. Instead of having the 50' square hole they will have four good sized one. Bruce ask if they are going to contain all the runoff? Yes, everthing will be contained, this is adequate. What storm event? Two year. George Schulte said one concern maybe siltation, basin will plug up pretty quick. George doesn't know how they are going to control sedimentation, but if they go into those basins problems will occur. Mr. Gress stated they calculated 70 acre feet for runoff of site, this would go into pond. George ask if they had looked at their permeability of granular sub straita to determine the rate the water will percolate into ground.

Mr. Osborn ask how long will we see temporary drainage? Till this fall. They have talked with I.E.D.C. and Midstates in regards to the Parker ditch. This lands on the State on how they get the Parker ditch approved and upgraded. No Industrial waste will go to Parker ditch, it will go to the Lafayette Waste System. All flow is monitored. Parking lots and roof runoff will go to the Parker only.

Mr. Osborn ask about liability. Michael Spencer requested this be in writing with a seal. Mr. Long assured the board that RQAW wants the system to work, therefore, everything is being checked in detail. Final plans have a baffle on pond four (4), so if there is any accident it will catch the oil.

Bruce Osborn ask about inspection when they start reconstructing Parker ditch. The board requested a County official be present when this starts. The board again stressed they wanted Liability backing from RQAW.

Betty Newton property owner in the area was concerned about the pancake lakes and compaction. She was assured there would be extensive fencing around the site while construction was going on.

Eugene R. Moore moved to grant approval for the temporary drainage for site work only, and that RQAW present in writing their liability responsibility, seconded by Sue W. Scholer, unanimous approval was given.

#### OTTERBEIN OTTERBEIN DITCH DITCH

Michael Spencer received a petition February 9, 1987 requesting Reconstruction of the Town of Otterbein Ditch. He hasn't been able to get to Benton County to get the list of property owners affected. He isn't sure if we have 10% of the landowners in Tippecanoe County, he would guess Tippecanoe County would have more than half by looking at the map. A letter has been sent to the Benton County Surveyor asking him to have their board to appoint board member so that a joint board can be formed. Mr. Hoffman stated they won't have a board meeting until April 1, 1987. Mr. Hoffman stated Tippecanoe County only needs to appoint one member as they already have one member. Bruce Osborn moved to appoint Sue W. Scholer to the Otterbein ditch board and Michael Spencer Surveyor, seconded by Eugene R. Moore carried. Those representing Tippecanoe County will be Bruce V. Osborn, Sue W. Scholer, and Michael J. Spencer. This is Sue Scholer's district.

#### KIRKPATRICK OPEN DITCH RICK OPEN DITCH

Michael Spencer received petition to establish a maintenance fund for the Kirkpatrick Open Ditch. The ditch starts in the Town of Kirkpatrick in Montgomery county flows north into Wea Creek at 1300 South Road, east branch of Wea Creek. This has been on ASCS(their own district), they are having trouble getting funds in, however, they have \$9,000.00 plus in a fund. Mr. Hoffman ask if it was a voluntary thing or established under Section 13? Michael stated that it is a voluntary. Petition was signed by 62% of the landowners. Michael had written Montgomery County asking them if they wanted to form a Joint Drainage Board. They replied back that they did not want to form a Joint board. Mr. Hoffman stated Montgomery County should be a part of the board to protect their landowners. When Michael has time he will go to Montgomery County to get a list of property owners.

#### BRITT DRAIN BRITT DRAIN

Michael Spencer wanted the board to know that in December 1986 he did receive a Trust Agreement for the maintenance of the Britt Drain. All was executed properly. They are in the process of taking bids to get work completed that needs to be done toward maintenance.

#### S.W. ELLIOTT DITCH ELLIOTT DITCH

Michael Spencer submitted a Draft Proposal for the Study of S.W. Elliott ditch. There are some changes that need to be done in the letter as soon as this is done they can be advertised.

Question: Whose going to pay for it? General Drain Fund. Mr. Hoffman checked this out and said it could be done , then reimbursed at the time of reconstruction. Mr. Hoffman had a call from Rick Steiner a representative of the Indiana Employer Development Commission requesting a letter letter be written to the Lt.Governor in pursuant that they be ask to be on the Study Committee for the S.W.Elliott ditch. Mr. Hoffman talked with Mr. Gordon Kingma and felt this should be done. Mr. Steiner and another representative will be attending the next study meeting.

Allen Egilmex, Department of Highway Supervisor, was present. Mr. Osborn ask him to come up as he would be involved in the study of the existing 38. Bruce ask if any money was coming from Industries? Not at the present time. The Department of Highway have to find out what will drain into Elliott ditch from 38. They are planning to have the Interchange drain into the Parker ditch. Originally they had planned to drain into the two ponds just off I-65. They have been talking with RQAW in regards to the Interchange. Problems they are having, any ditch work they have to do along I-65 has to go through Federal Highway Administration. It will involve alot of additional right of way and reconstruction from SR 38 to 200 South because the side slopes have to be flat. Temporarily they are talking about going on the west side of the Interchange with drainage. State Rd 38 from the west ramp Intersection the water drains into the Elliott ditch now. With the preliminary cross sections they came up with it appears to be a flat ditch with a .2% grade all the way to the Elliott ditch. Problems with Elliott ditch he has heard second handed that it is over capacity;therefore, whats done here will affect highway improvements. They are trying to get an urban design cross section on State Rd 38 using curb and gutter and storm sewer system. F.H.A. told them not to bother writing a letter to this affect as they have to go with 65 mph design which would mean an open ditch south under new highway. Michael ask if they would present their study of the ditch so the County knows how it is going to

affect the county? Yes. if they would run ditch straight all the way on the south side the ditch would be 10-12' deep(open ditch) without using a cross pipe. Using cross pipe depth would possibly be 5-6' deep. Question was ask when was the Elliott ditch notices going to go out? Michael told the board whenever he has the time to get all assessments check and when they are ready to go out he wants them done properly. Time and Help is the factor. It was suggested that in getting help Dan Ruth be considered as he is knowledgeable of the assessments and the system. Michael wants them done right. He was ask how much time it would take? After much discussion, Michael pointed out that he has petitions for Branch 13 this is another time consuming project. He is concerned about the other two separate drains down Creasey Lane.

Sue W. Scholer moved because of the urgency of the Elliott ditch project that an emergency be declared. Money needs to be obtained to pay for extra help in getting notices out for the hearing money to be taken from the General Fund #95, seconded by Eugene R. Moore, Unanimous approval given.

In looking over the Draft Proposal changes need to be made. Michael and Mr. Hoffman will make changes in wording and the area of study. Time set for proposals to be in April 1, 1987, 120 days. Mr. Hoffman felt that the study should be environmental impact all the way to the river. Wording should be Environmental Assessment.

Sue W. Scholer moved that advertising be made and proposal requests be mailed out for Elliott ditch drainage study as reworded by Michael J. Spencer and Fred Hoffman, to be due 9:00 A.M., April 1, 1987, seconded by Eugene R. Moore, unanimous approval.

There being no further business the meeting adjourned at 10:35 A.M.

*Barry V. Miller*

*Sue W. Scholer*

*Eugene R. Moore*

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

Bruce V. Osborn chairman, called the meeting to order at 9:00 A.M. in the Community Meeting room of the Tippecanoe County Office Building, 20 North Third Street, Lafayette, Indiana. Those present were: Eugene R. Moore and Sue W. Scholer Board members, J. Fredrick Hoffman Drainage Attorney, George Schulte Highway Engineer, and Maralyn D. Turner Executive Secretary.

S.W.  
ELLIOTT  
DITCH

Purpose of the meeting was to open proposals received for the enigneering service to study the S.W. Elliott Ditch and its branches.

The following proposals were opened by Mr.Hoffman with Sue W. Scholer reading purposals.

1. SEG Engineers & Consultants, Inc. Cost: \$154,350.00.
2. Howard Needles Tammen and Bergendoff - No total cost, could range from \$25,000.00 to \$75,000.00 giving an over head rate of 126.63%.
3. Cole Associates, Inc. Cost: \$49,000.00 - overhead rate is 140.07%. Doesn't include the 2' area contour maps of the ditch and its tributaries which the county is to furnish.
4. OMTEK Engineering, Inc. in Association with Christopher Burke Ltd. Cost: \$45,275.00.

Mr. Osborn ask George Schulte what his thinking was? Mr. Schulte stated there are different phases to look at, therefore, evaluation should be taken of each proposal and interviews be scheduled with each firm.

The board requested Mr. Schulter and Michael J. Spencer to evaluate each proposal and set time for interviews.

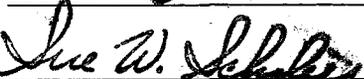
Mr. Osborn ask if money could be spent on a stream that isn't a legal drain? Mr. Hoffman replied, can't actually spend any money fixing it up until it would become a part of the drainage system. For improvements he feels money will have to be spent on it to determine what needs to be done. No need in fixing up the other part that's not going to work because the lower part is not a part of a legal drain, won't handle it. As far as the study concern, the board has the right to conduct study on the whole thing, but if improvements are made would have to make it a part of legal drain.

Question was ask if there was going to be any funding toward the project besides the county? Mr. Hoffman stated he had a NO reply from A.S.C.S office. Chamber of Commerce has suggested contacting FHA and others for funding. Lt. Governor stated the would participate in it according to law.

There being no further business the meeting adjourned at 9:15 A.M.



Bruce V. Osborn, Chairman



Sue W. Scholer, Boardmember



Eugene R. Moore, Boardmember

Attest:



Maralyn D. Turner, Executive Secretary

May 6, 1987

## TIPPECANOE COUNTY DRAINAGE BOARD MEETING, MAY 6, 1987

The Tippecanoe County Drainage Board met Wednesday, May 6, 1987 at 8:30 A.M. in the Community Meeting room of the Tippecanoe County Office Building, 20 North Third Street, Lafayette, Indiana 47901.

Chairman Bruce V. Osborn called the meeting to order with the following being present: Eugene R. Moore and Sue W. Scholer Boardmembers, Michael J. Spencer Surveyor, George Schulte Highway Engineer Frerick Hoffman Drainage Attorney, others present are on file. Sarah Brown Acting Executive Secretary.

**BUCKRIDGE** BUCKRIDGE PART II  
PART II

Buckridge Part II Preliminary. Robert Grove made the presentation. Mr. Grove first stated that there had been an error in the original report. The first paragraph states there are 12 acres and it should have been 27.

There will be a series of basins along the PSI power line easement, 100 feet wide and 50 feet in each of the back yards. He feels like objections to back yard storage in the past does not exist in this case. Even if they own the property, there is a permanent easement that can't be built on. They can mow it and it will be for their use. PSI'S main concern is that their access is not disturbed if PSI tears it up. It isn't PSI's liability. They will try to keep the basins as shallow as possible. The first basin will take the bulk of the developed area flow, reduce it slightly, and pass that on to the next basin which would pick its adjacent area flow, which would restrict that even more, pass on to the third, which would pick up a small area and restrict the flow.

Starting out with 12 cfs discharge 975 & 3 a basic system. Instead of one large storage there would be smaller ones. The type of restriction is to go down straight. The way this works is with a 100 year storm if the system was full you would have 1 foot of differential height of water levels in each basin and that would be the controlling force on the outlet. The 3 cfs discharge your have is based on the 27 acres that would be on 13 cfs development flow. The developer has agreed if the backlot storage or storage/easement is a problem, he would put the maintenance in a Homeowners Association and take the responsibility off the Drainage Board. Commissioner Osborn inquired as to how many lots there are in this part. Mr. Kovich answered 31. There would be quite a bit of the areas run off directly to the side ditch.

George Schulte said he understood there was a problem in the lower area. Mr. Kovich replied, "The only time it blew out was right after it was put in. They poured the concrete about 2:00 o'clock and there was a big rain which caused the blow out."

Fred Hoffman inquired as to where the water went after it hits the side ditch. The reply: It goes across the road and through the pipe down the ravine and on to the Wildcat. That is no change from where it goes now.

Fred Hoffman asked if the basins in the people's back yards would be grassed, and what is going to happen when the power company wants to get in there after a rain and they're full of water. The reply from Mr. Grove was: "it takes a matter of hours for it to get out of there".

At this point, Mr. Hoffman inquired as to what happens if a wire goes down in a storm. Mr. Grove felt there was no difference as to wire falling on wet ground, Mr. Hoffman explained that the ponds were an attractive nuisance for children and this would cause a great deal of liability to everyone involved.

Sue W. Scholer inquired if the person contacted at PSI had the authority to make that decision and Mr. Grove replied, "He did after checking with Corporate Headquarters and at this time they only have their contracts approved." Mr. Grove further states they will not take any liability for damage they do to the system after it is built. The Developer agreed to that. Sue W. Scholer asked where they stood on the legal drain. Mr. Grove replied they had submitted all petitions and they've set the hearing.

Michael J. Spencer inquired if they had the before and after development calculations to which Mr. Grove replied he should have the breakdown by basins on materials handed out. Michael then inquired about the design for the pipe structures for under the roads. Mr. Grove replied he did not have them completed.

Sue W. Scholer asked if the Homeowners Association was in place to which Mr. Grove replied in the negative. She then inquired as to how the Association will work in the future. Mr. Hoffman stated they didn't always work well. At this point, Mr. Hoffman brought focus to the liability. Mr. Grove feels that the attorneys from PSI need to contact Mr. Hoffman to discuss the point in question.

Bruce Osborn asked if the County could be given relief from the liability to which Mr. Hoffman replied they probably couldn't.

Sue W. Scholer made a motion to postpone the preliminary decision on Buckridge Part II until the attorney has an opportunity to talk to PSI representatives, seconded by Eugene R. Moore. Unanimous approval.

ASHLEY OAKS

Mr. Osborn then called for the representative for final approval for drainage of Ashley Oaks. Mr. David Best of BDA Corporation, came forward and introduced himself. The project is 128 units of multi-family dwellings. Their area is part of the Britt drain, which had previously been approved. 7.5 Acres of Charter Hospital property is apart of this drainage area. They drain into the detention pond, out of the pond then south into the sewer system, so that makes 7.5 acres cut off of the original area. Mr. Best feels they have a couple of storm sewers that meet the requirements. Calculation have been run in order to satisfy BDA Corporation. The discharge into the 18-inch pipe does not exceed the original design. Revisions to the outer limits of the system have been made to take care of buildings and parking area. At this point, Michael J. Spencer states they do meet the original design release rates that were set for the Britt Drain. This is in the City, but drains into the County.

ASHLEY  
OAKS

MAY 6, 1987 continued - Ashley Oaks

Michael J. Spencer stated he believes work needs to be done soon on the Britt Drain. There are several new building projects going on and the drain needs attention before much more goes on. He stated although it is not a County Drain, Building Permits can be held up until something is done. Joe Bonner, lafayette Bank & Trust, is their Trust Officer.

Mr. Best injected there is money to do the work and the Maintenance Agreement does protect the County.

At this point Eugene R. Moore moved to approve the Drainage for Ashley Oaks, seconded by Sue W. Scholer. Motion Carried.

SIA

S.I.A.

Chairman Osborn then recognized representative from SIA, Patrick Long from Reid, Quebe, Allision & Wilcox, who did the engineering design of the drainage on the site, came forward. He states they have submitted a letter to the Indiana Employment Development Commission requesting they submit a letter requesting a variance of the drainage board to appropriately drain the site. The current system is self contained and is inadequate. They have designed a system that would retain the 100 year storm event and release it at the rate of 180 cfs into the Parker Watershed. Steve Gress, also with RQAW, came forward to answer any questions and present their plan. He explained the areas of surface run off one to Parker and the other to Elliott Ditches. The retention pond system consists of four ponds, which eventually drain to the Parker ditch. They are projecting based on this development of a 10 year development storm, then out flow to the Parker Ditch. Easement will be approximatley 82 cfs surface run off. The actual acres of drainage is 719 acres. If you use the rates on a per acre basis on a 10 year storm it would be .11 cfs per acre, which is low for 100 year event, .25 cfs per acres, which also is low.

Attorney Hoffman inquired if there would be only one pipe to take this off, but Mr. Gress said it was actually a double pipe. Michael J. Spencer injected there would be only one pipe to the Wildcat. The pipes will be 66 inches.

Michael J. Spencer reported he had a copy of the letter from the Donahue & Sorenson, that confirms their communication with the down stream property owners. They are asking permission for Mid-States Engineering to go on their land and do actual field work on site. They hope to hvsve the property owners in to a meeting with the Engineer from Mid-States.

SHERWOOD FORREST ESTATES

SHEROWWOD FORREST ESTATES

Chairman Bruce V. Osborn then recognized Robert Grove, who was seeking Preliminary approval for Sherwood Forrest Estates. The proposal is for an 11-acre development for 14 single family residential lots. They feel they will need a half acre for one retention pond. This system ties in with the Wake Robin system, then over to the pond on the Purdue Farms. There will be a shallow dike, meter the water out 12-inch pipe with a rate of 4 cfs. They anticipate about 20 cfs after development, 100 year storm. Some areas will drain off direct.

S.W. ELLIOTT DITCH

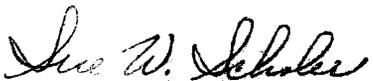
ELLIOTT DITCH

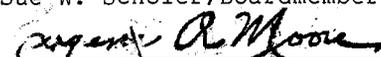
Michael J. Spencer reported they have an agreement for Engineering Consulting Service on S.W.Elliott Ditch with Chris Burke and Mark Houck. Mr. Hoffman advised that a paragraph dealing with strikes and walkouts be omitted from the agreement. Mr. Hoffman feels they should submit another contract with the modification. Sue W. Scholer made a motion to select Chris Burke to do the preliminary study on S.W.Elliott Ditch, seconded by Eugene R. Moore. Motion Carred.

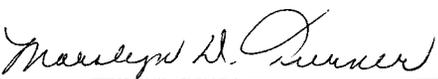
In order to bring the Board up to date on S.W.Elliott Ditch, Michael J. Spencer reported the assessment lists and notice of public hearing are being printed by the Data Department. The meeting will be June 11th at 1:00 P.M. Questions and Answer period. The hearing will be at 7:30 P.M.

There being no further business, meeting adjourned.

  
Bruce V. Osborn, Chairman

  
Sue W. Scholer, Boardmember

  
Eugene R. Moore, Boardmember

Attest:   
Maralyn D. Turner, Executive Secretary

TIPPECANOE COUNTY DRAINAGE BOARD HEARING

JUNE 11, 1987

DISCUSSION SESSION S. W. ELLIOTT AND TREECE MEADOWS DITCH

ELLIOTT  
DITCH  
TREECE  
MEADOWS  
DITCH

Vice Chairman Eugene R. Moore called the discussion session to order at 1:00 P.M. for the S. W. Elliott/Treece Meadows ditches in the Home Economics Building, 1401 Teal Road, Lafayette, Indiana.

Vice Chairman Moore introduced Mayor Riehle member of the Task Force for S.W.Elliott Ditch, J. Frederick Hoffman Drainage Attorney, Michael J. Spencer Surveyor, Sue W. Scholer Board member, George Schulte Highway Engineer, and Maralyn D. Turner Executive Secretary. Others present are on file.

Vice Chairman Moore explained that this meeting was for discussion only, no decisions would be made, also the discussion was for maintenance of the ditches, not reconstruction. He explained that about three years ago the ditch got into debt with a figure of \$90,000.00 with a \$.75 rate it is impossible to get out of debt. Three years ago the State shut off spending till the County was paid back, the debt of \$45,000.00 has to be satisfied before any maintenance is done to the ditch.

Michael J. Spencer stated: that if the proposed assessments were approved at the hearing, the assessments would not be implemented till 1988. The first year all debts, engineering costs etc. would be paid, second year maintenance could begin. Petitions have been received for reconstruction of two branches on the S.W. Elliott ditch for developers who want their tile branch upgraded for Urbanization. This brought question to the boards mind that something really needed to be done, and that an engineering study needed to be done on the ditch. OMTEK Engineering firm will conduct the study, steps have been started in regards to the study. Chris Burke and Mark Houck who are affiliated with OMTEK are the engineers.

Michael J. Spencer explained where money was spent. Most of the money went to agricultural, area of Albert Arihood farm, had quick sand used 2,000 feet of corrugated pipes and back fill, brush killing etc. all expenses are on record in the County Surveyors office.

Question of assessments of other ditches compared to the S.W.Elliott, this was explained. Some ditches have had a \$5.00 per acre assessments for so many years and then drop back to \$3.00 a year. How did the board arrive at the rates was discussed, every category was studied. Why isn't it a County tax? Drainage taxes are different as the landowner owns the drains, county does not own. Drainage laws came in effect in 1966. There are three different types, an establishment of drain, reconstruction, and maintenances. What about a one time assessment? The four (4) year rule was explained, the problem with S.W.Elliott was that the rate was set at \$.75, with the size of the ditch and maintenance that was needed created the debt. Question - Could this be a conservancy district. A conservancy district is more expensive, borrow from Federal, pay back interest is collected. The discussion closed with Mr. Hoffman reading drainage law 36-9-27-34,35,36.

HEARING - 7:30 P.M.

Chairman Bruce V. Osborn called the meeting to order at 7:30 P.M. in the Home Economics Building at the Tippecanoe County Fairgrounds, 1401 Teal Road, Lafayette, Indiana 47901. Chairman Osborn introduced the Drainage Board, Eugene R. Moore and Sue W. Scholer Board members, Michael J. Spencer Surveyor, George Schulte, Highway Engineer, J. Frederick Hoffman Drainage Attorney, and Maralyn D. Turner Executive Secretary. Introduction of the Task Force Mayor James Riehle, Gary Williams, Gordon Kingma, and Francis Albregts. Others present are on file.

Michael J. Spencer surveyor read the finding. Sue W. Scholer read the Remonstrances from nine Residential owners, Marquerite L. Southard, Russell F. Portman, Orville M. Fruits, Lynford Regier, Roger P. Maickel, and Robert W. & Ann Buckley. Total Assessment \$135.00 Three Farm Property Owners - Robert W. and Ann Buckley a total of 150.687 acres Total Assessment \$452.06, Black Walnut Farms, Inc. Richard H. or Marilou Smith total acres 195.900 with total assessment \$587.70 and Richard Moore and Marjorie M. Halstead total acres 80.00 total assessment \$240.00 and one Industrial Rea Magnet Wire Company, Inc 55.51 Acres total assessment \$349.71. One letter in favor was read from Pastor Charles E. Hackett of First Assembly of God Church.

The following were sent notices, but were returned to the surveyors office for non delivery: Linda L. Bradbury, Daniel M. & Patricia Keen, Carl William Fritton, Perry Lee/Karen K. Yeley,

## S.W. ELLIOTT/TREECE MEADOWS DITCH HEARING CONTINUED

Robert Banks McDonald, Claude Baion Elam, Mildred E. Crouch, Victoria E. King, Markwood Charlotte Ann Yost, Richard I. & Virginia E. Tyner, Thomas David/Judith Ann Snelbaker, Thomas L./nancy L. Gaston, Terry L. McDaniels, Charles W. Strubel, Leslie M. Kimbrell, Joseph L. Maietta Lynch & Leslie M. Kimbrell, Edward F./Sharon A. Chouinard and Mary E. Blevins.

Michael Spencer presented slides of the S.W.Elliott.

## OPEN DISCUSSION:

Mayor James Riehle member of the Task Force spoke of the study that has been made. He has better knowledge of the drainage laws from studying the S.W.Elliott ditch and its needs. He stated: the ditch is a fine resource to the community and to the area served by the ditch. What are we going to do with the ditch? Choices are to consider an increase in assessments for those who contribute to the Elliott ditch tributary. Those who benefit from the drain or do not, if we do nothing the problems will continue. In the best interest maintenance should continue in order to keep it a fine source in the area. Assessments formula seems to be fair, the ditch needs to be maintained for future generations.

Robert Lahrman a farmer, stated: he was opposed to the make up of the Advisory committee, he felt that more farmers should have been appointed to the committee, as it is an agricultural ditch. The breakdown in some areas seem to be high. The ditch in his area has places where you can't see the water for the brush. One thing to maintain the ditch, need someone to watch it more closely. Debris and trash is in the ditch, it is not being removed by the person putting it in the ditch. More study should be done on the residential area in cleaning the ditch.

Ralph Henson a homeowner, in Southernview Suidivision stated: he wonders if what needs to be done to the ditch is to not have water go fater, but to have it go slower. Seems that if you would go up stream and clean the ditch out and still have the same size culverts and bridges downstream the water would come down like an express train. He felt that holding ponds would be adviseable. He isn't arguing about rates, but would rather see it put into holding ponds, making the ditch straighter and a clear shot so that it can get down to the low places quicker. He felt that should start at the bottom and come up.

Roger Maickel a homeowner, in Cantebury Subdivisiom stated: he is not objecting to rate for residential. He flet two things: A. That the other ditch assessment payers were paying appropriate approtionment. B. That problems would be solved. Children play in the ditch and it is not a good play area. He wished that the study committee would have looked more closely at the backyards. He agrees with Michael Spencer that they will have to be careful in the residential area. What needs to be done is go in an improve the ditch, he doesn't mind paying for it, but do it appropriately.

Harold "Pee Wee" Witz a farmer, stated: he is on the far end of the ditch, money is needed before anything is done to the ditch.

James Burghardt a homeowner on State Road 38 East, ask if a breakdown of the expenses had been published. How are the property owners going to know how much is being spent and how is it being spent? He mentioned that he had been on another ditch in the County and it is walked yearly and it has been kept clean by using spray when a small tree or brush is found. This is going to cost the property owners, but if we don't get something for our money it won't help us.

Fred Hoffman clarified a few points in regards to reconstruction and maintenance. This hearing is not for reconstruction, maintenance only, what we are doing is getting the ditch back into shape without reconstruction and hopefully keep it that way. He stated that the Task Force committee had no effect or authority, they were just an advising board of needs.

Jim Canarecci a homeowner was upset alittle in regards to residential rate, what he really is upset about is the fact of combining Treece Meadows with S.W.Elliott ditch since they are in the same watershed area. It was pointed out that Treece Meadows was a legal drain and it does drain more than the subdivision itself. Why do they have to be combined? It was pointed out that it is not an uncommon practice to combine ditches within the same watershed area. He felt that this should not be decided here. Mr Hoffman explained it is a branch of the Elliott ditch, same rules apply.

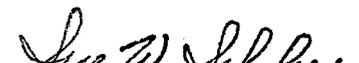
Those present voted to accpet the proposed maintenance assessment.

Sue W. Scholer moved to combine Treece Meadows ditch with the S.W.Elliott ditch, seconded by Eugene R. Moore, motion carried.

Sue W. Scholer moved to adopt the proposed schedule assessments fee for the S.W.Elliott ditch, seconded by Eugene R. Moore, motion carried.

The being no further business the hearing was adjourned at 8:30 P.M.

  
Bruce V. Osborn, Chairman

  
Sue W. Scholer, Boardmember

  
Eugene R. Moore, Boardmember

ATTEST:

  
Maralyn D. Turner, Executive Secretary

TIPPECANOE COUNTY DRAINAGE BOARD  
REGULAR MEETING AND PUBLIC HEARING  
OF THE PARKER DITCH  
WEDNESDAY, AUGUST 5, 1987

PARKER  
DITCH

The Tippecanoe County Drainage Board met at 8:30 A.M. for regular session with Chairman Bruce V. Osborn calling the meeting to order in the Community Meeting room of the Tippecanoe County Office Building, 20 North Third Street, Lafayette, Indiana 47901. Those present were: Eugene R. Moore and Sue W. Scholer Boardmembers, J. Frederick Hoffman Drainage Attorney, Michael J. Spencer Surveyor, and Maralyn D. Turner Executive Secretary, others present are on file.

SOUTH NINTH STREET ESTATES

SOUTH  
NINTH  
STREET  
ESTATES

Paul Coutts engineer representing Cory and Lahr developers presented Preliminary Drainage Plans. Allan R. Cory and Gene H. Lahr developers were present. Subdivision is located South of Norfolk and Western Railroad on Ninth Street on the East side of the road. Originally the property was part of the Lindale Subdivision as part of the original plans there was a 48" storm drainage pipe that was put down into the Elliott ditch from Lindale which comes up along the west side of Eighteenth Street, a 24" pipe and 48" pipe at a lower slope, pipe continues around it is shown as 36", but they have measured and it is 42" pipe at the rear of the lots. Michael Spencer has ask: What is the capacity in terms of the existing pipes verses what is flowing in now? Area north of Lindale goes into 24" pipe, calculations show that the pipes are under sized, he his getting 18-19 cfs coming from 15" pipe, they are not tying into any of that portion. Part of concern is where they are tying on coming back into pipe with 76 cfs. Lindale puts in about 35 cfs which leaves for the undeveloped portion about 40 cfs, release rate is figured in at about 30 cfs. In the system they are hooking into there is about 40 cfs available and they are going to use about 34 cfs this is what they are basing their detention storage facility, using storage facility of 2 acres. There is an excess capacity and the outfall pipe has a total capacity of 90 cfs. Mr. Osborn stated it is not a legal drain, correct. Drain is in the city. In regards to the developemtn the 42" pipe on the western side of Lindale goes right down the eastern side of the property line with a surface inlet (3) which take up the rear yards of the houses. Direct connections would hook from the street which would hook onto existing pipe, this would be their connection from detention storage which would drain back into the existing pipe. Total run off is totally connected cultasac and Lot 101 would drain into it. Would control rate of release, so the water that would come out of the detention pond plus the direct connected area would be less than 33 cfs they are getting before development. Michael has documentation. Pond will release around 15

cfs. More storage is available mainly because of the depth, they will need the dirt to fill Lot 101. Michael J. Spencer ask what are they planning to do with Lot 101 in regards to residential. The developer doesn't want to say at this point. There will be a possibility for a request to rezone.

Mr. Hoffman ask if they had considered future run off on Lot 101 in the calculations presented? Mr. Couts answered yes. Mr. Hoffman ask after development would it be less than what it is now, yes. Calculations show 1 cfs per acre.

Mr. Osborn ask about the county worrying about maintenance. The city will maintain what is in the street. Detention pond will be dry. Mr. Couts stated they have set aside 80' reserve strip, they worked with the City of Lafayette in terms of giving them easements.

Mr. Hoffman ask if there was any restrictions in regards to their detention facility. If developer sells out who will maintain? Answer-Maintenance goes with land as they develop Lot 101, the restriction and covenant will go with Lot 101. Mr Hoffman ask that a letter be received that states maintenance and restriction will go with Lot 101.

Sue W. Scholer ask if the City had approved? Construction plans are into them, but they want Drainage Board approval. Michael Spencer ask if the city had drainage plans. Mr. Couts answered that he had talked with Mr. Callahan and that he had stated they were fine. Michael Spencer's recommendation is that when the city approves the plans, he would give conceptual approval. Michael had talked with Dave Hawkins and he had some questions. Eugene R. Moore moved to give conceptual approval to the drainage plans of South Ninth Street Estates, seconded by Bruce V. Osborn, unanimous approval given.

PARKER  
DITCH  
HEARING

#### PARKER DITCH HEARING

Mr. Osborn called the meeting to order at 9:00 A.M. for the hearing of the Petition to Vacate, Establish and Reconstruct Parker ditch. Property Owners in attendance are on file.

Michael Spencer surveyor, presented letter of recommendations.

August 4, 1987

Mr. Bruce V. Osborn, Chairman  
Tippecanoe County Drainage Board  
20 North Third Street  
Lafayette, Indiana 47901

Dear Mr. Osborn:

The following recommendations are respectfully submitted by the Tippecanoe County Surveyor for the Public hearing August 5, 1987 at 9:00 A.M. in reference to the Parker Drain petition.

It is my recommendation that the Drainage Board not vacate the portion of the Parker ditch that is located on the S.I.A. site at this time. The reasons are:

1. It is not known if there are any tile lines running from the land owned by Mr. John Ayres in Section 36, Township 23, Range 4 West in a southerly direction and hooking into Parker ditch.
2. Mr. Ayres has not signed a waiver approving such a vacation.

As to the portion of the petition to establish and extend the legal drain it is my belief that this should be done, but I don't believe it can be done until the easements are secured.

I would recommend that conceptual approval of the construction plans as submitted be given. By doing this I don't want to mislead anyone on the board or any landowners in the watershed into thinking that these are the final plans. I am sure that there will probably be some minor changes in the route of the ditch that will take place when the engineers and Mr. Jim Shook meet with various landowners along the proposed route.

Very truly yours,

Michael J. Spencer  
Surveyor

Mr. Hoffman wanted to add another item to the letter. Before the Drainage Board can approve the final vacation, reconstruction, and extension a complete legal description of the proposed new drain is required. In talking with Mr. Dick Donahue attorney, this can not be obtained until negotiation and options have been handled with the landowners.

Mr. Donahue made comments that three meetings have been held with the landowners. Changes have been made in plans and Mr. Horner of Mid-States Engineers presented plans this morning. They are in the process of getting out to talk to the people in getting options for easements and to nail down the final route. Preliminary work has been done. (some) Mr. Horner was present to answer any questions.

Mr. Osborn pointed out that what was before the board was the conceptual approval of plans.

Jeff Helmerick's concern was that he doesn't want the board to be foreclosed from addressing those burdens of the statute and having all information before the board in making the decision, if your saying the conceptual approval wouldn't foreclose an eventual determination that maybe the petitioners not meant it's burdens.

Fred Hoffman answered correct, but until final approval, they have not approved the project when they give conceptual approval, they approve the ideas as a way of solving the drainage problems in the area.

August 5, 1987

Lewis Beeler ask, Does this mean that the engineer could not change his mind, say go to closed tile system from 650 East road to Wildcat, does that rule that out? Answer NO Mr. Beeler ask if the county would reduce 650 East over the drainage way? This would be possible as there will be more traffic.

Mr Donahue presented letter from Lt. Governor John Mutz and Mr. Sol Rothberg Chairman of Indiana Employment Development Commission expressing their willingness and desire to cooperate with the county in this drainage operations as well as other things purtant to this project.

STATE OF INDIANA  
INDIANA EMPLOYMENT DEVELOPMENT  
COMMISSION

August 3, 1987

Mr. Eugene R. Moore, President  
Board of Commissioners of  
Tippecanoe County  
County Office Building  
20 North Third Street  
Lafayette, Indiana 47902

Dear Mr. Moore:

Thank you for your efforts to further advance the progress of the Subaru-Isuzu Automotive assembly plant in Tippecanoe County.

The Indiana Employment Development Commission (IEDC) recognizes its position as a major landowner in the Parker Ditch watershed. It is understood that provisions for adequate and proper drainage of property to be improved in the watershed are the responsibility of the landowners. The IEDC has contracted with an engineering firm to design an adequate and appropriate drainage system, an attorney and a real estate agent to represent the IEDC in the securing of options and approval of drainage plans, and an independent engineering firm to perform an environmental review of the drainage improvement project.

It is desired by the IEDC as a landowner that the Board of Commissioners apply to the Indiana Department of Commerce for an Industrial Development Infrastructure Program grant from Community Development Block Grant funds that will be used to fund completion of drainage improvements on behalf of the IEDC. It is the IEDC'S understanding that best efforts will be made by Tippecanoe County and the Department of Commerce to complete construction of drainage improvements with CDBG funds or other infrastructure funds available through the Department of Commerce. If there are cost overruns, or if adequate funding should not be available in the future from those sources, the IEDC will work in good faith with the Department of Commerce and Tippecanoe County to fund completion of the drainage improvements.

Please be assured of the commitment of the Indiana Employment Development Commission to the timely completion of this project.

Very truly yours,

Sol Rothberg  
Chairman

John M. Mutz  
Lieutenant Governor &  
Secretary - manager

cc: Charles D. Preston  
Jeffrey S. Dorman  
William Petranoff  
Richard A. Stenner

Mr. Donahue stated that the landowners have ask him many questions and he ask the board to tell them essentially what the situation would be if the plant and the maintenance of the drain system that we will be the big users of the drain and explain how the maintenance maybe determined.

Mr. Osborn ask that the board go to the conceptual approval first then discuss the maintenance later.

Fred Hoffman read letter of change of Acres from W. Kelly Carr of July 23, 1987. Mr. Carr stated that the entire 31.47 of Pt N FR NW Sec 5 Twp 22 Rge 3 drains into the Parker ditch as does the entire 80.956 acres of SE NW E N FR NW & Pt N FR NE of Sec 5, Twp 22, Rge 3.

Letters of Remonstrances from Robert L. and Barbara J. Fox PT W SE Sec 32, Twp 23, Rge 3, 2.50 acres and letter from Lewis Beeler co-owner of real estate located in the southwest quarter of Sec 32, Twp 23, Rge 3 west in Perry Township. Letter from Edward J. and Betty J. Korschot PT W SE Sec 32, Twp 23, Rge 3, 3 Acres, PT W SE Sec 32, Twp 23, Rge 3, 4.76 Acres  
Letters read by Mr. Hoffman are on file.

W. Kelly Carr spoke in behalf of Ms. E.K.C. Flaningan with a statement of nine points.

1. Until they reach the existing Parker Ditch easement the proposed rain across my property is a private drain since they are not allowing me to place any more water into the new tile-other than to reconnect existing agricultural tiles.

If this is not a private drain, then please give me access to new tile for non-agricultural purposes, i.e. increase tile to 72 or 80 inches.

Another better choice would be to use the existing Parker Ditch easement.

2. You want 150 foot easement. Can't this be reduced on private drain?

3. Your proposed 150 foot easement isolates a 3 to 10 acre triangular piece of ground between I-65, the ramp leading to the bridge over I-65, and the requested easement. This isolated ground's value is greatly reduced for any use other than agricultural use as a result of its new shape and isolation.

August 5, 1987

4. A full time county inspector should be on the property during construction. When I-65 was built the company cut a ten inch tile north of the Parker Ditch on my farm and did not reconnect the tile. Later when I tiled north from the Parker Ditch along the interstate fence to this wet area, the tile hit the cut and the unconnected 10 inch tile. A large volume of water immediately gushed out of the ten inch tile.

Because of this previous experience, I feel a full time inspector needs to be on the property to see that all agricultural tiles are properly identified, and all are adequately reconnected.

5. Because of this previous experience with a major tile not reconnected, I feel the State or County should require a five year guarantee from the tiling company in order to insure that existing field tile will work properly. Other problems I fear are settling of the ground breaking tile connections, possible problems with reconnected tiles as a result of design problems (i.e. changing tile directions to run to a manhole), compaction of the soil by heavy equipment on both the easement and perhaps on possible temporary easements which might be required, field tiles broken by heavy equipment moving over the ground around the actual ditch.

6. Loss of productivity of ground as a result of its being disturbed by construction. Care must be taken in replacing top soil back on the ground. Partial compensation could be made by providing money for heavy fertilization, to aid in breaking up soil compaction, for several years.

7. Any manhole covers should be at least three feet below the ground so when heavy equipment is being used on my land it will not accidentally be damaged by the manhole covers.

8. There are crops currently in the field and I would like to harvest them before construction begins. The construction work will probably make it hazardous for agricultural harvesting equipment to be in the easement area. This is a particularly important consideration for the crops in the triangular area between proposed easement, the bridge ramp, and I-65.

9. A catch basin and extra tiling were installed in our field by us, after I-65 went through our property, to catch water flowing from the interstate ditch onto our property. I want to see this tile area is not damaged. If damaged it must be properly replaced because there is an over flow of water onto the Flanigan property at approximately the place where Parker Ditch crosses I-65.

W. Kelly Carr had questions in regards to his own property. He ask the amount of acreage involved in the project, 1492.044 is in the area.

Mr. Osborn pointed out that there are no easements on private drain. Dr. Carr stated that they have ask for 150' easement on private drain as well as the legal. This is where they come in with the 2-66" pipes in junction box on Ms. Flanigan's property.

Dr. Carr ask if the 1492.044 included the figures involved in the drainage from the detention pond. 243 acres of additional water will be draining into the pond. His concern is that there has been a public hearing on the Interstate, but not on the retention pond which has been planned for the Interstate he felt this was the proper place to bring this up as it does effect this ditch.

Michael Spencer pointed out the State Highway does have acreage figure in and are on the assessment list 98.3 acres and that some of that 243 acres is probably included in the Interstate Right of Way. Dr. Carr ask who will be paying the maintenance fee for the increased drainage area, the answer-they will. They are draining only the ramp area. Dr. Carr wanted to point out that S.I.A. has stated they will be lining the retention with 2' clay. This is true.

Box Fox property owner ask: Are they wanting to buy 200' of easement? Yes, Michael explained the rules of easements. 150' is tile easement and 200' is for the open ditch. There would be variance.

Lewis Beeler stated at the informational meeting Monday evening, August 3, 1987 Michael Spencer stated that the amount of water that would be discharged would be no greater than what it is now. Mr. Beeler questioned why do we need a 6' tile if this is so. Also Mr. Spencer stated the retention ponds would take care of the excess water. Mr Beeler questions this.

Bob Horner stated onsite design was done by R.Q.A.W. Engineers. Prior to development the site drained into several low spots and sat on site. It either infiltrated into ground or evaporated. Michael J. Spencer stated some did go out through existing Parker drain. Some fell along the Interstate right of way went through culvert under Interstate south of 200 S overland down through swale, others of it ponded in fields down into Intersection until it evaporated or soaked into ground. As a result it was decided the site would have to discharge into something greater than all the area, therefore a concentrated location is necessary, this is to comply with Drainage Ordinance. S.I.A. and IEDC are proposing to do. They realize that they have retained their share of additional water generated from sources of roof tops, and road ways. Changing from cropland to a sodded grass situation. They need a source to discharge rather than to let soak into ground or evaporate. They are improving for the downstream facility.

Robert Dilden questioned the statement of more water or no more water?

Mr. Hoffman stated it is pretty obvious it is going to be greater, in the past the water didn't escape except through the ground, now theres a 72" pipe which will take care of the 800 acres that didn't come off before. This is reason for the tile, they are taking water off which had previously went into ground, therefore there is more water.

Mr. Horner stated from peak stand point its going to be greater instantaneous water flow, where the pipe will discharge downstream. The flooding won't be any greater because of the proposed improvement.

Mr. Hoffman stated what Mr Horner is saying there will not be any huge flooding, there will be water where there hasn't been water.

August 5, 1987

Mr. Korschot ask why do they have to have a 50' wide ditch below?

Mr. Hoffman stated they would have to dig deeper to get the fall.

Michael Spencer stated the reason it widens out is the way they lay the banks back and putting rip-rap on. 3-1 slope.

Mr. Horner stated the proposal is for a better drainage system, proposing to improve the culvert so that the road is not in danger of washing out. Proposing to stabilizing the banks down along the wooded area.

Mr. Korschot doesn't think it would ever overflow as it stands now.

Mr. Horner stated they are designing for something that has never happened in our life time. From velocity stand point on the 100 year flood would stand potential erosion and damages to the properties along the banks.

Dr. Carr ask about a hearing for Highway Retention Pond. Dr. Carr was informed that the Board meets once a month and the State Highway will ask to present their drainage plan at one of the regular meeting. Dr. Carr ask if letters could be sent when this is to come before the board. Dr. Carr expressed that the hearing today is greatly appreciated by the property owners and express that all involved have given great efforts in listening and studying this project out.

Sue W. Scholer moved to approve conceptually the drainage plans presented for the Parker Ditch, seconded by Eugene R. Moore, Unanimous approval was given.

Mr. Donahue ask for continuations of this meeting October 7, 1987 at 9:00 A.M.. This should give them time to get legal descriptions and all necessary things in order. Letters will be sent to property owners of the continuations of this meeting.

#### MAINTENANCE.

This is a concern to all property owners. There are ways of handling maintenance. A zoning process can be used instead of the typical maintenance rate. To decide which system to use would have to have a public hearing. Michael Spencer felt the zoning process would fit this ditch needs very well. Hopefully by October 7, 1987 meeting figures could be presented.

Mr. Beeler has some questions in regards to blow out etc, down the road. Mr. Hoffman stated because of the unusal nature of pipe arrangements will have to be made, instead of the landowner bearing the cost should come under the maintenance.

Ms. Judith Dyer question in regards to septic tank easement. Their tank is on the easement as proposed. Law of easement doesn't interfere. Michael Spencer sees no reason for concern He will check with Health department and send letter of his findings to the Dyers.

Mr. Beeler made comments in regards to the rights of the property owners and commended the board for all their efforts in this project.

Roy Fleeman in regards to his property not being able to build spetic tank. After discussion the board felt his problem is with the Health department.

Mr. Osborn expressed his thanks to Lewis Beeler for his comments, and he feels that all of us need to realize whether were for or against the plant, it is coming it is up to all of us to protect your rights, see that you get a fair shake. The board and surveyor will try to do their best to answer any questions and they will not do anything behind the property owners in regards to the easements, everything is up front, it is public money being utilized.

Jeff Hamerick ask what is next? Jim Shook will be contacting the property owners in the very near future.

Meeting recessed at 10:20 A.M. until the Wednesday October 7, 1987 meeting at 9:00 A.M.

September 2, 1987 Regular Drainage Board Meeting

TIPPECANOE COUNTY DRAINAGE BOARD MEETING  
September 2, 1987

The Tippecanoe County Drainage Board met Wednesday, September 2, 1987 at 8:30 A.M. in the Commissioners Meeting room in the Tippecanoe County Office Building, 20 North Third Street, Lafayette, Indiana 47901.

Chairman Bruce V. Osborn called the meeting to order with the following being present: Eugene R. Moore Board Member, Michael J. Spencer Surveyor, and Maralyn D. Turner Executive Secretary, others present are on file.

SHERWOOD FOREST PART III

SHERWOOD  
FOREST  
PART III

Robert Grove engineer, representing Charles Sherwood developer presented Preliminary Plans, but stated they were withdrawing their request for Preliminary approval. There has been concern by the property owners, the developer has ask to hold off another month. There is 220 Acres that comes down through the existing channel, however Mr. Grove does not believe all the 220 acres comes into the area, this is the concern of the property owners. Originally they had planned to build their basin in the low area which is across the channel, therefore they will be submitting a second set of plans.

Tom Jordan property owner had concern as he is adjacent to the Subdivision in a low area. He had an engineer take a brief look at it and his concern is the elevation of 4 feet of the first three lots, these lots would deem uncontrollable drainage. He stated if you stood in his back yard and looked uphill these 3 lots would put him in a fishbowl. Question. Has any study been done in regards to this. Mr. Grove answered NO. They are looking at raising 3 feet against road. Mr. Jones stressed again his concern of the cost and the retention area and he wants to be sure that the plans to be resubmitted be correct. Bruce V. Osborn ask Mr. Grove to sit down with Mr. Jordan and discuss his many concerns before submitting new plans to the board, Mr. Grove agreed to do this. Maintenance on original subdivision is maintained by the property owners. Board doesn't want to inherit maintenance.

P.S. LAND

P.S. LAND

Robert Grove engineer representing the owner Lafayette Bank and Trust Company and Charles Vaughan presented drainage plans. Property is located South of 26 East at Farrington Avenue in the northwest corner east of Eastland Subdivision consisting of 3.2 acres. The bank is planning to build a branch bank at the location. Developer doesn't want to cause any problems. Interim detention basin along road tying into existing storm sewer. Not sure what will happen to land south of the bank site. Discharge will be less in predeveloped area. Question of who will maintain. It is private property, therefore it would be maintained by the landowners. Michael Spencer ask Mr. Charles V. Vaughan to check with his father in regards to maintenance. Michael Spencer stated that the basin is located within the Public Service, Inc. easement and he would like a letter from PSI. Mr. Grove stated PSI has some new rules in regards to encroachment permits and he has contacted them in regards to this development. Jim Hilligass representative of Lafayette Bank and Trust Company stated they have increased the depth to 300' which changes the acreage from the 2.26 to 3.2 acres. Mr. Hilligass ask if Farrington Apts were maintaining the drainage system at the 10 inch line. The 10 inch is sanitary. The lower end of the Farrington drainage system is not County drainage maintenance. Eugene R. Moore moved to give preliminary approval with two conditions that a letter from the property owners be submitted in regards to maintenance and a letter from PSI in regards to the easement, seconded by Bruce V. Osborn, unanimous approval was given.

TIMBER RAPIDS CAMP RESORT

TIMBER  
RAPIDS  
CAMP RE-  
SORT

Harry Meshberger presented construction plans for the site located in Perry Township, A part of the NW quarter of Section 28, Twp 23 North Rge 3 West consisting of 18.5 acres. Property does not involve any legal drain only has a small swale and will require grading. Previous owner has taken out gravel this is reason for swale. They are seeking to bring gravel back in and force water out through culvert. One culvert will be removed and water will be rerouted. They show a proposed lake 1/2 acre in diameter. They may dig it and may not so that they will have fill, however, if they get fill from another location they will not dig the lake. Idea is to get land level and to get it to elevation so Department of Natural Resources will say they can use it for campsite. Michael Spencer ask if they had to get permission from the Department of Natural Resources to fill? If it is in the flood way the developer has to have Department of Natural Resources approval, he has approached them. The property is at the floodway fringe. Department of Natural Resources has not completed their review of the proposed plans, just verbally. This is an overnight camping. Maximum stay is 15 days, sale of membership, people will have an interest in the site. Mr. Osborn ask how they were going to handle sewage? This will be handled by a septic system. They have contacted State Board of Health in regards to their requirements. Michael Spencer stated he had looked at the runoff, they are 40' from the creek, the only hard surface that will be generated will be a pool as there is an existing home which they are going to use for an office. Michael suggested that detention storage requirements be waived for this development.

Eugene R. Moore moved to waive the required drainage ordinance for the holding pond for this development, seconded by Bruce V. Osborn, unanimous approval was given.

WATERFORD COURT

WATERFORD  
COURT

Glen Christian and Paul D. Green of Sexton Company Indianapolis submitted a letter to the board in answer to Michael Spencer's letter in regards to drainage ordinance. Mr. Christian read letter in answer to the seven item Mr Spencer had questions. Property is located at Highway 26 East and I-65 along Frontage Road. Consists of 25.24 acrs. One Lot with 310 Units, the one lot will connect to an existing 12-inch City of Lafayette sanitary sewer located at the east side of Vermont Drive. Storm water runoff shall be routed to proposed lakes on site. Mr. Christian read letter.

September 2, 1987 Drainage Board Meeting Continued Waterford Court

WATERFORD  
COURT  
CONTINUEDAttn: Mr. Mike Spencer  
Re: Waterford Court Apartments

Dear Mr. Spencer:

In order to clearly define the application of the Tippecanoe County Drainage Ordinance No. 81-16 to Waterford Court, I have briefly described each of the items (7) under Section 14h of the ordinance.

- Item (1) - The lakes of Waterford Court are to be 8 feet deep with over 25% of the area being 10 feet deep as shown on the Plans.
- Item (2) - The excavated side slopes above and below the water pool elevation will be 3:1. These should be quite stable slopes as recommended by the soils report by Alt & Witzig (copy attached).
- Item (3) - Safety ledges, 4 feet in width, 12 inches above and 30 inches below the normal pool elevation shall be constructed as shown on the typical cross-sections of the lake. The slopes between the ledges shall be 3:1 and shall be riprapped to prevent erosion.
- Item (4) - A safety slope of 6:1 is proved at the east end of Waterford Court on the north side on the Clubhouse. The slope will be protected with rip rap above and below the water line.
- Item (5) - All of the Sexton Apartment Communities heavily involve lakes and water. The 6000 plus units owned and managed by Sexton include over 40 lakes and ponds ranging in size from about ½ acre to over 12 acres. Maintenance and esthetics go hand in hand as fifteen year old complexes are still looking great. Attractive, well maintained lakes and grounds are what keeps our communities full. When necessary, wells are drilled to fill and maintain the level of the lakes. Sexton's water management program has a long-term, highly successful history.
- Item (6) - Access to the lakes for maintenance and emergency use is readily available between buildings and at the ends of the streets. Behind all buildings and patios is a 3 foot concrete walk with a usable 3:1 or flatter slope to the water lines. Of course, vehicle access is available in Waterford Court by the Clubhouse.
- Item (7) - Aeration facilities are provided on all Sexton Community Lakes in the form of fountains, spillways and waterfalls. Waterford will have at least 2 fountains with recirculating pumps. A well is planned to provide water to maintain the water level in the lakes. Fountain design specifications are available from the manufacturer and will be secured by Sexton if requested. If you need any additional information, Please let me know.

Sincerely,

Glenn E. Christian  
cc: Curtis C. Huff  
John E. Fisher

Michael Spencer ask: Outfall main structure, is it at the point of spill over there is a 4" overflow can they increase?

Bruce V. Osborn ask where they were outletting? Outletting straight east through an existing low place on a residential lot, it isn't in any platted drainage easement through a 36" pipe under Vermont Drive. They have been requested to get with Dick Leill, and speak with the property owner of Lot 4 as he will not have any more water than he has now it will continue longer. The developer was aware of the problem. Several things can be done with the area. Whatever they do will not be within the drainage easement as amount of water. They will have wells on the area to maintain the level of the lakes, if needed. Maintenance will be by Waterford. Development is ½ mile from Wildcat, there is no legal drain. Dick Leill has talked with the property owner of Lot 4, a meeting was held with the landowners in regards to the development. Michael Spencer recommended approval of preliminary plans, however he would like to speak with the Lot owner himself and would like for the board to look at the outlet of the 36 inch pipe. The rate won't be greater, but the volume will. There is erosion problem. Michael would like to see that fixed. The seven items were out of the drainage ordinance and he had ask the developer to address all seven items.

John Fisher ask if a special meeting could be held to get final approval. Bruce Osborn stated when Michael Spencer is satisfied, then a Special meeting can be set.

Eugene R. Moore moved to approve the preliminary plans of Waterford Court as presented, seconded by Bruce V. Osborn, unanimous approval given.

JAMES COLE ELEMENTERY SCHOOLJAMES  
COLE  
ELEMENTERY

Mike McCarroll Pace Design presented sanitary revision plans, with the septic system on the south side of side close to county road. System will be a mound system crossing county drain line with Two 6 inch lines that feeds the mound system. Around the perimeter of the mound system will be a perimeter drain tile to pick up surface water. Like to tie it into the county drain line. They would be a 4' below grade. Michel would like to see a manhole so that the water can be inspected. Propose to add a 2' manhole. Mr. Osborn ask how far from inlet? 25 feet with the system. Septic field - 38' 6" on the low side. Herb Lawson Health Department sanitarian ask what kind of tile would be used going under the country ditch. Perimeter drain tile, it will be 6" pvc solid pipe. The board ask that Michael Spencer be there when they cross the legal drain. Mr. McCarroll stated they have a preconstruction meeting scheduled for Spetember 9, 1987, Michael Spencer will attend. Bruce V. Osborn ask if a waiver was needed, answer yes, this is reason for having Mr. McCarroll here today to give the waiver of crossing the drain and hook perimeter drain back in. Question was ask does the board need to notify the other landowners? State released plan with 20' and County requirements are 25' even if it's on high side. Ron Noles stated in order to meet County Ordinance they have to meet the 25'. Under advisement the board will decide whether other landowners should be notified. Mr. McCarroll stated they have another option of putting in a headwall and not tying into county tile. There could be a problem even though it is not to be sewage. Eugene R. Moore moved to grant a waiver for Tippecanoe School Corporation to cross the legal drain easement of Skinner ditch, seconded by Bruce V. Osborn, unanimous approval. Michael Spencer ask that the revised plans be presented to the Health department. After much discussion possibly the best way to go would be with a headwall, empty on own site doing this they would have to still meet the 25" requirement.

September 2, 1987 Meeting Continued

ELLIOTT DITCH

ELLIOTT  
DITCH

Michael Spencer received a letter from Louis Pearlman in regards to Elliott Ditch easement. Town of Dayton purchased a 20' easement back in 1978, this was south of top edge within the 75' easement. In the letter they are requesting reduction in the easement along the Elliott ditch from 75' to 47½' which would be at the edge of Town of Dayton's easement. After much discussion it was decided to take this under advisement.

CLOVERLEAF

CLOVERLEAF  
BRANCH#  
11ELLIOTT  
DITCH

A letter received from David B.H. Best R.L.S. Vice President of Cloverleaf Enterprises requesting to reroute a portion of Branch#11 of the Elliott Ditch, the rerouting would be right down the power line easement. They want to reduce easement from 150' to 50' along 12" tile. Michaels question was would PSI let this be done. After much discussion it was decided to take this under advisement.

DRAINAGE ENGINEER

DRAINAGE  
ENGINEER

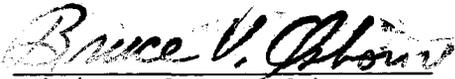
Eugene R. Moore moved to appoint Mark Houck as Drainage Engineer, seconded by Bruce V. Osborn, unanimous approval.

INDIANA GAS -ELLIOTT DITCH

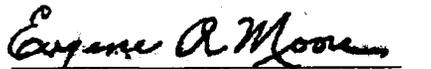
ELLIOTT  
DITCH  
INDIANA  
GAS

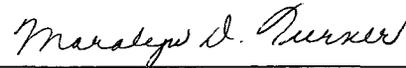
Indiana Gas requested to cross Elliott ditch easement on the SIA gas main. Eugene R. Moore moved to approve the crossing of drain easement providing Indiana Gas supply the board with Certificate of As-Built drawings showing location of gas main and they have inspector certify that all tile whether County or Private have been repaired, seconded by Bruce V. Osborn, unanimous approval.

There being no further business the meeting adjourned at 9:45 A.M.

  
Chairman, Bruce V. Osborn

  
Board Member, Sue W. Scholer

  
Eugene R. Moore, Board Member

ATTEST:   
Maralyn D. Turner, Executive Secretary

TIPPECANOE COUNTY DRAINAGE BOARD  
SPECIAL MEETING SEPTEMBER 23, 1987

Bruce V. Osborn, Chairman called the Special Meeting to order at 9:00 A.M. In Commissioners Conference room of the Tippecanoe County Office Building 20 North Third Street, Lafayette, Indiana with the following present: Eugene R. Moore and Sue W. Scholer Boardmembers, J. Frederick Hoffman Attorney, Michael J. Spencer Surveyor, and Maralyn D. Turner Executive Secretary, others present are on file.

WATERFORD COURT

Michael Spencer stated he had received a letter from Glenn Christian, Sexton Company stating that he had met with property owners Mr. & Mrs. Jerry Wilson, Lot #5 and Mr. & Mrs. Slavo Panich, Lot #4 in the subdivision immediately east of the proposed Waterford Court development. He reviewed the final site development plan with them and they seemed to be satisfied with the presentation. He pointed out to the property owners that the lake will empty out into the ditch directly behind the Wilson's property and said ditch flows into a part of the Panich's lot before entering the 36 inch pipe under Vermont. Neither party raised any concern or objections. They were assured, that any abnormal erosion or siltation will be taken care of during construction as well as after completion. Proper steps will be taken to control erosion and siltation.

Michael stated that he had received revised drawing with the pipe shown in the correct place.

Mr. Hoffman ask if there was a legal outlet? They have an outlet through an existing drainage system that goes down to the Wildcat Creek, there is no legal drain. They have an onsite retention basin. There is a drainage easement through the subdivision. The actual drainage way is not on the platted easement. Mr. Hoffman ask if they had the consent of the two property owners, answer yes. Mr. Hoffman stated he would like to have a written consent from the two property owners. Water flow is to be less than what it is now. Sexton representative didn't ask for any consent as he felt it was not their place to ask, he felt it was a courtesy of being a good neighbor just to explain to them their intent. Mr. Hoffman had concern about the easement and erosion. After discussion Eugene R. Moore moved to give Waterford Court final drainage approval with condition that letters be received from the two property owners with their consent in regards to the easement, seconded by Sue W. Scholer, unanimous approval.

ELLIOTT DITCH

ELLIOTT DITCH

Louis Pearlman property owner of Friendly Village Mobile Home Park, a tract of land of approximately 30 acres lying between the South boundary of Elliott Ditch and the North boundary of Friendly Village and fronting on Ross Road requested a variance of the 75 foot setback of Elliott Ditch. Property owner had previously granted to the Town of Dayton, Indiana an easement and right-of-way for a forced sewer main over a strip of land described as 10 feet on either side of line located 37 1/2 feet south of the South top edge of Elliott Ditch, therefore a distance of 47 1/2 from South top edge of Elliott Ditch is available for Town of Dayton. The remaining is 27 1/2 feet which would not be required for utility easements and would allow the development of an addition to Friendly Village Mobile Home Park in a more orderly fashion due to the fact that the 30 acres tract is narrow and could be more orderly developed if the South 27 1/2 feet of the 75 foot drainage set-back were usable for development.

After much discussion the board requested the developer to get drawings from his engineer, Robert Grove showing the tract platted out. The board felt in the future the neighboring property owners would be requesting easement differences and this can be a problem in the future. The board stated the Elliott Ditch Study is 50% completed.

Mr. Hoffman stated that the 47 1/2 feet would be sufficient for both sides. Mr. Pearlman stated the City of Lafayette will be getting an acre of land in corner of their property. The only permanent part would be the asphalt street and today cement barrels are put in to anchor down the mobile home tie downs. Mr. Osborn ask if the property owner could live with easement for streets only. His answer was that he would have to discuss this with his engineer. He will have Mr. Grove plat the area out and present the drawings to the board with the reduced easements.

Mr. Pearlman will let Michael or the secretary know when the drawings will be ready for presentation.

There being no further business the meeting adjourned at 9:37 A.M..

*Bruce V. Osborn*  
Chairman, Bruce V. Osborn

*Sue W. Scholer*  
Boardmember, Sue W. Scholer  
*Eugene R. Moore*  
Boardmember, Eugene R. Moore

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

TIPPECANOE COUNTY DRAINAGE BOARD  
WEDNESDAY OCTOBER 7, 1987

The Tippecanoe County Drainage Board met at 8:30 A.M. in the Community Meeting room of the Tippecanoe County Office Building, 20 North Third Street, Lafayette, Indiana 47901.

Eugene R. Moore Vice-Chairman called the meeting to order with the following being present: Sue W. Scholer, Boardmember, J. Fredrick Hoffman Drainage Attorney, Michael J. Spencer Surveyor, and Maralyn D. Turner Executive Secretary, others present are on file.

LAFAYETTE BANK AND TRUST

LAFAYETTE  
BANK  
AND  
TRUST

Robert Grove engineer representing Lafayette Bank and Trust Company request final drainage plans with the two conditions at the preliminary approval that a letter from the owners be received stating that they would maintain the detention basin and storm water facilities. Michael Spencer does have the letter about maintenance of basin. Second that an encroachment permit from Public Service Indiana, he is in the process of obtaining this permit which may take one to two weeks.

Mr. Grove explained the procedures of obtaining the encroachment permits. A fee of \$275.00 is submitted with the permit they review it here locally then sent on to Plainfield for consideration and approval. The detention basin will be under power lines.

Mr. Grove ask for final approval with the condition that the letter from PSI be presented to the surveyor and be recorded.

Sue W. Scholer moved to give final approval to Lafayette Bank and Trust subject to the submission of PSI letter and recording of it and that the letter is acceptable, seconded by Eugene R. Moore, unanimous approval.

LAFAYETTE AUTO EXCHANGE

LAFAYETTE  
AUTO  
EXCHANGE

Robert Grove engineer representing Lafayette Auto Exchange presented preliminary drainage plans. Property is located on south side of McCarty Lane. Mr. Grove stated that Michael Spencer would like to see more people in the area engage with Lafayette Auto Exchange owner. Mr. Grove stated that there is no way to force this on surrounding property owners, therefore they are providing their own detention on their own property. The area that is gravel now is going to be paved. This will be taken south depressing pressing it, creating a basin on the south end of the property. Outlet will go along Public Service Indiana easement cut over and discharge to ditch on State Road 38.

Mr. Hoffman asked what kind of ditch at State Road 38? It is a side ditch in good shape.

Mr. Grove stated there is no out let to the north or any other direction which is a concern to the board. They have presented what they can get thru pipe economically. They have restricted to 1 cfs. They have gone way beyond what would be normal discharge.

Mr. Hoffman asked if they had a permit from State Highway department to go into the side ditch? They are in the process of getting this permit. Michael Spencer stated that he had told Mr. Grove that he would have to get the permit from the State Highway and permit on the easement from PSI. Michael stated they would have to go 800' with underground tile.

Mr. Hoffman asked if there was any other way they could go? Answer No. Mr. Hoffman ask where the water went eventually? Answer- Eventually the Elliott ditch.

Mr. Grove stated they are talking about a shallow basin, not building a berm, just depressing the south area with 2 foot of storage which will feather out at that end.

Mr. Hoffman asked how big of a area? Answer a little over 6 acres.

Mr. Grove has met with PSI and their only concern is that the developer provide them with a drive along the pole line.

Eugene Moore had concern about field tile he feels that there has to be tile in the area. There is no record of tile.

Michael Spencer will have Mark Houck drainage engineer go over plans, but Michael stated the concepts are OK.

Sue W. Scholer moved to give conceptual approval to the preliminary plans presented for Lafayette Auto Auction Exchange, seconded by Eugene R. Moore, unanimous approval.

PARKER DITCH

PARKER  
DITCH

Eugene R. Moore ask Mr. James Shook to give report on the acquired right of way.

Mr. Shook stated that the project of acquiring right of way started August 1987. As a solution to the drainage problem caused by the change of use within the Parker ditch watershed at that point and time it was a necessity that this project be completed in terms of acquisition of the rights of way from the head of the ditch to the Wildcat creek by October 7, 1987 so that S.I.A. could continue construction. In the interim S.I.A. and County Drainage Board arrived at a permanent solution to the drainage problem with the construction of large retention ponds on the site. However, the ultimate solution to the drainage within the Parker ditch watershed is the conversion from farm tile to natural creek to a large tile and the construction of a developed open ditch.

Mr. Shook stated he was employed by the I.E.D.C. to secure the rights of way for the construction of the ditch, to contact and negotiate with each of the owners within the watershed of Parker ditch that was effected by the construction of the tile. He has talked with all the owners. The status of the project today has been delayed by a necessary, but unfortunate step in the process in securing review appraisals of the land, the value of easement taken and damage to the remaining land. Original appraisals were completed in proper time. Review appraisals were done by R.E. Research Associates they have done their home work, however the written appraisals have not been received this has slowed the process of negotiation. Property owners are entitled to see the written appraisals. They have proceeded with the negotiations and have reached written agreement on the land and hand shake agreements in regards to the easements and in some cases what the compensation will be. Other area there are unanswered questions or in the process of negotiating the damages to the property. Mr. Shook went through concerns the property owners have.

Land owners are concerned that the existing Parker tile and the field tile which connect to the existing Parker tile be adequately connected to the new tiles in a way that the field drainage system will be as good after as it is today. Assurance on the part of the County that those connections are properly made.

Owners are concerned that the county use or engage a professional construction manager (if this is the proper word) to supervise the work to be done by successful bidder who will construct the tile. They want to know that what goes into the ground was design to go in the ground, they are entitled to this.

That there be a warranty for some period of time (not very well defined at this time) either by the contractor or by some reliable agency that the tile was properly constructed and that any failures in the short run be taken care of by the contractor.

That on completion of the work that the top soil be redistributed over the construction area and that in the storage areas used for tile or construction equipment or excess earth removed in the construction process that a provision be made for deep plowing to deal with the compaction or with damages to cover other cures for the compaction problem which will occur in the storage areas.

That in the case of temporary right of ways have been secured for construction access that any foreign materials left on those temporary easements be substantially removed and that the land be tilled so it can be farmed over in the future. There has been a request that the excess earth removed during construction be left on the land and distributed at the property owners direction.

Very importantly a request by several of the owners that the County Drainage Board will assure them equitable allocation be made of the excess capacity in the tile beyond the designed needs of the S.I.A. and for the State Highway Department in the drainage of I-65 in the reconstruction.

There seems to be ample excess capacity in the tile for the future needs in the land served in the Parker ditch watershed, they wish to be assured that these will be fairly distributed among those lands.

Another important point which must be addressed is that the line of the ditch in some cases passes already developed property and it seems to the owners that in certain cases the 75' easement from the top of the bank seems to be excessive and complicates and compounds the damages to their property. There will be request from these property owners to reduce the easements from 75' to 25'.

These are the major issues which have been encountered in the negotiations with the landowners. These will have to be addressed in securing the option agreements.

Mr. Shook stated they have reached a hand shake agreement on the actual dollar damage in some cases and in others it is a matter of negotiation and probably won't be concluded till answers are received from the other concerns just outlined.

Mr. Shook estimated that it is going to take at least another three to five weeks for completion of the detailed work that is necessary in the project. He has found that it has been a pleasant experience, and the project can be concluded in the near future. Mr. Shook ask for a continuation of this meeting since he does not have a completed package to lay before the board for approval.

Eugene Moore asked when the board could come up with an answer to Mr. Shook's questions?

Michael Spencer stated that some of the questions would be answered in the specifications that are written that go along with the set of plans to build the Parker ditch. They can include a lot of the problems that might arise with using the storage area, replacing top soil, tile connections in the bid documents there can be a bid item for construction engineering which would have an engineer on site all the time, inspector to make sure cut tiles are connected and hooked up properly. Provide the County and property owners a copy of where connection were made on their land. A certified As-Built plan will be furnished to the board accordingly to the plans. Easement reduction Michael has no problem with it.

Mr. Hoffman stated by statute 25' is the lowest footage that it can be used.

Mr. Spencer stated the biggest question he has is the allocation of excess capacity in the pipe for the land owners that are going to use it or want to use it, they are entitled to use that capacity and allocation of maintenance dollars for the future.

Mr. Shook asked how these could be addressed?

Parker Ditch-October 7, 1987 Continued

Michael stated that there are a number of ways. Straight agricultural land use there is a straight rate per acre, however he doesn't think this is quite fair because of the use of the land and system. Zoning, how the land is zoned will affect the amount of runoff, industrial will have more runoff than agricultural land. Open ditch will have more maintenance cost than the tiled area. Bottom area will have more maintenance.

Mr. Shook stated this would be the responsibility of the drainage board. Right.

Mr. Shook asked if they possibly considered the engagement of an outside consultant to help them with the allocation of the capacity?

Michael stated this will have to be done by an engineer.

Eugene R. Moore asked for open discussion.

Dr. W. Kelly Carr complimented Mr. Shook on his presentation as one of the people Mr. Shook has spent time with, Dr. Carr appreciates the compassionate and understanding he takes, the attitude that there are problems and that he wants to solve the problems, he has worked very hard in bringing other people in to help solve them. This is a refreshing breath of air as opposed to what you get sometimes when you deal with governmental bodies. Dr. Carr praised him for a fine job. However, he had one thing he wanted to amend and that was the hiring of an engineer. Dr. Carr wants to have a supervisor on the job daily during construction.

Michael Spencer stated that one of the requirements would be that an inspector be on the job site continuously.

Lewis Beeler echoed Dr. Carr's comments on Mr. Shook. Mr. Beeler felt I.E.D.C. did an excellent job when they selected Jim Shook to represent them to the property owners. Very kind and considerate. Mr. Beeler has a couple of questions. 1. New Gas line running through Parker ditch will they be cutting through the ditch, and leaving Parker ditch open like they did with water line. Answer by Michael not if the board can help it. 2. Mr. Shook talked about warranty on the tile portion of the ditch, Mr. Beeler thought they may want to extend the warranty on the entire ditch. Michael stated it would be on the entire ditch. Mr. Beeler has question is there any thought in reducing the easement in tile sections of the ditch? Michael stated there has been no request. Mr. Beeler was confused when Mr. Shook stated that S.I.A. has a permanent solution. Unintimate solution as he listened further, if we have a permanent solution then we don't need this meeting today. Permanent solution remains to be seen. Mr. Beeler would like to see the drainage board have charge on maintenance on this ditch particularly as long as used in the present use and the cost of maintenance go to S.I. A. he feels very strongly about this, particularly the open end of the ditch down in the creek bottoms he thinks there could be a tremendous amount of problems. Mr. Beeler doesn't want to see the Bull farm pay the part of the cost to have cleaning down there.

Ted Smith attorney representing Edward J. and Betty J. Korschot ask Mr. Shook if he was asking for a continuation of this meeting in order to complete all obligations that are required. Mr. Shook answered-yes. Mr. Smith stated that his clients have no objections for the request of more time.

Judith A. Dyer ask to approach the floor, she presented the following letter in regards to the 25' drop in width of easement.

October 7, 1987  
 Tippecanoe County Drainage Board  
 County Office Building  
 20 North Third Street  
 Lafayette, Indiana 47901

Attention: Mr. Michael Spencer  
 County surveyor

Re: Parker Ditch

Dear Mr. Spencer:

We are owners of real estate which is being restricted by the drainage easement for the extension of the Parker Ditch currently pending before the Tippecanoe County Drainage Board

The establishment of the drainage easement to the full width of seventy-five feet either side of the center line or bank edge will be damaging to our land. If the width of the easement were reduced by twenty-five feet from the easement bank, there would be a lesser decrease in the value of our land and the decrease would not affect the Parker Drain.

We are requesting the Tippecanoe County Drainage Board to reduce the width of the easement through our property by twenty-five feet.

Upon approval of the reduction of easement width we will grant an option for a drainage easement for construction of the Parker Ditch at a price of \$3,000.00, per our discussions with James Shook, your agent.

Respectfully requested:

Leslie W. Dyer  
 Judith A. Dyer

Agreed:

Michael Spencer  
 October , 1987

Mrs. Dyer stated:

The easement goes right over the top of the Dyer's septic system, if repairs were to be done because of the easement construction could not occur. If it is not advisable for the twenty-five foot drop of the easement, then there has to be some other type of stipulation put into their agreement to account for their septic system.

Mr. Hoffman stated he didn't see anything wrong with the easement as long as it is the tile portion of the drain, he could see why a septic system in an open ditch system would not be advisable 30-40 feet in an easement.

Michael Spencer stated it is there now.

Mr. Hoffman asked if this was where the tile is or an open ditch? This is the open ditch.

Mrs. Dyer stated because of the grandfather law she has the permission to have the septic system where it is now, but if there was ever a new owner or a difficulty with the system no repairs could be done because of the easement width.

Mr. Hoffman stated this is because of the Department of Health rules, not because of the drainage easement.

Mr. Shook stated that the Dyer's property is on 650 East their septic system and it field as it is presently constructed comes within 50 feet of the top of the proposed improvement, this is one of the cases if reduction of easement width this would solve their problem, it would all be outside of the easement area. If it is inside the easement area the Dyer's want assurance that they can make repairs or rebuild.

Michael Spencer stated the Health Ordinances is 25 feet away from any stream, creek, waterway, ravine.

Mr. Hoffman stated he doesn't think there is any problem, an encroachment could be granted.

Michael Spencer advised the Dyer's that this will be taken under advisement.

Mr. Ted Smith stated he thinks he has the answer to Mr. Beeler's question of why are we here if the drainage is permanent. He thinks we are here because the statement made by the I.E.D.C. in order to obtain a building permit (in the letter of September 11, 1987). Mr. Smith asked Mr. Beeler if he was familiar with the letter which the guarantee was made against damages or loss which may occur from over flow.

Mr. Smith has some serious doubts about the authority of the individual and development commission to make such a guarantee, he doesn't think it will hold up, but at least it will accomplish one thing that is they got the building permit, and that is what they wanted. Now, why do they want to complete that drain? He thinks because they realize there may be some questions about the legality of this particular guarantee.

Mr. Smith stated: Another thing he wants to mention to Jim Shook. Jim has been working hard on this, but Jim stated we have two aspects. 1. Determine what to pay these people based upon the appraisal of the land. 2. Pay based upon damage.

Mr. Smith thinks there has been a lot of meetings with discussions about the appraisal of land, he thinks it has been cheap, he's not criticizing Mr. Shook's approach, but the figure is low and they are not paying any attention to the damage that is being done to the people. There is one person who has a house within the space they intend take in the easement, another person who has land that will become worthless land and as far as his clients concerned they bought the land with the intent to sell for building site which could have sold for \$15,000.-\$20,000.. Building sites in the country are expensive, these people are going to be affected, their loss would be very substantial, but their offers have been much less.

Mr. Beeler stated he did not have a copy of the letter which Mr. Smith spoke of. Mr. Beeler had asked Larry O'Connell for a copy of the letter plus he had a concern about pollution and what might happen to their well. Mr. O'Connell stated that the State of Indiana would take care of those problems. Mr. Beeler stated he wanted to see a letter to that affect and to this date he has not received a letter with this statement. This letter is to come from the Lt. Governor. Mr. Spencer has letter of September 11, 1987, but it does not pertain to pollution.

Sue W. Scholer wanted to clarify that the request for variances will come on an individual basis and be handled one at a time. The board will have to work on the assigning capacity and determining maintenance schedule.

Mr. Hoffman stated that on the capacity if the person is assigned more capacity their assessment is going to be accordingly, because they have more capacity for future use than someone who doesn't they should pay more.

Michael stated that capacity should be allocated for the whole watershed.

W. Kelly Carr stated there may be one other way to do it, and that is to go ahead and do the allotments, then have the maintenance cost assigned on the basis by which the people actually use these allotments. There may be no use for those allotments for 5-10 years. The sole purpose of the ditch might be S.I.A. and existing farm water drainage which is already provided by some other type of formula. He feels that some thought should be given to this. These people should pay for the use of the storm water drainage when

October 7, 1987 - Drainage Board Meeting Continued

they go to use it, it is just excess capacity sitting there till it is used.

Richard Donahue asked if an indefinite continuance of this meeting could be asked for?

Sue W. Scholer moved to continue the hearing on the Parker ditch to the next regular Drainage Board meeting November 4, 1987, seconded by Eugene Moore, motion carried.

Mr. Moore thanked the property owners for their attendance in the meeting, it is appreciated.

#### STATE HIGHWAY DRAINAGE PLANS

STATE  
HIGHWAY  
DRAINAGE  
PLANS  
38-I-65

Allen Egilmez project engineer of Indiana State Highway Department stated that Todd Frauhiger has worked very closely with the County Drainage Board specifically with Mr. Spencer surveyor, and Professor Houck of Purdue University who is acting as a consultant for the County Drainage Board to basically tie up all loose ends and come up with the correct design for the detention ponds on the project. In all cases County Ordinances have been met.

Todd Frauhiger presented the board with booklet of Drainage proposal for I-65 and State Road 38. The drainage plan is broken down into three parts corresponding to three different drainage areas. The water is either detain in a pond or in a roadside ditch to meet the county ordinance.

Exhibit A and B will discharge into Elliott ditch and C will discharge into the Parker Ditch.

Exhibit A consists of 23 acres and drains into the north and south roadside ditch. The developed 100 year flow is about 62 cfs, the pre developed 10 year flow is about 38 cfs. Propose to detain the water in a detention pond which will be constructed on the south side of SR 38. The outlet pipe will discharge directly into the Elliott ditch at a peak flow of 20 cfs. Bottom of the pond will be elevation of 648 and top of bank at 655. Major concern for this pond was that the 100 year flow rises in Elliott ditch, water would back-flow thru the discharge pipe, this would cause available storage in the pond to diminish greatly. To prevent water flowing back thru the pipe a flap gate will be installed, the gate will close as the Elliott ditch level increases, this will prevent back-flow into the pond with zero discharge from the pond.

Michael Spencer asked the size of the outlet structure pipe. 12 inch pipe.

Michael asked if the easement was outside the statutory 75 foot drainage easement or inside? Inside.

W. Kelly Carr asked how large is the drainage area? Drainage area for the pond is 23 acres.

Mr. Hoffman asked if they were going to extend Elliott ditch, answer yes. Mr. Frauhiger understands for future development the county wants Elliott ditch opened up between State Road 38 and I-65. Not adding to the ditch.

Mr. Beeler asked how far north and south were they going to go on I-65?

#### Exhibit B

The area consists of of approximately 40 acres of highway right of way. The area drains into the roadside ditches which discharge into the new portion of Elliott ditch. Area has a 30 inch tile. This area was tricky as there was no good place to build a detention pond, so they are proposing to detain the needed water in the ditches by breaking the drainage area into four sub areas. Keeping the water in each sub area discharging through three areas in a 12 inch pipe. The areas are Northwest ditch, Southwest ditch, Northeast ditch, and Southeast ditch. The southeast ditch will be allowed to discharge unrestricted into Elliott Ditch, the other three ditches will discharge into the top of Elliott Ditch thru the 12 inch pipe. The necessary storage is attained in the roadside ditches. The total pre developed 10-year flow is approximately 24 cfs, the total flow from the proposed system is 24cfs .

Mr. Hoffman asked how deep are the side ditches going to be? Answer approximately 3-5 feet deep. Mr Hoffman ask if the side ditches there now were going to be deepened, answer yes. Grade is very flat in the area.

Mr. Hoffman asked if they had sufficient right of way for this? In the process was the answer.

It was checked thoroughly to make sure that the peak elevations remained within in the ditches they never over topped the ditch to get out into the roadside. By detaining water in three of the four ditches the 10-year undeveloped flow of 24 cfs.

W. Kelly Carr had questions in regards to the 40 acres and the right of way. Mr. Frauhiger answered his questions from the maps.

W. Kelly Carr asked how were they collecting the water from the Railroad tracks. Everything slopes to the south, all surface drainage.

#### EXHIBIT C

Area consists of 215 acres of land adjoining State Road 38 and I 65. The area includes both highway right of way and adjacent land which drains onto the highway right of way. 100 year developed flow for the land is 180 cfs. the post-development discharge from the

proposed detention system is 25 cfs, which will discharge into the Parker ditch.

The 100 year storm runoff will be collected and routed into a detention pond in the southeast quadrant of the intersection of County Road 200 South and I-65. Water will be out letted thru a 24 inch pipe into the discharge pipe from S.I.A. site. A major concern in the design of this pond was the amount of land actually draining into it. Originally the pond was sized for 255 acres, peak elevation for the 100-year storm event was 660.15, learning that there was a difference in acreage the design was reevaluated with 215 acres-100-year storm evaluation of 658.66 a drop of approximately 1.5 feet, this gives a freeboard of approximately 3.3 feet, which assures no overtopping at the 100 year storm.

W. Kelly Carr asked Mr. Fraughiger to identify where the 50 acres is. There is an existing catch basin at the 50 acres.

W. Kelly Carr asked if they knew the reason for the catch basin, it is because the Indiana Department of Highway plans show a 8 foot back side ditch and there is only 1 foot back side ditch. Catch basin is there as material furnished the drainage board because the Indiana Department of Highway said the natural flow land went that way. That was built there to protect the landowner against any damages. Since he has told the State Highway why that is they are taking the 40 acres out he wants to be assured that the State Highway will no longer put any of their water on this property as they have in the past since 1974-1975. Mr. Fraughiger stated the ditch will be reconstructed. W. Kelly Carr stated it was reconstructed the last time and the assurances were not very adequate. If he would have followed their advise in the letters sent to him at that time he would have had between \$2,500.-\$3,000.00 in crop damages every year since that point and time. Mr. Fraughiger and W. Kelly Carr will discuss this matter at a later time.

With the 40 acres the pond would be have at least 12 foot of water.

Pond will have around 32 acre feet of storage. Mr. Hoffman asked if it was going to have a fence around it? Answer yes

W. Kelly Carr asked about the peak elevation with the 40 acres is 660.15 and without the 40 acres 658.66. Dropped peak elevation about 1.4. Dr. Carr asked another question since he suggested that the drainage pond calculations included land which did not drain into the detention pond. What has been done to assure Mr. Carr that the other ground doesn't have a different method of drainage.

W. Kelly Carr asked how they arrived at the calculations for the field drainage? Contour maps. Michael Spencer said this is normal procedure to use contour maps to calculate field drainage.

W. Kelly Carr is concerned about the detention area since his 40 acres has been taken from the area. He wants to know if the other areas are justified since he found their one error. Much discussion.

Michael Spencer asked about the land along 38 from I-65 to Dayton that they are picking up. This is because the side ditches are deeper and going to flow down 38 toward I-65, then along I-65 to the pond.

W. Kelly Carr asked for this area, is it side ditch collection - yes. How do you justify the soil in the area?

Mr. Fraughiger stated the area was moderate soil. W. Kelly Carr stated that they might want to redo soil test in that area as he questions the test. Early settlers settled in that area and the reason for their settling there was because there was natural drainage. Again he wants reassurance.

W. Kelly Carr is objecting to the size of detention pond, particularly so when the collection system will be only the water that finally reaches the highway ditches. Mr. Egilmez stated there is an existing 14 inch tile that borders along the side south of the railroad. Much discussion.

W. Kelly Carr stated he would like to build his detention pond in the same general area as the Indiana Department of Highway's pond. Concern of where his water is going. His drainage is good as it is on a slope in an 8 inch pipe underground into the Parker ditch. Taking the Carr 40 acres out reduced height necessary for storage 1.35 feet, planning rest of the area on basis of unconfirmed whether there are any other tiles that flow in. He would be much more comfortable if the detention pond was smaller unless he knows he can have an adequate size detention pond for commercial development later. If it were ever necessary to develop an alternate method of draining into the Parker ditch he feels he could bore under the highway go down on the north side of the road to reach the Parker ditch. At the current time the tile through the Bull farm probably doesn't have a deeded easement, he could be in trouble in terms of his long term use of ground with an inadequate outlet. So the location of the detention pond does cause serious problems for the Carr's, as his detention pond moves over far enough that it comes all the way around on I-65 to go north.

Michael Spencer stated that the plans presented today is the State Highway submittal plans, they have to come back for final drainage board approval, this is the boards first time of hearing and seeing the plans. The board will check the plans.

Kelly Carr requested the detention pond size be decreased and retain the ability to have an alternate method of getting to the Parker ditch if it would become a necessity. Mr. Fraughiger responded that the contour maps show the land draining there. All hydraulics are based on drainage flow in the area in doing this he has to have the size

October 7, 1987 Meeting Continued

of pond he has proposed for the area by the numbers.

W. Kelly Carr feels it is a critical question when it comes to finding soil types as there is a new soil type, Lafayette.

He still questions the soil types used in this study. Much discussion.

Mr. Egilmez stated they do design plans for the worst conditions.

W. Kelly Carr stated that the states worst condition is his worst conditions and he wants to resolve the problems with adequate communication. Much discussion.

Lewis Beeler stated he was interested in this meeting as he owns land two miles south of the area being discussed. The State Highway department made promises 20 years ago(I-65) that they would have a low spot and fix it so water won't get out on my land will just be ponded, a detention pond was built on the right of way, it doesn't hold it gets out on the Beeler property. Mr. Beeler ask if they were going to solve his problems two miles south? Promises don't hold from State Highway department.

Michael Spencer again stated that the plans presented are submittal plans, they are ready to be studied and the State Highway could come back at the next drainage board meeting November 4, 1987 if everything is in order.

There being no further business the meeting was adjourned at 11:50 A.M..

NOT PRESENT

Chairman, Bruce V. Osborn

*Sue W. Scholer*

Boardmember, Sue W. Scholer

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

*Eugene R. Moore*  
Boardmember, Eugene R. Moore

TIPPECANOE COUNTY DRAINAGE BOARD  
OCTOBER 14, 1987

The Tippecanoe County Drainage Board met Wednesday, October 14, 1987 at 9:00 A.M. in the Community meeting room of the Tippecanoe County Office Building, 20 North Third Street, Lafayette, Indiana.

Vice Chairman Eugene R. Moore called the meeting to order with the following being present: Sue W. Scholer Boardmember, J. Fredrick Hoffman Drainage Attorney, Michael J. Spencer Surveyor, George Schulte Highway Engineer, and Maralyn D. Turner Executive Secretary, others present are on file.

COUNTY ROAD 475 EAST

COUNTY  
ROAD  
475 EAST

Lamar Ziegler representative of Clyde E. Williams & Associates Consulting Engineers for the County Road 475 East project presented Preliminary Drainage Plans. The drainage for County Road 475 East was divided into three major subareas. Area A, B, & C. Area A is located south of Elliott Ditch, Area B is located north of Elliott Ditch to station 86+00, and Area C is located north of station 86+00. Areas A & B drainage flows into Elliott Ditch and Area C flows north through the Berlovitz ditch eventually into the South Fork of Wildcat Creek.

Mr. Zielger presented a computer print out, a summarized aerial blue print, and proposed preliminary plans.

Area A is between State Road 38 and Elliott Ditch. The existing conditions 10 year undeveloped flows was 4 cfs as compared with 18 cfs for the 100 year developed conditions. The proposed 12" CMP at 1.5% slope will create a head of no greater than 3.3' at a discharge of 4.5cfs. The outlet velocity will be 5.7 fps at this discharge. This would have a dike in the east ditch using the 12" corrugated pipe. There is a water back up in the east ditch of CR 475 E, storing water in that ditch and discharging through the 12" pipe to the Elliott ditch. One criteria they could not satisfy. That is they are discharging the water at an elevation 650.00 into the Elliott ditch. The designed flood elevation somewhere between 50-100 year flood elevation for Elliott ditch is 655.04 therefore the water is discharging well below the 100 year flood elevation for Elliott ditch.

Mr. Hoffman asked in the event of a flood it won't discharge until the water goes down? Answer right, two things can happen, in a normal 100 year storm event the water will be in the ditch and gone prior to the head waters reaching flood water elevation in Elliott ditch. Second thing is they are proposing a flap gate on pipe structure to retain water in the side ditch until it can discharge.

October 14, 1987 Continued

Mr. Hoffman asked: In a 100 year event from the highway there would not be any more water into Elliott ditch at flood time than there is now? Mr. Ziegler answered in Area A this would probably not be true, because of the combined storm events. If Elliott ditch is flooded what will happen is the water will run into storage area and not be able to go any where because of the ditch elevation in Elliott ditch is higher. It will continue to build up until it runs over the dike elevation 655.04. This will flood on the east side of 475 East. This is a small run off rate of 4.5 cfs.

Mr. Hoffman asked what is it going to do to this area of the highway? Mr. Ziegler said there is no specific development at this time. Mr. Hoffman asked who does it belong to? It belongs to S.I.A.. Mr. Hoffman stated: Then the area that will be flooded is the S.I.A. property. George Schulte stated: that they were talking about utilizing the soil in the area for other projects. They are going to make existing ditch wider than it is now. Mr. Hoffman ask if S.I.A. knew what is happening? Michael Spencer answered - NO.

## Area B.

Existing conditions 10 year undeveloped flow was 15cfs as compared with 38 cfs for the 100 year developed conditions. A proposed 18" corrugated metal pipe under CR 200 south. A proposed 24" corrugated metal pipe at station 45+50 underneath entrance to motor pool drive that becomes a dike or storage structure. From 24" structure downstream and two additional cross pipes station 42+00 and 36+50 all water flows to the east ditch outletting through the dike. A proposed 18" corrugated metal pipe at station 35+00. They are proposing a discharge rate of 13.7 cfs. The outlet velocity will be 7.8 fps at this discharge. There are some flaws in the proposed plan. 1. To have adequate storage just north of Elliott ditch behind the 18" pipe, they will have to encroach a little bit into the utility easement. If this would be impossible they will have to look at some additional storage areas or slightly increase the discharge rate. 2. They are discharging at an elevation of 649.49, the Elliott ditch flood elevation is 654.45, 5' below flood elevation. In the case of Area B the storage pool at the outlet is an elevation of 655.04 therefore the storage pool is higher flood elevation than Elliott ditch the water will seek its own level and will be forced through the pipe even though both ends of the pipe are under water. They don't foresee the same problems for Area B that they have for Area A.

Mr. Hoffman asked if there would be more water going to the Elliott ditch over the pipe into the ditch. Answer No, there will be a dike around the storage area with an elevation of 655.05 with water level higher in the storage area than the ditch it will be forced through the pipe into the Elliott ditch at 13.7 cfs. Mr. Hoffman stated: then it will not go into the ditch any faster than it does now. This is correct.

## Area C.

Begins at station 86+00 in the west ditch at an elevation of 668.76. Existing conditions 10 year undeveloped flow for the area is 14 cfs as compared with 46 cfs for the 100 year developed conditions. Subarea has been divided into smaller areas in order to reduce the total discharge from Subarea C to less than 14 cfs. Proposed detention basin is 10 cfs under the existing 10 year discharge rate. Water flows north, runs into two cross pipe structures. One in east ditch and one in west ditch. The pipe in the east ditch runs under County Road 500 E and the pipe in the west ditch runs under field entrance that serves field on west side of county road. Both structures serve as small dikes. Water in the east ditch runs directly into the detention basin, the west ditch runs down to station 98+00 crosses in three reinforced concrete pipes under the new County Road 475 E into detention basin. The detention basin discharges through a 21" reinforced corrugated pipe at a rate of 10 cfs at an outlet velocity of 4.2 fps and a depth of 1.8'. Outside the discharge area there is a new ditch graded to tie to the existing ditch station at 104+00 about 600' downstream from the detention basin. The detention basin is fairly flat B basin that has no water pool indications, a dry basin.

Mr. Hoffman asked if the Berlovitz ditch could carry the flow? Michael Spencer answered. Currently from that area there is a discharge rate of 14 cfs, the reduction after development to 10 cfs, the only problem Michael sees is it is sheet drainage now and it will be point discharge coming out of detention basin. Michael doesn't know any other way to detain the flow. Berlovitz ditch is agricultural field tile and needs reconstruction. There is a maintenance fund on the Berlovitz ditch.

## Elliott Ditch

The culvert analysis was performed in cooperation with the Indiana Department of Highways to size structures required in Elliott Ditch under 475 E. The limiting factor for this culvert was the size and condition of the downstream Elliott channel. there is approximately 3.3 square miles upstream of 475 E. For Elliott ditch a 50 year storm would discharge 700 cfs. This amount of discharge would stay within the ditch banks upstream and downstream. The design structure would be two 8'X7' precast reinforced concrete box culverts 120' long with upstream and downstream elevations of 646.00 and 645.76 respectively. Headwater and tailwater elevations are 654.45 and 654.47 respectively. Ditch Grading to be done in conjunction with the S.I.A. site allow for a 20' bottom ditch opening with 4-1 side slopes upstream from the structure. Downstream the existing section is not adequate to handle the 16 - 18' wide structure.

Mr. Hoffman asked if the only portion that would be flooded is the S.I.A. by Part A. Mr. Ziegler answered yes, and that's only under the situation where a sizable storm would be back to back where Elliott ditch would be full when run off starts to running off the project area. Mr. Hoffman, nobody else is going to be affected by the flood waters. No.

ELLIOTT  
DITCH

## Elliott Ditch-October 14, 1987 Continued

Mr. Ziegler stated that the road project effectively serves as a dike to retain all the waters within the area. A low point is at station 36+00 with 656.11 elevation a foot and half above high water elevation for Elliott ditch, a foot above the top of the banks. Flooding would be east of 475 E. instead of seeing water over the road.

Michael stated one of his concerns is, strictly by the ordinance any storage below 100 year water elevation doesn't count. We have upheld that in all cases as far as wanting developers coming in with 100 year water elevation. In that kind of ditch there is a problem. The only alternative is the detention basin would have to be north of Elliott ditch in an area where you could get storage. Mr. Hoffman asked if it would be on the other side of S.I.A. property? Michael answered that either the S.I.A. site or on the field on the west side of the road. The dike would have to be moved at station 45+00 before the storage could be above the 100 year flood elevation. Mr. Hoffman asked how are you going to get it up there? Michael answered that will have to over detain and have to be bigger to make up for the part that is already in the ditch.

George Schulte stated: if we do require a detention basin it should be located on the S.I.A. property.

Mr. Hoffman stated if they are taking dirt from the site they are going to have to get consent from S.I.A. with this plans as there will be flooding on the site.

Mr. Ziegler stated this could be alleviated if they would dike up the drainage area with an elevation above 655.00 then in the event of a major storm where Elliott ditch is flooded the water would rise to an elevation higher than Elliott ditch. In a normal single storm event the water would be down the side ditch into the Elliott ditch and gone before the head water would ever get in Elliott ditch. Their time concentration is a maximum of 45 minutes for Area B, 15 minutes for Area A. Elliott ditch is 3-4 hours.

George Schulte asked who is going to maintain the detention area? Need to get in a right of way. Problem here is that a right of way has already been determined. Need to do is get an easement from S.I.A. for the detention storage basin at that time county would be responsible for maintaining. Highway maintain. Need to get an area from S.I.A. find what the volume storage would be. Area would be 2 acre feet of volume. Be a 1/2 acre 2 feet deep, not too big an area. This is based on the 13.7 cfs release rate, this will be decreased, it will take more than that. To work in accordance with the Drainage ordinance a detention basin is needed. Logical area would be north of entrance in the Motor Pool area station 45+00. There will be excess storage there. When Elliott ditch flows it will back clear up to the drive. George Schulte stated that the board needs to contact Pat Long and talk with S.I.A. get the problem resolved. Mr. Hoffman stated their consent has to be gotten regardless what is done, because they are going to have water on their site.

Mr. Ziegler stated that Detention basin will take care of Area B, and would not do Area A any good. He asked if they wanted them to dike up Area A?

George Schulte answered: They need to look at some release rates and decrease the release rates out of the detention basin to make up for the run off from Area A.

Mr. Ziegler asked if they wanted to do Area A as designed?

George stated he felt they could let it flow right into the channel and do away with the 12" pipe. Same with the 18" pipe. Basically the lower end needs revamped to Elliott ditch. There will still be flooding from the Elliott ditch but not from the highway.

Michael Spencer is to get in contact with Pat Long and then Mr. Ziegler will come back with a revised proposed drainage plan for the detention basin.

## TOWER CORNER

TOWER  
CORNER

Tom McCully, representing Long Tree LTD, developer for Tower Corner which is located at Creasey and McCarty Lane consisting of a L shape 7.8 acres. Area will be for Commercial Shopping area. He presented the board a letter of request:

October 14, 1987

Tippecanoe County Drainage Board  
20 North Third Street  
Lafayette, Indiana 47901

Re: Tower Corner Drainage Plan

Dear Mrs. Scholer and Gentlemen:

As Developer of Tower Corner, a commercial development at the northeast corner of Creasey and McCarty Lanes in Tippecanoe County, Indiana, this letter is given to convey our understanding and assurance of the following:

1. The detention storage facility shown on the drawing of Tower Corner, Phase I, by Paul J. Coutts, Registered Profession Engineer, dated September, 1987, and on file with the Board, is designed to handle the storm water runoff for Phase I adequately, but will not accommodate full development of the entire parcel.

2. At such time as future phases are constructed which cause the runoff from the total development to exceed the capacity of the presently proposed detention facility, additional detention will be provided by the developer, either on-site or off-site, with the design and location of facility to be subject to the approval of the Board at that time.

Very truly yours,  
LONG TREE LTD.  
BY: William H. Long, President.

Mr. McCully asked for approval of the Phase I drainage facility.

Michael Spencer stated the one thing with this is the high water elevation problem, as the Treece Meadows ditch has a high water flood elevation. They have shown that their storage is above that high water elevation.

Mr. Hoffman asked if there was going to be a faster release than is there now? Answer No, be less. Michael stated there has been a release rate set for any development which drains into the Treece Meadows watershed area. Storage is above flood elevation.

Mr. Hoffman asked if the storage pond was going to be a part of Elliott ditch or who is going to maintain it? Detention pond is on the property and the developer will maintain it.

Mr. Hoffman stated they need an assurance of the maintenance, a recorded document. There is no covenant in this case. It is an on-site detention facility.

Michael Spencer recommended that the plans be approved subject to Mr. Hoffman's request of a recorded letter in regards to maintenance.

Sue W. Scholer moved to give drainage approval for Phase I of Tower Corner subject to recording of letter of information in maintenance, seconded by Eugene R. Moore, motion carried.

Mr. Hoffman and Mr. McCully will discuss the letter needed and form a document for maintenance recording.

CARTER  
LUMBER

CARTER LUMBER

Robert Grove engineer representing Carter Lumber presented and requested final approval of the Drainage Plan proposed. Property is located at Intersection of State Highway 25 and 231. State Highway has asked that a positive outlet be put in the side ditch at the entrance south of Beck Lane. As it is a 15" culvert water stands there now which runs into the detention facility, it could be by passed if it got to be a problem. When the drainage pattern is changed it should pull some of the intersection water from the south through the ditch. Proposal is to run off directly. Increasing the size of detention basin everything is graded around the building then into the basin outletting into ditch into a 24" pipe running off into the ravine system. They do have permission from the church to install, the church wanted them to do it that way, opposed to coming down the line. Release of outlet is 1.62 cfs an orifice plate on the 12" pipe.

Michael Spencer and Mark Houck drainage engineer have looked at the plans, they found no problems, it will be maintained entirely by Carter Lumber, as it is on their site.

Mr. Hoffman requested a recorded agreement from Carter Lumber if they are going to maintain.

Sue W. Scholer moved to give final approval for Carter Lumber drainage plans subject to the recording of maintenance statement and a letter be presented to the board from Assembly of God church giving consent to Carter Lumber to use the ravine system for drainage.

D&R  
FRUIT  
MARKET

D & R FRUIT MARKET

Kenneth Personett representing D&R Fruit Market presented building plans.

BRITT  
DRAIN

Michael Spencer stated that D&R Fruit Market at Creasey Lane and 26, they have supplied their run off calculations and the hydrograph. The area is tributary to the Britt drain, they are a party to the maintenance agreement. One of the requirements of the Britt drain as built was that all new developments come through the drainage board and be in compliance with the original agreement. This has been done and they are in compliance. It will go to the Britt drain detention area and be detained there. Michael stated they want them to show that they are not going to have negative impact on the pond as it was designed for total development in the area, they are well within the runoff co-efficients.

Michael asked that the developer go to the Area Plan and make sure they can have the two buildings on the same lot. Mr. Personett stated they have done this.

Sue W. Scholer moved to acknowledge the boards consent for D&R Fruit Market Creasey Lane and 26 for their additional building and that it does conform the requirements for the Britt Drain detention pond, provided the construction is made pursuant to the plans presented, seconded by Eugene R. Moore, motion carried.

PARKER DITCH

PARKER  
DITCH

Michael Spencer asked the board for discussion in regards to the allocation of the excess capacity in pipe hinged with easements for the Parker Ditch. The major problem is South of 200 South, east of the Interstate, and North of 200 South, west of the Interstate. He has talked with Bob Horner -Mid-States Engineer in negotiating a rate and he understands the situation. Michael stated he needs guidance. Mr. Hoffman stated that it should be done by someone impartial. They need to work with Mark Houck. This will have to be interjected at a hearing. The board ask Michael to get an estimate and element of time. People need to know we are working on it. Discussion who would pay for the work. It is felt that it can be taken from the Grant, however to begin with we can pay out of Engineering and then be refunded. Michael will get a proposal and report to the board.

SPECIAL MEETINGS

SPECIAL  
MEETINGS

Discussion on having Special Meetings. It seems we have been confronted with too many Special Meetings, some have a just reason, but others could wait till regular Drainage Board meeting. We will stress the 20 day deadline, and if a Special meeting is called the surveyor and Executive Secretary will tell developer of the \$35.00 charge and bill everyone on the agenda for the same. This is effective immediately.

There being no further business to come before the board the meeting adjourned at 10:10 A.M..

NOT PRESENT

Chairman, Bruce V. Osborn

*Sue W. Scholer*

Boardmember, Sue W. Scholer

*Eugene R. Moore*

Boardmember, Eugene R. Moore

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

The Tippecanoe County Drainage Board met in the Tippecanoe County Office Building Community Meeting room, 20 North Third Street, Lafayette, Indiana 47901.

Chairman Bruce V. Osborn called the meeting to order at 8:30 A.M. with the following being present: Sue W. Scholer Boardmember; Michael J. Spencer, Surveyor; J. Frederick Hoffman, Drainage Board Attorney; and Maralyn D. Turner, Executive Secretary; others present are on file.

#### PARKER DITCH

James C. Shook gave report and review of the status of the negotiation for the easements for the ditch. Going parcel by parcel beginning at the west end.

Mrs. Edith Flaningam property straddles I-65 on north side of 200 South. At the last meeting he detailed the items that was the greatest importance to the landowner; the allocation of the excess capacity in the tile to be constructed; the supervision of the construction of the work; and condition of the land during and after the construction of tile and damages which might be incurred by construction.

The County through Michael Spencer and Mid-States Engineers are in the process of determining an equitable allocation of the excess capacity of the sewer, Until such time that engineer's numbers are received, the negotiations are at a stand still.

William Bull Estate - Numerous conversations have been held with the family. At this time appraisals have been delivered (which have been made on behalf of the I.D.E.C.), these appraisals are being reviewed by Mr. Byrd in Oxford. At this time they have not been received back. As soon as they are received back they will be meeting. A proposition has been made, there has been no response pending Mr. Byrd's review of the appraisals. As far as the Bull track is concerned there is still conversation about the exact route of the tile as it passes through the land in relation to the existing easement and drain.

Robert Fox, East of 650 East on South side of the channel. They have a brand new residence on the parcel. The existing plans (proposed) show a deep and heavily improved ditch flowing past the Fox property, the Fleeman property, and the Dyer property. This improvement is totally rip-rap bottom and a high gabian retaining wall along the south side of the ditch to protect the Fox property. Mr. Fox is a contractor and has suggested to the County that it might be possible and less expensive to enclose the flow of water at this point in a large tile as it passes his property until the ditch gets into less severe terrain, which would be at the east end of his property; some 350 - 400 feet east of road 650 east. Michael Spencer has communicated this to Mid-States Engineering and they are in the process of reviewing the plans on this part of the channel.

On The north side of the channel immediately east of 650 East, land owned by Mr. and Mrs. Ray Fleeman: an option has been acquired to purchase the fee of his 1/3 of an acre, which would be totally covered by the easement required for the ditch. It is .93.

#### November 4, 1987 Drainage Board Meeting Continued

Dyer property immediately north of the Fleeman property. They have requested that the easement as it passes their property be reduced from 75' to 50' from top of the bank and have agreed if that reduction is approved by the Drainage Board, they will enter into an agreement to grant the easement. ~~Mr. Shook presented the request to the Board for their consideration and action. Sue W. Scholer ask if this had been presented before?~~ Michael Spencer stated, that it is not the same one. Mrs. Dyer presented request at the last meeting.

Robert Dilden property. They are still in conversation with them in regards to easements.

On the north side of the channel, east of Dyer property, the property owned by Mr. & Mrs. Ed Korschot. In files is a letter written on their behalf by Mr. Ted Smith, attorney, filing their objections. Two appraisals were made of the property. The property owners had a review appraisal made. There is a wide diversion in the values reported in a ratio 1-4. In conversation with the I.E.D.C. they have been unable to resolve in their own minds the value requested by the owners, therefore no further action has been taken since their request. Mr. Shook presented the board with copies of the original appraisal report made by Mr. Sells, review appraisal by R.&E. Research, Thomas Morlin, and a letter on behalf of the Korschots from Mr. Theodore Smith with an attachment and opinion of value given by Red Strange. They will continue to deal with the matter and report later.

Mr. Ted Smith asked to correct the record to show that the appraisal is by Red Strange Appraisal Services. Mr. Shook stated he was sorry, but it was signed Red Strange, not Red Strange Appraisal Services.

Joseph Plasphol property which is being bought on contract from Mr. & Mrs. Sanders. Option papers have been prepared and delivered to Mr. Plasphol who has forwarded them to Mr. and Mrs. Sanders. The papers have not been received back.

On the North side of the channel Mr. & Mrs. Harry Dilden have agreed to sell their easement. A signed option has been received from the Dilden's.

At the foot of the ditch, the last piece to the east owned by Mr. & Mrs. Charles Chamberlin. Extended conversations have taken place. Options have been prepared. There has been a number of engineering items with which some faults have been found. I.E.D.C. has agreed to instruct Mid-States engineer to revise the plan to suit the Chamberlin's request. The Chamberlin's are waiting on Mr. Byrd to do the review appraisals. The negotiations await the out come of Mr. Byrd's report.

This concluded Mr. Shook's report on Easement Acquisition for the Parker Ditch.

W. Kelly Carr stated that Mr. Shook left out one concern of Mrs. Edith Flaningam: an existing easement entirely across her property already for the Parker ditch. These people are asking for a new easement where there has been none before, Mrs. Flaningam does not wish to have two easements. The existing Easement connects with the west end of the detention pond which they wish to drain.

Richard Donahue made a statement that the conversations that are going on constructively will continue, however there is a shadow over the situation in that the I.E.D.C. are unhappy with the lack of progress. More replies would be appreciated from some of the landowners and there is a possibility down the road that condemnation may be considered. The water that will be draining through the ditch in part will be coming from Highway right of way. If an absolute need for it would exist, the Highway Department could acquire some of the easement rights. They hope and pray this will not be necessary, but it is something that is available as a so-called last resort. They are struggling to come to an agreement with the people, Mr. Shook has done a tremendous job, but the calendar continues to march forward. There will be a time that something more firm will have to be done. They will be keeping the board posted on this matter.

W. Kelly Carr made two comments:

1. Mr. Donahue's comment about needing drainage rights for the highway. Up to this point and time the highway department has only dumped their water on surrounding property owners, this has been their method of drainage. As a property owner in order to protect himself, he had to drain the water out through an eight inch tile. He would be interested in seeing them justify a large 76 inch tile to carry the water that was formerly carried by an eight inch tile.

2. Foreign firms should be treated like American firms.

Ted Smith attorney for Mr. & Mrs. Ed Korschot made comment in regards to Mr. Donahue's condemnation. If he felt a threat of condemnation would scare people, it doesn't scare any attorneys. If there is a water problem which is going to affect the highways or wash out the highway, then the answer to Mr. Donahue and the Commissioners is to put in a better and bigger tile under the road and not have to go down the line and take land away from the people who are so far away from the highway. If that is the thought of condemnation, they are not disturbed by it.

Bruce V. Osborn stated in a response that the Dyer request for a easement less than the normal, will be taken under advisement for now. If the board starts in one area they will have to continue. Michael stated there will be more requests. Mr. Osborn again stated the reason for easements, it is to protect the right for entry and to do repairs.

Mr. Ted Smith ask who stated they were in a hurry to get this thing resolved. Possibly Mr. Donahue. Mr. Smith asked what is the big hurry? Mr. Donahue stated he did not say "big". The I.D.E.C. observes the situation of acquiring easements and drainage rights progressing very slowly in some cases. In that case if they don't move forward constructively, the thought of condemnation exists and may be considered. A couple situations are not moving forward. Some have moved forward very well. Changes have been made when property owners have ask for them to be made. The I.D.E.C. is willing to do that.

Mr. Osborn thanked the property owners for coming.

COUNTY ROAD 475 EAST

Lamar Ziegler, engineer with Clyde Williams Associates, presented preliminary drainage plans two weeks ago and today is presenting revised plans as a response to the comments made at the last meeting. Same drainage areas A, B, and C. They have raised the grade

## County Road 475 East Drainage Board Meeting Continued November 4, 1987

of the ditch and widened the width of the bottom of the ditch, so water can be stored in the ditches. They need to request one waiver of the County Drainage Ordinance in that the discharge of the 12 inch pipe into Elliott ditch will be at an elevation below the 100 year flood elevation: elevation of 652.6 as compared to the 100 flood year elevation of 654.5. This elevation equates to a 10 year flood elevation.

## AREA B

A drainage break at Station 86, all the water south of the station will flow to the south. The pipes in the area of 200 South are unchanged from the previous submittal. There is some retaining and storage of water in the ditches caused by the 18 inch pipe under 200 South, a new approach at station 45.50+ into the motor pool area for the S.I.A. site, a field entrance opposite the drive into the Rowe farms, the 12-18 inch pipes respectively under the two drive ways will serve to retain water, and the water in the ditches ahead of the pipes reduces some of the flow. Two additional pipes at 41.50+ 15-12 inch respectively also serve as dikes to retain the flow of water. Existing conditions for Area B are the existing 10 year flow: 19 cfs. The 100 year proposed flow unrestricted would be 38 cfs, but with use of the pipes and dikes the actual flow can be reduced to 18cfs. Area A & B total flow into Elliott ditch is equal to the 10 year undeveloped flow. They are requesting a waiver of the drainage ordinance for Area B to be allowed to discharge water and store water from Area B at an elevation of 652.48 which is equivalent to the 10 year flood elevation.

## AREA C

Station 86.00+ on north to the end of the project. This has remained unchanged from plans presented October 14, 1987 except for reevaluation of some of the factors. Flows and elevations have changed slightly. Result is in Area C a 10 year existing undeveloped flow 16 cf, 100 year developed flow 41 cfs and a 10 year proposed discharge with the detention basin of 8.5 cfs. This is a substantial reduction in flow.

## ELLIOTT DITCH

Per request to better drain the area, a study was made and due to existing conditions upstream, the 100 year flow is not likely to be achieved. For present conditions a more logical and achievable flow rate equal to a 10 year storm could occur. A ten year storm was calculated to have a discharge of 440 cfs and a headwater elevation of 652.48. They propose to use this 10 year storm headwater elevation as the control elevation for detention of storm water in the ditches for this project. As the area develops, developers would come in with drainage plans that would require the 100 year run off be retained and discharged at a 10 year rate.

Michael Spencer stated that he and George Schulte highway Engineer have looked at the proposal and they agree with the proposal and see no big problem of reducing the outlet elevations to the 10 year storm event elevation in the Elliott Ditch, instead of the 100 year storm event elevation because of the upstream restrictions with the railroad tracks, south of Highway 38.

Bruce V. Osborn asked Steve Murray Assistant Highway Engineer if George had alluded to the fact that the holding ponds belong to the County Highway. Mr. Murray stated, that he and George had talked briefly this morning and he had reviewed their proposal and was satisfied to this fact.

Mr. Ziegler stated that they were wide bottom ditches, they look like and are built like side ditches, they will be dry most of the time except when it rains. In the report this is explained in regards to a 100 year storm. It is a standard form of release rate.

Sue Scholer asked how much of a variance is there between the 100 year and the 10 year flood storm? About 2 feet is the answer.

They have deepened the east and west ditch in order to store water equally. The Problem they are faced with is that the land is too flat and can not store water in the area as the land is below the 100 year flood elevation.

Bruce asked what Mr. Ziegler was requesting. He requested to be allowed to discharge and store detained water above the 10 year flood elevation for drainage Area A and B.

W. Kelly Carr asked questions and Mr. Ziegler answered them.

Sue W. Scholer moved to grant the request to the 10 year flood elevation for the discharge and storage of the drainage of Area A and Area B, seconded by Bruce V. Osborn, Motion carried, Unanimous approval.

Sue W. Scholer moved to give final approval for drainage plan presented for County Road 475 East, seconded by Bruce V. Osborn. Unanimous approval.

## STATE HIGHWAY DRAINAGE

Todd Frauhiger presented final drainage plans for State Highway drainage and requested approval of the plans.

The presentation is the same as given last meeting. There are no changes in drainage system of A and B. Changes for C were presented and are as follow.

At the October Drainage Board meeting, Dr. Kelly Carr expressed concern that the proposed highway detention pond would eliminate access from his future detention pond to the Parker Ditch.

After the last meeting, Dr. Carr, Allen Egilmez and Todd Frauhiger met to see if a possible compromise could be reached. The idea was formulated that possibly Dr. Carr could be allowed to discharge the 10-year undeveloped storm from his remaining land from his detention pond into the proposed highway pond. This would allow Dr. Carr access to Parker Ditch through the highway pond.

Using the TR-20 Flood routing program, it was shown that the proposed highway pond could handle the 100-year flow from the highway drainage system as well as the 10-year pre-developed flow from Dr. Carr's land. At the height of the storm in the scenario, the highway pond would reach an elevation of 660.65 and discharge a peak flow of 27 cubic feet per second.

It is therefore recommended that the Drainage Board approve the drainage plans for Area "C" and that Dr. Carr be allowed to discharge the 10 year undeveloped flow of approximately 80 cfs into the highway pond.

The new TR-20 run is attached at the end of this section, all this is on file in the surveyors office.

Mr. Frauhiger asked for questions.

Mr. Carr stated he had tried to reach Todd by phone and was unsuccessful. Todd explained that he had just been there a year and that he was not in the phone book. W. Kelly Carr had been told Todd was just an intern, this statement was not true. He is a full time employed Hydrologist.

W. Kelly asked what alternative locations they had looked at? They have looked at two other alternative beside the one presented. One possibility would be to detain the water in the Interchange area and also they looked at detaining water from land on the other side of County Road 200 South. The problem was there was not enough area and the pond would have extended over the pipe with an outlet in the middle of the pond dropping straight down to the pipe.

W. Kelly Carr asked if these were the only two areas they looked at? Yes—they also looked at detaining water in the ditch.

W. Kelly Carr asked why they decided not to detain the water in the interior area of the interchange as there is about 22 acres in the area. Todd answered that the main problem was the way the drain flows were set up the water was flowing down the Interstate from Dayton away from the Interchange, most was getting into the side ditch after the Interchange. The water coming down 38 from Dayton was the only water that could only be routed through the Interchange, the rest was coming through the system after the Interchange. Mr. Carr asked how many cfs is that water that comes down from Dayton? Mr. Frauhiger was not sure? Mr. Carr felt it could be a substantial amount of water.

W. Kelly Carr asked if they investigated the number of acres that drains into this system. Mr. Frauhiger has the figures in his files at his office. Mr. Carr felt it would be 130 acres, but Mr. Frauhiger felt it wasn't that much as the entire drainage area is approximately 200 acres.

Mr. Carr asked for his opinion, Mr. Frauhiger's opinion is 70-80 Acres. Mr. Frauhiger stated it seemed more logical to build one detention storage to take care of the whole area at the end of the watershed instead of two detention ponds. The other thing is the liability aspect. Water standing in the Interchange loop causes liability problems. Mr. Egilmez stated this is out side the Clear Zone. Mr. Carr asked what the Clear Zone was. This is a Federal Highway requirement.

Mr. Carr stated the whole disagreement revolves around the fact that currently the whole area north of 38 drains out through an eight inch tile or through a small piece that goes over through the Bull property. The Highway's need for the detention pond is for 100 year water. Pursuant to the Tippecanoe County Drainage Ordinance. Much discussion.

W. Kelly Carr stated they had not mentioned investigating the idea of using the existing S.I.A. retention pond. Why didn't you do that? From the beginning they were told that the pond would not be available to store the pond. Much discussion.

Mr. Carr stated he feels the pond is now a detention pond instead of a retention pond. He is bothered that the Highway Department is unwilling to look at idea of storing water in the interior circle for a 100 year storm level. Discussion of maps.

W. Kelly Carr asked Sue and Bruce to look at the area and how it will damage his property in value. He wants no more than a 5 acre take and he wants accurate figures. Much discussion.

Mr. Frauhiger wanted to clarify one thing. In the original agreement with the State and S. I. A. the ponds were to be used as stated. Much discussion.

Mr. Carr stated they excluded the area that the tile drains from his property from the 100 year storm. He asked why didn't they exclude the other tiled areas? They don't have that information.

W. Kelly Carr asked Michael what acreage was originally turned into him, 118 Acres? Michael stated on his assessment list he had 100 assessed acres for Parker Ditch that just included the Highway Right Of Way, but did not include the other land over by Moyer's and Blosser's.

## November 4, 1987 Drainage Board Meeting State Highway Drainage Continued

W. Kelly Carr questioned the legality of the drainage on the South side. Water goes to the Elliott Ditch, water from the Moyer and Blosser property goes Northeast to the Wildcat. They are putting all that back through the Parker Ditch. This would change watersheds.

W. Kelly Carr stated this is an important discussion as this is the only public hearing this is being held on this detention pond. Mr. Egilmez stated it is not a hearing they are only presenting drainage plans to be approved by the Board. Mr. Carr asked whether there will be a public hearing on the Department of Highway detention ponds? Mr. Egilmez stated no public hearing, just drainage plans. Mr. Carr feels that drainage calculations are not final.

Michael Spencer stated he feels the Highway Department has final calculations for the Drainage Board. The finalization is between Mr. Carr and the Department of Highways.

Mr. Carr would like to see things done accurately in regards to the size of the detention pond. He asked them to look at the water run off and see if the State can't be more accurate. Discussion of 25 Acres and size of pipe.

W. Kelly Carr asked why isn't the Town of Dayton responsible for its own storm water? Most of the ground is in the Town of Dayton. Why does the State Highway have to be responsible for Urban water? Answer, it was there before all the developments came about. Discussion of detention ponds.

Michael Spencer asked how big of area did they want from you (Mr. Carr)? Mr. Carr answered they want a 1/3 of the 32 acres tract, taking the part that has the greatest visibility toward the highway. He would like for them to take no more 1/2 of that with a small detention pond on his property. Discussion of the lining of the detention pond.

Mr. Carr wanted to talk about the basic problems. Talking about water going out through an eight inch pipe, the responsibility of Town of Dayton. The state has land under their control either through I.E.D.C. or Interchange circles that they can use for a great portion of the 100 year storm. They are designing for a 10 year storm using the Interchange area. Recalculating the water take off that goes from the tiles to the catch basin northeast and that which goes off to the south they would not have to damage his property so severely.

Mr. Osborn asked how many acres are they proposing to take? Approximately 10 acres a triangle shape piece of land. Mr. Egilmez stated the detention area itself is 7.5 - 8 acres. They also are widening the existing ditch along I-65 35 feet. Widening of the ditch is on the west side with a 3 foot bottom and on the east side with a 10 foot wide bottom.

Mr. Carr asked what investigation they made in putting a pond on the 32 acres which S.I.A. took from him? Mr. Frauhiger stated he wasn't sure what S.I.A. took from him.

Mr. Carr asked what investigation was taken to put the pond on the west side instead of the east side? Mr. Frauhiger stated he knew it was S.I.A. land and they could not put the pond on the other side. Explanation was given by Mr. Frauhiger as to reason for not using their ponds.

Mr. Carr asked why is S.I.A. any different than himself?

Mr. Beeler asked who told them to avoid the S.I.A. plant?

Pat Long Of R.Q.A.W. answered he did.

Mr. Beeler asked who gave him his instructions?

Mr. Long stated Lt. Governor Mutz signed an agreement with S.I.A. that said in writing the pond would be filled in. These instructions have been followed since day one.

Mr. Carr asked the Drainage Board to consider carefully whether these are grandiose plans, whether the State Highway Department has a moral obligation to put some of the water on their own ground instead of forcing it all on his ground.

Mr. Osborn feels the argument of not condemning S.I.A. property is pretty weak.

Mr. Long stated they were given a signed agreement between the State and S.I.A. Mr. Osborn feels they don't have that right. They don't give the property owner the right.

After much discussion Mr. Osborn stated the board will take this proposition under advisement, and come back in a Special Meeting after some of these concerns are cleared up.

Sue W. Scholer stated that technically what the board is looking at is whether the drainage plans meets the County Drainage Ordinance. Answer-Correct. Mr. Frauhiger stated he wasn't sure what he could present at the next meeting. Mrs. Scholer asked Mr. Frauhiger if he had expressed the concerns presented to those who might be able to carry this further?

Mr. Frauhiger again stated since the agreement had been signed it will hard to go back and make changes.

There being no further business to come before the board, the meeting was adjourned at 10:35 P.M.

Bruce V. Osborn  
Bruce V. Osborn, Chairman

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

Sue W. Scholer  
Sue W. Scholer, Boardmember

Eugene R. Moore, Boardmember (Not Present)

TIPPECANOE COUNTY DRAINAGE BOARD  
WEDNESDAY, DECEMBER 2, 1987

The Tippecanoe County Drainage Board met Wednesday December 2, 1987 with Chairman Bruce V. Osborn calling the meeting to order at 8:30 A.M. in the Community Meeting room of the Tippecanoe County Office Building, 20 North Third Street, Lafayette, Indiana.

Those present were Eugene R. Moore and Sue W. Scholer Boardmembers, J. Frederick Hoffman Drainage Attorney, and Maralyn D. Turner Executive Secretary, others present are on file.

VALLEY FORGE

Robert Grove engineer representing developer of Valley Forge stated he has had review processes with George Schulte and Michael Spencer, changes have been made in the inlet configuration. He ask to continue this till the January Board meeting and ask for final approval at that time.

Sue W. Scholer moved to honor the request of continuance till the January meeting, seconded by Eugene R. Moore. Unanimous approval given.

SHERWOOD FOREST III

Robert Grove engineer representing Chuck Sherwood requested preliminary approval of drainage plan for Sherwood Forest III consisting of 11 acres. Mr. Grove stated meetings have been held in regards to the drainage plans, two meetings were with the board and the other was with Mark Houck drainage consultant and Michael Spencer. He presented a revised submittal with the detention basin from what had previously been submitted. Previous submittal was a dry bottom basin that only handled the flow from the proposed subdivision. Concerns are with the downstream people of what they are and how they are handling the water. After talking with Mr. Sherwood it was decided that everyone would benefit if they made an effort to retain or detain water from the entire watershed. Proposal now is to handle all the waters of the undeveloped area from the 79 acres from the 164 acres, 164 acres does not have direct run off it has to through the road culvert system. How this effects the downstream area is not certain. The 79 acres does have a direct routing to the subdivision. Mark and Michael had two concerns: 1. The developer show they are handling the additional runoff from the 100 year storm in the developed area. 2. Some idea to the generation of hydrograph of what is going up stream. Mr. Grove presented study.

They are proposing to reduce run off from a peak of around 18 cfs to 2 cfs. The second thing they are looking at a wet bottom basin which would be a permanent pool (lake), reason for doing this they would get much more volume by starting from a flat surface from wet bottom. Second consideration was to contain everything in the 79 acres plus additional flow from the subdivision south. They chose a 15 cfs outlet which is a combination of 12 inch pipe which is put in to handle the subdivision with an elliptical pipe to handle the upstream area. Mr. Grove explained the permanent pool elevations. A dyke would be built 30 feet across the base which would help to elevate problems downstream, this will some point and time overflow, it will effect the peak flow that the people downstream will see from the entire watershed. They feel this will help everyone. Mr. Grove ask the board to consider the ordinance requirements that they are to reduce only the flow from the development itself. He pointed out the natural swale area.

Mr. Hoffman asked how deep will the water be? Answer 6 feet deep was proposal could be deeper.

Mr. Hoffman asked if a fence would be around the lake? No. Mr. Grove stated it was not a requirement on that type of lake. Construction plans have bank treatment around lake, there will be safety shelves. This will be presented in final plans.

Tom Jordan homeowner representing himself and other homeowners in Sherwood Forest stated he and the neighbors have concerns about the proposal. The memo of November 16, 1987 to the Drainage Board in second paragraph is concern.

They had Mr. Dan Pusey look at the plans, because of illness in Mr. Pusey's family he was unable to attend today's meeting. Mr. Jordan submitted notes of Mr. Pusey's concerns in his study of the plans. They are:

1. It is obvious to me that the reason for a permanent pool is that Mr. Sherwood needs soil to build up pad elevations for the new house sites. (This is just a statement).
2. No information is given relative to the proposed depth of the permanent pool on outlot #1.
  - a) One should question the depth.
  - b) the safety of a pond in this local.
  - c) who is going to maintain the storm water storage facility.
  - d) is it going to be deep enough for prevention of a eutricification.
3. They did not address the relative elevations of adjoining properties immediately South of OL-4-3&2. The relative pad elevations (Minimum floor elevations) should not be higher than yours. No information provided as to your protection.
4. The present flood way is being constricted by the new fill proposed for building sites. Has this decrease in potential storage been addressed in the Pool storage area.
5. The only reason I can see for digging a pool is the need

- for dirt. Economics of construction. A dry bottom storage facility would be safer, but more costly to develop due to the need to haul in fill dirt.
6. I wonder if the half foot protection grade above the spillway grade is adequate to hold back flash runoff. I was always taught that 18"-24" was needed for what is termed free board. What is the capacity of the spillway before total overspill.
  7. No dimensions on drawing?  
No North arrow on drawing?  
No scale on drawing?  
No vicinity map.?
  8. What is flow rate of spillway before total overspill?  
Will 52" CMP and ditch carry the outlet pipes plus the spillway?

Mr. Jordan stated the property owners concerns are the safety of the pond and in number 2 b,c, and d. The third one is one of his personal concern and interest. They did not address the relative elevation of the new properties in relation to adjacent homeowner properties. He is immediately South of Lot 4. Concern is elevation which Mr. Jordan has addressed the board in an earlier meeting which is on record. It is a concern of other property owners. Again Mr. Jordan requested a study to be made.

Again Mr. Jordan stressed the concern in regards to the pond in safety, health, and hazards.

John Schwab property owner representing himself and other property owners. His concern was the runoff of the subdivision with the new holding pond. Another personal concern is: What kind of protection does the property owners have against their property becoming a swamp?

Mr. Jordan asked is it legal to build up land to create a low spot in neighborhood? Mr. Hoffman stated he did not think there was anything wrong with building land up as long as water doesn't run on someone else.

Mr. Jordan is not satisfied with proposal.

Mr. Jordan asked the board on behalf of his neighbors and himself to address the eight points of Mr. Pusey's and his concerns. He stated he has talked to all the neighbors and there is no one against Mr. Sherwood developing. They are not here to stop development, but want their concerns addressed.

Michael Spencer left notes which Mr. Osborn read. His concern: Need to prove that the lowest pipe from the lake will detain the water from the development (per the Ordinance) before the upper pipe begins to run water.  
Free board rip-rap etc, maintenance of water level, and water fall.

Mr. Grove addressed some of the questions, after much discussion. Mr. Jordan asked who would maintain? Mr. Grove stated that the Homeowners Association of Sherwood III would.

After much discussion, Sue W. Scholer moved to have Michael Spencer, and Mr. Grove meet with the property owners and continue this meeting Friday, December 11, 1987 at 8:30 A.M.

Mr. Spencer is to contact Mr. Jordan for meeting date.

#### PARKER DITCH/200 South

George Schulte gave report on 200 South and Parker Ditch. He had attended meeting with Utilities, County Highway Department, Indiana Department of Highway, Department of Commerce and other people involved with Parker Ditch project. The County Highway Department is getting involved in it due to requirements of drainage with the new roadway. Planning to improve 200 South from 475 East to Dayton Road. At this time talking about existing capacities that will be provided in the proposed Parker Drain. It is his understanding that S.I.A. is limited to a certain release rate approximately 180 cfs, he isn't sure of the exact numbers. There is an access of approximately 50 cfs in the proposed Parker drain, it goes from a 66" to 72". In order to build a County Road 200 South an outlet will be needed. A study is being made of what the County's needs are. The thing that concerns Mr. Schulte is the 72" pipe going in it is going straight, the out flow and possible developments for anybody in the same area. The capacity of 50 cfs isn't much. He doesn't know what the watershed area is. He is guessing 200-250 acres. Mr. Schulte's recommendation to the property owners in the area would be to put an open channel from the Interstate to County Road 650 East. Grant it the channel is going to be deep, going to take a lot of right-of-way or easement for maintenance, but there will be adequate capacity to provide for future development, and to give adequate drainage off of property. Another concern is the area lying to the Northeast of the Interstate and North of 200 South which Mr. Carr is involved. It needs to be considered to, make sure that has an adequate outlet. When you start putting pipe structures in that pretty well restricts what you can do unless it is more economical. Usually as a general rule it is more economical to go in with an open channel than it is with pipe. Presently they are utilizing the 72" pipe having excess capacity with about 50 cfs more than the S.I.A. requirements. He feels this may create some problems for the future development occurring in that area. He feels the best way to address that is possibly increase the size of pipe underneath the Interstate, and provide an open channel east of the Interstate rather than the pipe structure to County Road 650 East.

Mr. Osborn asked if there were other questions.

Mr. Osborn stated: What Mr. Schulte is stating there isn't going to be much excess

capacity. Correct. Mr. Schulte stated even if the area develops and complies with the Drainage Ordinance they will still have a hard time obtaining adequate drainage. Mr. Schulte stated what needs to be proven is that the excess capacity is at least adequate for future development. Some drainage problems would be created like alot of ponding, water standing, etc.

Kelly Carr commended Mr. Schulte on his report and thanked him for looking at the future in a long range view point on the project.

Mr. Schulte stated it is a fine line when you get a development coming into the community. How far and what are their responsibilities as far as providing and eliminating existing problems. There is an existing drainage problem there now. You may not know it now, but if you over develop the property you soon find out there are problems. Again there is a fine line of how much we tell I.E.D.C. what we want done. From his stand point and as far as the County is concerned we would work with I.E.D.C. and pay our fair share to make sure that we have an adequate outlet through the Parker Ditch. Mr. Schulte stated that the pipe was put in to serve S.I.A. only. The County is looking at resolving some other problems, therefore the county wants to say to I.E.D.C., "Hey we have other problems and want to resolve at the same time you are providing a positive outlet for S.I.A.". Mr. Osborn stated which was caused by S.I.A. in the fall out process. Mr. Schulte stated basically you might say this, but at some time or other it would occur. It has come to a head quick because of S.I.A.. Mr. Schulte stated what is there now is a surface outlet.

Mr. Carr stated he would like to hear what Mr. Frauhiger has to say in regards to Mr. Schulte's recommendations. Mr. Frauhiger stated he didn't totally agree with everything said, therefore he would rather not make any comments.

#### STATE ROAD 38/I-65

Allen Egilmez representing Indiana Highway Department stated the board has the calculations and what he wants to present today is Alternates to the Areas.  
Area A

Area starts from future 475 East west to Elliott ditch. Three alternatives were submitted:

1. Storing water to 100 year storm runoff in the ditches. The way the ditches were designed they were not able to handle the runoff.
2. Considered Vaughan's property on North side of 38 close to Elliott ditch at the end of the drainage path where they would like to put detention ponds. Problems with the easements and the narrow strip left in and came in with a pond they would end up taking the whole property, even though they would not be using the whole property for the detention pond. This would result in property damages on the North side of 38.
3. Mrs. Louise Schroeder on south side of 38 at the end of the drainage path, the drainage flows from 475 East down to Elliott ditch. They got as close to Elliott ditch outside the 75' easement to build a detention pond. They made it long and narrow in order to provide her frontage and minimize the damage on her property. Calculations were included in the last packet presented.

#### Area B

The area had three areas.

1. Triangle SR 38/CR 475 East and Elliott Ditch. Drainage area starts at the West ramp entrance along 38 all the way to County Rd 475 East. Problem with the area which was appropriate location, was routing the water from the east side of Elliott ditch over to the pond and then back to Elliott ditch. More or less a pump station would have to be built to get the water to the triangle.
2. Between SR38 & RR east of Elliott ditch North of 38 (SIA property). Ponds along SR38 on both sides, this would result in multiple ponds, this they want to get away from because of maintenance.
3. Ditches. Would be able to store 100 year storm water runoff within the ditches because of the length of the ditches.

#### Area C

Area of the Interstate.

1. Interstate loops. Problems of liability caused by standing water inside the loop, outlet problems, limited depth in the loop, multiple ponds much lower ditch elevations.
2. North of County Road 200 South. Not enough area without pond extending over Parker ditch. Larger pipe under 200 South.
3. Ditches along I-65. Would require more right-of-way along I-65. Not able to back up water because of pipe at M mile Marker 169. Not able to store 100 year runoff with standard ditches.
4. S.I.A. In the agreement the existing ponds would be filled in for future plan expansion. New Detention ponds was needed S.I.A. offered ditches along I-65, however not able to handle 100 year storm runoff would jeopardize S.I.A.'s ISPCB

permit as water is monitored and can't use 66" outlet pipe. New pipe under 200 South resulted in larger pipe at I-65. Main reason they didn't build on S.I.A. property is that 87% of the drainage area is on the east side of the Interstate. If the detention pond was put on the west side there would be a problem of rerouting water back across to pond where the water is being monitored..

This concluded Mr. Egilmez presentation.

Bruce V. Osborn stated the Department of Highways has fulfilled their obligation relative to the Ordinance. Mr. Osborn asked for questions.

W. Kelly Carr and Lewis Beeler asked questions and they were answered by the representatives of Indiana Department of Highway.

W. Kelly Carr asked the Drainage Board to have Michael Spencer to check the acreage as he feels the acreage isn't accurate. After checking figures and if it is found that the figures are correct and if the Board would approve the plan, the Board should ask them to include in their arrangement the opportunity for Mr. Carr to drain water through the detention pond into the pipe to the north and they should be instructed to give Mr. Carr a written agreement to this effect. Mr. Frauhiger stated that he and Mr. Carr need to pursue that further.

Area C addendum states that Mr. Carr's property has access to a positive outlet to Parker Ditch through Department of Highway he detention pond for the 10 year undeveloped flow. When Mr. Carr develops the property he will be responsible for building a pond system to detain the 100 year storm. Discussion continued.

Loren Schroeder representing his mother Louise Schroeder asked the representatives questions and expressed their concerns of maintenance, damages, the 75' easement, and turning the pond around the narrow end being to the front. State Highway representatives answered questions asked.

Mr. Schroeder asked if Elliott ditch was going to be recut and have enough volume to drain all the adjoining land. Mr. Osborn and Sue W. Scholer stated that a Task Force is studying the Elliott ditch and it is 80% completed. Upon completion a report will be submitted to the Drainage Board.

Eugene R. Moore asked Mrs. Schroeder if she had had all her questions answered. She stated that at the present time she has no drainage problems and she has great concern of having problems in the future with the changes being made. The 75' foot easement, maintenance and damages she was instructed by Mr. Egilmez to put them in writing and send her concerns to the District office. Mr. Frauhiger wants to meet with Mrs. Schroeder and have discussion in regards to field tiles.

Mr. Osborn stated taking, in consideration of Mr. Carr and Mr. Beeler's statements, in concern about the mileage, the total acreage he entertained a motion for approval of plans submitted by the Indiana Department of Highway.

Sue W. Scholer moved to give Indiana Department of Highway approval for the final drainage plans submitted contingent upon Michael Spencer's confirming acreage and mileage to Mr. Carr's property as being correct, seconded by Eugene R. Moore. Unanimous approval.

OSHIER DITCH

OSHIER DITCH

A letter received from Audley Oshier signed by Bernice Hawkins etal, Gene Brummet, Lynn Hawkins Trust Farm by Wayne Buck requesting an added tax be added on the present rate of .50¢ per acre assessment. The Oshier ditch needs to be finished up on a clean out as existing tiles in some areas are beneath the existing ditch bottom. The letter ask the board to give this immedaite attention to prevent future crop damage. The board will set a hearing date in early 1988 and act accordingly. Letter was dated November 9, 1987.

There being no further business to come before the board, the meeting was recessed at 10:40 A.M. and will reconvene Friday, December 11, 1987 at 8:30 A.M.

*Bruce V. Osborn*  
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Bruce V. Osborn, Chairman

*Sue W. Scholer*  
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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 6, 1988

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## January 6, 1988 Drainage Board Meeting Continued

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

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

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

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

Many questions need to be answered before action is taken.

## VALLEY FORGE

Valley Forge

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

## MEETING TIME CHANGE

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

## JOHN HOFFMAN DITCH

JOHN HOFFMAN DITCH

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

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

Mr. Hoffman conducted election of officers.

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

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

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

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

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

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

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

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

Mr. Spencer asked for questions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Moore asked the feeling of the property owner.

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

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

January 6, 1988 Drainage Board Meeting Continued

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

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

Malcomb Miller supports Mr. Frey's statement.

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

Michael stated they would be maintaining what there is now.

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

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

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

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

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

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

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

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

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

Michael stated the grade can be checked.

Mr. Barr would agree to keep the water going.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Bruce V. Osborn*

Bruce V. Osborn, Chairman

*Sue W. Scholer*

Sue W. Scholer, Boardmember

*Eugene R. Moore*

Eugene R. Moore, Boardmember

ATTEST:

*Maralyn D. Turner*

Maralyn D. Turner  
Executive Secretary

Elliott Ditch Task Force - January 21, 1988

Tippecanoe County Drainage Board Meeting  
January 21, 1988

The Tippecanoe County Drainage Board met in a special meeting at 9:00 A.M. Thursday, January 21, 1988 in the Community Meeting Room of the Tippecanoe County Office Building, 20 North Third Street, Lafayette, Indiana.

Bruce V. Osborn chairman of the Tippecanoe County Drainage Board called the special meeting for the Elliott Ditch Task Force to order. Purpose of the special meeting was to hear the presentation of the Elliott Ditch study.

Chairman Osborn on behalf of the Drainage Board thanked the Elliott Ditch Task Force committee for all the work they have done. Special thanks to Gary Williams, Frances Albregts, Roger A. Blevins, John H. Chapman, J. Frederick Hoffman, Gordon J. Kingma, Eugene R. Moore, James Riehle, Sue Scholer, George Schulte, Mike Spencer and Elbert R. Strain.

Those present: Steve Pell, Jim Gulick, Joe Bumbleburg, Gordon Kingma, Gary Williams, John MacOwen, Tom Reckerd, Roger A. Blevins, Bill Godby, Ken Koch, David Leib, Chris Burke, Mark Houck, Rich Stenner, James Riehle, Judith Hamman, and George Schulte.

Chairman Osborn introduced Christopher B. Burke of Christopher B. Burke Engineering, LTD and Mark Houck with Omtex Engineering, Inc. who made the study.

Mr. Burke then presented the final study of the Elliott Ditch.

The study and findings are available in the Commissioner's office. Cost of booklets \$15.00.



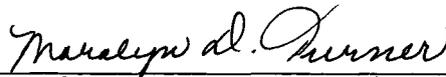
Bruce V. Osborn, Chairman



Sue W. Scholer, Boardmember



Eugene R. Moore, Boardmember

ATTEST:   
Maralyn D. Turner, Executive Secretary

TIPPECANOE COUNTY DRAINAGE BOARD MEETING  
WEDNESDAY, FEBRUARY 3, 1988

The Tippecanoe County Drainage Board met Wednesday, February 3, 1988 in the Tippecanoe County Office Building, 20 North Third Street, Lafayette, Indiana.

Chairman Bruce V. Osborn called the meeting to order at 9:00 A.M. in the Community Meeting room. Those present were: Sue W. Scholer Boardmember, Michael J. Spencer Surveyor, Mark Houck Drainage Consultant, David Luhman Acting Drainage Attorney, and Maralyn D. Turner Executive Secretary., others present are on file.

VALLEY FORGE PHASE III

Robert Grove engineer, representing Roy Prock developer ask for final drainage approval for Valley Forge Phase III with the condition that Michael Spencer and Mark Houck have a chance to review the last request presented. Calculations were requested for 10 year calculations with storm sewer, 100 year storm sewer with direct run off with predevelopment flow, also detention calculations. This has been prepared and presented.

Michael stated they had met with Bob and this is his response.

Mr. Grove this is the last thing to be presented.  
stated

Michael asked if Mr. Schulte was satisfied with the inlet capacity? Mr. Grove stated he felt that Mr. Schulte was satisfied, however Mr. Schulte had other requirements and they have been submitted to Mr. Schulte.

Mark Houck stated he and Michael had asked for 100 year calculations, the 10 year was just brought up in the last week. Mark stated at this point there will be no problems, it is just a matter of demonstrating the fact that the water will go where it is suppose to go at the time it is to go. One of the issues is getting water out of the culdesac into the detention ponds during a high return period storm. Mr. Grove stated they have shown that, it will go through the pipes on the 100 year calculations.

Mr. Houck stated that the issues have been laid out, the response is that Michael and he need to look at the calculations.

Sue W. Scholer moved to give conditional final drainage approval on Valley Forge Phase III, subject to Michael and Mark reviewing the technical information and in compliance with the County Highway Engineer that everything is satisfactory, seconded by Bruce V. Osborn, unanimous approval given.

BULLOCK BUILDERS

Robert Grove engineer, representing Bullock Builders owner asked for final drainage approval, location of property is south on Highway 231, south of the bowling alley consisting of 1 acre. Developer is building two garages that will be and office and the other a display for sales. Michael pointed out that this area has a problem of having a positive outlet. Mr. Grove's presentation of drainage control structure is on file.

BULLOCK BUILDERS CONTINUES-FEBRUARY 3, 1988

Mr. Osborn asked if they had worked on the right of way from the State Highway Department? Mr. Grove stated they are working on this.

Michael stated the plans presented are okay.

Sue W. Scholer moved to give Bullock Builder final drainage plan approval, seconded by Bruce V. Osborn, unanimous approval.

KIRKPATRICK DITCH

Eugene Moore and Bruce V. Osborn will serve on the Joint Drainage Board for the Kirkpatrick ditch. A hearing will be set sometime in March. Tippecanoe County has the most length of drainage and Montgomery County has the most acreage in the watershed area. Michael stated that Montgomery County did not want to set on the board, they wanted to waive their rights. Micheal told Russ Nelson Montgomery County surveyor that they had more acreage and that they should set on the board, they have agreed. This is why Michael is handling the procedures for the open ditch. What we are trying to do is get the outlet under maintenance. They have appointed two board members, those members are Bob Thayer and Dr. Marion Kirtley.

ELLIOTT DITCH

Sue W. Scholer asked if the board has started a procedure to get the flood plain defined for the report of the Elliott Ditch? Michael answered-yes. Mr. Christopher Burke has submitted that request to the Department of Natural Resources.

Sue W. Scholer presented a letter to Michael from Fred Hoffman attorney, in regards to Legislation of Districts, Indiana 8-1. 5-5-1- to 26 inclusive.

The board asked that the minutes reflect that the Elliott Ditch Task Force Special meeting was held January 21, 1988. The board wanted the minutes to state that the Study Booklet is in the surveyor's office, a cost of \$15.00 will be charged. Minutes are on record.

RAYMOND MILLER PROPERTY OWNER

Mr. Miller stated he has had drainage problems on his property created from drainage of an adjoining property owner. It has been since 1983 that he has asked that something be done to correct this matter. It came before the Court in May 1987, at that time a decision came forward, but to this date nothing has been done to the Court order. Mr Miller has lost \$8,000.00 with top soil and he has lost more since. Plans have been presented by Mr. Robert Grove to the surveyor, there are questions in regards to the plans, and Mr. Miller wants to know when he can get something done.

Mr. Osborn stated that Mr. Miller has been more than patient in this matter.

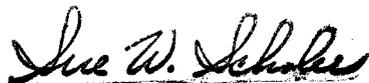
Robert Grove stated he did submit a design for structure that best meets the Court order. Mr. Grove stated that Mr. Spencer and Mr. Houck and he have agreed on the runoff from small rain storms, however they still question on the larger rain storms runoff. They may have to reduce the outlet control structure. They are trying to match the low rain fall.

Michael stated the problem is figuring out what the Judge has ordered. After much discussion the board asked that Robert Grove present a new proposal with new calculations of the structure design. A meeting was set for Friday, February 5, 1988 at 9:00 A.M. in the surveyor's office.

There being no further business the meeting adjourned at 9:25 A.M..



Bruce V. Osborn, Chairman



Sue W. Scholer, Boardmembers

Not Present

Eugene R. Moore, Boardmember

ATTEST:



Maralyn D. Turner, Executive Secretary

Otterbein Ditch-February 3, 1988

TIPPECANOE COUNTY DRAINAGE BOARD  
Wednesday, February 3, 1988

The Joint Drainage Board for Benton and Tippecanoe County met for an organizational meeting for the Otterbein ditch in the Community Meeting room of the Tippecanoe County Office Building, 20 North Third Street, Lafayette, In.

David Luhman acting drainage attorney, called the meeting to order with the following being present. Sue W. Scholer Tippecanoe County Commissioner, Steve Conner Benton County Commissioner, Michael Spencer County Surveyor, and Jack Steele Benton County Surveyor. Others present are on file.

Mr. Luhman stated that Sue W. Scholer and Eugene R. Moore are to be the representatives for Tippecanoe County Joint Board and Steve Conner and Don Clute the representative for Benton County. Mr. Moore and Mr. Clute were unable to attend.

Mr. Luhman nominated Sue W. Scholer to serve as Chairman of the Joint Board, there being no further nominations, nominations were closed and Sue W. Scholer was unanimously elected Chairman of the joint board.

Sue W. Scholer appointed Maralyn D. Turner secretary to the board.

Sue W. Scholer asked Michael J. Spencer to make presentations in regards to the Otterbein ditch. Michael stated that a petition had been received requesting reconstruction of the Otterbein ditch and it accounted for 2,145.6 acres of the watershed area. Total watershed area is 2,820.8 acres. The petition represents 75% of acreage. Tippecanoe County has the most acres and length of drain.

Mr. Luhman stated the records should show that Michael J. Spencer County Surveyor by statue is an ex-official member of the board.

Michael stated what needs to be decided now is, what are we actually going to do. Acres and landowners, acres assessed and benefited by the project. A hearing will have to be held. Michael asked the board how they wished to hand the surveying and getting construction plans together and estimates. Go with an engineering firm or have the county's do it with their own personnel.

Chairman Scholer asked Michael how much information he had available? His answer is the legal description of the legal drain is all that he has.

Chairman Scholer asked if the board recommended that an outside firm do the findings. Michael stated that would depend on how fast. Michael stated we should get estimates of how much it is going to cost and get the approval from the landowners on the cost, as this will be a part of their assessment. A time will be set for a meeting after this has been done.

Mr. Conner asked what the reconstruction would entail?

Michael stated the clearing and dredging of the ditch, leveling spoil etc. Michael asked if any one had contacted the Town of Otterbein Board about this request. The Town had signed the petition. This would be the ditch that runs west from the open ditch through the town. It is not a part of the legal drain. Mr. Steele stated this ditch is in terrible condition.

Mr. Conner is to contact the board and then let Michael Spencer and Sue W. Scholer know when they can meet with the Town board. First Monday of March is the Town's regular meeting.

Michael stated if the Town wanted it to be taken into the Otterbein legal ditch the Town would have to petition to have the branch added to the legal drain.

Mr. Ernest Widmer stated that the branch they are talking about would take in some farm land on the west side of town.

There being no further business the meeting adjourned at 1:45 P.M.

*Sue W. Scholer*

Sue W. Scholer, Chairman

*Eugene R. Moore*

Eugene R. Moore, Tippecanoe County Boardmember

*Steve Conner*

Steve Conner, Benton County Boardmember

*Don Clute*

Don Clute, Benton County Boardmember

*Maralyn D. Turner*

Maralyn D. Turner, Secretary

TIPPECANOE COUNTY DRAINAGE BOARD  
Wednesday, March 2, 1988

The Tippecanoe County Drainage Board met Wednesday, March 2, 1988 in the Community Meeting room of the Tippecanoe County Office Building, 20 North Third Street, Lafayette, Indiana.

Chairman Bruce V. Osborn called the meeting to order at 9:00 A.M. with the following being present: Eugene R. Moore and Sue W. Scholer Boardmembers, Michael J. Spencer Surveyor, J. Frederick Hoffman Drainage Attorney, Mark Houck Drainage Consultant, and Maralyn D. Turner Executive Secretary, others present are on file.

WESTON WOODS SECTION I

WESTON  
WOODS  
SECTION I

Tom McCully representing Bill Long and Lee Treece stated they are seeking approval of Weston Wood Section a single family residential subdivision on McCarty Lane east of Creasey Lane. There are 17 lots in the first section. Mr. Coutts explained how it will tie in with an apartment project proposed west of and to the over all Treece drain.

Mr. Osborn asked how many sections there were? Mr. Coutts answered this has not been determined. Acres involved 32, Section I consists of 5.1 acres,

Area within the 200 foot PSI easement will be used for detention storage areas utilizing a 1.00% bottom slope with a 3.1 slope at the edge of the easement. This being a very usable and mowable rear yard area that will function as storage when needed.

Mr. Coutts explained Weston Place Apartments will have two detention storage areas with base storage are proposed to replace the inadequate "dry" storage area as part of the Treece Meadows Legal Drain. Each pond will be capable of storing four feet of additional water volume above the normal low water elevation. The southern pond has a mid-level are of 1.9 acres and the northern pond is 1.5 acres at the mid-level storage height. This provides a total of 13.6 acre-feet of storage. For a 100-year, one-hour storm (2.72 inches), the total volume of water with no ground absorption would require 4.37 acre-feet of storage with no release rate. Table B with no release rate and no other inflow indicates a need of about 5.6 acre-feet for heavier storms.

As a result, an additional 7.8 acre-feet of storage is created over and above with this particular project would require. The 24" outlet pipe is overlay restrictive when the upstream inflow from McCarty Lane (approximately 18 cfs) is taken into account and the inflow from Weston Woods Subdivision (1.59 cfs) is also included. Too much water comes in from the north at McCarty Lane and Too little is allowed to leave the site. As a result, even with the additional storage proved as part of this project. Table C indicates that additional downstream detention storage need to be made as part of future developments.

Mr. Coutts presented the tables and they are on file. The proposed Storm water management system for West Woods Subdivision utilizes three rear yard areas for temporary storage of storm water being northern, southeastern, or southwestern detention areas. Pipes leading to these areas checked against a 100 year storm. The outfall pipe from West woods Subdivision (12" rcp @ 0.20%) will discharge into the Treece Meadows. Legal Drain in the proposed Weston Place apartment project.

Lots are deep and are in easement they have 100' rear yard. Mr. Osborn asked if this was for all easements? Answer No. They would restrict electric and telephone to 10' easement inside the PSI easement, they don't want it at the bottom of the detention area.

Mr. Hoffman asked if they were going to have the detention area for storing water underneath electric lines? Answer correct. Mr. Hoffman stated we have had this problem before and the board doesn't like this.

Mr. Coutts stated that they are talking about no more than a 3' depth situation and for a heavy rain there would be water in basin for 3-4 hours. Mr. Hoffman stated again this is a liability concern. Discussion continued.  
Mr. Osborn asked how they proposed to maintain? Mr. Coutts answered, people maintain.  
Mr. Osborn asked if this would be written in? Yes.

Mr. Hoffman asked if there would be a restriction of them covering it up? Mr. Coutts answered this would come in with Area Plan Commission for the enforcement.

Mr. Osborn asked about the outlet. Mr. Coutts stated they have discussed their proposal with Michael Spencer in regards to the outlet pipe in working out with the Treece Meadows Legal Drain. What they would like to do is put a pass through situation around the western end, use the extra storage and tie it into the Treece Meadows Legal drain in regards to the release.

Mr. Moore has questions in regards to the south holding pond. Michael stated they would be putting in a new holding pond.

Fred Hoffman asked if they had written permission from the PSI to store water underneath their lines on their easements? Mr. Coutts stated they have talked with them, and verbally they do not have a problem with it, nothing in writing, they wanted to come before the board to get approval before asking for permission from the PSI. They have two parts that they will need to get permission for. Beside the detention area they have to get permission to take the road underneath the power lines. PSI wants a firm construction plan. PSI's concern was that they did not want any permanent storage underneath the lines.

Sue W. Scholer asked if they were doing away with the detention pond at the apartment development? Yes and they are replacing it. She asked what they were wanting to pass through? Mr. Coutts explained the one problem in the total watershed area either they will have to take an put in alot larger area upstream and restrict it more severely or pass something through and consider adding more storage area. They feel they can't handle all the flow through their project.

Eugene Moore asked how they were going to get rid of water coming out to Creasey Lane? Mr. Coutts stated this had been discussed, the question is should they actually run another pipe down to discharge into Wilson ditch? The feeling of Michael Spencer and Mark Houck was that no more water should go into Wilson ditch. They are proposing to hold in their ponds and use the existing outlet pipe and not put any more water into the Wilson ditch.

Mr. Osborn asked if the holding ponds they are showing, are they for the entire 32 acres. Yes. Mr. Coutts went through tables presented and they are on file.

Mr. Hoffman asked how close will the water come to the houses. Mr. Coutts stated the pads will be 2' higher. For 100 year flood talking about 20' away. Depending how far house will be built to the easement. Discussion continued.

Michael Spencer stated alot of the Weston Woods area is not in the Treece Meadows Legal drain it is tributary to the Elliott ditch, it drains into a low area then into an existing agricultural field tile into the Wilson branch. This he has question. Much discussion.

Discussion of transferring water from one watershed area to another.

Michael stated the Elliott ditch and Treece Meadows are combined. Problem is with the branch they want to bring the water into.

Sue asked if the proposal was to become a part of the Treece Meadows legal drain? They are not anxious to become a part of the legal drain. A hearing would have to be held.

Mr. Coutts asked what great advantage would the board have as far as that becoming a legal drain? Maintenance. Discussion of maintenance was held.

Mark Houck has concern in regards to water running from Weston Woods into Weston Place. Partial development of Weston Woods would need to come in with a permanent plan. There will be alot of water coming down out of Treece Meadows, there would be flooding. The 100 year design storm is not accommodating with ordinance. This is Mark's concern. Won't be holding new water.

Michael Spencer recommended to have more time to study calculations presented today.

Sue W. Scholer moved to take under advisement the plans submitted to allow Michael Spencer to look at the calculations, seconded by Eugene R. Moore, unanimous approval to motion.

#### PARKER DITCH

DICK DONAHUE attorney representing Indiana Employment Development Commission filed a petition to vacate eliminate and reconstruct Parker Drain. This being a result of a meeting held at the SIA site. Petition presented asked to remove two segments from the earlier petition presented, to reconstruct part of the now existing Parker Ditch and that a hearing be set by the Drainage Board. Surveys are attached to the petition.

Michael stated the original petition was filed June 12, 1986, they are deleting a part/adding another part.

A date for the hearing will be set as soon as a 30 day notice is sent to the property owners. A special meeting will be set.

#### WILDER DITCH

Mark Houck wanted the board to know that Robert Grove had done an excellent job. The board expressed their appreciation for the efforts that Mr. Grove had done. The structure is to be in by April 10, 1988.

#### VALLEY FORGE PHASE III

Robert Grove engineer representing developer was back to ask for for final approval he had been before the board in February approval was given subject to further review of technical information and that plans be in compliance with the Tippecanoe County Highway Engineer.

Michael stated plans have been submitted they are in compliance with the Drainage Board, he stated there are some problems with the vertical curve and the road which Mr. Schulte isn't satisfied with. Mr. Hoffman asked if this would effect the drain? Michael stated some what. This doesn't meet highway ordinance in length of vertical curves. Hoffman stated any approval was going to have to be subject to approval by Drainage Board.

Sue W. Scholer moved to give approval subject to Michael Spencer surveyor's approval of construction plans, seconded by Eugene R. Moore, unanimous approval

#### SHERWOOD FOREST SUBDIVISION PART III

Robert Grove engineer representing Chuck Sherwood requesting preliminary approval of

PARKER  
DITCH

WILDER  
DITCH

VALLEY  
FORGE  
PHASE  
III

SHERWOOD  
FOREST  
PART  
III

March 2, 1988, Sherwood Forest Part III Continued

Sherwood Forest Part III, 14 lots on 11. acres. Mr. Grove has been before the board before.

Mr. Grove went through plans. Original proposal was to provide some relief downstream from upstream watershed. What they want to do now is handle their own water allow the upstream water to pass through, proposal is a structure across the waterway which provides only a 12" outlet for subdivision water only. Lake/pond would have permanent pool elevation of 644.00. They have 100 year storm plan.

Property owners John Schwab and Robert Pierret were present.

Mr. Hoffman asked whose property does the water back up on? The water right now stands is constricted downstream in Sherwood Forest, there are difference in structures in the subdivision.

Mr. Grove stated they don't have the 100 years have to pass the 50 year through their facilities. They want to set it up so it will pass the 100 year so water is not backed up.

Mr. John Schwab and Robert Pierret representing property owners expressed concerns and had questions as following:

1. From the retention structure what kind of channel improvements are planned to accommodate 100 year storm runoff?
2. On the small dam, type of material to be used (note ground back in there is poor) solid material is needed. This would have to be brought in from outside 6" of rip-rap on spillway. The silt when wet won't have the proper structural integrity. Clay is needed.
3. Requirements in drainage ordinance about permanent pool; Who will have the responsibility for it? Maintenance of lake. Safety is a very major concern.
4. Has location for high pressure gas main in the vicinity been taken into consideration?

Mr. Grove answered the questions as follow:

The channel will see slightly less water and they plan to clean it up and that's it.

Michael Spencer asked if they planned to dig a new channel? No, just clean out.

Michael asked if the fill on the side of the road would push wide expanse of water as it is now further off to the east.

They don't see any problems. Their not changing elevation.

Mr. Schwab's concern is if it is a big wide flood plan there won't be much vertical increase, mean a big horizontal increase.

In discussion one major concern of the property owners is the safety with the pond/lake.

Much discussion on plans presented and how they effect the property owners of Sherwood Forest. Mr. Grove stated the developer doesn't have to pass the 100 year storm, 50 is all they are required to pass, any changes in the channel should be based on the 50. They are doing the 100 year storm to keep minimize problems upstream, not trying to solve any problems down stream.

Mr. Schwab had concerned about the cleaning of the channel, it will be grown up within a years time, the area is marshy.

Mr. Grove stated as far as maintenance he thought Mr. Sherwood was going to have it put into Homeowners Associations, however he would not object to having the County maintain, if set up on County standards. The Board stated that it would have to be a legal drain for the county to maintain. Mr. Grove stated they don't want a legal drain, there's no reason to form a legal drain.

Mr. Pierret stressed his concern about the safety around the pond. Mr. Grove stated the ordinance calls for a safety ledge no more than 3' under water, 4-6' out from sides of pond. They will address it fully in the final plans.

Mark Houck asked if they were going to redirect water out from the field tile? If it is operating upstream they will tie into it.

Mark Houck stated if they were to encroach on an area that is under water during a 100 year storm by putting building pads out there, this would be okay as they are reducing the flow in the area, this would reduce water surface elevation also below the dam. Mr. Houck asked, putting in the pads would increase it and be compensating? Mr. Grove stated he wasn't saying that for the 100 year storm, he is saying all they have to take care of is the 50 year storm. Michael asked where it states that in the ordinance? Discussion of ordinance Page 15-2. Section 29

Michael stated the big questions is where they are crossing other property, he is not convinced that they won't be pushing the flood plane off. Discussion continued on the 50 year storm.

Mark stated that the responsibility of Mr. Grove is to not pass more water through than what is going through there now, and not reduce the flow upstream.

Mr Schwab stated that the property owners are concerned about Mr. Sherwood and Mr. Grove meeting with them, especially Mr. Jordan, they feel a meeting as a group should have been held.

Again discussion took place on all the questions asked by Mr. Schwab, plus Mr. Jordan's concern about being flooded as he is below what Mr. Grove has designed. Much discussion in regards to elevation at Mr. Jordan's property.

Michael Spencer stated in regards to the pond, the developer has the choice of going wet

or dry bottom.

Mr. Hoffman stated this is correct, however if they go wet bottom they have to put the safety ledge in, bank treatment, access, a number of items in the ordinance address this.

Mark Houck stated the big issues are the encroaching and the effect of water surface elevation, erode ability of structure and the effect of down stream channel. These need to be addressed in the Construction Plans.

Mr. Grove stated at the base it is 35' wide at the top there is a 10' wide bank or berm, channel runs about 20' cover the whole thing with rip-rap, the water for the 100 year storm backs up 2' an additional 9" of water will go through the spillway. He feels this is nothing major.

Mr. Hoffman asked about putting water on a neighbor, much discussion.

Mr. Grove stated that the swale is not a sheet run off, it is a swale that serves 220 acres.

Mark Houck stated he isn't sure how deep the water is now coming down during 100 year storm it is over a wide expanse, what is going to happen it will run into the block and will not be channeled through weir or between two pipes, which means the width of flow is going to be restricted and when it goes below the structure the velocity right below the structure will be a little higher and will cause eroding until the water spreads out again into the existing width of the flow, and over the area erosion control needs to be provided. This needs to be addressed.

Mr. Grove again asked for preliminary approval on one condition in regards to the 50 year storm, Mr. Jordan's property elevation. He asked not to hold them up any longer on their plans.

Michael stated he didn't think they were talking about Mr. Jordan's property, they were concerned about Mr. Schwab's property.

Michael again stated they need to know if the water is going to spread.

Mr. Grove asked the board to let him loose to design the project. Mr. Grove feels there is no problems with the Jordan property. Mr. Grove is willing to check out the water elevation in the flatter area.

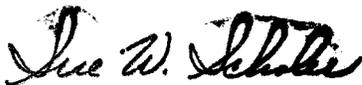
Michael stated that if Mr. Grove can show the board that the elevation does not change and is not different from what happens today, he would agree with Mr. Grove as long as he doesn't make it worse. This is what were here for. Michael will look for this in the construction plans.

Eugene R. Moore moved to give preliminary approval conditional on Michael's review and approval of water elevations due to encroachment on existing flood plan, seconded by Sue W. Scholer, unanimous approval.

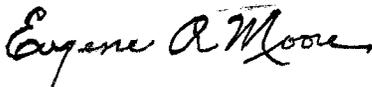
There being no further business the meeting was adjourned at 10:50 A.M.



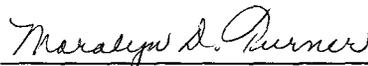
Bruce V. Osborn, Chairman



Sue W. Scholer, Boardmember



Eugene R. Moore Boardmember

ATTEST:   
Maralyn D. Turner, Executive Secretary

TIPPECANOE COUNTY DRAINAGE BOARD  
WEDNESDAY, JULY 6, 1988

The Tippecanoe County Drainage Board met Wednesday, July 6, 1988 in the Community Meeting room of the Tippecanoe County Office Building, 20 North Third Street, Lafayette, Indiana at 9:A.M.

Chairman Bruce V. Osborn called the meeting to order with the following being present: Eugene R. Moore and Sue W. Scholer Boardmembers, Dave Luhman Acting Drainage Attorney, Michael J. Spencer Surveyor, Mark Houck Drainage Consultant, and Maralyn D. Turner Executive Secretary. Others present are on file.

McCUTCHEON HEIGHTS

John Fisher engineer, representing Prairie Builders, stated they do not have the easements finalized. Mr. Fisher met with Gregg Sutter, he has more details to work out, after these details have been completed they will submit to Mr. Spencer for study, hopefully within the next two days.

TIPPECANOE SCHOOL CORPORATION - New Building

John Fisher engineer and Mark DeYoung Attorney representing the Tippecanoe School Corporation asked the board to review the plans submitted. Acquiring easements for offsites has not been finalized.

Bruce V. Osborn asked Mr. Fisher where he was going with the water? Answer, straight north across Lilly Road tributary to Durkees Run down to the railroad.

Michael has seen the plans they do have to get offsite easements in order to put their pipe into.

Mark DeYoung stated they are in the process of negotiating with the neighbors to the north, they are looking at two options. Engineering and elevation would remain the same regardless if the pipes would be moved. Mr. DeYoung asked to be on agenda again soon.

WESTON WOODS - WESTON PLACE

Michael Spencer stated they had been scheduled for the agenda today, but he had received a letter from Paul Coutts asking continuance be granted for a later time. No presentation.

PARKER DITCH

Michael Spencer stated at the Commissioners meeting the Commissioners conditionally approved the easements for the Parker ditch, two easements need to have legal descriptions corrected.

Roger Detzner asked if the board could review and approve the final plans subject to the easement corrections?

Dave Luhman drainage attorney stated the board could give approval subject to receiving the necessary easement that are required to carry out the plan.

Michael stated he has three sets of the final plans sealed by Mid-States Surveyor and copies of specifications sealed, all are in order with changes that were requested. They are the final set of plans for the construction of Parker Ditch.

Bruce asked what had been decided about on-site inspector?

Michael stated this would have to be discussed in the Commissioners meeting. Notices will have to be put out to bidders for inspection services, same procedure as for the construction.

Michael Spencer stated that Charles Chamberlin's easement document, he required a 20' wide concrete ford. Plans showed 15'. Jay Gibson brought plans with the 20' shown in plan. Joseph Plasphol had two items. He has an access road coming down the hill and a concrete ford into a bottom field, need to be in the plans that this has to be maintained at all times.

Roger Detzner representing Tecumseh Area Partnership asked the Drainage Board to approve the final design of plans subject to the appropriate easements being finalized.

Sue W. Scholer moved to accept the final design of the Parker Ditch reconstruction subject to the filing of the final easements, seconded by Eugene R. Moore, unanimous approval given.

Roger Detzner suggested that accepting easements be put on hold till corrections are made to the easements.

Sue W. Scholer stated that Mr. Luhman had asked the board to hold off giving approval to the legal description subject to Larry O'Connell's final opinion.

Roger Detzner asked the board if this was the proper time to discuss the vacating of the ditch. Bruce V. Osborn stated it would be after the fact. Michael Spencer stated the only pipe that was petitioned to be vacated was the one on the SIA site, none of the other area of Parker ditch was to be vacated. Reconstruction on the petition is covered and the extension.

Eugene R. Moore asked if it was cleared up in regards to the Ayres property draining into the Parker ditch? Michael stated-NO. There are tiles out there, but he thinks those pipes will show up and be taken care of with the 200 South reconstruction, with a long ditch along Haggerty Lane road drainage. Michael stated this will be discussed later.

Mr. Detzner stated that action would not need to be taken until a new route is established. Mr. Luhman stated the Bull Estates easements need to be studied before acting on the vacating. Michael Spencer stated he doesn't believe this affected the Bull's.

Mr. Detzner asked Joe Snyder if there was any reason for SIA to vacate that particular area of the SIA site at this time? Mr. Snyder stated that he doesn't know of any reason for them to want to vacate at this time. He suggested that the board wait to take action on the vacation.

Mr. Detzner stated that the final request that he is asking is that the board approve the construction documents for use in bid letting.

Michael Spencer stated all plans are in order and ready to build the project.

Sue W. Scholer moved to accept the plans of construction documents for the construction of the Parker drain, seconded by Eugene R. Moore, unanimous approval given.

FARMINGTON LAKE ESTATES

Michael Spencer stated at the last drainage board meeting the board continued the hearing for Farmington Lake Estates as Mr. Hoffman was to study the covenant. Mr. Hoffman has made study and approves the covenant as written. Michael recommended the board give final approval.

Sue W. Scholer moved to give final approval of the Farmington Lake Estates drainage plans and protective covenant, seconded by Eugene R. Moore, unanimous approval given.

Robert Grove came before the board asking for Final approval, Michael Spencer informed him that the board had taken action and approval had been granted. Dismissed.

200 South Phase I

Stewart Kline engineer presented proposal for Phase I. At Michael Spencer's request they have ponded water, provided the detention storage in the ditches. If they were to compare between the 100 year proposed the ten year existing storm they would need 3.2 acres feet in storage. In providing storage in the ditches they are providing 2.3 acre feet. If they could pond to a higher elevation the 649.5 it would not jump the ditches until it gets to 649.5, that would be 3.1 acre feet. He asked for drainage board approval to go along with this slight difference.

Michael Spencer stated the only thing he wanted to bring to the board's attention is they have planned to install a catch basin on the old Branch 13 of the Elliott ditch by the intersection of Haggerty Lane and State Road 38. Same tile that Brampton Apartments tributes to. Mr. Moore asked if this was on the 14" pipe? Answer- yes. Mr. Moore stated this would be more water going in there and it won't take it now. Michael stated this would be the only outlet they would have. Mr. Kline stated at that point they would be ponding at 5' depth which is directly in front of the Apartment complex. If they would not have an outlet it would constitute a hazard. Michael stated that one thing will help is that in the Creasey Lane extension they are putting in a drainage system to bring up to this area which will provide an outlet. Michael stated with the improvement of 38 this may be improved. Mr. Kline stated it will be a temporary thing with the improvement of 38 East and extension of Creasey Lane. Eugene Moore asked if there was an inlet out there? Michael answered that the Apartment has an inlet in the tile there.

Eugene R. Moore moved to give final approval to 200 South Phase I drainage plans as presented, seconded by Sue W. Scholer, unanimous approval given.

200 SOUTH PHASE II

Lamar Ziegler presented construction plans for reconstruction of 200 South from the proposed intersection of 475 East to the Dayton Road. Presentation is on file which Mr. Ziegler went through step by step. Michael Spencer stated the board has gone over this before and it is a matter of making it a part of record. Mark Houck had no problems with the proposal presented.

Sue W. Scholer moved to give approval to final plans for 200 South Phase II, seconded by Eugene R. Moore, unanimous approval.

Discussion of advertising for bidders and inspection services for the Parker ditch project was discussed. Michael will meet with Larry O'Connell and Roger Detzner. Tentative dates discussed was notice be sent July 14, 1988 and not to be opened till August 15, 1988 or after that date.

There being no further business to come before the board 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

Special Meeting August 29, 1988

Tippecanoe County Drainage Board  
August 29, 1988

Tippecanoe County Drainage Board held a Special meeting Monday, August 29, 1988 at 9:30 A.M. in the Commissioners Conference room, in the Tippecanoe County Office Building 20 North Third Street, Lafayette, Indiana

Chairman Bruce V. Osborn called the Special Meeting to order with the following being present: Sue W. Scholer, Boardmember; Michael J. Spencer, Surveyor; George W. Schulte, Highway Engineer; Larry O'Connell, County Attorney and Executive Secretary, Maralyn D. Turner. Others present are on file.

WESTON WOODS

WESTON  
WOODS

Paul Coutts engineer, representing Weston Woods, explained that Weston Place Phase I will be apartments and West Woods Phase I will be a subdivision single family residence, on the eastern end. There is more land along the eastern and northern side, at this time it will not be developed, just Phase I will be developed. They are also requesting approval on Tower Corner, which T's at the northeastern corner of McCarty Lane and Creasey. Weston Place Phase I would have a 1.5 acre pond with storage, designed with routing for Treece Meadows legal drain which goes around the western end of the development. The drainage for the subdivision would come by an 18" pipe along the southern end and would connect into the pond for Weston Place Phase I. Towers Corner, plans are to eliminate the separation of holding pond which is there, dig out berm between the two and put in a concrete cutter that connects between the pipe under McCarty and the existing pipe that comes out of Treece Meadows Subdivision. They feel this would be a better situation over all in maintenance, and more holding area for the water in Treece Meadows.

Bruce V. Osborn asked if they were asking for Weston Place Phase I and Weston Woods Phase I? Which one are they having problems with? Michael Spencer stated problem is with Weston Woods Subdivision. Bruce asked if they could approve one and not the other? Paul Coutts asked what kind of problems were they looking at? Michael stated the major problem is 15" field tile, and the major portion of the subdivision is not tributary to Treece Meadow legal drain. Michael stated they don't know whether they want to bring any more water from outside the watershed into it.

Discussion on Tower Corner: Michael stated the problem he has with it is there will be no detention storage for Tower Corner from a 10 year storm event. It will all pass through culvert under McCarty Lane. The only time water will be in this area is after a 100 year storm event.

Michael Spencer stated that the only problem he sees with Weston Place is getting from the apartments down to the box to Creasey Lane as he doesn't feel there is enough right of way, he doesn't know what kind of channel they are looking at. He asked what kind of an over flow they were looking at. Paul answered by saying they are detaining everything on their side within there pond, they have a connection into the existing Treece Meadows legal drain. They don't know what more they can do until an overall project is worked out to help relieve that 24" pipe. Michael asked if they could take it down to the concrete pipe. Paul stated there isn't any room, they could take it and put some over land swale on top of what is there now. For any kind of ditch the same depth of the pipe, but George wouldn't want that along side of road, there just isn't enough room along the right of way for deep open channel. Putting a grade on top with a little bit of swale might help, anything major there isn't room.

George stated there would be the same condition as there has been before, when ever the water gets high enough it is going to flow out and be like it has always been. Paul stated except they would not be adding to it, as they are going to have additional storage and will be pulling off some of that water that was coming down the Treece Meadows drain, they will be taking the first amount that comes down, they will be helping the major storm. George stated that as far as the emergency outlet overflow there still is a problem until some structure gets constructed.

Richard Moore property owner stated the storage is not sufficient, it never has been. He has seen it overflow. He stated it would help if the people who started all these problems would help to correct what has been started. His family has been involved with this for a 100 years. As building started on the north end the problems have increased.

There is 1.5 acres in the pond. Mr. Moore asked what they were proposing to do. Paul stated they are talking about making a pipe connection into the existing which is the Treece Meadows drain. Discussion continued.

Tom McCully attorney, stated they are trying to control any additional development so there is no addition to the problem. Trying to come up with a long term solution. Mr. Moore stated when they had the open ditch on the west side of Creasey Lane there was no problems. It appears to him that the county tile that runs through their property just doesn't drain because of the all the water coming down through. Much discussion.

Bruce V. Osborn stated the bottom line is that earnest money has to be paid and put into a separate account. Discussion of undeveloped acreage. Michael stated there is 698 acres in the watershed, possibly be 600 acres undeveloped. Michael and George will get the figures.

Tom McCully attorney, stated that some of the acreage is tributary to the culvert and is not tributary to Treece Meadows drain, it really is the culvert between the end of Treece and the start of Elliott drain. Start of Wilson is where there will be a problem. Discussion.

Larry asked if he was stating that everything in the Treece Meadows drain as well as what is not a legal drain between the end of Treece Meadows drain is Wilson? Correct.

Bruce Osborn stated \$1,000.00 an acre is needed for the earnest money.

Larry O'Connell stated it should cover the whole tract, then Mr. Boll Long will not have to come back, it will be taken care of at one time. Mr. Long stated he has no problems with that.

Mr. O'Connell explained IMPACT. It would take half a million dollars to get the drain correct to get down to the Wilson. Mr. Bill Long was willing to put money down to secure that, he would not pay for all of it. There is a concept developing in the mid-west and the State of Indiana called IMPACT. It's dedicating money to go into a pool. At some point and time the County may say they will wait till they have all the money or they may say we have enough money to help bring the cost, and the county will put in the additional money to get the job done. This is the first our county had tried to use it. Mr. Moore asked if the county had an ability to go back an assess these people who have created the problems? Discussion on problems created.

Larry O'Connell and Tom McCully will write a formula for IMPACT. Larry would like to have flexibility for the County, using the IMPACT assessment to whatever improvements are needed, it maybe roads or drainage. There maybe some flexibility at some point and time to improve the area. Another thing that could happen the City could get involved and that might help to use money for something else in that area. Discussion on IMPACT.

Larry asked that Michael and George go through and get the proper figures for the acreage and come up with a formula that will be official. Call a meeting of people in the IMPACT area, all owners, explain the procedure the owners will have to follow in selling their land and explain to the developer that he is going to have to pay \$1,000.00 per acre toward IMPACT fee off the top. Mr. Moore has concerns in regards to IMPACT. Discussion.

Discussion of the 24" tile on the Moore property. Age, blow holes, repairs. Some is clay tile and some is new. George stated this could be some of the problem or the outfall.

Sue W. Scholer moved to give final approval based upon the petition to relocate, reconstruct, and vacate the portion of the Treece Meadows legal drain as submitted and the plans there to as to Weston Place Phase I all conditioned upon a voluntary payment in the amount of approximately \$1,000.00 per acre by Long Tree Limited Developers ( final assessments to be determined based upon County calculations per acre.) The said sum shall be held in escrow by Tippecanoe County for improvements within Treece drain area and downstream area of Wilson Branch, seconded by Bruce V. Osborn, unanimous approval.

Bruce stated the only question he has is when does Mr. Long pay this fee. Give the attorney's, Michael and George time to come up with a consistent formula. Fee will be collected when everything is final and approved. Check should be made payable to the Board of Commissioners, Tippecanoe County.

There being no further business, meeting adjourned at 10:35 A.M.

*Bruce V. Osborn*  
\_\_\_\_\_  
Bruce V. Osborn, Chairman

*Sue W. Scholer*  
\_\_\_\_\_  
Sue W. Scholer, Boardmember

NOT PRESENT  
\_\_\_\_\_  
Eugene R. Moore, Boardmember

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

TIPPECANOE COUNTY DRAINAGE BOARD  
WEDNESDAY, SEPTEMBER 7, 1988

The Tippecanoe County Drainage Board met Wednesday, September 7, 1988 at 9:00 A.M. in the Community Meeting room of the Tippecanoe County Office Building, 20 North Third Street, Lafayette, Indiana.

Chairman Bruce V. Osborn called the meeting to order with the following being present: Eugene R. Moore, Boardmember; J. Frederick Hoffman, Attorney; Michael J. Spencer, Surveyor; and Maralyn D. Turner, Executive Secretary; others present are on file.

ORCHARD PARK

ORCHARD  
PARK

Robert Grove engineer, representing Deluxe Home Developer requested preliminary approval of storm water reconstruction for Orchard Park located on the Northeast corner of Union Street and Creasey Lane. Deluxe Homes is wanting to develop the area. There is an existing storm water problem in the area of Kensington Drive. There is a considerable amount of offsite water that is piped around put into the system, Mr. Grove has approached it with a new design, looking at a new pipe sized to handle everything, including the offsite water and the pre-developed flow, this came out to be a 36" pipe, with a meter flow and 10 year storm event from the streets, put larger inlets and leave existing inlets in, tying into the 36" pipe having four inlets at the low spot. Discussion of the problems in the area was presented by Mr. Grove. There is a manhole to the ravine with an 18" pipe coming out of the existing manhole into the ravine. Very obvious that there are real constrictions in the system. Discussion of putting in new manhole.

Eugene R. Moore had concern for Dave Dilling property owner. Discussion of the pipe and ravine around Mr. Dilling's property. Pipe goes behind Dilling property into the ravine down into the Wildcat creek.

Mr. Hoffman asked if the ravine would carry the water? Yes.

Mr. Dilling stated water has never backed up. There has been two major storms, which is probably called the 10 year storm event. Water does come up over the surface.

Mr. Grove stated they are not talking about the detention at this time, they are trying to correct the problems.

Discussion of the 30" pipe and 36" pipe. They are going to have to have a reasonable place to outlet. It's not going to do any good in outletting into a system that isn't working. They want to clean it out and make it work. This requires cooperation with the private landowners.

Bruce asked Mr. Dilling and John Scheumann what their opinion was on the project. Mr. Dilling stated: his initial reaction as a homeowner living there is positive, he is encouraged that things are moving in the right direction. His concern would be more water into the ravine along the way even though it is metered, the volume has to be greater and all along the ravine there is considerable erosion. One thing that isn't an immediate concern of his, but should be of the Board is the edge of Creasey Lane, as part of the erosion is a continual problem.

Mr. Grove stated they are also proposing 10' down from the outlet and putting in 2' - 3' chunks of large rip-rap. Basically this will slow down the water, they don't want to come right off the pipe. This discussion in regards to the ravine.

Mr. Dilling stated he would be interested to know in the construction how they vision how disruptive it will be to the two houses, very narrow space to get back there.

Mr. Scheumann stated the yards will get torn up, this can be replaced, he doesn't think it's going to cause too much problem. Mr. Dilling stated he isn't too concerned with some of the trees as they are locus and they grow rapid.

Joe Bumbleburg attorney was present as he represents Mr. Schuemann.

Mr. Hoffman asked how wide of strip was it going to be? Mr. Grove stated if they can work from the south to the north, probably be able to minimize, but will be devastate 10', the pipe is shallow.

Mr. Hoffman asked if there was an easement they are going through or do they have to get an easement from the property owners that they are going through? Mr. Grove stated they are not sure, this will have to be worked out with them. Michael Spencer stated he wasn't sure either, however he would guess there is. Mr. Dilling stated he believes there is a five foot easement on each side making a total of 10' going back, but the existing pipe doesn't appear to be coming up that direction, it angles off and comes up through Struether's yard.

Bruce V. Osborn asked who was going to maintain it? Mr. Grove stated it will be maintained by whoever is maintaining it now. Part of it would be the County (the part in the right-of-way).

Discussion of County and City. The subdivision is in the County. Kensington Drive is County. It is a Baumgartner sewer. Michael stated that about every outlet pipe from the streets that goes into the ravine have been worked on by a private individual as the outlets were way to high on the banks and they have washed out and fallen down. Eugene R. Moore stated this isn't a legal drain therefore nothing can be done. Michael stated the first people the property owners call is the county, the county's position was that they would participate the county's share.

Mr. Hoffman asked who owns the ravine? It is part of lots.

Mr. Bumbleburg asked: Is the back line that runs in the ravine a part of utility easement or any other type of easement? Mr. Grove stated he did not know.

Mr. Dilling stated the whole back 55' of his lot to the house is an easement. An easement yielded to the public for the creation of maintenance of storm drain. House does not set on the easement.

Again Mr. Grove stated they are trying to offer the Board an opportunity to relieve a problem as long as things can be worked out with private landowners.

Mr. Grove stated they have to detain on site and can not discharge any more than a 10 year storm event flow.

Eugene R. Moore asked if there was a way of getting that a legal drain? The usual answer, the only way is that a petition be presented. Michael stated if you do it for one outlet your going to have to set up the drainage areas just like it has been done in this project, there's a number of them that goes into the ravine, alot of little watershed areas. Discussion.

Bruce asked if there was alot of undeveloped area that would drain into this system? Answer NO.

Discussion of the Southwest corner. This is Park land. It would probably go to the Britt Drain. Joe Bumbleburg attorney held discussion.

Bruce stated erosion downstream bothers him, it isn't an ideal situation to correct it. Mr. Osborn asked Michael if he had any problems with the presentation.

Michael stated no, the only thing he asked is that he get the landowners permission to get on their property, the Highway department for this plan as he will be working in the right-of-way, needs George Schulte's approval. Mr. Hoffman asked about the outlet. Need to know about the rip-rap. Michael stated yes, the Board will need a profile which Robert Grove will be getting to the Board, this is just a preliminary. Robert Grove stated the rip-rap will have to be worked around what is there now. Michael stated the concept was fine.

Eugene R. Moore moved to give approval to the Preliminary Outlet Plans for Orchard Park as submitted subject to the approval of Michael Spencer and George Schulte, unanimous approval.

#### HERITAGE BANK AND TRUST

Robert Grove representing Heritage Bank and Trust requested Preliminary approval for proposed Heritage Bank and Trust Branch on the Northeast corner of Creasey Lane and Union Street. Property of John Scheumann's. Branch Building will be setting right off the edge of the easement of the Power Lines. (PSI) A filing has been made with PSI for an encroachment, this would cover the parking lot area and the drainage facilities. Mr. Hoffman asked if the cars were going to be parked under the power lines? Yes. There are no towers, just lines running across the area.

Mr. Grove stated everything would be graded to the south and to the west into basin into the same ditch that goes into the 24" pipe. Mr. Hoffman asked if the detention was going to be underneath the power lines? Yes.

Bruce asked if the Board could amend that? Mr. Hoffman and Eugene Moore expressed that they did.

Bruce asked who was going to maintain this? This will be the banks responsibility, per Robert Grove. Discussion of Maintenance continued.

Mr. Hoffman asked if there was any way the detention area would not be under the power lines? Not really. PSI has not indicated they have a problem with this plan. The Drainage Board's problem is permitting it. Mr. Hoffman stated the Drainage Ordinance says NO.

Much discussion in regards to the Power Lines and the Liability of violating the Drainage Ordinance.

Mr. Osborn stated a Special meeting can be scheduled at a later date. He requested Mr. Hoffman to get in touch with the attorney of the developer and come back with report at a Special meeting. Mr. Grove is to approach the bank to contact Mr. Hoffman.

Michael's personal opinion is if the County is going to maintain it and they want to make it a legal drain he agrees 100% that the board does not want them underneath the power lines. If they are privately maintained they are accepting 100% of the responsibility and the Power Company is to for letting them put it there. Again he expressed he doesn't want the exposure of the liability of having it under the County's jurisdiction. Michael stated this is contrary to Mr. Hoffman's belief, but it is how he feels. Just his personal opinion. Discussion continued.

Eugene R. Moore moved to continue the Heritage Bank and Trust Preliminary Plans request be held in advance until J. Frederick Hoffman attorney; can talk with the future owners, seconded by Bruce osborn, Unanimous approval.

#### STATE ROAD 38 FROM US 52 to ELLIOTT DITCH.

Craig & McKneight, Inc. requested a continuance till the next Drainage Board meeting. Michael Spencer stated that Craig & McKneight, Inc. represents the State Highway. he told them if they want a Special meeting they would need to make the request in writing. Canceled indefinitely

No Special meeting was scheduled and no offical adjournment was given for September 7, 1988 meeting.

HERITAGE  
BANK &  
TRUST

STATE ROAD  
38/52  
ELLIOTT  
DITCH

The Tippecanoe County Drainage Board met Wednesday, October 5, 1988 at 9:00 A.M. in the Community Meeting room of the Tippecanoe County Office Building, 20 North Third Street, Lafayette, Indiana.

Bruce V. Osborn chairman, called the meeting to order with the following being present: Eugene R. Moore and Sue W. Scholer, Boardmembers; Michael J. Spencer Surveyor; J. Frederick Hoffman Attorney; and Maralyn D. Turner Executive Secretary.

#### QUAIL RIDGE SUBDIVISION

QUAIL  
RIDGE  
SUBDIV  
ISION

John Fisher representing Subdivision developer and Joe Bumbleburg attorney for developer requested Preliminary and Final Drainage. Subdivision is located on the south side of County Road 600 North, approximately 1/4 mile East of U.S. 231, in Tippecanoe Township. Subdivision consists of 13 acres which is being farmed. James Andrews and John Schuemann are developers. Presentation was made of plans. Adjoining property owner Mr. Hunt has a 30' wide grass waterway this is where the water goes now, they plan to discharge in the same position as it is now at the same rate. Watershed area would consist of 16.00 acres as they are picking up 3 acres from the existing Prophets Rock Subdivision. The off-site drainage has been included in the detention storage requirements for Quail Ridge Subdivision. Presentation is on file.

Mr. Hoffman asked: There is no retention pond? Mr. Fisher answered yes.

Michael Spencer asked if they had Construction Plans? Mr. Fisher answered they would be finished tomorrow (October 6, 1988).

Mr. Hoffman asked would there be any more water crossing Mr. Hunt's property than there is now, and no greater speed? Mr. Fisher answered there would be no more water and no more speed.

Mr. Hoffman asked who was going to maintain? Homeowners Association covenants. Mr. Hoffman asked if the County had an access to it, and under the covenants County would have the rights to go in and clean it out if it isn't maintained. Mr. Bumbleburg stated if that is what the board wants they will put it in the covenants. Mr. Hoffman stated that in the covenants it should be stated if the Homeowners don't do it, that the County has the right to come on in and do it and assess it against the Homeowners.

Michael Spencer asked about the velocity at the outlet pipe downstream. John answered between 4 and 5 feet. Michael asked about rip-rap to make sure there would be no erosion to the waterway. Discussion on rip-rap and erosion.

Michael asked if they had an emergency overflow structure?  
Michael asked if they had erosion control plan during construction? Mr. Fisher answered they would be a part of the Construction Plans.

Bruce Osborn asked if they wanted Preliminary and Final approval with conditions mentioned?

Michael Spencer stated that conditions would be that the board have construction plans and approved by the regular check point agency. This is standard. Mr. Hoffman stated he had no problems with the system presented as long as they put the maintenance agreements in the covenants.

Eugene R. Moore move to give Quail Ridge Subdivision approval to final plans with the restrictions that the construction plans are submitted and approved with the covenants, seconded by Sue W. Scholer, unanimous approval.

#### MCCUTCHEON HEIGHTS SUBDIVISION PART II

MCCUTCHEO  
N S.D.  
PART II

John Fisher representing developer stated this was the final portion of the subdivision. Mr. Fisher had thought they had received Preliminary and Final approval with the conditions of getting the easements, therefore before Construction Plans can be approved the Drainage Board has to give approval. Michael stated he was under the impression that all they had to do was supply the board with the easements. Reading the minutes this was incorrect. Michael stated the signed easements have been recorded. The only thing that has to be done is have a hearing to establish the legal drain for that section of McCutcheon Heights. There are 40-45 lots. Dick Boehning is the attorney. Michael asked Mr. Fisher to get him a copy of the Construction Plans of the storm drainage system. Petition has been filed. Discussion.

Sue W. Scholer moved to grant final Drainage Board approval for McCutcheon Heights Subdivision Part II and a letter be sent for the hearing to create the legal drain, seconded by Eugene R. Moore, unanimous approval.

PURDUE  
INDUSTRIAL  
PARK  
PART II  
PHASE II

PURDUE INDUSTRIAL PARK PART II PHASE II

Daniel Pusey representing Purdue Research Foundation presented plans of the area impacted by the development of the Purdue Industrial Research Park Phase II. Area consists of 13 acres which is being constructed for the Whirlpool Corporation. The needed improvements are the storm water management. The area has been under discussion for several years. Historical the Hadley Lake basin has been one without an outlet, and as the area has been developed discussion of things to be done and things not done over the years. With the Research Park development it has given an opportunity to look and implement a part of a master plan that was developed a few years back. There were two options. One was to acquire right-of-way and by pass Hadley Lake, and go into Burnetts Creek system. The other was to work as a part of the whole community development because of the cost and look at utilizing and developing around Hadley's Lake as a drainage basin from the water management stand point. Aerial photos as far back as 1939 show that at one time there was a positive outlet to Hadley's Lake, and talking with property owners there was at one time a tile underneath Morehouse road that went out across farm fields, over the period of years these have either plugged up or got cut off. Biggest contributory to the problem was the Cuppy/McClure system which takes a large portion of West Lafayette, north part of the Purdue Golf Course and Purdue Dairy, basically Lindberg Road area north emptying into Hadley's Lake, this and a periodic flooding of Indian Creek Valley coming into the system presents a very large problem.

With the State Industrial Development Grant Program in the Whirlpool Corporation project coming to the Research Park West Lafayette has been given a \$350,000.00 infrastructure grant in the name of Whirlpool because of the added jobs created by Whirlpool.

Working with an inter governmental agreement between the County and the City (City is set up to administer). A request for proposal was put out by the City to model and determine what the capacity downstream is in the ditch system that flows eventually into Burnetts Creek. This will help the future development in the Cuppy/McClure system and Dempsey Baker system. The Dempsey Baker system (legal drain) starts (doesn't go into the Lake) and goes across the Cemetery comes back into Purdue Research across 350 North mid point of Yeager Road/ Cumberland Avenue coming up in the Four Season Apartment area. Mr. Pusey gave the route of the two legal drains.

Their plan is looking at a part of the Master Plan. Much presentation.

The Third Drainage basin consists of 79 Acres, a line from the Intersection of Cumberland Avenue and 52 north to 350 North goes to the Salem Court House area small area to the south draining into the Cuppy/McClure system through Research Park Phase I. Major design has been done for this area.

The fourth area Morehouse Road, US 52, and a little bit of Cumberland Avenue. This area has history and has affected the entire area. At one time it drained out and had no water in the area. The pond is a product of construction when 52 was widened, used as a borrowed area for the State Highway Department. This acts as a storage area for a portion of the area. Historically the south tip was a low area that drained part of the 80 acres Purdue Research owns, came down and drained across underneath 52 into the Cuppy/McClure system. The area under an agreement with the State Highway contractors filled in the area and altered the drainage pattern, area owned by Mr. Westl. The fill is set up so that water drains toward 52 and not onto the property of Purdue Research to the west. Much more presentation of the area.

The fourth area was done by the State. An outlet was created along common boundary a prominent swale is there, the swale goes to the north 42X29 corrugated metal pipe underneath 350 north swale proceeds down the east property line of the cemetery down over the Baker legal drain. The surface run off, if the area flooded, which it has, the surface course above the Baker ditch and follows on out. This has been altered too, and impeded the surface drainage.

Present water elevations of the pond 680.54, the culvert under 350 North 680.50, there is a berm that maintains the water in the pond. Michael stated there is lower ground between Purdue Research property line and the berm. (back of Butcher Block) With the alteration of the drain by the 52 construction and filling operation forced part of Purdue Research into another area, so in their design they need to accomplish two things. 1. Need to get some infrastructure up to the Whirlpool site, one being sanitary sewer, which needed some cover. 2. They felt their prudent management system of their sub-drainage basin was to make sure all the storm water would be maintained on their property. They are constructing a cover over the storm and sanitary sewer along their west boundary property line 80' wide easement which will maintain and keep the run off as their area is developed in the future into their sub-drainage area and lessen the impact that was caused by the alteration. Making more flexibility. Much more presentation.

Mr. Pusey presented figures for the future at the inlet box.

Sizing of the pond is based on the present conditions, that being utilizing the existing storm tile that is there with its release rate of 3 cfs, because of that release rate they had to oversize the detention area to serve the area in a developed stage.

Pre-design for a 10 year would be 83 cfs.

Presentation of sub-drainage was given.

Mr. Hoffman asked what they wanted today from the board? Approval of the storage for Purdue Research. They wanted to present a Master Plan of water management that was to fit in with the West Lafayette City.

The development of the Research Park has spurred funding to help do this.

Carolyn Locher property owner asked Mr. Pusey to explain what would be done in regards to the utilities. Explanation was given.

John Burgett asked if at this time there is no widening of 350 west of the west boundary. Answer by Mr. Pusey was that some widening has been done by the County Highway, but is still two lanes. Part of the agreement with the county with the Industries coming in, Whirlpool provided funding for the improvement in the roads. George Schulte Highway Engineer decision was to add a two foot strip on each side with some drainage improvements with some structures adding four inches of binder, next spring a new surface of 1" of surface re-stripping it. Drive way approaches were improved. Mr. Burgett asked if the pipes were still south of the pavement, in the two lane area? Answer-Yes. John Burgett asked what area does he figure the holding pond is going to drain? 80 acres. Pond is being constructed to maintain storm water management from the improved 80 acres under the given present condition, the area around it (to the east) is still being maintained as a natural area. Explanation continued.

Mr. Burgett asked if he was correct. The two holding basins, storm sewer basins being constructed on the north south of 350 N on west line are about 685, curb inlet and the bottom of the conduit was 680 so there is a 5' difference between them. What sort of a structure appears in the bottom area? Bottom of the low outlet in to the legal drain is 670, paved inlet. What happens when you go east of 350 from the metal corrugated conduit as you approach the two basins. It is a curb and cutter, curb inlet handles the road. Michael stated what Mr. Burgett is asking is the difference between the flow line of the corrugated metal pipe on how your going to slope the ground to get up to the basin. County is widening and extending the corrugated pipe. Both sides. Explanation and discussion continued. Rip-rap will be put in.

Mr. Osborn asked what are you asking for today? Approval of the concept and the Construction Plans for the 80 acres.

Michael Spencer stated the water surface elevation is much closer to the structure elevation. Problem is he did not realize there was berm around the existing lake. It is about 4' higher than the water elevation, it will have to get that high before it will run over and even get to the overflow structure. Mr. Burgett stated the lake is down. Mr. Burgett's concern was that the lake could get higher than the basin. Michael stated if this happened it would be held in there by the berm. The berm is 6-8' wide. Mr. Hoffman asked if it would wash out? NO.

Mr. Burgett asked about the moratorium against any more construction in the triangle, based on the new numbers does that mean that there is no longer a moratorium, because of drainage?

Michael Spencer stated the moratorium Mr. Burgett is talking about is anything contributory to Hadley Lake? The board has stated they did not want any more development in the Hadley Lake watershed area until an outlet was provided for the lake, hopefully the mechanism is in place now to provide that and funding for it would be a state grant. Sue W. Scholer stated hopefully that is correct. There are alot of procedures that have to go through Drainage Board. Mrs. Sharon Burgett asked if they were talking about a small or large project? Mr. Hoffman answered, a large project. Dan Pusey asked if she meant in their water area? Yes, construction in their watershed area. This will have to be evaluated. Discussion. Mr. Hoffman explained ordinance.

Mr. Burgett asked if there was any federal, Corps of Engineers, or state impact done on this structure? All environmental things were checked out. No wildlife.

Sue W. Scholer asked if Michael had any questions about the project for approval. No. Discussion continued.

Sue W. Scholer moved to give preliminary approval and approval of construction plans for the detention facilities as presented to Purdue Industrial Park Phase II Part II, seconded by Eugene R. Moore, unanimous approval.

500 East, State Road 26 East/200 South

Lamar Ziegler engineer with Clyde Williams & Associates, Inc. presented Drainage study for County Road 500 East asked for Drainage approval for proposed highway improvement on County Road 500 East from the terminus of Project RS-9179(1), County Road 475 East at a point approximately 2,100 feet north of County Road 200 South to State Road 26. Mr. Ziegler handed out a detailed report which he went through. There are four drainage area within the project limits on 500 East, Segment A, Segment B, Segment C and Segment D. Water flows to and percolates into the Felbaum Fork of the Berlowitz Ditch. Presentation is on file.

Proposed road improvements will consist of two concrete travel lanes 12 foot wide, with 11 foot graded shoulders (10 foot paved). Type "X" underdrains will be provided throughout.

Drainage improvements are proposed on the same segments. This is on file. Segment A. from north end of County Road 475 to the Halsmer Hill will drain down to the Felbaum branch of the Berlowitz Ditch, they are not proposing to make any direct connection into the Ditch, they are proposing to install a elliptical pipe under County Road 500 East, so the water that now collects on the west side of the road can travel under the road overland eventually reaching the Wildcat Creek. Essentially no change in the drainage pattern that exists there now. Because the impact of the proposed improvements is so slightly--only 1 cfs for a 50 year storm event the overall effects is considered

500 East  
State Road  
26 East  
200 South

negligible and, therefore, no further routing or detainage of flow is considered for Segment A. They used runoff rates for 10 year, 50 year, and 100 year storm event criteria due to the fact that this area is almost all agriculture in nature and is not impacted at this time by flooding conditions and heavy run-off.

Mr. Hoffman asked how much additional right-of-way is there going to be? Answer-Two additional acres in the drainage brought on by the additional right-of-way all the way through mostly off the east side.

Segment B will drain 540.69 acres, drainage pattern will run the same, however they ran into a small problem in the SE corner of 500E and 100 South, picking up the additional right-of-way they intercept a very slight swale that turns toward the right-of-way then turns east, they intercept that and bring it on to County right-of-way, increasing the runoff rate. They have proposed to install detention into County Road 500 East and 100 South area. Two detention will be put on the east side of 500 East and one detention on the Northwest quadron of 500 East. 100 year Storm runoff is reduced to 49 cfs because of detention areas which is equal to the 50 year existing runoff conditions. The detention areas will basically consist of the storing water in the existing side ditches with the exception of the NW corner which the side ditch will be widened in order to have enough storage. The land is very low and dikes will be required to keep the water in the ditch. The only positive outlet is to the Berlowitz ditch. Once the water has flowed through the detention areas it will flow to the SW quadron where it will access the Berlowitz ditch by a bee hive inlet that exists there now. Project will move the connection further away from the road way providing a new inlet to the pipe. Within their rights of way limits they will replace both the Felbaum and the main branch tiles with new tiles. Mr. Osborn stated or any other unknown tile that may exist there now. As they are found during construction they will consult with Michael Spencer as to the position of where the field tiles should be.

Segment C runs north of I-65 up to the drive way for Fassnacht property. This area increases to 40.37 acres, water will collect in the side ditches and will flow south and run directly into I-65 ditch, run the water from the west ditch to the east ditch. Because of the ground conditions the proposed conditions will decrease the runoff rate to 1 cfs. 50 year storm event from 80 cfs to 79 cfs.

Segment D is a small area 50 year existing runoff rate is only 4.3 cfs and the proposed 50 year runoff is 5.7 cfs. Water flowing in the area flow into each of the side ditches runs north to State Road 26 ditches on the south side of 26 and flows away from County Road 500 East project. The amount of flow is very small the difference is just a little over 1 cfs and the size of the ditches makes detention virtually and practical as the ditches are shallow and there is no place to store the water, it is their recommendation no further detention be considered for this basin. Maps and calculations are included in the report and are on file in the Surveyor's office.

Bruce asked if Lamar had consulted with George Schulte Highway Engineer? He has consulted with George. Lamar stated George had comments and they have been incorporated into the report presented.

Michael Spencer only comment was to confirm the boards position on the outlet of the road projects and the county tile drains. Don't want to impact any more problems than there is in the watershed area now. There is an existing catch basin into the Berlowitz main tile at the intersection of 500 East and McCarty Lane. Bruce asked if Michael was going to ask for a positive outlet? Discussion.

Lamar Ziegler stated they ran a survey on north side of 100 South straight East from the intersection to the Interstate ditches which is the only positive outlet that exist, per Michael's request. They found the existing land at the intersection is .4 a foot lower than the grade in the Interstate ditch, therefore there is no positive outlet.

Mr. Hoffman asked if this was where Shaw ran the waterway? Mr. Hoffman asked how much additional right-of-way is this going to be taken? Right-of-way shown on construction plans there is an existing 25 feet they are requiring about 100 feet total so this would be about 50 additional feet. You can't say that it is 25 feet on each side of the road, because on the south side of the Interstate they are widening to the east side off setting the road slightly as is 475 East is coming into it, so there is about 32 feet taken off the west side, difference is made up on the east side. There's 10 feet more on the west than the east side. The right-of-way is subject to the Drainage Board action here today, as what is decided by the Board affects how much right-of-way is required.

Mr. Hoffman asked if the landowners who will be affected by the right-of-way had been notified? Michael stated not to his knowledge. Mr. Hoffman stated they should be notified. Sue Scholer asked how soon will they be notified? Mr. Ziegler stated prior to the time they started their preliminary survey in May, 1988 they sent notices to all property owners indicating that this project was beginning to unfold and there would be some trespass on their land to conduct the survey and there would be some additional right-of-way required. After approval today they will be able to finish the right-of-way plans in approximately 10 days, which will allow them to proceed with the acquisition process. Bruce Osborn asked what advise Mr. Hoffman had, he stated he really shouldn't give any advise as he represents two property owners affected by this project, Lafayette National Bank as Trustee for Mary K. O'Farrell and Richard Shaw partnership. Bruce stated were not talking about Drainage Board acquisition. Mr. Hoffman stated the drainage is going to affect whatever has to be done. Bruce asked which comes first? Mr. Hoffman stated again they should be notified from both the drainage and highway stand point. Appraisal process will start in two weeks, one of the requirements is that the appraiser before he inspects the site must contact the owner and the owners representatives to accompany the appraiser will have the plans with him to explain the impact of the project and if necessary an engineer can accompany the appraiser to

explain engineering details relative to the plans which the appraisers would be knowledgeable. Mr. Ziegler stated they are required to follow state law procedures. Mr. Hoffman wanted to be sure the law was followed. Discussion.

Sue W. Scholer moved to give preliminary and final approval on the Drainage Plans for County Road 500 East to State Road 26 / 200 South, seconded by Eugene R. Moore, unanimous approval.

STATE ROAD 38/US 52 TO ELLIOTT DITCH

STATE ROAD  
38/US 52  
to Elliott  
Ditch

Robin Thompson representing Craig & McKnight, Inc. who has been sub-contracted by the State to do the road design for State 38/US 52 to east of Elliott Ditch. Purpose of the report today is to summarize what they plan to do with the drainage along this area and to ask for preliminary drainage approval. Upon that approval they will submit preliminary right-of-way plans to the State and go to design hearing, after state comments from the hearing they ask for final approval.

Sue W. Scholer asked if they had a date for that hearing? No date has been set, they feel it will be within the month of October.

Mr. Thompson stated the Drainage Ordinance requires that for new development, the 100-year post-development storm runoff must be detained while the 10-year predeveloped storm runoff may be discharged. The highway improvements are considered new development, therefore the proposed drainage system has been designed to meet this ordinance. The report has been broken down into four parts corresponding to four different drainage areas in the project. The water is either detained in a pond or in the road side ditches to assure the county ordinance is met. Three of the four areas will discharge into Elliott Ditch while the fourth will discharge into Wilson Branch. Area has been broken down into four areas, A.B.C. & D.

Area A will drain to Wilson ditch, the area has been broken down to two subareas. This area is the highways right-of way from the intersection of U.S. 52 to approximately 400 feet East of Wilson Ditch. The undeveloped area is 13 acres. The subarea west of Wilson Ditch contains 12 acres and the subarea east of Wilson Ditch contains a acre. The runoff in the subarea east of Wilson Ditch flows directly into Wilson Ditch. The subarea west of Wilson Ditch will be detained in a detention pond which will be constructed on the south side of S.R. 38 adjacent to Wilson Ditch. The outlet pipe from the pond will discharge directly into Wilson Ditch at a peak flow rate of about 6 cfs. The bottom of the pond will be at elevation 644 with a highwater elevation of 648. This allows 2 feet of freeboard to the top of bank. A flap gate will be required on the outlet pipe to prevent back flow through the pipe into the pond as the water level in Wilson Ditch gets higher. A detention pond will be put in the area of the Skating Rink. Bruce Osborn asked if this was off the easement? Yes. Discussion.

Area B includes approximately 315 acres from Basin 13, 13 acres from S.R. 38, and 4 acres from the Creasey Lane Extension. The developed 100-year flow for S.R. 38 in this area is about 35 cfs. The predeveloped 10-year flow is about 8 cfs. This makes the required detention for S.R. 38 about 27 cfs.

The state proposed funding of an outlet ditch from S.R.38 to the twin 66 inch pipes presently under construction. This ditch will be used as a detention area for S.R. 38 water. The peak 100-year flow from Basin 13, S.R. 38, and the Creasey Lane Extension is about 182 cfs. After storage in the proposed ditch, the peak flow into Elliott Ditch is reduced to about 151 cfs. This is a net storage of 31 cfs which exceeds the required storage. To gain this storage, the twin 66 inch pipes will be "choked" down at the inlet to twin 48 inch pipes. This will detain the amount of water while maintaining the water elevation well within ditch banks.

Michael asked if they had talked to the City about that 48" pipe sticking into their 66" pipe? Todd Frauhiger stated they had talked to Hawkins Environmental Associates about this. The reason they have to decrease this 66" pipes is that when they were original sized they were sized to catch all the water from Basin 13 and the Creasey Lane extension as well as all the water from S.R. 38. Without decreasing those pipes you would have all the water with 100-year storm from all those areas flowing directly through the 66" pipe with no detention at all. Decreasing to 48" gets them down to the detention which exceeds what they needed for S.R. 38. They could be detaining some Basin 13 water or Creasey Lane water, there is no way to tell. They did match what they needed for S.R. 38.

Michael Spencer asked how they feel about those 48" pipes in the end? Todd answered they had no problems with them at all.

Mr. Hoffman asked if it was going to have any effect on the parts where they are not going to let the water flow through, area north. Answer, it should help improve it.

Sue W. Scholer stated they are not showing it as acquisition. Todd answered: Through discussion with Michael Spencer the City has acquired a 60' easement along the Creasey Lane extension, and have already contracted to put in the twin 66" pipes, which is under construction. Michael pointed out that the City has put them in. Basically there is a problem existing which no one knew (city or county) how the outlet pipe from S. R. 38 was going to be constructed in the 60' easement down to the pipes. Since the State needed a detention pond they agreed to construct a ditch and use it as detention facility. Todd clarified build a ditch, technically the State can not go off the State right-of-way to do construction, so what they are going to do, they are going to fund the construction. Whoever owns that easement will hire a contractor to do the construction of the ditch. Michael stated this would be a City project. State would pay the City and the City pay the contractor. Todd stated the side ditch is 20' bottom, 12' deep, 3-1 side slopes, and 1500' long. Its a massive project. Mr. Hoffman asked if there was going to be a guard rail? Yes.

Todd pointed out whoever is designing Creasey Lane extension, the ditch will be running along the edge of Creasey Lane, he is assuming they are aware of the size and need for guard rail. For State Road 38 everything is OK.

Bruce V. Osborn chairman, had another commitment and asked Eugene R. Moore Vice-Chairman to chair the meeting in his absence.

Area C is a low area, it is lower than Elliott Ditch at S.R. 38. There is an existing tile in the area which drain the runoff from this low area into Elliott Ditch, 1000' south of S.R. 38, consisting of approximately 3.5 acres of land including highway right-of-way and adjacent land which drain onto the highway right-of-way. Predeveloped 10-year flow is 6.3 cfs. The developed 100-year flow is 20.1 cfs.

Proposal: The runoff from this area will be retained in a 20 foot bottom ditch from Sta 188+00 to Sta. 194+00 "PR-A" Rt. The bottom of the retention ditch will be at elevation 642 and the top of bank elevation is 644.5. The existing tile will be utilized to slowly drain the runoff away from the ditch. They propose to find the field tile when construction starts. They will put a little pipe catch basin with a grate on it, stick it in the pond and meter it out, this will store all the water with no runoff except for a little pipe that will tap into the existing drain. The retention ditch will reach an elevation of 644.3 at the 100 year storm drainage. This gives a freeboard of 0.2 feet.

Area D is the State's right-of-way from approximately Sta. 197+00 to Elliott Ditch. Existing right-of-way is approximately 2 acres and the proposed right-of-way is approximately 7 acres. This will be a four lane road with shoulders and side ditches.

Proposal is to take runoff from this area and detain in the roadside ditch along the south side of S.R. 38. The ditch along the north side will flow through a pipe under S. R. 38 into the south side ditch. The outlet pipe from the pond will discharge directly into Elliott Ditch at a peak flow rate of about 4 cfs. The elevation at the outlet will be 646 with a peak ponding elevation of 653.7. This will allow about 1.5 feet of freeboard. A flap gate will be required on the outlet pipe to prevent back flow through the pipe into the pond as the water level in Elliott Ditch gets higher.

Report is on file.

Michael stated everything looks fine, however there are some questions in the area of the ditch. Michael would like to get with Hawkins Environmental for discussion to make sure everything is OK and get it in writing from Hawkins that everything is OK.

Mr. Hoffman agreed with Michael to get it in writing regarding the pipes and the ditch.

Todd stated they have had conversation with Hawkins in regards to the pipes and ditch in the project.

The erosion control needed in the area will meet State Highway standards. Straw bales in the ditches, slopes too steep they will put the erosion fabric in and stake it down. Mr. Thompson stated there should be no problem. The discharge of pipes are 4-5 cfs. They will be more often under water. That will disparte the velocity coming out, therefore they do not anticipate any erosion.

Sue W. Scholer moved to grant preliminary approval for Drainage Plans as presented for S.R. 38 from U.S. 52 to Elliott Ditch, seconded by Eugene R. Moore, unanimous approval.

Todd Frauhiger stated they will get the right-of-way plans submitted, get the final construction plans, then come back and verify that what was presented earlier has been put into the final construction plans and ask for final approval.

Mr. Thompson stated all inlets would be located.

#### ORCHARD PARK/HERITAGE BANK

Michael Spencer has been in contact with the Farmers & Merchants State Bank of Darlington in regards to the detention pond underneath the power lines. Fred Hoffman has talked with them. They have supplied the board with a document that says they will have insurance that will cover any occurrence related to that drainage facility. It has met with Mr. Hoffman's approval. Based on this, Michael recommended the board give approval of the bank being built on the location. Michael stated this restricted covenant needs to be recorded with the plat.

Sue W. Scholer moved to grant final approval of the drainage plan and give the Bank permission to build the branch bank on the location requested, subject to receiving and having the restrictive covenant recorded with the plat, seconded by Eugene R. Moore, unanimous approval.

#### DRAINAGE ORDINANCE

Sue W. Scholer asked where are we with the changes in the Drainage Ordinance. Have we made a statement in there about detention under utilities? Mr. Hoffman stated we adopted the amendments. They are typed up. The only thing that was not typed in was the definition of the Impact area, and no detention under power lines. This is what came out of the Heritage Bank proposal. Michael stated they have satisfied it coming up with the legal liability. This is the reason Michael made the recommendation that he did. Mr. Hoffman stated they had been in acted on by the board in the April 6, 1988 Drainage Board meeting. Mr. Hoffman stated this needs to get in the books sold to developers. Sue asked Michael if the definition in the Impact area needs to be done before the book is printed. Yes. Michael stated this is close to being ready. Sue asked if this could be acted on next month. Fred stated Section 13 and 14 was adopted

Orchard  
Park  
Heritage  
Bank

Drainage  
Ordinance

October 5, 1988

in regards to power lines.

CUPPY/MCCLURE-DEMPSEY BAKER

Sue W. Scholer asked Michael to get the legal of the Cuppy/McClure Legal drain and Dempsey Baker Legal drain to Mr. Hoffman. Mr. Hoffman wants the legal on the drains that don't quite go into the pond. Michael stated it is Cuppy, Yeager, Cole and Baker drains. The end points are needed. Drainage procedure needs to get started.

There being no further business, the meeting adjourned at 11:10 A.M. Next meeting is November 2, 1988.

Cuppy  
McClure  
Dempsey  
Baker  
Ditch

*Michael W. Hoffman*  
Chairman

*Sue W. Scholer*  
Board Member

*Eugene R. Moore*  
Board Member

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

## Special Meeting - October 18, 1988 State Road 38 - US 52 to Elliott Ditch

SPECIAL MEETING  
STATE ROAD 38 - US 52 to ELLIOTT DITCH  
TIPPECANOE COUNTY DRAINAGE BOARD  
TUESDAY, OCTOBER 18, 1988

The Tippecanoe County Drainage Board held a Special meeting for the purpose of discussing drainage plans for State Road 38 - US 52 to Elliott ditch at 1:00 P.M. in the Community Meeting room of the Tippecanoe County Office Building, 20 North Third Street, Lafayette, Indiana.

Chairman Bruce V. Osborn called the meeting to order with the following being present Eugene R. Moore, Boardmember; Michael J. Spencer Surveyor; J. Frederick Hoffman Attorney; and Maralyn D. Turner Executive Secretary. Others present were Todd Frauhiger Indiana Department of Highway; David Hawkins for City of Lafayette; and Paul Claire with Craig & McKnight Inc.

STATE ROAD  
38 - US 52

to  
ELLIOTT  
DITCH

STATE ROAD 38 - US 52 to ELLIOTT DITCH

Paul Claire representing Craig & McKnight Inc. explained that Todd Frauhiger with Indiana State Highway Department and Robin Thompson with Craig & McKnight Inc. had presented a drainage concept at the October 5, 1988 Drainage Board meeting and received Preliminary Drainage Plan approval. Since then they have been in contact with David Hawkins, Hawkins Environmental. Mr. Hawkins was opposed to the drainage plan presented by Craig & McKnight Inc. in regards to putting the 48" pipe into the 66" pipe that Hawkins has designed. Areas A, C, and D have no changes. They had talked with David Hawkins on Thursday, October 13. After meeting with him they again met with David Hawkins, Michael Spencer, Bruce V. Osborn, and J. Frederick Hoffman; they feel they have come up with a workable agreement. Area B will have a change; instead of putting in the 48" reducing pipes the State would like to work out an agreement with the County. Instead of restricting those pipes they would like to know that the ditch would be built and available for them to use as outlets for their storm sewers. The State would make available \$50,000.00 which the County could use the funds toward the regional detention pond that has been discussed by the Elliott Ditch Task Force. This would give the County the opportunity to start the regional detention pond or enlarge it to a point where it would help the overall drainage plans. The plans involve over 300 acre feet of storage down by Elliott ditch at the south end of the 66" pipes. This plan would be used if the ditch was already constructed and outlets would be available. If the ditch is not constructed by the time the State comes in to build State Road 38, then the State would take the \$50,000.00 or whatever it would take to build the ditch the State would use their own forces at the same time they were constructing the State Road 38, that way they would know there would be an outlet for their storm sewer.

Bruce V. Osborn asked what time frame? Mr. Claire stated at this time the State is looking at May, 1990 for letting plans and Construction beginning either late 1990 or Construction season of 1991.

Mr. Claire stated they would like to involve the legal department between the State and County, set up an agreement that would allow the guarantee that the ditch would be built by the time the State was ready to do the State Road 38 project. They used contour maps provided from Hawkins Environmental to arrive at the amount of money to be used for the project. Todd Frauhiger and one of his colleague figured the amount of dirt and construction cost for the ditch from State Road 38 to the 66" pipes would be 18,000 cubic yards of dirt.

Todd Frauhiger stated everyone is pushing to keep on schedule with the project.

Todd explained plans and Basin 13-Elliott ditch which will drain underneath State Road 38 to the twin 66" pipes, which would be a part of the State Road 38 contract. All that water which at the present time does not have a good outlet will be outletted through the ditch. The City has acquired the easement, they have one piece of land which has caused a problem, the water would be dumping into State Road 38 and would have to get through the piece of land mentioned to get onto the easement into the ditch. The State will acquire the land so the pipes can be outletted. They will construct the ditch if it is not there or if it is there the funds will be made available to the County and they can do what they see fit.

Todd explained calculation plans. The present slope of the ditch would be coming off Creasey Lane extension. Mr. Hawkins stated Creasey Lane extension is scheduled for 1990 - 1991 basically the same schedule as the State, this is reason for the uncertainty of whether the ditch will be there or not.

Mr. Hoffman asked, the ditch has to be there. Right.

Mr. Hoffman the pond there does not replace the ditch? Answer - NO.

Todd stated the ditch has to be there for two reasons.

1. First it has to be there to allow State Road 38 water to go into it.

2. It has to be there to allow Basin 13 water to flow through it.

Mr. Frauhiger stated an added benefit would be the present flood water collected in the area now would flow to the ditch. Discussion of the Detention area continued.

Mr. Claire stated there had been a project designed by Stewart Kline and Associates which allows the ditch to come along County Road 200 South, the road from 200 South to Widmere Drive will be closed, there will be a ditch. The designed outlet for that ditch is through an inlet that ties into the 18" field tile, which is legal drain Branch 13. The water will be ponding in that area, all they are outletting is with a 6" pipe. When the State puts their twin 66" pipes in the ditch can be cleaned out then flow through the states structures into ditch down to the regional detention pond. This would possibly alleviate some drainage problems in the area. Kline's plans show a detention

## Special Meeting, October 18, 1988 Continued

pond, but chances are that the ditch will act as detention, water will stand in the low area as they are in- letting into the 18" field tile with 6" pipe, they have no restrictive device. The 36" pipes will not slow the water flow down. The State is allowing the water that is going to be detained in the ditch to flow across State Road 38 down the ditch instead of in letting it into the 18" tile. This might be a benefit to the County.

Todd stated the structures underneath State Road 38, the twin 66' pipes, they plan to lower those to an elevation so that that the 18" pipe will be picked up by those pipes flowing into the structure into the ditch on down to the Elliott ditch.

Mr. Hawkins stated once the cross pipes go in on State Road 38 it will eliminate the ponding on 200 South.

Todd Frauhiger stated the flood elevation for Elliott ditch 100 year flow according to DHR is 647.5. That being; this detention facilities will have to go. This is in the master scheme. There's a lot of fill dirt in that area which can be used to build the project; this would be the logical thing to do. The pipes are sized, if the water gets up to 647.5 with no detention pond they will still be getting a small amount of water flowing through the ditch through the pipes to the Elliott ditch. When the regional detention pond is in place it will be a benefit to the whole area.

Todd Frauhiger stated they are proposing a no new situation for the County. The worse thing would be when State Road 38 was being built the ditch wasn't there, the State Highway built the ditch which would relieve the problems along and near 200 South. If the ditch was there it could be incorporated with Creasey Lane design to get it built at that time, then the County has \$50,000.00 to deal with for the regional detention facilities. Basically what the State is trying to do is coordinate the three agencies, the State Highway Department, City, and the County; getting everyone's interest served in the best possible way. Todd stated the compromise seems to be the best for all agencies.

Bruce V. Osborn asked what happens if the County doesn't get the regional detention built? Private detention would have to be built on private property owners. Discussion continued.

Mr. Hawkins stated if the road project would come first the Creasey/Brady extension, the ditch has to be done. We don't want to lose the State's \$50,000.00 they want to dedicate it to the regional detention. If the regional detention did not occur then you had the \$50,000.00 to take care of the detention they needed. Discussion continued.

Mr. Hoffman stated the agreement should provide if the ditch is not in the State will build it, if it is in the State gives the County \$50,000.00 to use some place else.

Todd stated what has to happen after getting the Drainage Board approval for the concept he has to set up a meeting with Greg Henneke Consultant Service Manager; John Jordan Highway Legal Counsel; Mr. Hoffman; and Todd to start putting the agreement together. Discussion

Mr. Hawkins stated the road project requires considerable amount of fill (Creasey/Brady). Some will come out of the ditch, but the remainder 100,000 yards will have come from some other place, the logically area would be the regional detention area, if that falls into place. Mr. Clair stated if any fill was required for the road after the balances were done, then at the regional basin is another logical place for it. Todd stated he was in agreement. Maybe this could be put in the agreement. Discussion continued.

Mr. Hawkins stated there are two initial players at the original area. 1. The drainage from Creasey/Brady project. 2. The drainage from the State Road 38 project. Later on there maybe other players that will contribute to that pool.

Mr. Claire stated they should clear up a point; the required detention storage volume for the State Road 38 project will be approximately 2 acre feet. At one time there was a proposed detention of 300 acre feet; therefore they are not adding very much to the over all drainage concept.

Michael stated the Elliott Ditch study referred to it as 1,000 acre feet. Based on that area and the low ground up to the flood plan elevation depending on the side slopes, shapes, and depths.

Mr. Hawkins stated they were trying to locate as much as a 1/3 of the regional detention in that particular position.

Todd explained the storm water ditch. The original concept presented at the October 5, 1988 meeting was that they choke down the pipes which would cause the water in the ditch to raise more and give more storage, he realizes now by choking those pipes down and raising the water it starts a whole string of things that would not be desirable; therefore the best solution would be to build the ditch leave the pipes at their present installment alone, if the ditch is there when the State gets there, the \$50,000.00 will be given to the County to continue work on the regional detention facility. Discussion on the area continued.

Todd Frauhiger stated the ditch they are proposing has a 22' bottom ditch, 3-1 side slopes, at the shallowest point 6 1/2 - 7' deep, and the peak will be 10' deep, it is a master size ditch. It will handle a lot of water. If the tail water on Elliott ditch was lower, the ditch will be capable of handling almost 1200 cfs.

Michael asked what the road section was at Creasey Lane and State Road 38. It is 4 lane

## Special Meeting october 18, 1988 Continued

urban section with curb and gutter.

Bruce V. Osborn asked Michael Spencer if he had any problem with the presentation? Michael stated if the legal aspects could be worked out he had no problems with the plans.

Mr. Hawkins stated it is a good compromise as it guarantees the State's money into the project. Either way they don't lose the funds.

Mr. Hoffman had discussion previously and expressed approval of the presentation; however a motion should be made to approve the concept, with legal ratification being worked out with the City, County, and State.

Mr. Hawkins stated that it is his understanding that this has been done on the inter-local arrangement with Larry O'Connell, County Attorney and Tom Heide City Attorney. The project is basically a joint project as part is in the City and part in the County. The City is acquiring the land that is in the County, and the County has the land that is in the City. Discussion continued.

Bruce V. Osborn moved that the Tippecanoe County Drainage approve the conceptual approach for the installation of the ditch adjacent to Creasey lane extended, and if the ditch is installed prior to the installation of Highway 38 the State of Indiana will pay to Tippecanoe County the sum of \$50,000.00 to be used for the improvement of drainage in the area, if the ditch has not been installed prior to the installation of the improvements to Highway 38, the State of Indiana will go ahead and use that money and any other money necessary for the installation of the ditch adjacent to Creasey Lane extended, seconded by Eugene R. Moore, unanimous approval.

Bruce V. Osborn stated the inter-local agreement needs to be checked on. How do we drag the state into it? This is a legal question. Mr. Hoffman will check into the legal and meet with the proper persons mentioned previously in the minutes. Todd Frauhiger will have the State legal counsel contact Mr. Hoffman.

Todd Frauhiger asked if there was another approval needed once the agreement has been established? Mr. Hoffman stated the final drainage plan will have to be approved. Mr. Hoffman stated as soon as the agreement with the State has been received and signed between the State and local agencies and the plans are satisfactory with the Surveyor the approval can be given. The next Drainage Board meeting November 2, 1988 would be the proper time if everything would be in order.

Mr. Hawkins stated he wanted to make a note that pursuant to telephone conversation that the State is still going to be responsible for a fractional share of the cost of the twin 66" pipes. This is something that is inter-local; would not involve the Drainage Board. Discussion continued.

There being no further business the meeting adjourned at 2:45 P.M.

*Bruce V. Osborn*

Bruce V. Osborn, Chairman

*Eugene R. Moore*

Eugene R. Moore, Boardmember

ATTEST:

*Maralyn D. Turner*

Maralyn D. Turner, Executive Secretary

TIPPECANOE COUNTY BOARD OF COMMISSIONERS  
WEDNESDAY, NOVEMBER 2, 1988

The Tippecanoe County Drainage Board met Wednesday, November 2, 1988 at 9:00 A.M. in the Community room of the Tippecanoe County Office Building 20 North Third Street, Lafayette, Indiana with Chairman Bruce V. Osborn calling the meeting to order.

Those present were: Eugene R. Moore and Sue W. Scholer Boardmembers; Michael J. Spencer Surveyor; J. Frederick Hoffman Drainage Attorney; and Maralyn D. Turner Executive Secretary. Others present are on file.

L.U.R. INDUSTRIAL PARK

Robert Grove representing L.U.R. Industrial Park requested Preliminary approval of drainage and detention plan for proposed development. In Mr. Grove's presentation he stated there are some questions. Some factors have been brought out. If they can provide adequate detention storage, keep the release rate for the 86 acres to 17 cfs. They have put into the system some addition detention basins along South and West property line.

Michael Spencer asked if it was 55% impervious, is it realistic in this type of development? Mr. Grove answered that basically you have to go with each individual piece. They have left roughly 4 acre feet in storage for this type of thing. Michael stated that in other areas similar to this they have set a curve number that can not be exceeded. This has to be looked at. They are proposing to release into the Kepner Storm drain. Discussion of Kepner Storm drain and Layden ditch.

Mr. Grove stated the second part is that they are basically presenting calculations to support the fact that they are going to control their own water. Another obligation they have is the water that comes on to the property from the North. Proposing to take it through the system instead of dumping it on the surface and letting it run down through the middle of the development; they want to re-route it around the development and pass it through. More study is needed as they have found out there are some difficulties in store for the 48" pipe. The City is proposing to rebuild McCarty Lane, supposedly the plan is to build a large detention basin using the 48" as metering pipe.

Michael stated this is the upper end of the pipe system that makes up the Kepner Storm drain; goes from an open ditch where it crosses McCarty Lane heads South and empties into a 48" pipe that goes into the Wilson Branch of the Elliott ditch. Kepner Storm drain is a private ditch not a County regulated drain. It was put in by L.U.R. and other property owners back in the 1970's. The only control the board has is how much water is dumped into Elliott ditch.

Robert Grove stated the situation the developer has if a large detention basin is installed and the 48" is used as a metering pipe it essentially takes all the capacity. This would be putting pressure on the 48" pipe. Discussion

Michael stated in Caterpillars drainage report they have already used all the capacity of the 48" pipe under certain rain storms; therefore this development can't get in there under certain rain storms as it is already used up. Michael stated according to the new McCarty Lane Drainage plan water will go to the open ditch. Discussion.

Robert Grove stated at the present time this is a private drain and it does have its affects on downstream where there is control of what goes on. Even though the drain is private, the board will control what the developer does; will not discharge any more than what went in there before, the board have these rights any where along the system. Discussion.

Mr. Grove stated they are basically asking for some guidance. He suggested that maybe the board should have the people working on the road project present their side of the case. Mr. Grove stated they don't feel it is right for someone to come in and take all the capacity out of the private line; therefore it would be best to have all parties meet and decide how it can be controlled. The board has the right to control the flow from the out fall. (What goes into the pipe and what comes out of the pipe, in between; no.) Control the release rate from the areas upstream. They have shown they can meet the Drainage Ordinance, then they find there is no outlet. The outlet that the developer paid for in good faith is gone. Discussion.

Mr. Grove stated again they are asking for Preliminary approval; however it is going to take a meeting with the Drainage Board, the people working on the Highway improvement and L.U.R. developers and engineer. Even though the developer paid for the pipe they are willing to cut down their flow to what has to be; however they are not willing to give up the entire capacity. Discussion.

Mr. Hoffman stated there needs to be a solution and more study before preliminary approval can be given; going to need an outlet.

Michael Spencer stated the 48" pipe is the outlet and those who use it should get together and decide what portion of the capacity their entitled to based on the area and work for that end.

Bruce Osborn asked how many partials involved? Guessing 20 or more. Mr. Osborn asked who put the pipe in? L.U.R. and Kepner a little help from Murtaugh and Smith.

Jim Shook gave a presentation; discussion followed.

Michael Spencer stated he had received a McCarty Lane Hearing Plan. Discussion.

Jim Shook stated if this was ever going to get resolved it has to be done while there are still routes and available land to do it.

Mr. Hoffman stated the quicker it is solved the cheaper it is going to be.

Bruce Osborn asked if the a legal drain would be out of question? The Board is almost powerless except for the out fall. Mr. Hoffman stated the only way it could be a legal drain would be to take over the private drains. This would let the Board have control. Michael stated everyone in the area is in the watershed of the Elliott ditch and they are paying an assessment now. Discussion continued on petition procedures for legal drain and monitoring the water.

Michael stated one advantage of having a legal drain would be the maintenance fund on the pipe system. Second, could monitor the release rates from various property owners making sure that the capacity was not going to exceed. Discussion continued.

Mr. Hoffman stated all property owners should be notified that are affected. Michael stated it should be treated like any other Branch of the Elliott ditch. Put into the Elliott ditch assessments; or make it a separate assessment. Discussion.

No motion was made, but the minutes reflect the following to the presentation and discussion of L.U.R..

Presentation was made by Robert Grove Engineer; Jim Shook Developer; and John McBride Attorney. Presentation was premature because there has to be discussion with other parties, approval was deferred until the other parties involved come to some agreement.

L.U.R.  
INDUSTRIAL  
PARK

SHERWOOD  
FOREST  
PART III

SHERWOOD FOREST PART III

Robert Grove engineer, requested approval of Preliminary Drainage Plan, several submittals have been presented. The last condition they had was to resolve an off site situation where their discharge would be passing through the property South of the basin. Mr. Grove presented a recorded easement agreement which crosses Mr. John Schwab's property. This easement was recorded when the partial was created. Easement reads: Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat and over the rear ten (10) feet of each lot. Within these easements, no structures, planting, or other material shall be place or permitted to remain which may damage or interfere with the installation and maintenance of utilities, or which may change the direction of flow of drainage channels in the easements, or which may obstruct or retard the flow of water through drainage channels in the easements. The easement area of each lot and all improvements in it shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or utility company is responsible.

Mr. Grove stated they have met the Drainage Ordinance requirements. Discussion on the easement read.

Michael Spencer gave some history, last meeting that Sherwood Forest was on the agenda there was some concern about water surface elevation coming out of the detention basin and how it would affect property owners of a wide flow area. The board asked Mr. Grove to go back and make sure of what he had proposed would not change the surface coverage of water after development compared to before development. Mr. Grove has done this. This was presented to Mr. John Schwab. A proposal shows a new channel going down through the drainage easement and shows creation of a larger area to confine the water. Would not raise the water surface elevation. Mr. Grove was asked at the time if he had to do work on Mr. Schwab's property that he would get permission to do so. Permission is not needed as he has an easement on his property.

Mr. Grove stated there is growth in the channel now. Mr. Sherwood would be: 1. Willing to buy the corner. 2. Willing to create the cross section which has been presented to the board, clean out the channel; make sure their outlet is clean to start with.

Fred Hoffman stated the easement is clear that there is an easement for drainage so they can install and maintain drainage channels, but the question is for whom or what for? Mr. Hoffman asked if it was all one parcel when it was done? Good question if that drainage was just for that subdivision or other land. Discussion.

Mr. Sherwood explained the history of the Subdivision. At one time he and Joe Livesay owned the property in question jointly plus the Hess Subdivision. He sold Mr. Livesay the 5 acres on Corner which has the drainage easement. Discussion.

Mr. Osborn asked what kind of easement is it? Mr. Hoffman stated it is a drainage and utility easement.

Mr. John Schwab spoke and stated he had contacted Ted Johnson Clinton County Drainage Board Attorney. He expressed many concerns and questions. He feels that an over all engineering assessment in an independent fashion is needed. He stated his obligation is not to obstruct the drainage easement in any way. Major problem is that it is a very shallow area, very little grade. Even though there is a dedicated easement and that there is a real ditch there or flow through the area. Getting in to maintain is a problem, area is very wet. He feels this has been a long process.

Mr. Sherwood stated this has been delayed long enough he has met requirements. Again he stated; he is willing to purchase the property maintain the easement and keep it open. He feels he has as much at stake if not more than the property owners in the subdivision. He's interested in cutting back the water flow. He wants to maintain the area so there is no mosquito infestation.

Robert F. Pierret President of Homeowner Association spoke in behalf of the Homeowners. They are not against the project, just want to get the matter settled. His request is to let the Homeowners have an independent study done so they can have a piece of mind that this is a good drainage plan. Discussion.

Much discussion continued. All the board needs to act on is whether the proposal presented meets drainage approval.

Michael Spencer stated the proposal meets drainage ordinance subject to the easement.

Bruce Osborn stated they have an option to make a legal drain.

Mr. Hoffman stated that maintenance is something they are going to have to litigate between both parties. The only question is if they can use the easement for the water. It appears that it is a drainage easement to not be obstructed and could be used for the installation of drainage. Discussion.

Mr. Schwab stated they are asking for delay up to two months in order to assess the legalities of it and more important to give the neighborhood association an opportunity to decide whether to have an independent engineering study done.

Mr. Hoffman stated the board would have to approve the requirements and the association could take any action they would want. Discussion.

Michael stated if Preliminary approval is given then Construction Plans have to be presented. At the last board meeting there were two things requested. 1. Show that he was not adversely affecting the water level or flood level on Mr. Schwab's property. Plans have been presented that this would not happen as long as he installs the channels. 2. If he had to do work on Mr. Schwab's property that he would get written permission. June 23, 1988 letter was presented. This presents a question. Discussion. As long as he stays on the 20' easement.

Discussion continued.

Sue W. Scholer moved to give Preliminary approval to Sherwood Forest III drainage plan as presented, seconded by Eugene R. Moore, unanimous approval.

#### DRAINAGE ORDINANCE

Drainage  
Ordinance

Michael presented the revised amendments. The Board will have to meet in Commissioners meeting Monday, November 7, 1988, and adopt; then adjourn to Drainage Board meeting to adopt Drainage Ordinance.

Meeting recessed at 10:15 until Monday, November 7, 1988; after the Commissioner's Meeting.

MONDAY NOVEMBER 7, 1988 Drainage Board meeting reconvened at 10:00 A.M. Michael Spencer, Surveyor presented the revised Drainage Ordinance as amended and adopted in the Commissioners meeting with a new Ordinance Number 88-40-CM. Bruce V. Osborn moved to accept the Tippecanoe County Drainage Ordinance as amended and retyped, seconded by Eugene R. Moore, Unanimous approval.

*Bruce V. Osborn*

Bruce V. Osborn, Chairman

*Sue W. Scholer*

Sue W. Scholer, Board Member

*Eugene R. Moore*

Eugene R. Moore, Board Member

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

TIPPECANOE COUNTY DRAINAGE BOARD  
WEDNESDAY, DECEMBER 7, 1988

The Tippecanoe County Drainage Board met Wednesday, December 7, 1988 in the Community Room of the Tippecanoe County Office Building 20 North Third Street, Lafayette, Indiana with Chairman Bruce V. Osborn calling the meeting to order at 9:00 A.M.

Those present were Eugene R. Moore and Sue W. Scholer Boardmembers; Michael J. Spencer Surveyor; Dave Luhman Acting Drainage Attorney; and Maralyn D. Turner Executive Secretary, others present are on file.

NORTHRIDGE SUBDIVISION

KINGSRIDG

Robert Grove engineer, representing Tippecanoe Builders, Inc requested Preliminary approval for Drainage and Construction Northridge Subdivision. Plans with drainage calculations have been presented. Michael Spencer has reviewed the plans and has comments to incorporate into the final plans. The board reviewed the plans.

Sue W. Scholer moved to grant Preliminary approval for the Northridge Subdivision drainage contingent on providing additional information is received per the Surveyors request, seconded by Eugene R. Moore, unanimous approval.

KINGSRIDGE SUBDIVISION

Michael Spencer stated the board had approved a change in drainage plan where the developer had gone from one location of detention basin to different location, it was a dry bottom and now it is a wet bottom detention basin so they can get dirt to finish the road fill. Mr. Hilligoss has presented a three year Maintenance Bond based on 10% of the Construction cost to replace the Irrevocable Letter of Credit #212 in the amount of \$22,500.00 with Tippecanoe County on July 21, 1988 for the completion of revised drainage plan, in accordance with construction plans for Kingsridge Subdivision. Michael inspected the site with Steve Baumgarten. Drainage facilities are in. A certification has been received from Mr. Grove stating the storage is sufficient and release rate is what had previously been agreed on before with the dry bottom basin. The well house has been installed. Mr. Grove stated they had to provide a lake fill line a requirement. Second provided an access from the road to the wells; this has to be taken up with Mr. Schulte. Concrete spillway meets the 100 year storm event requirements.

Bruce V. Osborn asked if the Highway had gotten involved in this project; shoulder work. Mr. Schulte stated the highway isn't involved in this part yet.

Maintenance is the Homeowners. Roads are ready.

Michael is satisfied with plans presented; having no legal counsel the meeting recessed until 1 P.M..

KEPNER

## KEPNER DRAIN

Mr. Osborn asked those involved with the discussion of the Kepner drain to come forward.

Robert Grove engineer, stated discussion had taken place at a previous meeting. Preliminary Drainage plans have been put together with drainage calculations to meet the Drainage Board Ordinance. Again he pointed out two things what they had intended to do was divide detention storage along the south and west portion of the property discharging in the existing 48" pipe. Along with the road construction on McCarty Lane the large detention facility plan discharge takes the capacity of the 48" pipe. The thing that needs to be resolved is: How are we going to take care of the capacity to get it off the site. There are possibilities to combine the basins whatever needs to be done, it just needs to get resolved.

Michael Spencer asked Stewart Kline what the capacity of the pipe with his calculations. Answer 64 cfs. Presently entering the Kepner system is 168 cfs. Analyzing what is going into the system over and under McCarty Lane. Caterpillar releases 75 cfs. Caterpillar plus the development going on in watershed #1. Putting these together you have 136 cfs.

Michael Spencer stated the Drainage Board will not allow any more water to go to the Wilson Branch as there isn't room for what is going in there now.

Jim Shook gave same presentation as is in the November 7, 1988 minutes. The pipe was built by Lafayette Union Railway Company as a part of construction Kepner drain with help from Murtaugh and maybe Smith. Going up stream from the Wilson ditch the 48" pipe to land owned by Lafayette Union Railway; McCarty Lane and Creasey Lane. 15 acres of land was sold to Caterpillar with the anticipation that there would be a very large water retention basin to serve the area. Caterpillar hasn't done anything with the 15 acres, the ditch itself have provided adequate retention. It has always been Lafayette Union's understanding that the 48" pipe would serve all the people which would be served by the Kepner drain Smith and Murtaugh sold their interest to Caterpillar as Lafayette Union Railway sold it's complete land north of McCarty Lane. They owned 64 acres. Michael asked when it was sold was it based on acres drained by various landowners? Answer-Actually no, because Lafayette Union was unable to get participation on Farabee Drive. Discussion continued.

Bruce Osborn asked if it would be too time consuming to consider a legal drain? Jim Shook answered they see the need to develop the land. Larry Coles spoke in behalf of Caterpillar. Discussion continued.

Stewart Kline stated they are proposing to build a pond along the Kepner drain from the 48" pipe to McCarty Lane.

Jim Shook stated they are looking at one retention basin and all would discharge to it and it would be sized for the ultimate development. Ask Caterpillar to drain L.U.R. pond to the Kepner drain.

Don Sooby asked who were the major players other than L.U.R. and Caterpillar?

Joe Bumbleburg answered it looks like the City is major player. Building the road is creating both progress and problem in the area. The City building the road is going to have an affect; the City has to be considered a player in the whole process. The City is deciding what size of pipes that goes under the road etc., this is a very serious part of the discussion.

Jim Shook stated the land is in the City and all will be in the City later. It is more a problem to the City than just the construction of McCarty Lane.

Larry Coles stated Caterpillar has to make it better within the road and right-of-way. They will be decreasing the pre-existing problems. Discussion continued.

Jim Shook stated they are in the urbanization process, still have vacant land, have enough land that they can dedicate the land to a large pond. Now is the time to solve the problem. Caterpillar wants to come to an agreement. Maybe all concerned should come back and ask for a legal drain. All parties need to do some searching. Discussion continued.

Mr. Sooby asked if a legal drain is developed and a large storage pond is set up to cover all the water, is that something the Drainage Board would take over for ownership and maintenance. Answer- Maintenance within the legal drain, there would be an easement around so County could go in and maintain.

Stewart Kline asked if the pond fell on both L.U.R. and Caterpillar they would still be the owner and have to use easement.

Larry Coles stated they would still have the same problem, bigger ditch. Correct.

Sue W. Scholer stated the board would like to help solve the problem, certainly glad to hear people discuss that it should be tackled once and not every time a development occurs out there. As a Drainage Board they have very limited tools to work with. Basically all those involved need to decide. If you want to come back and ask for a legal drain that's fine if a solution is found. At this time the Board's control is down at the Wilson Branch, until such time as the rest it becomes a part of the legal drainage system.

Jim Shook stated the Board has an advantage over the three parties discussing the problem today; in that some where along the line there will be maintenance problems and the Board can require everyone who contributes to the ditch to contribute to the maintenance.

Jim asked Stewart Kline and Larry Coles to meet with him and come back to the board.

#### THEATRE ACRES

THEATRE  
ACRES

Paul Coutts engineer representing Theatre Acres a development of 17 acres where the old East Side Drive-In Theatre was. They have a plan worked up on the drainage. Problem is that it is very flat. He had not been scheduled to appear, but just wanted to present a work sheet of what is being planned. Michael had told him meetings are open and that they would hear his presentation. Seven acres will drain to the north and nine acres drains south and goes out on State Highway 26 East right-of-way. There are two 8" tiles one old and one new for the Coleman ditch. They are proposing to take a small portion of the street and drain it back to State Road 26, putting in a couple of inlets and essentially keep it limited to the street drainage. The water taken out to the side ditch along State Road 26 would be less than the release rate going there now. All the properties along the east side would drain to the back down and to the north, the same on the west side they would drain to west then north. Proposing to dedicate and 80 foot strip along the northern side of the property, put a detention basin in with a concrete gutter and use as a positive an outlet a connect to the drainage in Union Park. At present there is a concrete gutter that parallels to the northern property line. They have talked to the developers of the property, after reviewing the storm drainage calculations they feel it would be a good place to put it, and would be a good solution for Theatre Acres. Provides a positive outlet. The Coleman tile they propose to re route it. This is a Commercial Subdivision. The only thing positive so far is the lot at the northern end. Looking at 6.2 acre lot at the northern. Looking at possibly 6 lots. Looking at taking the Coleman tile down the western property line. Keeping the tile alive. They don't feel it is an appropriate positive outlet for development of the property. Reason they are presenting this as they are on a heavy time table. They need to have construction plans finalized and brought before the board to be approved.

Michael Spencer stated the Drainage Board isn't the only approval; they need to contact the State and City for approval. Michael asked Paul if he knew where the State Highway water drained to? The water drains into the Post Office detention basin and they pump it to 52 Sagamore Parkway drainage system. There is no outlet for the north side except for the one at the Post Office. The new tile is 12".

Discussion of the Coleman continued.

Michael's biggest question is; can Union Park Subdivision accept this water since they are going to be draining more to Union Park and draining more to the system, this area has never drained to Union Park. Paul stated they are limiting to 4.9 cfs. The water eventually gets to the same spot, and goes to the PSI land. They are not diverting any water or taking it any where else. Paul stated Steve Norfleet has talked to Robert Grove and he indicates there is sufficient capacity for that.

Paul asked if there is capacity in Union Park; is this a scheme the Drainage Board would approve the drainage on the site. Paul stated the plans just presented seem to be the most logical.

Bruce asked if the landowners on the east should get involved in this? Discussion continued. Michael stated one way yes and one way no. Michael isn't sure what the existing tile grade is there, but if they replace the tile and they go along the route and still provide the capacity in the new pipe they want to do. The longer you go and still have the same grade at each end you have to meet it if you go the long way around the grade or your new one can't be the same as the old. Paul Coutts stated you over size it. Agreement. Michael stated they will still have the same capacity at the outlet. Discussion. Question does the Theatre Acres developers have to go clear to the outlet? This wouldn't be fair to them, everyone needs to get involved.

Sue W. Scholer asked if we hadn't had discussion on this before. Michael stated we had a hearing with letters sent to the property owners along 36th Street. The consensus was that we would vacate the Coleman ditch tile at the present location if a 50 foot easement was granted so there would be a route for those people to get through at a later date whenever a system was put in.

Paul Coutts stated they have no problem with that; the only thing they would like to do is take that easement down to a 40 foot. Reason for that is there is 40 foot minimum building line along the Post Office that they have to adhere to; they would like to have that option to take it and build the buildings all the way to the 40 foot set back line. The tile is going to be 6-7 foot deep. They are requesting a 10 foot variance in the easement that had been previously required. Discussion.

Michael stated if the board goes with a 40 foot easement the property owners along 36th Street need to be involved.

Bruce Osborn suggested the board not say yes or no.

Sue W. Scholer asked if they had had discussion with the State? Paul answered No. He knows what their criteria is, they are going to meet or exceed their criteria, doesn't feel there is a problem.

Paul asked if they would approve a positive outlet, and putting a tile along the western side?

Don Sooby expressed his concern about draining into an incomplete Union Park system may cause some problems. He doesn't know what discussions the board has had with the Union Park developers. Discussion had been that the board would be discussing with Union Park developers working out a solution. Steve Norfleet has talked to Union Park developers. Michael asked if this had been submitted to the City for them to review? No. Mr. Sooby stated without more information they would have difficulty in saying yes. Discussion.

The board recessed the meeting for Kingsridge until 1:00 P.M. today (December 7, 1988).

Bruce Osborn stated the board will recess this meeting until Tuesday, December 13, 1988 at 9:00 A.M.

KINGSRIDGE KINGSRIDGE RECONVENED - December 7, 1988 meeting 1:00 P.M.

Bruce V. Osborn called the meeting back in order for Kingsridge Subdivision.

David Luhman acting attorney stated there were three things to be considered and approved.

1. A request from Lafayette Bank and Trust for the return of the \$22,500.00 Letter of Credit, which was presented to the Drainage Board to insure the completion of construction of the drainage plan and retention pond at Kingsridge.

Michael Spencer has stated he has inspected, and his opinion is that the construction has been completed according to the plans.

2. The Board now has to approve the drainage plan and construction for the retention pond for Kingsridge; if that is approved then they act to release the \$22,500.00 Letter of Credit back to Lafayette Bank and Trust.

3. Board received a Maintenance Bond from Lafayette Bank and Trust Company in the amount \$2,250.00 which is for maintenance of the retention pond and drainage system for a period of three years. The Board needs to take action to accept the Maintenance Bond.

If those three things are completed then the board will have taken the action which needs to be taken for Kingsridge Subdivision drainage. Certified that the drainage is completed according to the plan. That allows the return of Letter of Credit as a Maintenance Bond of \$2,250.00 for three years will be accepted.

Copy of a letter from the Kingsridge Homeowners Association has been received indicating they are willing to accept the easement for the retention pond; that easement requires the Homeowners Association to be responsible for the maintenance of their acceptance conditioned on the boards approval that the construction has been completed and the receipt of the Maintenance Bond for three years from Lafayette Bank and Trust which the board will have done.

Sue W. Scholer moved to approve the Construction Plans, Drainage System and the final As Built drawings for Kingsridge Subdivision, seconded by Eugene R. Moore, unanimous approval.

Sue W. Scholer moved to respond affirmative to the request to the return of the Letter of Credit for \$22,500.00 back to Lafayette Bank and Trust being held for the Construction of the facility, seconded by Eugene R. Moore, unanimous approval.

Sue W. Scholer moved to accept the Maintenance Bond in the amount of \$2,250.00 for a three year period for Kingsridge Subdivision drainage, seconded by Eugene R. Moore, unanimous approval.

Hubert Yount requested a copy of the minutes to satisfy Lafayette Bank and Trust. He will pick up the Letter of Credit from the Auditor's office when he picks up copy of minutes.

WESTON  
PLACE  
APARTMENTS  
PHASE I

WESTON PLACE APARTMENTS PHASE I

Sue W. Scholer moved to make note in the minutes that Michael Spencer did receive the information he requested on the Weston Place Apartments Phase I and the procedure has been followed to release final plat, seconded by Eugene R. Moore, unanimous approval.

✓ THEATRE ACRES

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

The Tippecanoe County Drainage Board met Wednesday, February 1, 1989 at 9:00 A.M. in the Community Meeting room of the Tippecanoe County Office Building, 20 North Third Street, Lafayette, Indiana. Those present were: Sue W. Scholer, Bruce V. Osborn, Michael J. Spencer, J. Frederick Hoffman, Drainage Attorney, and Maralyn D. Turner, others on file. Bruce V. Osborn Board Member called the meeting to order in the absence of Vice-Chairman Sue W. Scholer at 9:00 A.M..

Michael Spencer presented Certificate of Insurance received from Fairfield Contractors, Inc. naming the Tippecanoe County Drainage Board as Certificate Holder. Gray and Associates, Inc. as agent for the insured. Monroe Guaranty Insurance Company affording coverage. Certificate is on file in the Surveyors office. Policy period 7-7-88 - 7-7-89.

THOMAS COLEMAN DITCH

Fred Hoffman attorney, read the Resolution as follows:

RESOLUTION

WHEREAS, THE THOMAS COLEMAN DITCH is a legal drain located in Fairfield Township, Tippecanoe County, Indiana; and

WHEREAS, THE THOMAS COLEMAN DITCH is all within the city limits of the City of Lafayette, Indiana; and

WHEREAS, THE THOMAS COLEMAN DITCH is an "urban drain" and drains only "urban land" within the definitions of the Indiana Drainage Code, I.C. 36-9-27; and

WHEREAS it is the desire of the Tippecanoe County Drainage Board to wave and relinquish its jurisdiction over the THOMAS COLEMAN DITCH.

NOW, THEREFORE, BE IT RESOLVED by the Tippecanoe County Drainage Board that it hereby does relinquish its jurisdiction to the City of Lafayette, Indiana, over the THOMAS COLEMAN DITCH, which is legally described as:

Start at a point on North side of Lafayette and Wildcat Gravel Road 12 feet North of the SE corner of Sec 22 Twp. 23 Range 4; W along road 1100 feet; N  $3-1/4^{\circ}$  W 1655 feet; N  $36-1/2^{\circ}$  W 185 feet to appoint 10 feet E of the line dividing the E and W half of the SE  $1/4$  of Sec. 22 Twp. 23 Range 4; N 580 feet; N  $36-1/4^{\circ}$  270 feet; N  $17-1/2^{\circ}$  W 35 feet to a point on the Union Street Road 160 feet W of the NE corner of the NW SE Sec. 22 Twp 23 Range 4; N  $8-1/4^{\circ}$  E 355 feet; N  $38-1/4^{\circ}$  E 340 feet; N  $39-1/4^{\circ}$  East 150 feet; N 100 feet terminating in a large open drain about 400 feet W of the center of the SE NE Sec. 22 Twp. 23 R 4 on land owned by John Heath.

Branch - Tile

Start at a point  $56-3/4^{\circ}$  E 972 from the SW corner of the SE SE NE Sec. 22 Twp. 23 R 4, N  $9-1/4^{\circ}$  E 700 feet; N  $23-3/4^{\circ}$  W 300 feet to a point on N side of road running E & W thru center of Sec. 22 Twp. 23 Range 4; W along S side said road 1680 feet terminating at this point in the Main Ditch, where said Main Ditch crosses the line running E & W thru the center of Sec. 22 Twp. 23 Range 4.

Adopted at Lafayette, Indiana, on the 1st day of February, 1989.

THE TIPPECANOE COUNTY DRAINAGE BOARD

By: \_\_\_\_\_  
Eugene R. Moore, President

\_\_\_\_\_  
Sue W. Scholer

\_\_\_\_\_  
Bruce V. Osborn

ATTEST: \_\_\_\_\_  
Maralyn D. Turner, Secretary

0967H

Mr. Hoffman explained there are two bodies in charge of the ditch. The idea is to turn everything over to the City and let them handle the maintenance etc. The code provides it in a case of Urban Drain that drains only land within the City, therefore the County could go ahead and relinquish their jurisdiction to the City. The City would have to accept the jurisdiction.

Bruce V. Osborn asked if it would be a legal drain? Answer-yes a Legal Urban Drain.

Bruce asked if we could relinquish the County jurisdiction without notice to the landowners. Answer- Yes. After discussion it was decided that the landowners should be notified. Michael Spencer stated: He feels the property owners should know what the County is doing before they do it. Michael stated a hearing had been held to vacate the ditch and it was not vacated as the property owners were told they had to provide at least the easement for a future storm system of some type. Agreement.

Sue W. Scholer asked how does this work when it comes to the maintenance fee, collection, and disbursements? Answer the City would take over responsibility of handling everything.

Michael stated the work the City did north of Union Street on the sanitary sewer lines last summer, they did fix up the outlet of the Coleman ditch north of Union Street all the way to the outlet. They put a manhole on it and have done work on it. Michael's question to the City was; since you did this work have you accepted the responsibility of the maintenance? One official answered yes, and the other stated he did not know. Michael stated there is a misunderstanding. Sue stated she had the same concern as Michael.

Sue asked if they worked in the right-of-way of the easement of the legal drain? Michael stated he did not know.

Sue stated the Resolution is a very good idea, she would like to put it on an agenda and notify those involved.

Michael asked what happens if the City does not accept the the resolution? Mr. Hoffman stated under the law if they won't accept the County can't relinquish. Mr. Hoffman read Code, I.C. 36-9-27.

The developers of the old theater site ask the question: Who approves the drainage plan, city or county? Discussion

Bruce V. Osborn made the motion to put the Thomas Coleman ditch resolution on the Agenda for the March 1, 1989 Drainage Board meeting, and notify the property owners, seconded by Sue W. Scholer, motion carried.

Fred read Waiver of Jurisdiction forms he has prepared.

WAIVER OF JURISDICTION

The Tippecanoe County Drainage Board does here by waive and relinquish any jurisdiction that it may have over the drainage on the following real estate located in the City of Lafayette, Indiana to the City of Lafayette, Indiana, pursuant to the provisions of I.C. 36-9-27-20.

OWNER \_\_\_\_\_

STREET ADDRESS \_\_\_\_\_

\_\_\_\_\_  
BRIEF DESCRIPTION OF REAL ESTATE

Dated: \_\_\_\_\_

THE TIPPECANOE COUNTY DRAINAGE BOARD

By: \_\_\_\_\_  
AUTHORIZED AGENT

The above Waiver is accepted by the City of Lafayette, Indiana, pursuant to the provisions of I.C. 36-9-27-20, and the City accepts jurisdiction over the drainage in the area described.

Dated: \_\_\_\_\_

THE CITY OF LAFAYETTE, INDIANA

By: \_\_\_\_\_  
AUTHORIZED AGENT

0967H

WAIVER OF JURISDICTION

The City of Lafayette, Indiana does hereby waive and relinquish any jurisdiction that it may have over the drainage on the following real estate located in said city to the Tippecanoe County Drainage Board:

OWNER	STREET ADDRESS
<u>BRIEF DESCRIPTION OF REAL ESTATE</u>	

Dated: \_\_\_\_\_

City of Lafayette, Indiana

By: \_\_\_\_\_  
AUTHORIZED AGENT

0976H

Mr. Hoffman stated with these four forms this would clarify things and the idea was to have it on check list for the Area Plan Commission so that when developers develop land they get one signed and then they only have to deal with one of the two entities. Discussion. Mr. Hoffman presented two forms for the City of Lafayette and two forms for the City of West Lafayette.

Bruce V. Osborn moved to adopt the four Waiver of Jurisdiction forms; one for each City to relinquish to the County, and one for the Tippecanoe County Drainage Board to relinquish to each City, seconded by Sue W. Scholer, motion carried.

Sue asked what procedures need to be taken? Mr. Hoffman stated both Cities should be notified and send copies of the forms; also notify Area Plan Commission to see if they can add this to their check list.

✓ VALLEY FORGE CONSTRUCTION BOND/LETTER OF CREDIT

Michael Spencer stated he has to come before the Commissioners at their next board meeting, but is presenting to the Drainage Board today. The board needs to release the Construction Bond and Letter of Credit for the final detention basin in Valley Forge Subdivision. The bond was required by the Drainage Board that the bond be payable to the Tippecanoe County Board of Commissioners.

Michael stated a bond had gone through the Commissioners for the final seeding for other areas in the subdivision, but the seeding in the detention basin have been completed and approved.

Bruce V. Osborn moved to release the Bond for Construction and Letter of Credit for Valley Forge Subdivision, seconded by Sue W. Scholer, motion carried.

✓ ELLIOTT DITCH

Michael Spencer presented a letter from Chris B. Burke Engineering, LTD. with the proposal to provide engineering services to do the design of the regional detention basin on the Elliott ditch. Estimated cost \$8,350.00.

Michael stated he had met with Mr. Hoffman and he researched how it falls under I. C. 36-9-27-32. This will be added on to Reconstruction cost for this work. Payable out of General Drain.

Bruce V. Osborn moved to accept Christopher B. Burke Engineering, LTD as the consulting engineer for work to be done on the Elliott ditch study for the amount of \$8,350.00, seconded by Sue W. Scholer, motion carried.

The proposal was signed by the board, and copy sent to Mr. Burke.

STATE ROAD 38 EAST

Mr. Hoffman stated he had received a letter from the Department of State Highway with proposed agreement of State Road 38 East and the regional detention pond which he has given to Michael Spencer to read. Mr. Hoffman and Michael do not feel the proposal is quite the same as discussed earlier. They will study and report later. This has to be approved by the Commissioners instead of the Drainage Board.

There being no further business to come before the board the meeting adjourned at 9:30 A.M. until March 1, 1989 regular drainage board meeting.

Not Present

Eugene R. Moore, Cahirman

*Sue W. Scholer*

Sue W. Scholer, Vice-Chairman

*Bruce V. Osborn*

Bruce V. Osborn, Board Member

ATTEST:

*Maralyn D. Turner*

Maralyn D. Turner, Executive Secretary

TIPPECANOE COUNTY DRAINAGE BOARD  
WEDNESDAY, FEBRUARY 22, 1989

The Tippecanoe County Drainage Board met in Special session in the Community room of the Tippecanoe County Office Building, 20 North Third Street, Lafayette, Indiana.

Chairman Eugene R. Moore called the meeting to order at 9:00 A.M. Those present were: Sue W. Scholer Boardmember; Michael J. Spencer Surveyor; David Luhman Acting Drainage Attorney; and Maralyn D. Turner Executive Secretary. Other present are on file.

NORTHRIDGE SUBDIVISION

Robert Grove engineer, representing Tippecanoe Builders developer of Northridge Subdivision. Proposed Subdivision is located North of Wildcat Highlands between Buckridge Subdivision and County Road 200 North.

Robert Grove requested final approval of Construction and Drainage Plans contingent on changes requested by the County Surveyor. Items he has requested are: additional swale elevation, some of which they have to go out into the field and get data before it can be completed. They have gone through this with the Surveyor and Highway Engineer. At this point it is just the mechanics.

Michael asked if any of the changes had been done? Mr. Grove stated they have added alot of the swale elevations, the only thing they have not done is to shout the original elevations along west property line.

Robert Grove stated after reviewing with George Schulte they have gone through and changed the grading pattern. George had requested there be no sump or low elevation at each street. They have done this. They need to verify elevations along the boundary lines to make sure the swale is going back to divert the water and not dump it off on the neighbors, or cut off anybody. Make sure to contain on the property.

Michael asked what the plans were for the cement 10" tile that comes through? Michael stated they need to find out where it comes from.

Ken McDonald property owner adjacent to the subdivision stated that there is a natural water way along the fence line there is an old tile which ends up where the retention

areas will overflow. The tile does work. Discussion continued in regards to the 10" cement tile.

Robert Grove stated they are not concerned within the site, they would be concerned with offsite. They would be taking pressure off of Mr. McDonald's property. They don't want to cut off any property owner.

Michael asked if the soils were rated severe? Michael asked about the septic system. Are they going to have perimeter drains? David answered only a couple, the rest will be shallow trench system.

Michael stated if there were going to be alot of perimeter drainage systems this would have to be taken into account, but if they are going to be out letted into the storm sewers he would prefer that they didn't come in at each lot, only have one entrance into storm sewer. Depending on how many they have will effect the capacity of the storm sewers.

David Kovich stated the shallow trough system would be in between 34 and 40 inches. Michael stressed when they start building the homes and getting septic permits, and there are many lots needing perimeter drains they need to get back with Robert Grove. Michael stated this needs to be done now. Discussion continued.

Mr. McDonald had questions in regards to the storm sewers as to where they would end up. They will end up going through the two basins, the two major outlets. Discussion of Mr. McDonald's lane and water continued.

Michael asked what is the volume of the pond? Answer 3 acre feet.

The board members asked Michael if he had had a chance to go over the plans. Michael stated he had looked at two different submittals.

Mr. McDonald asked how they are proposing to get rid of the excess water and by what means? Mr. Grove stated they have calculated for a 10 year storm. They have designed the basin for a 100 year storm. Mr. McDonald asked if he would get drainage? Robert stated he will get drainage from outlet. It is a 24" pipe with an orifice plate; therefore it will have a 21" maximum discharge through the pipe. Discussion.

Michael stated he had not seen the rip-rap in the plans, emergency overflow. Question on elevation, what would happen if pipe would clogg and water comes over, bank slope protection, the spillway elevations, downstream protection, and the swale. These are the things Michael needs to see as there are very important. He needs to have cross section shown along with volume of the ponds. Maintenance, how are they going to maintain the systems.

David Kovich stated probably the Homeowners Association. Discussion.

Robert Grove stated they are not going to get the OK from the surveyor until they can prove that the swale is going to work. Discussion.

Michael asked David to have Chris Kovich get with Mr. Hoffman in writing the covenants. The board suggested they consider establishing a rate on each lot up front. Farmington Lake covenant has good detailed wording and could be a pattern to go by. The board and Mr. Hoffman are concerned in the wording in regards to the drainage and maintenance.

Mr. McDonald stated they don't object to the subdivision, but is still concerned on how they are proposing to get rid of water. Robert Grove stated where the road comes out the pipes are about 3-3 1/2 feet below that (this is about where the 10" tile is) they will excavate a swale to that point. Discussion.

Michael stated he wasn't sure they could fit a swale in the rear lot easements. Discussion.

Mr. McDonald again stressed their concern in regards to the roofs, concrete/black top, and the minimum amount of absorbency in the ground would mean more water coming toward their property, and this would mean trouble.

David Kovich stated he has a concern with erosion during construction and right afterwards. He asked Mr. McDonald to call him at any time if he has any concerns during and after construction. There is a an erosion control plan in the construction plans.

Sue asked Michael if he was comfortable from his view points of the proposal? Sue stated she has one problem and that is; Fred Hoffman has asked the board to hold up on approval till he has a chance to review maintenance. Michael stated this is definitely a condition before approval.

David stated they are going to develop in two phases. All drainage will be put in first.

David Luhman advised the board not to give approval at this time. Developer must submit proposed covenants and meet all the mechanical request of Michael Spencer, and George Schulte's request of calculations and gutter spread.

The board asked Mr. Kovich to meet all the request and get an OK from Fred then bring back to the regular meeting, Wednesday, March 1, 1989 for approval.

To summarize all discussion Sue W. Scholer stated that Northridge Subdivision has been

Special Meeting February 22, 1989

asked to get information submitted to the Surveyor by next Wednesday, March 1, 1989 and that they definitely get the covenants to Fred so approval can be granted with conditions with the developer making another appearance.

BOARD APPROVAL-MAINTENANCE

Fred Hoffman drainage attorney stated for the record in the future that no projects be approved until there is a definitive and recorded provision to compel maintenance of the system.

ELLIOTT DITCH

Discussion of claim presented for Elliott ditch regarding the Task Force of Elliott ditch. Claims should be paid from Elliott ditch maintenance fund.

HADLEY LAKE

Discussion of claim presented for Hadley Lake. In 1986 there was a special appropriation in the Commissioners budget for bills of Hadley Lake study. Sue requested Maralyn to call Peggy Owens and ask her if a Grant has been applied for the Hadley Lake project. The board instructed the secretary to hold the bill until further information is received in regards to the Grant, if time is a factor the board instructed the secretary to transfer funds from the engineering fund to legal services fund and pay from that fund until cost is reimbursed.

The Special meeting adjourned at 9:55 A.M.

*Eugene R. Moore*

Eugene R. Moore, Chairman

NOT PRESENT

Bruce V. Osborn, Board Member

*Sue W. Scholer*

Sue W. Scholer, Board Member

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

TIPPECANOE COUNTY DRAINAGE BOARD  
WEDNESDAY, MAY 3, 1989

The Tippecanoe County Drainage Board met Wednesday, May 3, 1989 in the Community Meeting Room of the Tippecanoe County Office Building, 20 North Third Street, Lafayette, Indiana.

Chairman Eugene R. Moore called the meeting to order at 9:00 A.M. with the following being present: Bruce V. Osborn and Sue W. Scholer, Boardmembers; Michael J. Spencer, County Surveyor; J. Frederick Hoffman, Drainage Attorney; and Maralyn D. Turner Executive Secretary; others present are on file.

SHERWOOD FOREST III

Robert Grove engineer for Sherwood Forest Part III requested final drainage approval. Michael Spencer stated that previous questions were in regards to downstream channel, since that time Mr. Sherwood has purchased that piece of property from the adjoining neighbor.

Mr. Hoffman had looked at Mr. Sherwood's restrictive covenants and they are OK. Mr. Hoffman asked if they had been recorded or will they be recorded with the plat?

Michael stated they have not been recorded as they can't be recorded until the final plat is recorded.

Bruce V. Osborn moved to give final drainage approval to Sherwood Forest Part III subject to the recording of the covenants, seconded by Sue W. Scholer, unanimous approval.

WILLOWOOD PART III SECTION I

Jeff Tyrie property owner of Lot 27 in Willowood Subdivision Part III, Section I requested reduction in easement at back of his lot as he is putting in a swimming pool.

Michael stated there had been an easement recorded along existing creek which was called the Crist Fassnacht ditch easement. Michael looked at the legal description and finds that it does not come down that far, but since the easement was platted and recorded Michael asked Mr. Tyrie to come before the board.

Mr. Hoffman asked if this was something that we would need in the future? Would the ditch come down that far? Michael stated the pool would be 50 feet away, so he is asking to reduce the easement from 75 feet to 50 feet. Michael has looked at the lot. Michael stated he feels it would be sufficient for establishing the ditch. There is farm fields on the other side and the area they are talking about is all rear yards. Mr. Tyrie's property is on the west side of the ditch. Discussion.

Sue W. Scholer moved to grant reduction of easement to 50' for Lot 27 in Willowood Part III Section I, seconded by Bruce V. Osborn, unanimous approval.

Michael stated he will send a letter to Area Plan that this has been granted.

ORCHARD PARK

Robert Grove representing the developer requested final drainage approval and to discuss the off-site proposed work. The off-site work involved, at the present time there are two existing in-lets in the street then a 15 inch pipe that makes a right angle into a man hole, a 24 inch comes from the south and ties into the whole system putting the system under pressure this causes water to build up in the street; flows across into a property causing damage to foundation. They are proposing to re-route downstream on the west side of the Dilling home. They will rip-rap, but will have to get permission from property owner to extend rip-rap. DeLuxe Homes did not create the problem. Opposition is due to the increase of flow; however they are not going to allow it to pond up into the street or flow over the property owners lawn, it is delayed some before it gets into the ditch.

Erosion will be stopped behind the homeowners property.  
Much discussion.

Michael stated that David Dilling and James Stroethers are supportive of the proposal. Mr. Dible downstream is not supportive. Discussion.

Mr. David Dilling has signed agreement to grant easement.

Michael again stressed his only problem is the uncontrolled run-off. They are over detaining, to meet the ordinance to make up for the uncontrolled run-off.

Developer has agreed to rip-rap beyond the curve until the channel straightens out.

Sue W. Scholer moved to give final drainage plan approval for Orchard Park Subdivision, seconded by Bruce V. Osborn, unanimous approval.

DRAINAGE STUDY WILSON BRANCH/S.W. ELLIOTT DITCH

Michael Spencer introduced Christopher B. Burke of Christopher B. Engineering, LTD who did the drainage study for the county on the flood control facilities along the Elliott Ditch and the Wilson Branch.

Chris stated that they had submitted on April 23, 1989 a final draft copy of the Results of Flood Control Feasibility Study. the purpose of the study was to determine the effectiveness of two proposed flood control reservoirs within the watershed. This is a

follow up of a study done January 1988 on the master plan for controlling flood flows in the watershed area. At that time they studied the entire Elliott Ditch watershed area. This consists of three watershed areas, the Kirkpatrick ditch which is fairly independent, the Elliott Ditch itself, and the Wilson Branch.

They investigated how much water was getting into the various ditches and waterways and how high the water got with the channel, and mapped out the 100 year flood plan on the Elliott Ditch. The goal in the 1988 study was to identify the location and size of flood control facilities which would be required to reduce current flooding down stream and determine what will be the impact in the short range and long term future of the watershed. The County recognized that there will be a lot of development in the watershed area and realize that something is going to have to be done to control the flooding.

They looked at two scenarios +5 year and +40 year development scenario and to determine what it would take to provide regional detention storage. They provided some recommendations in the study and identified the optional location for flood control facilities. They looked at upstream and down stream storage availability and determined that the only effective way was to provide some facility. A question may be asked why not the Kirkpatrick? The Kirkpatrick ditch comes in at a very steep grade in, no benefits to provide regional storage within the Kirkpatrick ditch. They then focused on what kind of storage, size of storage, and how the storage facilities should be operated.

Branch 13 is being re-routed out of the Wilson Branch watershed into the Elliott ditch watershed. Land use and the area had to be separated out from the files that they developed from the original study.

A lot of area is now going into the Elliott ditch that didn't go into the Wilson branch what is the impact on that. What does that do to the flows and water surface elevation? This is another study they under took.

They wanted to focus in on some property that was identified by Maple Point Enterprises. They were hired by Maple Point Enterprises in 1988 to focus on the effectiveness of one flood control facility in reducing and accommodating detention and compensatory storage.

Later the County asked them to do a study of a piece of property adjacent to the Elliott ditch upstream of Ross Road. They realized that both these facilities could be designed to provide flood control benefits.

First facility is an 18 acre triangular parcel located on the Wilson Branch. The site is bordered on the southeast by the proposed Creasy Lane extension right-of way and Hobby ditch along the north side, US 52 on the west. They did topographic survey, soil boring, they then focused on determining how this could be configured. Compensatory storage required and detention storage required. Example was given; if Wilson Branch comes in and exits under Highway 52 what happens if they would just allow that water when it gets high to fill in the reservoir and pass on through. They determined that the site had little potential. Big pond, water comes in, water goes out. What doesn't go out fills up the pond simple approach. That approach would provide all the detention in compensatory storage necessary for the developments, but would not provide any flood control benefits. The next thing they identified was to determine how they would have to figure the reservoir so it would provide flood control benefits. There will be a berm along the side of Wilson branch and a structure placed upstream of the 52 crossing. Doing this they can provide flood control benefits down stream. Flood control benefits mean that they reduce water surface elevations down stream. Detention storage means that storage required for off setting impacts from developments. Compensatory storage is within the flood plan it has a given amount of natural storage, if that area is filled that storage is displaced and must be compensated for. Detention storage and compensatory storage which are a County and DNR requirement, and a flood control storage which is a focus of their original study of what are flood control benefits. Benefits, there is existing elevation now, reducing the elevation and assigned some benefits to that reduction of water surface elevation.

A part of their analysis is a channel that goes upstream to Ross Road that is to be widened, and cleaned out so that they can get the water efficiently into the reservoir. Their recommended plan for the Wilson branch is; they are recommending the configuration of the reservoir and the widening of the channel from the north side of the reservoir to Ross Road. That would be a 4 to 5 foot wide channel at the bottom with 4-1 side slopes on either side.

The Wilson Branch will be relieved of over 200 acres, Branch 13 will be re routed to Elliott ditch. Refer to Page 3 in report.

They looked at +5 - +40 years. In the future this site can be used for regional detention. There is adequate storage for the future. Wilson branch reservoir holds some promise if it is coupled with the Elliott ditch reservoir.

George Schulte asked if what he was saying the Wilson Branch reservoir is adequate for 40 year growth rate without any detention being required up stream of that basin. Correct.

As long as the drainage systems etc. are large enough to get the water to the reservoir.

In the 1988 study there were two choices. One, you can require on site storage as you are. Two, people can buy into regional facility, and the regional facility would require that all channels and sewers in and a long the Wilson ditch be big enough to get the water to the reservoir.

The other flood control facility is the Elliott ditch, directly upstream from Ross Road. Border on the south by Elliott ditch. The facility is currently a farm field, they propose a wet bottom or lake type reservoir. Explanation of hydrologic continued. There are several options. One would be to drop the lake subject to the soil conditions.

Making it a wetland this would eliminate traditional type maintenance and could possibly become a university biology class project. The focused in on the twin 66-inch diameter concrete diversion pipes along the eastern side of Ross Road from the Point East Mobile Home Park in the existing Wilson sub-watershed to Elliott Ditch just upstream of Ross Road. When fully constructed this project will redirect 0.43 square miles (275) acres of drainage area from the Wilson sub-watershed to the Elliott Ditch watershed. Details are in the report.

If two flood control reservoirs on line one on Wilson and one on Elliott what does it do for today's conditions is summarized in the report, it has up to two feet of reduction of water surface elevation downstream, less frequent cover road ways, reductions of flood damages downstream.

Summary is that the two flood control proposals will comply and provide benefits with the original recommended plan.

Sue W. Scholer asked if he had stated the Wilson Branch would take care of the 5-40 year, but that is assuming if the other flood control reservoir was apart of the system? Answer no, it would if it stood alone just for the Wilson sub area. Doesn't have benefits downstream. It does have regional benefits. Two reasons -1. would diverse water out. 2-A lot of the area is developed. This they could do without raising elevations too high.

Sue asked how much additional capacity is needed on the other reservoir? Have 325-acre-foot + 40 year land use, and 36 acre feet + 5 year detention. This assuming that they can get the water through the ditch. They haven't looked into detail behind some of the structures. Downstream where they are really concerned they have looked at the ponding behind the structures and what will happen. Upstream they are assuming to replace any undersized bridge and make the channels big enough. Chris pointed out that there are two ways to get that additional 36 for the 325 acres feet two ways, either go out or go down. Michael Spencer stated or to have another pond somewhere else.

Mr. Hoffman asked if they go down they can't have the swamp? Chris answered yes, it would be that the swamp would be under water, just have to do more pumping.

Robert McGinn asked how many bridges are you talking about? They only studied the area which have bridges with a lot of traffic. Michael stated the area Bob had asked about doesn't have many bridges. The crossing at 38 and upstream from there is underground field tile system. In development these would have to be replaced with sufficient channel capacity.

Bill Long stated assuming upstream structures remain relatively the same, and the development of 5-40 year assumes constant structures, what is the capacity of the reservoir? Basically if people provide detention storage upstream then by virtue the county ordinance you can't increase flow rate off your site. Therefore, the reservoir is adequate. Further explanation.

Gordon Kingma stated the original study indicated a certain amount of storage to resolve the problem Elliott ditch for 40-100 year system with the construction of these two facilities for clarification what percentage of that flow of the original flow would be resolved by these two structures?

Chris stated there are two answers. At the time of the original study they were only able to determine what storage was needed to have for the different scenarios. To compare what they had before to what they now are providing he can't do that and doesn't want to because the effectiveness of those facilities was not investigated and in the interim period from when they make a recommendation today they have DNR coming in with recommendations. Chris had recommended approximately 400 acre feet of storage. The volume is not as important as how the reservoirs operate. Continued explanation.

Roger Maickel had questions in regards to the Plus 5 and Plus 40. Discussion and explanation continued.

George Schulte stated on the Wilson Branch watershed you are talking +40 years in +40 years that watershed will probably be predominately developed. Basically if you look at it that way that will efficiently serve that area up to its full developed potentials. Chris answered yes, two reasons to get this channel big enough. 1. Approaching the flood plan. 2. Make sure have adequate capacity. This they have developed.

George stated the county will have to improve up off the Treece drain across from McCarty Lane, across Creasy Lane.

Mr. Hoffman stated that does that only if you take out Branch 13 and put it directly into Elliott ditch. Correct. Discussion.

Case I is existing, Case II is with Branch 13 eliminate, Case III with the flood control facility in place.

Joe Gerrety asked if the most benefit would be downstream? Yes, flood control is downstream.

MAY 3, 1989 Drainage Board Meeting Continued.

Chris pointed out that the County wanted a policy decision process. Do we continue to require the person to do what you are doing right now, provide detention according to the Drainage Ordinance ,put it on site and be done with it. Second option would be to be more restrictive. Third option would be the regional facilities to provide not only the flood control benefit, but also some of the detention storage. Recapturing money is another option. Discussion continued.

Larry O'Connell; the configuration shown today of the Wilson Branch that upstream detention is not going to be required, in addition what is already in place would remain, but future detention on future development would not be required. Correct. Larry stated going to the triangular piece in there is also a figure that would take away for assignments or Maple Point Enterprises from them having to do on site detention storage. Question is that 23 acre feet? There is a regulatory or statutory for storage. Discussion.

Larry stated his questions, if this takes place in the triangular that would take the burden off Maple Point Enterprises and work with other developers.

Bill Long asked question of land upstream that has a straight shot you are not going to have County ordinance in effect with the detention storage? Answer to Bill's question is that would be a policy decision. Discussion.

Sue Scholar stated if these two facilities were in place we would be looking at the fact for the Wilson Branch for future developments rather than the existing ordinance we would be needing to change guarantee that there was access to the facility and some sort of funding mechanism rather than the on site detention that is now required. There will be some over all policy decisions and ordinance changes to be made. On the other Elliott ditch structure of the watershed we would still be looking at on site detention for future development and solving some existing problems. Correct, unless another site was found for another regional basin. Discussion continued.

Francis Albrechts had question in regards to the natural storage ponds that hold water 2-3 days? Michael stated they were talking about the farm fields that have catch basins that hold the water for that length of time. Chris stated they looked at those areas. For the future they put a sewer system or ditch that will get it there allot faster, plus it is no longer agricultural, its residential. Discussion continued.

Michael asked with the Wilson Branch with this pond in place on the Wilson you can discount all natural storage or that needs to be retained? Chris stated at Caterpillar the storage has to be there. Chris thinks all the natural storage was eliminated. In Elliott ditch you can't get rid of the Smith pond.

Mr. Hoffman stated the farmers are still going to have the same drainage problems. Correct.

Steve Norfleet asked about the ponds on Maple Point Enterprises and the proposed development what the capacity is? 23 acre feet approximately 10% Discussion continued.

Sue asked Chris to address Branch 13 and how it works into the whole scenario.

Chris stated that Exhibit Six in the report identifies the area. The exhibit shows the area that is being diverted out Wilson Branch and into the Elliott ditch watershed. The twin 66" pipes version was remodeled and simulated what kind of flows would be coming through there. If the 66" pipe has something else that can be done to it they will address it.

Mr. Hoffman asked where are you going to put it when you get it over in the other watershed? At present it exits downstream from the pond, fills up the bridge backs up the water which allows the water to spill into the reservoir. Michael stated the bridge at Ross Road is the controlling structure for those 66" pipes. Discussion continued.

Jim Shook had question in regards to size of Wilson Branch.

Steve Norfleet asked about impact fee on upstream development. Discussion on recapture fee continued.

Discussion continued report is on file in the Surveyor's office.

There being no further business the meeting adjourned at 10:45 A.M.

*Eugene R. Moore*

Eugene R. Moore, Chairman

*Bruce V. Osborn*

Bruce V. Osborn, Boardmember

*Sue W. Scholar*

Sue W. Scholar, Boardmember

ATTEST:

*Maralyn D. Turner*

Maralyn D. Turner, Executive Secretary

July 5, 1989 Drainage Board

TIPPECANOE COUNTY DRAINAGE BOARD  
WEDNESDAY, JULY 5, 1989

The Tippecanoe County Drainage Board met Wednesday, July 5, 1989 in the Community Meeting room of the Tippecanoe County Office Building, 20 North Third Street, Lafayette, Indiana with Eugene R. Moore Chairman calling the meeting to order at 9:00 A.M.

Those present were Bruce V. Osborn and Sue W. Scholer, Boardmembers; Tom Bush, Acting Drainage Board Attorney; Maralyn D. Turner, Executive Secretary; others present are on file.

✓ DEMPSEY BAKER DITCH

Dan Pusey representing Purdue Research Foundation presented a petition and requested to vacate the upper portion of the Dempsey-Baker drain in Section I, Township 23 N., Range 4 W. This portion is in the City limits of West Lafayette, Indiana. Area is South of Kalberer Road 350 North. Purdue Research Foundation owns 50 acres in the area and are planning to do some additional development, in order to do this they need to vacate the ditch so it can be re-located as a more urban drainage conduit. This all ties into the Hadley Lake project. The portion north of 350 North goes into the detention pond which is under construction and is a part of the Whirlpool project which interfaces with the project. The ditch will be re-built in the project of 350N road or Kalberer Road which has been constructed to a four lane over to approximately 300 feet west of Yeager Road. That project is a part of a City project or re alignment of reconstruction of 350N on over to Salisbury (50 West), then South to the North edge which will be a Subdivision. In doing the design work on 350 North set some perimeters which had not been set for the reconstruction, which affects the 50 acres from the development stand point which they put the same constraints on it as they put upon the Purdue Industrial Research Part Phase II which will be added to the covenants of this particular piece of land when it is developed or sold of run off factor. An on site detention storage area has always been planned for the area. It presently is zoned IR.

Bruce V. Osborn asked if the area they were wanting to vacate was pipe? It presently is a pipe in varying conditions. A problem occurred when Yeager Road was improved by the City. The design did not allow them to bring all the additional storm water generated by the widening around in a pipe. There is a low area that handles a portion of the basin that comes down the street that was dumped out into PRF ground, they found that over a period of time there was a wet area. Maintenance funds were used from the Dempsey Baker ditch to repair an area about 150 feet long that had been dug up and stumps and fence post were buried and the tile had been broken, this was replaced making it more of an urban drain area because of the reconstruction of the portion of the road over the ditch making a trench drain over the tile run quite nicely. Takes care of both surface and sub drain.

Bruce asked how they were going to accommodate that if they abandoned it. They will make provisions with a letter to redirect or reconstruct in a manner of which it will not cut off any drainage from the area up stream.

Bruce asked if the complexes drain into it? Just the drive way area that comes out into the street. Mr. Pusey explained further to answer the question.

Sue W. Scholer asked; you don't anticipate changing of what is there now until they are replacing it with something. Answer-Correct.

Tom Bush acting Drainage Board Attorney read in the absence of Michael J. Spencer, Surveyor letter date June 29, 1989.

Dear Drainage Board Members:

Purdue Research Foundation has petitioned to vacate the upper portion of the Dempsey-Baker drain in Section 1, Township 23 N., Range 4 W. This portion of the drain is in the City limits of West Lafayette, Indiana.

I have no objection to this vacation as long as Purdue Research Foundation shows proof that the drainage from upstream land owners will not be affected.

This can be done by requiring Drainage Board approval prior to any land use change in this area where the drain is located.

Very truly yours,  
Michael J. Spencer  
Surveyor

Mike Lovejoy of 981 Devon Street, West Lafayette, asked if it drained any ditch East of Yeager? Dan Pusey answered that Dempsey Baker takes only a small portion west of the telephone switch station. A small area comes out over the curb. The high point is at the intersection.

Bruce V. Osborn moved to accept the petition of request and recommendation presented to the Drainage Board to vacate the portion of Dempsey Baker ditch as presented, seconded by Sue W. Scholer, unanimous approval.

✓ PLAZA PARK

Robert Grove engineer representing Plaza Park requested final approval for Plaza Park. Two items of which Michael Spencer had requested the developer to provide him with 1. Calculations for the off site run off from the development which includes the entire

watershed area. 2. Letter from City of West Lafayette saying that they would give permission and maintain any off site detention areas.

Mr. Grove stated that one thing needs to be pointed out that the two pipes located in Cumberland at this point and time will not handle the 10 year storm on the entire basin. They have looked at several options, one detaining on site and looking at some other on site provisions by giving up lots or back yard storage, no one wanted that. Mr. Grove continued to make his presentation. 350 can pass the 10 year storm, but does back up in the low area. 100 year storm the pipe would not handle it, and was never designed to handle it, water would back up and run over the road. They are increasing the flow, but there intent is not to dump the 100 year on the system- capacity of the 10(?). They are looking at the 10 year storm, there is going to be storage as 350 North is designed for a 10 year storm. This had been a question of Michael's in regards to the storage.

Sue W. Scholer asked if work had been done in the area to create a detention. Answer- No. Mr. Grove stated if the City did have complete control of the area they could re-work it in the future to make a basin or make it into a lake. At the present time there is no need to do anything as it is a natural low area. Discussion and presentation continued.

In the absence of Michael Spencer the Board did not take action at this meeting and also Michael did not have the calculations in time to make any recommendations to the Board to make any decision. Michael had asked for a letter from the City of West Lafayette and Purdue Research Foundation in regards to the storage on PRF's ground.

Sue W. Scholer stated that the request was for final approval, if no action is taken a special meeting could be held or acted upon at the next regular Drainage Board meeting August 2, 1989; depending on the surveyor receiving the material he has requested. A letter is in file from City of West Lafayette, but we do not have a letter that indicate that landowners permission has been granted on some of the ground.

Later; at the time of recessing the meeting for Orchard Park the Board stated Plaza Park could be recessed to be heard July 19, 1989 providing Michael Spencer, surveyor received the letters and information needed to be approved by the Board.

#### ✓ ORCHARD PARK

Robert Grove engineer for Orchard Park developer requested approval for a revision to the final drainage plan which had been given approval. Revision pertains to the off site drainage. Mr. Grove again explained to the Board and presented plans. The off site that they would be in letting has some serious problems. Water backs up into the street and in some occasions flows up over the curb down through and around a property owners home causing some erosion problems which the property owners has tried to alleviate that. The major problem that they see is that there was a 24 inch pipe that was allowed to come in several years ago and ties into a 15 inch pipe and this assures that pipe is constantly over loaded in a large storm. The intent in the final plan was to take everything north of that 24 inch and increase its size and get the water out of the street and on into the ravine, that required them to have an easement to go through private property it is obvious that they are not going to get that easement; therefore they can not complete the previous plans as proposed. There has been some objections from the people downstream that the flow was being increased. Theoretically at the present time the street is acting as a detention basin by opening up that system the flow would be increased as the water would not be allowed to back up into the street. The alternative to that is to do nothing with the downstream system and look at options to make sure they are not increasing or over loading that system any more. The detention basin shown in plans was to store the on site facilities. The developer has now agreed to take the remainder of Lot 28 and give it up as a detention basin. This would bring the existing 24 inch pipe into the basin and would restrict the out flow from the basin down to 16 3/4 this in essences give around 8 cfs decrease downstream which would mean a 100 year storm the down stream facilities would still be under a pressure head which would be much lower wouldn't be to the point that it would have to back up into the street to force the water through. as far as the off site water they are taking the 24 cfs and reducing that 16.82, if you take the 24 cfs coming through the 24 inch plus 100 year storm is 32.83 cfs which is being reduced to the 16.82. This assures them up to the 100 year storm. They can't get any more water that could come through a 16 3/4 inch orifice plate and they are feeding the orifice basin with the 24inch in their own off site storm water. Again he stated they are improving the downstream system, over detaining; definitely decreasing flow to them, since they can not go off site to make improvements they felt on site improvements over detention. This is about all they can do. This is the revision, again they do have approved drainage plans, they can not do the off site at this time; therefore they are requesting approval of the revision presented so the developer can proceed. Robert Grove stated he has gone through the plans and calculations with Michael, Michael likes the other solution better and many of them do, others oppose it. It is obvious they are going to have to get permission from private property owners. Mr. Grove stated he wasn't sure it was the developers obligation to do the offsite, he volunteered to do it and now can't so he is still saying he will do something on site. There is no requirement for him to go and replace it all. Presentation continued.

Sue W. Scholer stated Michael is going to have to review the revised plans and action will have to be taken at another time. Bruce recommended no action be taken. Board was in agreement to this.

Mary Lou Murphy 20 Woodmere Court, Lafayette, Indiana has a question. In the revision; were they going to do a redesign to the Intersection of Kensington and Woodmere Drive? They are not going to do anything to the off site that would be anything within the right of way of Kensington. That's all out. At one time they were going to all those things and increase the pipe sizes to get rid of the puddles and all the back ups in the

street. They are not proposing to do that because they have no ability to do it any more. It would have required off site private property type easements which they are not going to get; therefore they are not going to do it, it was a nice idea, but the people objected to it. Its a situation that you can't proceed.

Len Dible 40 Woodmere Court, Lafayette, Indiana stated what Ms. Murphy was asking about is that the print shows that it can be done by others, not by the you, it was a taxpayers expense. Mr. Grove stated that was correct, Discussion continued.

Phillip J. Scaletta attorney, representing Ed Becker land owner which abuts the ravine which is the off site drainage area. Mr. Scaletta asked that the board postpone any final action on the revision to give the people in the area and his client time to look into this matter to see what the problems might be. Mr. Becker has 100 year old oak tree on his property that they are concerned about. Mr. Scaletta feels there is going to be alot more water coming in a 15 inch pipe and will cause alot more erosion than there is now. Mr. Scaletta feels there should be rip-rap installed, and this should be done by the person who is causing the increase flow. More presentation continued.

Sue W. Scholer stated in answer to Mr. Scaletta's request the board had already decided to not give any final approval until the revision had been studied further. She stated a real solution to the problem would be to make a legal drain, as the board does not have the ability to deal with the problem as long as it is not a legal drain.

Lenoard Dible stated he had talked with Commissioner Osborn previously and in the discussion a legal drain was mentioned. He feels that procedure should be started now. Mr. Dible doesn't like the idea of putting all these things in place and then go to a legal drain. Bruce and Sue explained to the property owners the steps in petitioning to make the area a legal drain. Bruce stressed once again it is the property owners who petition for a legal drain not the Drainage Board. Mr. Dible asked if the board was counting on the area becoming a legal drain? Answer- No, this is up to the property owners. Ben Mays property owner of 3910 Penbrook Lane asked who decides the watershed area? Discussion of deciding and petitioning for legal drain continued.

Mary Lou Murphy asked who was the best resource in County Government? The surveyor will assist, but the property owners will have to have a private land surveyor

Jim Murphy 20 Woodmere Court, Lafayette, Indiana asked who provides consultation to the Drainage Board on water flow? Answer, the County Highway Engineer. Mr. Murphy asked if they had been concerned about the water flow on Creasey Lane?. Mr. Osborn answered they have alot of concern, not only where we're discussing now, but further upstream. Discussion and answer to this continued. Bruce stated with engineers and legal drain it is going to be a tough job.

Ron Hancock stated he is really concerned about loading the ravine system and the time the water will run in the ravine. He feels he will be getting more water with the revision. Discussion continued.

Robert Grove addressed some of the concerns of the property owners and again went through his presentation. All this is on file in the surveyors office, calculation and plans.

Robert Grove stated the developer was giving up Lot 28 to make it a detention basin for only one reason that is to decrease the flow, not increase the flow. They are plugging the 24 inch diverting into the pond then tie into 16 3/4 inch pipe that is all that can get out up to the 100 year storm. Explanation continued by Mr. Grove.

Mr. Dible asked where the water from Woodmere Drive was going. Mr. Grove answered right back into Woodmere Drive. Presentation continued.

Ron Hancock again stressed his concern of the flow from Woodmere to his problem, Mr. Grove stated they had made provisions for that, the small increase they are talking about in the proposed plan does not make any difference to Mr. Hancock's problem, the water flows to the street, it can come down and turn the corner, there are inlets there to handle it. Presentation-discussion continued.

Sue Scholer explained there was not an ordinance 20 years ago and the same type of Drainage Board approvals were not in place at that date and time. Its hard to go back and correct that.

Mr. Dible stated he doesn't understand how they have an approved drainage plan when the easement they claimed was not existent. The Board explained this is why Mr. Grove is here with his amended proposal.

Mr. Grove stated they had a letter of intent, but that turned around and this is the reason for being here today.

Sue Scholer explained that if the plans submitted meet the Ordinance requirements and the Board is convinced of that, the Board has no legal ground for holding it up. Mr. Grove stated when it was presented and approved regardless of the easement, they met the Ordinance on site, the off site was requested by the neighbors and the Drainage Board was interested in seeing that also. The off site was entirely different from the on site approval. On site meets approval. Discussion continued.

The meeting for Orchard Park recessed until Wednesday, July 19, 1989 at 9:00 A.M. Drawings are on file in the Surveyors office.

Meeting recessed at 10:00 A.M. until Wednesday July 19, 1989  
Three Board Members were present for the July 5, 1989 meeting.

TIPPECANOE COUNTY DRAINAGE BOARD  
WEDNESDAY, AUGUST 2, 1989

The Tippecanoe County met in the Community Meeting room of the Tippecanoe County Office Building 20, North Third Street, Lafayette, Indiana, at 9:00 A.M.

Chairman Eugene R. Moore called the meeting to order with the following being present Bruce V. Osborn, and Sue W. Scholer, Board members; Michael J. Spencer, Surveyor; Tom Bush, Acting Drainage Attorney; George Schulte, County Highway Engineer; and Maralyn D. Turner, Executive Secretary; others present are on file.

CONCORD  
CORNER  
INDUSTRIAL  
SUBDIVISION

CONCORD CORNER INDUSTRIAL SUBDIVISION

Robert Gross, Registered Land Surveyor representing Concord Corner Industrial Subdivision presented Preliminary Storm Drainage and requested Conceptual approval of his presentation. Location of property is at the N.E. Quadrant of the CR 350 S and Concord Road intersection consisting of approximately 25 acres, and at the present time the land use is agricultural. The site is located in the James Kirkpatrick Drain watershed which is a water shed of the Elliott Ditch. The area is basically a self contained site that does not have a positive overland outlet. Drainage from this site and Sub-basin III, shown in Figure A of Plans is through an 8 inch agricultural field tile that drains in a southwest direction into the Kirkpatrick drain tile. They had to look for an alternative storm water outlet from the site. When General Foods developed their site, they installed a 36 inch RCP drain from their detention basin to the Elliott Ditch. This drain parallels the railroad track from Concord Road to the Elliott Ditch. General Foods was contacted concerning use of this drain to provide a positive outlet for the Concord Corner site and they tentatively agreed with final approval after reviewing the calculations and plans.

General Foods had two representative present. Roland Winger General Foods, Site Engineer stated they are waiting for a definite answer from New York, but they have given a tentative approval based on what they have seen the study. Much of it is around the uncertainty of the site at this time, not so much the effectiveness of the study done.

Presentation and discussion continued.

Michael Spencer asked if they were going to petition or vacate that portion of Kirkpatrick ditch. Bob stated they were going to ask today to get permission to either vacate or re-locate the 8 inch field tile. They want to put it along their lot line, then connect it back in.

Sue W. Scholer ask if he had talked with George in regards to the entrances. He has and it has all been approved. 2-3 entrances.

They want to bring the easement down to a 40 foot easement and re-route the drain.

George Schulte and board discussed the intersection of Concord and 350 South. The intersection was built up when General Foods developed. The water use to flow across the intersection. What has happened the intersection blocked the surface drainage water going across down to the Kirkpatrick drain. Robert Gross the tile is now draining surface water, it has a catch basin on it. They are asking for two entrance off of Concord and one on 350 South. George stated they have had a preliminary review with Area Plan and there is no problem with it. They are not sure what the right-of-way requirements are, but they are aware that the county is going to be asking for right-of-way on 350 South.

Sue asked if the proposal of relocating the legal drain easement had been taken into consideration. The problem is they don't know what is going to be in the right-of-way as it is in a preliminary phase. George stated the grade view plan should go in next week. May have a tentative approximate right-of-way requirement along there, he will check into it. Robert Gross asked if George thought 80 feet was far enough off from the existing center line? George stated he is guessing they will need about 60 feet, unless there are some special side ditches and that would be 120 foot right-of-way. They are proposing to put it in the middle on a 40 foot easement on top of that. George asked how big the tile was in there. Possibly 2 feet. George stated they may pick it up in the side ditches. Michael stated it is shallow as they have had a lot of trouble with it.

Bruce was concerned about entrances. George stated they are going to be looking at distances apart 500-1000 feet. Michael stated he felt there were some type of field entrances there now and wasn't sure if there was a piped entrance, but any where along there a person could drive into the field as the side ditches are not very deep. Length from the Railroad tracks to Concord Road is about 1800 feet. Discussion continued.

Michael stated the only two questions he had was the relocation of the branch of James Kirkpatrick ditch, and the approval letter from General Foods.

Robert Gross again stated his request for preliminary approval on the design presented. There are two details that need to be looked at. According to the Chris Burke study of the Elliott ditch after they put in the ponds that is suppose to lower the high water elevations by two feet. Could they use that lower elevation for their design? The high water elevation at the 36" outlet is now 640. According to the study it will be 638 after both ponds are built. This has not been finalized at this time. Bruce asked how this was going to affect this project? Two more feet that they will have to fill to stay above. Discussion continued.

Bruce asked if they wanted conceptual approval today? One item is the high water. The other is the re-location of the drain and the 40 foot easement instead of the 75 foot each side along the road right-of-way for an 8" tile. For an 8 inch tile Michael stated he did not have a problem with the 40 feet, but he thinks there is a section in the drainage code that says the easements are a minimum of 25 feet. He needs to check if that is each side or total. He feels this is something they could work out. Robert Gross asked if they went with an open ditch as shallow as it is would that make a difference. Michael stated they would have to look at the side slopes of the proposal and make sure there would be a way of maintaining it.

Bruce asked where the water come from (relocation of branch), the upstream part of it? Michael stated the tile comes from underneath the railroad tracks and back through General Foods property and again crosses 350 South then down to about the General Foods entrance. At the present time it goes through the concrete pipe that is under the railroad swings out on the south side, there is a catch basin in the side ditch right across from the entrance, this is not a legal part of the drain, just a branch.

Sue asked Michael if he had problems with relocating the legal drain, he does not as long as it enters and leaves at the same place.

There is 150 foot easement through the middle of the legal drain. Branch is called the Cochran and Holmes branch. Easement footage has to be checked out with the Indiana Drainage Code.

Eugene Moore asked what the board was going to do with the two foot drop? The board felt they would be running a risk to do that at this point. Discussion continued.

Michael stated that Robert Gross and he should get with Chris Burke in regards to the two foot elevation difference.

Bruce V. Osborn moved to give approval to the conceptual design for Concord Corner Industrial Subdivision as presented, seconded by Sue W. Scholer, unanimous approval.

#### SEC 14 (S) - DRAINAGE ORDINANCE

Section 14 (S) now reads in the Drainage Ordinance.

Section 14 (S)

#### S. Detention Systems Shall Be Regulated Drains:

All storm water detention systems shall be incorporated into a regulated drain under the jurisdiction of the Tippecanoe Drainage Board; and, if no regulated drain exists in the area, the Developer shall petition to establish such regulated drain

August 2, 1989 Drainage Board

pursuant to the provisions of I.C. -36-9-27-54, and the drainage plans shall not be approved until such petition is submitted in a form approved by the Surveyor to the Drainage Board.

Tom Busche acting drainage attorney read the proposed amendment to Section 14 (S) with change recommendations made by J. Frederick Hoffman drainage attorney after being presented and read in the July 5, 1989 drainage meeting.

Section 14 (S)

S. Detention Systems Shall Be Regulated Drains:

All storm water detention systems which include detention or retention basins, conveyance systems, structures and appurtenance located outside of road right-of-way, shall be incorporated into a regulated drain under the jurisdiction of the Tippecanoe County Drainage Board. The developer shall petition to establish such regulated drain pursuant to the provisions of I.C. -36-9-27-54 and the drainage plan shall not be approved until such petition is submitted in a form approved by the Surveyor and the Drainage Board.

Bruce W. Osborn moved to accept the amendment proposal change to Sec 14 (S) as read, and add to the last sentence, as amended August 2, 1989 to the section, seconded by Sue W. Scholer, unanimous approval.

Melvin Simon and Associates, Inc. had requested to be on the agenda, but no one appeared.

FARMINGTON LAKE

This project has been setting on hold for some time. Harold Palmer from Ft. Wayne was present and he would like to proceed with the project.

One problem has been the high cost of the lake system and the community water system. The developer is proposing to abandon the central water system and develop no more than twenty lots at one time. Also he is proposing to replace the lake areas in the center of the development with easement areas reserved for recreational areas and detention basins.

The volume originally proposed for the project was 15.5 acre feet which would have reduced the 100-year runoff from 72.84 to 3.6 cfs. The actual volume used for this reduction was 9.65 acre feet. Maintaining lake #3 as a retention facility and replacing the center lakes with detention basins will provide a total of 5.77 acre feet of storage or 60 percent of that originally approved. The proposed basins would take up the entire area originally platted for the center lakes.

The allowable discharge from this site is 35.73 cfs. They are proposing to over detain the runoff for the entire watershed, but not to the degree originally proposed. The 60 percent level of storage would reduce the 100-year runoff from the watershed to an estimated 20 cfs as compared to 3.60 cfs.

The developer has agreed to the proposed over detention to the 60 percent level and to keep the lake easement areas as shown on the preliminary plan. The easement areas will be for detention and recreational use. The proposal will exceed the ordinance requirements and provide storm water relief for the down stream area.

It is felt that the project will never be built as proposed originally. A re-plat of the area could end in a project which meets the ordinance with substantially less detention and hardly any relief for the downstream area. The proposal would not have the effectiveness at runoff reduction, but would provide significant improvements in the watershed and is a reasonable compromise between minimum detention and the lakes originally proposed.

They are asking support of the board in conceptual changing the plan and hopefully they can do this without re-platting.

Question was asked if this is what would run down on Willowood? Answer yes, underneath the culvert at Willowood.

Michael asked if they were going to use one of the residential lots for the club house in the area? Yes.

Outlet will be in ditch that goes across Willowood (surface water). Water would continue down the east side. Discussion continued.

This is a compromise between the previous developers dream and what the ordinance would allow. Bruce stated this should help Willowood.

In the originally they had ditch all along the west line where they had pick up points to run the water in through the detention, and they could still do that, which might bring it down to 3.2 cfs.

Michael stated he did not have any problem with the concept, just need to work out all details and get the calculations. The board is requiring a petition for legal drain.

FARMINGTON  
Lake

August 2, 1989 Drainage Board Meeting Continued---SPECIAL MEETING AUGUST 16, 1989

Mr. Palmer stated it would be a Community Association owned area, all the community area would be responsible of the homeowners for the maintenance. They are not sure at this time if it will take a full lot to giving access to the easement.

Discussion of Maintenance if it becomes a legal drain. The outlets etc is the responsibility of the drainage board, but the recreation area maintenance should come under the Community Association. Discussion continued.

ORCHARD PARK

Orchard  
PARK

Michael reported on the Orchard Park drainage review by Chris Burke, it is underway. A report should be received soon.

Michael stated David Dilling was present and he is entertaining a petition to make the outlet pipe on his property to become a legal drain.

There being no further business the meeting recessed at 9:45 a.m. as Orchard Park reports may get back and a special meeting could be called.

*Eugene R. Moore*

Eugene R. Moore, Chairman

*Bruce V. Osborn*

Bruce V. Osborn, Board Member

*Sue W. Scholer*

Sue W. Scholer, Board Member

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

TIPPECANOE COUNTY DRAINAGE BOARD  
WEDNESDAY, SEPTEMBER 6, 1989

Tippecanoe County Drainage Board met in the Community Meeting room of the Tippecanoe County Office Building, 20 North Third Street, Wednesday, September 6, 1989 with Eugene R. Moore, Chairman calling the meeting to order at 9:00 A.M.

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

KIRKPATRICK ONE DITCH BIDS

KIRKPATRICK  
ONE DITCH

J. Frederick Hoffman attorney, opened the following bids and Bruce V. Osborn read Contractors and their submitted bid amount.

Douglas Ridenour and Sons Cleaning and Ditching-\$53,450.75; Bob Hodgen Construction-\$60,571.75; Merkel Excavating-\$79,446.25; Jim Dwenger-\$54,300.00; and Fauber's Construction Company, Inc.-\$74,152.50. Estimated cost for project \$60,465.73.

Eugene R. Moore stated if the bidders would like to meet with Todd Butler, Office and Field Technician for the surveyor in the Commissioners Meeting room and ask any questions in regards to the bids they could. Bids will be taken under advisement.

ELLIOTT DITCH

ELLIOTT

Roger Blevins, Engineer Manager of Alcoa Lafayette Works; presented a review of tentative plans for a volunteer clean up of a section of Elliott Ditch to the Drainage Board. He has worked with Michael Spencer with some of the preliminary works and they have walked the ditch. They are working with the Indiana Department of Environmental Management. Basically the scope of the clean up would be sediment removal in the bottom of the ditch from a place slightly up stream of Alcoa's discharge not yet determined to a point at the 18th Street bridge. This is essentially the section they are working with. The work would involve removal of the sediment, hauling and disposal in an environmentally sound disposal site. He has been in initial contact with the Railroad Companies that have bridges across the ditch asking some questions and working closely with Michael asking him the aspects he would be interested in from long term management of the ditch and leaving it in a better place than what they have found it. Aspects would be they would do a Plan and Profile survey of the ditch, they don't have good accurate information on the ditch at this time for the kind of sediment clean up they would be looking at. They would then look at removing brush along the maintenance easement of the ditch in that section, primarily on the South side of the ditch. They would survey before sediment removal and after sediment removal to establish a good profile for future reference. They would do final sampling to classify the sediment at sections predetermined along the ditch to determine disposal distribution methods preferred and then the clean up itself building series of coffer dams, maybe 5-6 coffer dams along the ditch pumping water around that section clean the section without water running through to keep it from reentering the water. This would be a final effort in the PCB problem that Alcoa has had. They have been working and analyzing at the source back in the plant at there internal sewer systems for quite some time. Identifying and cleaning the PCB's at the source and disposing them in the proper way. The time is right to go ahead and clean up that portion of the ditch.

Primarily they are talking about removing all loose sediment and 2-3 inches of hard pan underneath, they would essentially re-establish the profile of the ditch as it has been by removing sediment as most of the sediment has been freezing and thawing off the banks and worked itself down in to the ditch from the sides and some carry down through the ditch from up stream. This would be with approval of the Drainage Board and the Indiana Department of Environmental Management. The Railroad owners that they would be working with and whoever else the Drainage Board might deem necessary that they communicate with. Alcoa wants to be honest and open with all communications around the situation and the people who live along the ditch they want to make special effort to have good communication with them. Essentially they would see that section of ditch being in better shape than what is it today as far as functioning as a drainage ditch there would be a good solid survey information for plan and profile for future as the City and County develops in that area for future references.

Bruce V. Osborn asked what depth are they going? Answer-6 inches to 2 Feet. It appears that the sediment arranges from 6 inches to 2 feet in places built up and in some areas there is very little sediment build up. Bruce asked if they were stopping at 18th Street? Answer-Yes.

The contamination is higher level at their discharge for about 600-700 feet drops to a lower level from that point down to the first bridge, then it elevates between the two bridges, then drops off dramatically after the second bridge. They have been monitoring that for quite some time and they feel that range as it moves the sediment down the ditch built up behind the second railroad bridge, the first railroad bridge has two conduits in it and the second has one conduit, the water slowed down and they have dispositional area between the two bridges. This is the range of the Clean Up.

Eugene R. Moore asked Michael to make statement in regards to what Mr. Blevin's has done on this project.

Michael stated he and Roger has walked the ditch twice, middle of the winter years ago and more recently in the summer. Michael has been meeting with Roger quite frequently over the last couple of months and they have talked on how they are going to clear it and one of the things they still need to do is meet with the property owners along that section and give them explanation as there is only an easement, just have to make sure

there are no un-answered questions before the clean out starts and the Indiana Department of Environmental permits and approvals. This is needed for the Drainage Board protection later on.

Roger stated trucks would move along the South bank and essentially they would be working with in the 75 foot maintenance easement with no problem with the exception of the truck turn around as the tractor trailers pull in and turn around and a load coming out they would have swing around down near the railroad tracks on both sides and then bring the trucks back along the ditch and load out at the side of the ditch.

Bruce V. Osborn asked where are you going with the contaminated sediment? The are doing the final classification of the sediment with the Indiana Department of Environmental Management. The majority of the sediment is non-toxic as far as the EPA is concerned. It is regulated as a special waste in Indiana. Proper procedures are being done. The highly contaminated waste between the railroad tracks and south of the discharge is an EPA regulated waste material, it would go to a Chemically secure land fill yet to be fully determined.

The final sampling to be done will determine which type of land fill the waste will go. These will be the size of the coffer dams.

Bruce Asked if Alcoa was doing this themselves? Alcoa has basically three-four ways of doing the testing. The cost estimate for the clean up is a very difficult thing to do, they will have to get a plan survey, remove the brush, develop a profile then do some additional sampling in order to develop how much sediment is to be removed and where it is to go. They will use waste haulers that they deal with on a regular basis preferably on sediment hauling and disposal, they are all first class companies to deal with. Then they would look at the final phase of coffer dam construction and sediment removal. Bruce asked if they would have any trouble with access?

Michael stated they do as they can only come in off 18th Street or Concord Road on the south side, then they have the railroad tracks blocking them about half way down.

Sue W. Scholer stated the Board appreciates the cooperation with Michael and the effort that has been put into the project. Sue stated the Drainage Board does need to be involved. She feels as Michael that it is critical to get the property owners together so that they know what is happening. Alcoa most certainly wants the property owners to be well informed.

Bruce stated he assumed Alcoa has the adequate Liability for this process. The answer - YES- Environmental clean ups major situations as far as Liability is concerned and in a situation like this the corporation is backing the project.

Fred Hoffman asked what kind of determination had been made below 18th Street. Has testing been done there? Answer- they have done monitoring of the that entire section of Elliott ditch from Alcoa discharge down to Wea Creek for a number of years. As they have been cleaning up at the job site and the long term process of cleaning up the source. The interesting thing in 82-84-86, and 88 they have had two year picture of the sediment. There has been very little movement of sediment down the ditch as far as contamination has basically stayed the same. When you get below 18th Street it is a very low level of contamination. They will be doing the honest thing in communicating in whatever environmental regulations that would apply to that area of clean up and work with the Drainage Board in whatever plans they may have and make sure it is dealt with in an environmental responsive manner.

Bruce asked if they had done this in other locations? Roger stated corporately he can not speak to that. Specifically they have done clean ups and constantly trying to present a better environment, but as far as something like this project as complex as it is with people living along the ditch and on the corner of the City this is new to Alcoa. A lot of new things they are discovering along the way. It really involves alot of communication. Everything from checking what might be running underneath the ditch as far as utilities are concerned. There are some pine trees planted on the South side of the ditch near Concord Road. They want to make sure those don't get cut down as some one has put them there for a screen some distance back from the ditch. They want to be sensitive to those type of things.

Fred Hoffman asked Michael if the trees were on the right of way? Michael stated they had been planted there as requirements of Area Plan Commission when the land was re-zoned for the LCL Trucking Company, this was done years back. Michael stated also the City of Lafayette has a major sanitary sewer that runs along the ditch easement.

Eugene R. Moore too expressed the Boards appreciation and stated the Board would cooperate with Alcoa as much as they can.

Roger thanked the Board for their remarks and interest as good drainage is a critical concern for all of us. They want to maintain it in the best manner possible and do the environmental right thing.

#### ORCHARD PARK

Robert Grove representing the developer asked for final approval of his revised plans, which has been reviewed. Mr. Grove asked Michael if he had received the data back and if he has had all his questions answered? Michael stated he had not had all of his questions answered as of today. They are being answered at this time. One thing Michael has not seen yet is their petition for a legal drain for the subdivision site. Michael still has questions on the outlet pipe size that he has on his drawing, therefore he has no recommendation at this time.

Robert Grove stated he wanted to clarify one thing, he was under the understanding that the people down stream were petitioning or had submitted a preliminary petition for a legal drain. Michael stated he has a preliminary petition, but it is not in final form. Robert asked if they were to submit a petition? Answer - yes, one for the subdivision to become a legal drain.

Eugene R. Moore asked if Michael was asking for the Subdivision. Michael stated yes for Orchard Park Subdivision, if other property owners want to join on that petition that would be fine. Gene asked about the people South of the Subdivision? They don't have to, but if they want they can. Michael stated their (the people South) comes around in a separate pipe; the only thing they do share an is outlet.

Robert Grove stated that it might be of interest of what he did the last time in his revision. In trying to solve problems down stream of the development they have tried to slow down the off site water, there were some problems with that, now they are back to where they originally started. They did leave the basin larger, but they had brought the off site water through the subdivision. They are discharging into the existing pipe which was shown as a 24 inch pipe, but it is actually a 15 inch pipe. Their water is regulated before it gets into that system. This is what they are asking final approval of those construction plans. Robert stated he wasn't sure on the legal drain. He asked how far are they required to go from Kensington north? Michael stated the legal drain would be for the boundaries of the Subdivision. Robert stated which would include the storm pipe and the basin.

Fred Hoffman asked if it had a discharge into another legal drain? Michael stated hopefully it would become a part of the legal drain. It is on another persons property, there is talk of all of them joining together to make a legal drain out of the whole thing. The subdivision is in the middle, which is unfortunate. Michael does believe that down stream property owner is receptive to make a legal drain. Michael stated we could get the petition it could be added on below or above as he feels there is interest both ways joining on to a legal drain.

Mr.Hoffman stated that below would bother him as we do not want a legal drain going into a non-legal drain. Discussion continued.

Bruce asked Fred if he wanted some one to drain to the Wildcat, his answer was he wanted some one to do it. Bruce stated, just make Robert with his project. Discussion. Michael stated that Robert Grove and the property owner to the north should get together and submit a common petition or at least both parties sign it.

Robert asked if this was going to be a requirement for final approval of construction plans? Michael stated before they build on the property they will have to have a legal drain, Michael won't hold it to the construction plans, but will before they can build structure on the site. Build, he means homes. Construction work to the south can continue? Michael stated the Board has to decide.

Bruce asked if he had temporary facilities to hold run off during site preparation? Answer-No, as part of his site preparation he will be constructing his detention basin and outlet.

Robert Grove stated that possibly the first thing done will be the basin as they need dirt to build the rest of the site.

Michael stated he would like to see the comments from the Boards consultant on the review before final approval is given, if he takes an adjournment for two days or so to get the comments rather than to jump into request at this time.

Meeting recessed until Wednesday, September 13, 1989 until the technical part of the project has been reviewed and the developer can do some checking on their outlet pipes sizes and start the petition process.

Sue W. Scholer asked if Michael had in hand answers to his questions on the outlet? Answer-No. Michael stated he knows it is a 15 inch pipe and they keep showing it as a 24 inch pipe, their drawings need to be submitted with the correct size.

Sue also feels the petitions should be in hand before final approval is given. Mr. Hoffman stated this is the only safe way.

Bruce asked if Fred would deal with the Liability from the outlet of this project. He feels this is beyond the Boards capability.

Robert Grove stated he had some information for Blackbird and would like to submit it today. Board agreed to hear this later.

#### BROOKFIELD HEIGHTS SUBDIVISION

**BROOKFIELD  
HEIGHTS**

Dale Koons of CML Engineering Services representing Brookfield Heights asked for final approval for drainage.

Michael stated the Board is not ready to give final approval to Brookfield Heights Subdivision.

Todd Frauhiger stated he has done a very preliminary review of the Subdivision, and the Board should recess until Wednesday, September 13, 1989 at 9:00 A.M., plans can be reviewed and completed with recommendations to the Board at that time.

Michael stated they are putting together a legal drain system within the subdivision, a petition would be needed and signed up. No hearing is needed, just the petition presented at this time so that hearings can be scheduled. Michael stated Dale could do this with Roy Prock and Mr. Curtis. Mr. Koons stated they are going to the Wildcat Creek with their legal drain.

Brookfield Heights recessed until Wednesday, September 13, 1989.

PSLAND P S LAND

Robert Grove representing P S Land stated he is not sure where they stand with PSI, there is more work to be done by the developer. At one time the Master Plan shows that the street going in on under the power lines with the lake next to it was a concern with PSI. PSI wanted the developer to stay east of the center line of the easement, the easement is 200 feet wide and 60 feet from any tower which the developer did. Now PSI has some other problems a meeting has been scheduled to meet in the next week. Michael stated he was to meet with Bill Crane this afternoon in regards to the project. Changes will have to be made.

Michael stated the board has looked at it from the technical end, the whole thing (PS Land drainage system) was approved back in the early 1980's. Michael stated they have some questions about the high water elevations. Bob has submitted some new data. Michael feels technically the plans may be OK, its just the final thing with PSI that is holding it up with the configuration of the lake, the outlet is Treece Meadows ditch and the outlet pipe that was approved in the early 80's is still going to be there and they are meeting their reduced release rate that was set at that time, the review is to make sure it does meet with the prior approvals.

Robert Grove stated one thing that has to be done is some modifications to adjust to the revised Drainage Ordinance, need to check the durations storms.

Michael asked that this be recessed until Wednesday, September 13, 1989 at 9:00 A.M.

Twyckeham TWYCKENHAM PHASE II SECTION II  
PHASE II  
SEC II

Mark Smith representing Smith Enterprises developer of Twyckeham Phase II Section II. September 30, 1987 Smith Enterprises came before the drainage board and requested that a conditional vacation of Ortman Legal drain be granted so that the developer could substitute a storm sewer system that will drain a 200 acre, 400 lot subdivision that they were proposing to build in the Twyckeham area. At that time the Board approved a conditional vacation of the first area of the drain that they were building and that area has been developed, the storm sewer is completed and accepted by the City of Lafayette, the drain has been vacated up to this point. They are now proposing to vacate the legal drain for Phase II Part II, Section II and IV. They are asking to use the same formula as they did in the first Phase. The vacation of the legal drain for the requested area is subject to five conditions. These conditions are:

1. The new drainage system be installed, approved, and functioning properly.
2. That all field tiles from offsite be properly connected to the new system. Reason for that is that Margaret Purdy and other land owners have tiles that flow into Ortman Legal Drain. Mr. Smith stated he believed that Ms. Purdy was satisfied with the vacation of the drain was done properly and not causing her any problems.
3. Certified As-Built drawings be submitted.
4. A letter be received from the City indicating approval and acceptance for maintenance. City has accepted and approved the construction drawings for the next area for the storm sewer that they are proposing to develop and Michael has seen them and approved them.
5. That the drain will be completed and approved before the Final Plat can be Recorded and Building Permits issued.

Mark stated they are progressing right along and they would like to have approval to go ahead.

Joe Bumbleburg attorney representing Margaret Purdy stated they are familiar with the previous conditions that the Drainage Board set on the developer in this project. Ms. Purdy's concerns exist today the same as they did in the beginning, that the tiles that comes from her field are not disrupted and the flow of drainage continue. Ms. Purdy had indicated to Mr. Bumbleburg that she has not experienced any problems with the development so far. It appears at this point that the conditions are working and if the conditions are continued it would be appropriate.

Question was asked if there was any one else involved?  
Judge Thompson would be affected, he is north of Ms. Purdy. The landowners have tried to let the Smith Enterprises know where their tiles are.

Fred Hoffman asked if any one had talked to Judge Thompson?  
All property owners were notified of the hearing. Judge Thompson was at the 1987 meeting, he will not be affected by this new phase of development.

Don Sobby, City Engineer stated one difference on this Phase is that the City will not be accepting the detention ponds for maintenance, the developer reportedly has set up a

special Homeowners Association that will have the Maintenance responsibilities on the detention ponds.

Mr. Sooby stated that the City has seen draft copies of articles for the corporations covenants as far as Mr. Sooby knows these have not been recorded as they do not have copies showing recording.

Michael asked about the pipe system, is the City going to accept maintenance of those systems or is it all going to be private. Mr. Sooby answered that he doesn't think that has been addressed at this time. The City is primarily concerned with the detention ponds making sure those are properly maintained. They will work out the details of the pipe systems themselves. Michael asked if that is included in the existing section that is already built or is that starting from this section for Phase II Section II & IV? Mr. Sooby answered that does not include the existing facilities.

Mr. Hoffman asked if the restrictions for the Subdivision will have this provision about the maintenance that the homeowners will maintain. Mr. Smith stated under the direction of the City they are forming a Homeowners Association that will cover the remaining undeveloped area of the subdivision, those people will pay dues and take the responsibility for the retention basins. Mr. Hoffman stated the Drainage Board should have their wording in the covenants that the County has the right to make an assessment. Mr. Hoffman and Don Sooby will meet and make sure the proper wording is included in the Covenants.

Michael stated he has no problem with the vacation of the legal drain as they petitioned as long as the same conditions apply that did before along with this one exception that Mr. Sooby speaks of.

Mr. Hoffman stated that another condition should be added that the restrictions provide that if the Homeowners don't provide maintenance that either the City or the Drainage Board has the right to do an assessment to the Homeowners as this has to be done. Discussion continued. Michael stated if this is going to be done and the drainage board is involved he would like to see a legal drain again. Michael stated he doesn't know what has to be done to get that in the City. Michael stated he had been under the understanding that the City had accepted the maintenance, he did not know about it till today.

Sue W. Scholer stated that the cities position is that it is going to have to run to the County Drainage because the City is not wanting to get involved in that maintenance. Sue stated this needs to be clarified. She asked if the City was requiring this to be done prior to the Cities approval?

Answer-yes. Mr. Sooby stated that when they give an approval for construction drawings, the city has indicated that they will not accept the ponds for maintenance.

After much discussion it was decided that Michael Spencer and Fred Hoffman meet with the City as the Board feels this is not going to be first nor the last subdivision development involving both the City and the County Drainage Board.

Mark Smith stated the restrictive covenants of the Homeowners Association have to be recorded in conjunction with the final phase plat. Discussion of Conditions 4 & 5 in regards to the detention and the pipe systems. He was going to post maintenance bonds to the city just as any other storm sewer system that they develop. Michael asked Mark to get the language that they have written up to Fred and have him look at it and if the Drainage Board has some language that needs to be inserted they can.

Mr. Sooby stated if they are considering a legal drain for that area the City would certainly encourage the legal drain to cover the existing area as that would resolve alot of the problems. Michael stated he would go along with that as there has been a philosophy change in the City as far as drainage. This subdivision is really coming to the attention of the City and the County Drainage Board. The first section was approved by the City and the City said they would maintain it. With the change of philosophy Michael stated this isn't that all bad, but it is a hard place to make a legal drain, however there has to be someone maintaining it. If the County is going to maintaining, Michael wants it to be a legal drain, this would affect this vacation that is before the Board today.

Mark Smith stated from practical stand point the detention basins that will be built from now on will be much smaller and will be grass and low areas in yards, water will stand until it can run off. It isn't going to be as large of an area as in Part I.

Joe Bumbleburg stated in order that Ms. Purdy does not have to keep coming back to these meetings because of the technical matter which really isn't impacted upon her like the other covenants, he asked could Ms. Purdy be assured that the restrictions that the Board has are going to be in place that she can stop coming to the meetings.

Sue W. Scholer stated the Board is talking about adding the sixth condition and this would assure Ms. Purdy.

Twyckeham Phase II Sec II recessed until Wednesday, September 13, 1989.

Eugene R. Moore chairman, asked if there was anything else to come before the Board.

#### WILSON BRANCH OF ELLIOTT DITCH

Michael stated it was not on the agenda for today, but Mr. Mossbaum from Melvin Simon & Association are here to discuss the proposal to re-route a portion of the Wilson Branch of the Elliott ditch.

Myles Minton of Melvin Simon & Associates presented reports from Chris Burke to Michael. Mr. Minton stated they are working on developing a Community Center adjacent to the existing Tippecanoe Mall. He presented an Exhibit of the development. A new road proposed Maple Point Drive. The Community Center site is basically South of the Mall site, because of the expansion of the Mall in realignment of Maple Point Drive it had been approved a year or so ago, now it is necessary to realign the road. This makes the Community Center site to move further to the South. They have acquired additional property from Maple Point Enterprises. With the new expanded site plan for the Mall the Community would sit ventrally over the existing ditch. They have commissioned Chris Burke and Associates who had handle the other regional detention facility to design the concept to study a re-route of Wilson Branch. Basically the realignment entailed would be digging a new trench. The new ditch would be improved over what is already there. As the ditch there now is in irregular shape, varies in depth, slope and height on bank. This would be a gradual lay back bank design on a 3-1 slope with grassy banks. Section along Ross Road it would be more of rectangular shape with gabions. The realignment of the ditch as proposed to be on a common boundary line between the Community Center and property that is still owned by Maple Point Enterprises. They have consulted with them, they have concurred with the realignment, the Maple Point Enterprises property would drain in there as well. Mr. Minton stated why they are here today is to just let the Board know what their ideas are and if possible to get some response back whether it is feasible. Chris Burke's study of conclusions states that the re-alignment of the Wilson Branch of Elliott Ditch as proposed by Melvin Simon & Associates does not have a negative impact on the water surface profile as compared to their previous alignment which stayed along the existing channel center line or as compared to existing conditions. These results are based on the inclusion of the proposed Wilson Branch Reservoir. The re-alignment would be an improvement. They plan to take safety pre-cautions along Ross Road with guard rails on both sides. They would access for maintenance on both sides, and he stated he was sure Maple Point would likewise.

Mr. Hoffman asked what were they going to do about the sharp curve where the new ditch starts? This is addressed in the reports about the gabion walls. The gabions start at the under pass. Explanation continued.

They are only doing work on in the west side of Ross Road then it will hook into the regional detention facility to be built. This is critical for their project. Once this would be installed and improved they could go back in with appropriate fill material so they could place buildings and parking lots. The plan presented is not their final site plan.

Fred Hoffman asked if some one else owned the land across making it so they can not go straight across without making that right angle? Answer there are three to four separate owners.

Michael stated he has met with them and his biggest concern was that they move with the hydraulically and hydrologically is it going to do for the watershed area since they are putting bends in it. If they were not sharper bends than before. It was Michael's recommendation that they get an engineering firm on their own to look and give the Board a recommendation. They chose Chris Burke and Michael feels it was a wise decision since Chris is so familiar with the Elliott ditch projects. Based on the conclusions in the report and receiving the drawings and the final report, the board will have to make study.

Mr. Hoffman had concern in regards to 2 feet of water on State Road 38 in a 100 year storm. Michael stated that is with the existing bridge there now. In the report it is considerably less than the current condition there now. It is as good or better than what was indicated in Chris Burke study with leaving the channel where it is.

Mr. Hoffman asked if there was still going to be flooding over the highway? It will be alleviated by the new approach. Discussion and explanation continued on this subject.

Michael stated the new channel has more capacity than what the existing channel, but Fred stated it doesn't have enough capacity to prevent flooding. Michael stated the reason for the flooding is the State Highway bridge structure, not the channel. The old interurban abutments are on the north side of the bridge that more than half restrict the opening of the bridge. Hopefully this will be corrected when the new road is put in place. Discussion of whether fixing the bridge would eliminate the flooding continued. Mr. Hoffman stated he feels this is something that needs to be known. When a lot of money is being spent to fix something it should be so the highway would not be flooded.

Bob Mossbaum stated their firm would be happy to pass the concern on to Chris Burke to see if he can get the information out from the State, as this is something that needs to be resolved.

Sue W. Scholer stated her question along that line is: Milton Simons & Associates project is not causing that problem, but she would certainly want to know that what they are proposing would handle the change if that is corrected.

They asked that this be considered a preliminary report and ask Chris Burke to get an answer to the question on the bridge over State Road 38, and have those in his conclusions in his computer models.

Michael stated the Board has no control over this only as long as they are doing what they are suppose to. Mr. Hoffman stated if the problem could be resolved then the Board would have an obligation to try to prevent flooding Highways.

Bruce Osborn stated someone else should review what has been submitted today. This will be discussed.

SEPTEMBER 6, 1989 Drainage Board - Orchard Park

Sue W. Scholer asked what easements were being proposed? The drainage easements proposed in Chris Burke's regional detention report was a 75 foot easement from center line of the ditch. The easement is larger as it is 75 feet from top of bank, so what they would propose would be similar 75 feet from the center line a total of 150 feet in one area and what ever would be required for access for maintenance.

Michael asked since it is entering property and leaving property does the Board need to notify all the up stream property owners? Answer - NO. Discussion continued.

Michael asked them to give the Board a of couple of cross sections at various location to see what easements they will want to reduce to, and showing section of what they are going to construct so they can make some determination on what top opening that the Drainage Board is going to maintain. They presented a preliminary one today and will get a final one.

Bruce V. Osborn had concern in regards to mutual tile. The mutual tiles that come into that project, he feels these property owners should be notified and asked if they can show the developer where these tiles are, the developer should hook them on to their facilities. Discussion continued as to who would be responsible for that? County or the Developer? Michael asked them if they were going to be building themselves? They will be hiring a contractor for the job. They stated they would have a supervisor on the job, and assured the board that they would include the concerns of the mutual drain tie in. Bruce felt it would be best if the County had their own supervisor. Michael stated he would agree if they were County regulated ditches, but that area is developed all around this project except across Ross Road. Question is what else would it be draining as the existing Mall is there now. Discussion.

BLACKBIRD FARMS

**BLACKBIRD  
FARMS**

Robert Grove appeared before the Board stating he was not on the Agenda. He stated he has additional data to present to Michael, but he wanted to point out to the Commissioners and Michael that he owes Mr. Leitner an apology. Mr. Leitner was correct in regards to the 35 acres that the water does come on to Blackbird Pond, cuts across the corner and gets in Blackbird Pond. What they are proposing to do is place an open ditch take the water on their side of the levy, not dumping it on his side, taking it to their pond.

Calculations have been run and have changed, the levy has been changed making it look more like an island, will have trees. Michael asked if they were making the pond smaller again? They will be deleting two islands. They have added another spillway to make it look good. The spillway will affect the detention structure. Flowing less depth since they have more spillway area. By adding the 35 acres they are adding to their side, the only outlet up to foot and half is a 15 inch pipe. The existing pipe is 24 inches, placed a dam holding the water on the development, doing everything they can to do make the situations down stream better. The 1 hour 100 year storm event of the 35 acres doesn't bother at all, it doesn't even come into the spillway. Getting into higher duration storm 6 hour their would be approximately 6 inches of water in each spillway, and at that point would be flowing across McCormick Road. Basically 6 hour 100 year the pond is pretty much full, basically see the additional 35 acres going right through the system even though they are reducing it some.

Sue W. Scholer asked if he has apologized to Mr. Leitner? Not at this time, but he is aware.

Mr. Hoffman asked how much work had to be done on Mr. Leitner's property? They are picking up at their property line, they will pick up any tiles from Mr. Leitner that they would be cutting and tie into their system. Mr. Leitner will have to show them.

Sue asked where we were on this project in regards to giving final approval. Michael stated the board needs this information presented here today. Reason for Robert Grove presenting this today was that it had been brought up in a public meeting and he wanted the board to aware of his error and that he did owe Mr. Leitner the apology as Mr. Leitner was correct. Robert asked if they could be heard next Wednesday, September 13, 1989. He has one thought do they have to have approval from City of West Lafayette. The city is reviewing it with their own consultant. At this point Robert stated he has a little problem jurisdictionally who does what. Is the County approving? Michael asked what are their conditions? They haven't reported back. Discussion continued.

There being no further business the meeting recessed at 10:30 A.M., and will reconvene at 9:00 A.M. Wednesday, September 13, 1989.

TIPPECANOE COUNTY DRAINAGE BOARD  
WEDNESDAY, OCTOBER 4, 1989

The Tippecanoe County Drainage Board met in the Community Meeting room of the Tippecanoe County Office Building, 20 North Third Street, Lafayette, Indiana.

Chairman Eugene R. Moore called the meeting to order at 9:00 A.M. with the following being present: Bruce V. Osborn and Sue W. Scholer, Board Members; Michael J. Spencer, Surveyor; J. Frederick Hoffman, Drainage Attorney; Todd Frauhiger, Drainage Consultant; Maralyn D. Turner, Executive Secretary; and Don Sooby, Lafayette City Engineer; others present are on file.

GREEN MEADOWS

✓  
GREEN  
MEADOWS

John Fisher representing developer of Green Meadows asked for final approval subject to conditions. Presentation was made. Project is located at 26 West and Klondike Road. They are proposing to make subdivision a legal drain and incorporate it into the Vanderkleed legal drain as well as the detention basin and offsite open channel across the property.

Bruce V. Osborn asked if he meant assessment to a legal drain? Answer - YES as it is in the watershed area and is tributary to it.

Michael stated that most of Vanderkleed ditch is tile.

Mr. Fisher stated it has an open channel, west of 400 west has a good size open channel. Discussion of channel continued. Michael Spencer stated it is a confined channel. They are making a new route for it to go. It is not a defined channel, it is a swale type, there isn't water all the time.

Bruce Osborn asked if it was separate from Vanderkleed drain? Yes.

Sue Scholer asked what the purpose of the emergency routing, is it a legal drain? The whole subdivision will be a legal drain. Sue asked if the easements would be defined? Yes.

Michael Spencer had two questions.

1. Erosion Control Plan
2. Legal Drain and Petition
3. How to hook the Subdivision in with the Vanderkleed ditch.

Michael stated this would probably be something that would have to be worked out with the developer.

John Fisher stated he had talked with Bob Swain; he will have to get an OK on the two acres.

Eugene Moore stated if they would give approval as presented they would be giving an approval without and outlet for the improvement.

Todd Frauhiger drainage consultant stated he had been in contact with John they are going to study two other durations storm, they had only studied a 24 hour duration, they are in the process of getting the information to Todd. What has been submitted is substantial, he does not see anything wrong with it. He stated giving approval with the conditions mentioned and getting the land connected to the ditch he has no problems.

Bruce V. Osborn asked if the waterway be a legal water way. John Fisher stated it would be a part of the regulated drain with the easements.

Bruce V. Osborn moved to give Green Meadows final approval subject to the following conditions; erosion control plan, legal drain and petition, how to hook in with the Vanderkleed legal drain, and different storm duration study, seconded by Sue W. Scholer, unanimous approval.

SIMON AND ASSOCIATES - WILSON BRANCH

✓  
WILSON  
BRANCH

Dick Boehning representing Simon and Associates, Inc. introduced Myles Minton Vice-President of Simon and Associates, Inc. and Bob Mossbaum, engineer with the organization. Mr. Boehning presented three copies of Petition for Consent to Relocate Portions of a Legal Drain and to vacate easement. This presentation is a follow up on many months of discussion of the twelve draft agreement. First request is to get consent for relocation upon completion of the relocated drain pursuant to such plan attached here to as Exhibit "B", the Petitioner will grant to the Drainage an easement for such legal drain, as shown in such plan and as legally described in the attached Exhibit "C". Exhibit "C" was not attached it will be presented after this meeting with the proper legal description and easements. The easements will be 75 feet from center of the ditch on either side. Mr. Hoffman stressed that any easement they were going to have was to be based from the top of bank of the ditch. Discussion of easement.

Once approval is given and the ditch is re-located, the easement described in Exhibit "B" be vacated. Discussion.

Myles Minton stated that they have received drainage study from Chris Burke Engineering, they had tested they hydraulics of the realignment which were favorable for the flood levels. He had investigated the bridge at State Road 38; the State does have in their

plans to improve the bridge by increasing the width of the structure, Mr. Burke is plugging those in his final report which will decrease the flood levels at the State Road 38 bridge. A final report will be presented in the next few days.

Agricultural Tiles:

- a. In the construction contract they agree to put a stipulation that if any tiles are found they will be incorporated in their new channel. Previous to construction they will have a consultant walk through.
- b. If the contractor finds any during construction he is to take appropriate procedure to make sure the drainage is hooked up.

Myles stated they will need formal consent on the new easement from Judith Hammon owner of Maple Point Enterprises. The new easement will be in conformity of Chris Burkes study, and they will provide access on both for maintenance.

Michael stated he will have to look at the cross section to get the building dimensions down so they will know what the top width of the easement is going to be. Mr. Hoffman stated it can only be reduced down to 30 feet per side. Discussion continued.

Questions and answers continued on the re-location.

Sue asked if this was showing the whole width of improvement to Ross Road. Yes.

Dick Boehning stated that on #3 where they are asking that the old easement be vacated, it would not be done until construction has been completed and a report of completion is filed with the board, and a new grant of easement with the description that the board would be approved be properly executed by the parties of interest at the time.

Exhibit "C" will be prepared and presented in the next few days so Michael can look it over.

Bruce Osborn asked what footage are you talking about on the easement. It is a total of 150 feet about 80 - 90 feet wide at top to top of bank.

Discussion of the size of equipment to be used and over head obstacles to clean the channel. Michael Spencer and George Schulte are to meet with the developers, Michael in regards to the easement, and George in regards to the variances in the road.

Michael asked if the Petition asked for reduction on Judith Hammons side also? Dick Boehning stated the petition asked that the board give approval to the easement as described in Exhibit "C", again he stated there is no Exhibit "C" yet. They are uncertain as to what the new easement should be. He stated he would like to have the board approve the petition subject to Michael approving the new easement in Exhibit "C". Michael stated he can not reduce the easement the drainage board has to.

Bruce suggested they get all things together and get with Michael. Mr. Boehning stated they will file Exhibit "C" with Michael to make sure they have his approval before it is officially filed, then when it is filed it will be a clean legal description. Agreement to this.

WYCKENHAM WYCKENHAM

Mark Smith had called Michael and requested to postpone presentation today and schedule it for the next drainage board meeting November 7, 1989.

FARMINGTON LAKES FARMINGTON LAKES

Robert Grove representing developer requested final approval for Farmington Lakes drainage plan. Mr. Palmer asked Mr. Grove to go with two large dry basins in the interior providing 60% of the detention. This was approved, from that point they went into final construction plans and have provided two large basins internally and one lake in the North west corner where it was located before. They have increased the size of the basins because the drainage board is requiring them to look at a longer durations of storms. They are taking the entire water shed area through the development for a 100 year one hour storm which maybe in a 70 cfs uncontrolled, when they are done they will be looking at a 3 cfs, with the 100 year 24 hour storm would be 8 cfs controlled.

Todd Frauhiger asked about the pipe size underneath the entrance. He feels it is a little small. At a 50 year storm he finds it going over the entrance. The rest of the model looked OK. Some of the inputs the curve number and the time consecrations looked reasonable in the model, however he did not see any calculations backing them up. Possibly go with a twin culvert. Discussion continued.

Mr. Grove possibly George Schulte should be in on this as there may be a problem downstream at the subdivision entrance. George stated this is a concern.

Todd, Michael, and George need to get together to make study of plans.

Mr. Hoffman stated final should not be given until all information is presented.

Todd stated he can have the study done in the next few days. George stated he would like to get with Robert Grove and go over the street drainage.

## NORTHFOLK AND SOUTHERN AGREEMENT - SIA CONTINUED

Michael Spencer presented an agreement sent to the Drainage Board from Norfolk-Southern Railroad, agreement is for structure underneath the main track.

Mr. Hoffman stated he had gone over the agreement it meets his approval, the only question he had was the cost of labor. Michael has checked that out. Increase of cost is due to the Unions benefits. The original estimate was \$80,300.00 and the actual cost was \$74,579.00 which half is the county's expense. Cost of pipe was also concern, but Michael assured Mr. Hoffman that it was in line. \$444.00 per foot for pipe. The county will pay in five installments with no interest-\$7,457.90 each installment.

Bruce V. Osborn moved to give approval to the agreement between Norfolk and Southern Railroad and the County, seconded by Sue W. Scholer, unanimous approval.

ORCHARD PARK

ORCHARD  
PARK

David Dilling and Len Dible property owners, Mr. Dilling stated at the last meeting he was very pleased with the Chris Burke Engineering studies of the erosion control and the downstream conditions. To his dismay of the final motion the downstreams conditions were omitted.

Sue stated letters have been received from Mr. Dilling and Mr. Dible and two pictures taken by Mr. Dible October 3, 1989, and a letter of reply from Mr. Hoffman. She asked if they should be made a part of the records? Mr. Hoffman stated they should be made a part of the records. Michael stated he has other letters in the files.

For the records the following letters have been received by the Surveyor. These letters expressed Mr. Dilling and Mr. Dibles concerns stated at the meeting today.

Leonard F. Dible  
40 Woodmere Court  
Lafayette, IN 47905

September 19, 1989

Mr. Michael Spencer  
Surveyor of Tippecanoe County  
20 North 3rd Street  
Lafayette, IN 47901

Re: Orchard Park Drainage Plans

Dear Mr. Spencer:

Thank you for meeting with David Dilling and me today to review the status of the latest drainage plans for the captioned in general and the outflow from the detention pond in particular. I believe the design we reviewed violates established law and additionally fails other tests as well.

In my November 30, 1988 letter to the Drainage Board, I pointed out restrictions to the Common Enemy Doctrine applicable to the layout of Orchard Park. There have been some revisions but the basic violations are still present. The drainage plan we reviewed today has a design which collects and directs runoff water to a point or points and employs new channels to accomplish outflow from the site. I protest the gathering of surface water and conducting it by new channels.

We discussed drainage jargon vs definitions of record in our meeting. The terms legal drain and regulated drain were examined. The drain petition for Orchard Park uses legal drain which seems to be more of a colloquialism than a definition recognized by law. On the other hand, regulated drain is on the list of drainage terms but its definition does not square with the meanings you ascribe to it.

In the context of our discussion this afternoon the drain covered by Mr. Dilling's petition fits the official definition of a regulated drain and is therefore, within the meaning and intent of 36-9-27-17 (d). The proposed Orchard Park drain is a private drain at this time.

Even if the subject drain in Mr. Dilling's petition is thought to be a proposed regulated drain 36-9-27-29 brings it into the province of the county surveyor. It is an assault on accountability and reason to contend that the county surveyor should intervene when a connection to an overloaded regulated drain is contemplated; and ignore the same overload situation and its attendant damage when the drain is the subject of a petition filed asking for input from the county surveyor for the purpose of reconstructing to a regulated drain. Mr. Dilling's petition preceded the Orchard Park petition.

My November 30, 1989 letter of protest to the Drainage Board received no response. Mr. Dilling wrote to Board asking for a statement of position on the points I raised in my 11/30/89 letter. I expected a response and I believe Mr. Dilling did too. The issues have not changed significantly. The internal drainage plan has changed somewhat but the developer continues to push for detention outflows which employ new channels and destructively add to a system that is already unquestionably overloaded.

The developer has moved drain pipe on the site and has begun construction grading work. This is the second time the developer has performed construction work without a permit. Work has halted the first time by intervention by your office. I ask that you or the County Commissioners use your authorities to prohibit construction work.

## ORCHARD PARK CONTINUED

In summary, I protest the present drainage plan for Orchard Park because it violates existing state law, connects to an outflow system which you know has inadequate capacity to an acute degree. The increased water volume due to Orchard Park will accelerate the already excessive erosion in the ravine receiving its flows. (Mr. Dilling reported today that the catch basins in front of his home filled up in about 15 minutes after it began raining during the Purdue vs. Miami of Ohio football game.) Contrary to the claim of the developers petition for a "legal drain" the drain system fails the tests of 36-9-27-55, in my opinion. I predict the detention system will be a mosquito pit and increased flooding of Kensington Drive will result during sustained rains.

I request that the developer's request for approval of his drainage plan covered by his petition filed September 12, 1989 be denied until the issues described above are resolved and the "affected property owners" have a full opportunity to express their opinions on the developer's drainage plan. No construction should be authorized or allowed until all issues are decided by the proper authorities which may extend to judicial review.

Very truly yours,  
Leonard F. Dible

September 22, 1989

Leonard F. Dible  
40 Woodmere Ct.  
Lafayette, In 47905

Dear Mr. Dible:

I have received a copy of your letter of September 19th addressed to Michael Spencer, Surveyor of Tippecanoe County, concerning the Orchard Park Drainage plans.

At the present time we have before the Tippecanoe County Drainage Board, a petition for the establishment of a regulated drain colloquially called "legal drain" as well as reconstruction of the present regulated drain. When these petitions come up for hearing, after notice to all affected land owners, then the board will have to address the matters raised in your letter of September 19th. In other words, in order to establish the drain we have to determine not only that is needed but the benefits it will serve and to whom and to what extent people are damaged.

Very truly yours,  
J. Frederick Hoffman  
cc: Michael Spencer  
Tippecanoe County Drainage Board

September 23, 1989

David R. Dilling  
3872 Kensington Dr.  
Lafayette, Indiana

Re: Reconvened Drainage Board meeting of 9/6/89, meeting on Wednesday 9/13/89

The Tippecanoe County Drainage Board  
County Commissioner's Offices  
20 North 3rd Street  
Lafayette, Indiana 47901

Dear Friends:

It is said that the citizens of Tippecanoe may be categorized as (1) those who make things happen; (2) those who watch things happening; and (3) those who have no idea what happened. With reference to the cited meeting, I, to my great dismay, find myself in the third category, and I write to plead with you to clarify things for me.

In accordance with your instructions I met with Mr. Spencer on Tuesday, September 19, to discuss (1) what actually happened at the September 13 meeting, (2) to enlist Mr. Spencer's assistance in planning a reconstruction petition for the proposed regulated drain on my property, and (3) to determine what was next expected of me with reference to the whole situation. For whatever reasons, during the meeting with Mr. Spencer, Mr. Spencer himself claimed to be perplexed not only about what transpired in the September 13th Board Meeting, but even about what he himself said and/or intended by his statements in that meeting. Examination of the official minutes of the September 13th meeting have failed to clarify things for either of us.

Specifically, I need your help with the following:

ITEMS: The minutes stated that Chris Burke Engineering recommended to the board that conditional approval be granted to the Orchard Park project--the conditions being:

1. That downstream conditions are addressed.
2. That proper erosion controls are incorporated during construction.

The minutes also state that "Bruce Osborn moved to give final approval to Orchard Park Subdivision with one stipulation, that proper erosion control methods be incorporated during construction."

## ORCHARD PARK CONTINUED

What is not clear here is whether the Board intended to ignore the Burke report and proceed on a course which violates Burke's first condition (viz., "that downstream conditions be addressed") or whether the Board assumed that they had somehow met the first condition as a result of Mr. Spencer's recommendation that my property be included in the "legal drain" petition for Orchard Park and that the existing, inadequate drain on my property be reconstructed.

As a reasonably attentive attendee at the September 13th meeting I would argue that there was no public indication that the Board intended to ignore the Burke report by acting in contradistinction to its number one condition. This being the case I respectfully request that Mr. Osborns' motion be worded in the official documents to reflect this intent.

Item: The minutes state that "Michael recommends that downstream be included in the legal drain petition and concurrently with the petition being filed for reconstruction for the downstream portion of the drain." Now admittedly this is garbled language bordering on the classic "'twas brillig and slithy tove did mire and gimble in the wabe." Clearly, Mr. Spencer didn't mean everything downstream from Orchard Park. That would take us to New Orleans and the Gulf of Mexico. What is not clear is what Mr. Spencer did intend and what the Board thought was to happen as a result.

ITEM: The matter of the inclusion of my property (Potter Hollow, Lot 76) in the Orchard Park "legal drain" proposal is also muddled and requires extensive interpretation. Mr. Spencer (on September 19) pleaded ignorance on this point and indicated that he would appeal to Mr. Frederick Hoffman for interpretations. Frankly, in the September 19th meeting, Mr. Spencer conceded that it was his understanding that if I joined in the Orchard Park petition, as presumably suggested by the Board, not only would the "reconstruction" not be a part of the Orchard Park development, but that I would actually be required to help pay for Mr. Scheumann's project! This interpretation of the Board's intent is so shocking as to defy belief. If this is actually the intent of the Board, we have come so far in the whole sordid Orchard Park fiasco that an analogy to a rape victim's being incarcerated and required to pay a reward to her attacker would be altogether appropriate. I am sure that Mr. Spencer must be mistaken in his interpretation of the Board's intent; but if he is not, there will no end to the outcry of injustice--at least from this source.

Earlier this year Mr. Scheumann presented the Board a plan in which he proposed himself to reconstruct the existing faulty drain into which he proposes to drain Orchard Park. Presumably, he needed only my signature on an easement and had reported to the Board (correctly, in fact) that he had a tentative agreement from me to sign such an easement and thus to give my blessing to his proposal. I did, in fact, have every intention of signing such a document and thought it was entirely appropriate to ask Scheumann to reconstruct the faulty drain into which he planned to enter. As you may recall from my letter to Mr. Scheumann, dated June 23, 1989, I asked only that I be provided a guarantee from Scheumann that his construction work (that is, function as designed) and that it be in accord with Indiana State Law. Mr. Scheumann's eloquent silence with reference to my request has left no doubt in my mind and should leave no doubt in yours that he never intended to do the work in a satisfactory manner unless there was significant pressure brought to bear to force him to so. Furthermore, in my letter to this Board on June 27, 1989, I asked for clarification of the legal matters raised by Mr. Leonard Dible, and to this date I have had no response from the Board to this letter. I trust that this clarifies for you my analogy to the rape. We began with a proposal by Scheumann to reconstruct a faulty drain on my property at his expense. Now I am being asked to pay for both the reconstruction and also Orchard Park's internal drain!.

Quite frankly, my friends, I cannot afford the legal machinery that would presumably be needed to protect myself, my family, and my property from the rape which you seem to be proposing for me. It was my sincere expectation that by involving the Board in the reconstruction of an admittedly bad situation, I would be protected from the outrage of an unscrupulous developer. That is to say, we certainly didn't want to be subjected to more of what we received from the Potter Hollow developers. I trust that you will prove me right in this expectation.

You should also be aware that despite the lack of clarity on the part of the Board, despite the lack of appropriate permits and clearances, Mr. Scheumann continues with the construction at Orchard Park just as if everything were resolved. I urge you to do whatever is in your power to stop this construction until we are agreed on the final plan.

Sincerely,  
David R. Dilling

September 27, 1989  
The Tippecanoe County Drainage Board  
Mr. Eugene R. Moore, Chairman  
County Commissioners Offices  
20 North 3rd Street  
Lafayette, Indiana 47901      Re: Orchard Park Drainage Plans and Petition

Dear Mr. Moore:

On September 19, 1989 I wrote to Mike Spencer regarding the captioned and I request that letter be included in this letter by reference. I noticed Bruce Osborn had a copy of my 9/19/89 letter on his desk so I believe the Drainage Board is already aware of aware of its content which is now directed to the Board. Mr. J. Frederick Hoffman responded to my 9/19/89 letter. I thank him for his comments.

## ORCHARD PARK CONTINUED

Mr. Hoffman's letter brought a mixed reaction. In the meeting David Dilling and I had with Mike Spencer on September 19, 1989, he advised that he was ready to approve construction permits and indicated he would do so soon. I pointed out that the affected property owners should have their say but Mike seemed to feel that the drainage plans were now acceptable and construction could begin. I was pleased Mr. Hoffman agreed that the people who have lived here and have paid taxes for close to twenty years are at least entitled to a hearing.

At the same time, I was disappointed that the developers petition is not rejected because of the reasons I inventoried in my letter of 9/19/89 to Mr. Spencer. I continue to believe there are components and conditions in the developers drainage plan and its outflow that preclude further consideration of his drainage plan and petition. I again ask that the developer's petition be dismissed because an overload exists in the outflow employed and he is delivering collected water through a new and unlawful channel to a point which results in capricious dumping of water in a body in a single outflow drain which emptys on the property of a neighbor.

In contrast to my outlook, the developer again behaved like he has a lock on the drainage approval process. He brought in drainage pipe, and numerous pieces of large grading and excavation equipment. He proceeded to rough out his detention pond, deep enough to bury a pickup truck, and establish his street complete with compaction by as big a roller as I have seen anywhere. All this drainage oriented construction work was done with no official permits.

Our protests got the work stopped after several days and most of the heavy equipment has been removed now but obviously the developer know something we do not. We now believe the developer was given at least tacit approval-"...go ahead we will not stop you unless we get vigorous complaints."

In my opinion, for the developer to believe he had sufficient approval to start executing his drainage plan, somebody on the Drainage Board or close to it had to give some kind of go signal. At the County offices, we did not encounter any degree of outrage about this unlawful construction or an urgency in getting it stopped.

This untimely construction calls into application Section 36-9-27-59(b). This section provides that if a member of the Drainage Board "has an interest" in the land described by the petition, that member(s) should be disqualified. It does not say "owns" an interest. It seems to me that anyone who by action, word, or inaction supported the developer's proceeding with construction, now has an "interest" sufficiently biased to justify disqualification. I ask that each Drainage Board member be asked about any "green light" signals they have made to the developer. According to my record, Commissioner Scholer has consistently voted for whatever this developer wanted to do and I expect she would be comfortable with ignoring unauthorized construction work if it is in line with her sentiments. I ask that each Board member and the County Surveyor sign a statement that they did not express or imply that the remaining steps in the drainage plan/petition approval process were just formalities and/or they would consider the most recent construction activity reasonable and acceptable behavior.

On a totally different point, one of the Burke reports stated that the County Engineer had changed the soil classification of the developer's site. Apparently this change had a remarkable effect on the drainage calculations. Section 36-9-27-29 names the County Surveyor as the technical authority on drainage matters and the classification of the soil mechanics used in drainage engineering should be his. The County Engineer is not mentioned. The report suggest that Mike Spencer was not aware of the change in classification even though drainage for Orchard Park has been continually contentious. I request that the drainage engineering be reevaluated by the Burke consultant with the land classified as it was in the County Surveyor's records on the day the developer first filed for rezoning. The developer's petition should be considered defective on this point.

I protest that the minutes of the last Drainage Board meeting on the captioned do not definitively record the essential meaning of what was said. I also protest that those who spoke the words are confused about what was said and intended. In line with David Dilling's anguish, I remember Mike Spencer advising when Mr. Dilling filed his petition, that Dilling's request for reconstruction of the 15" drain on his property would have to go to completion before the developer's plans could be approved. Mr. Spencer said that the developer would not be permitted to connect to a drainage system that is already overloaded. I asked Mr. Spencer what he thought would happen next and he said he believed the Developer would ask for immediate reconstruction of the drain covered by Mr. Dilling's petition. Mr. Dilling's petition requesting the County Surveyor's input toward formulating a mutually agreeable reconstruction plan was filed and accepted weeks before the Orchard Park petition was filed. This is another example of an existing property owner getting preempted by commercial clout.

In this connection, in the meeting Mr. Dilling and I had with Mr. Spencer on September 19, 1989. We asked Mr. Spencer if he believed that the developer's drainage plan/petition was sound and met the value test. Mr. Spencer said that the calculations indicated that it would perform acceptably. We asked if he believed the developer's outflow drain to the existing collector manhole would increase flooding in that area of Kensington Drive drive. Mr. Spencer said that he could not promise that the developer's drainage plan would not result in increased flooding problems.

Thus the developer's drainage plan has a greater potential for an adverse affect on a public street than it does to improve it or cause no change. It will not improve the public health either, its potential as mosquito producer is clearer than any health benefits one can imagine. The affects of this development on property values and total tax revenues in the future will be adverse and not serve the public good.



## ORCHARD PARK CONTINUED

Park Subdivision. He would rather have the Board work on the regulated drain further downstream than to have the developer doing that.

1. He wondered whether or not the Burke report was intentionally ignored or whether the board intended the matter downstream conditions being addressed be included.

Michael Spencer stated he had met with Mr. Dilling and what he has stated in regards to the Burke report are true. The Burke report does say that downstream conditions. Even though the minutes does not reflect downstream conditions he does not believe it was intended to neglect the downstream conditions; but be addressed in its motion.

Todd Frauhiger stated: Downstream means as far as it needs to be. The private drain right now is overload with the water that is going into it now. This is why it was one of the first things in the report to be addressed. Todd had thought the conditional approval given was that the downstream conditions be addressed, he remembered those words coming out of the meeting, he is not sure why it was not reflected in the minutes. Whether it be a legal drain or what, something has to be done downstream. It is a 15 inch pipe and is trying to handle watershed area than what a 15 inch pipe can handle. There is a ravine that is affected, there is a roadway (Creasey Lane), go off the shoulder tumble down to 1 1/2 side slope right in the ravine and looks like it is eroding more every year, there are many things that need to be addressed. The upstream developer Orchard Park to hold up approval because of downstream conditions did not really seem right. It seemed that they were doing what they had to do by the ordinance, they were retaining their water, discharging the water, if there is a problem it is not just caused by Orchard Park Subdivision, it is caused by everything upstream. This is the reason in the Burke Report they recommended conditional approval based that someone study the downstream conditions and come up with a solution. Talking with Michael Spencer it was thought at that time that a petition would be made, this drain would become a legal county drain, some additional study would be done to figure out what would correct the situation.

Sue W. Scholer stated this was her understanding, if it ended up being omitted from the motion it was because the downstream needed to be addressed by some separate actions. Todd Frauhiger stated this was correct.

Len Dible stated he has a dictionary at home called a dictionary of Wizzle Words, in it is the word Address, what it means is that really no one really knows what that means for sure. Look it up in Webster it isn't very clear either of what it means. He would like for us to be more definitive when we say, "Addressed". What does that really mean in terms of action? Does it mean talk about it?

Sue W. Scholer asked what can we do at this point?

Mr. Hoffman stated the board can't do anything until we have some petitions. It was his understanding that there was a petition about Orchard Park Subdivision, then there was going to be another petition by Mr. Dilling and things were going to be done jointly, because a new drain is going to have to be established to get to the outlet, then try to make improvements downstream which necessitated the petition that Mr. Dilling was going to present which he has a form of petition which he just received this morning.

Mr. Dilling stated if that were to proceed concurrently that would in his judgement be acceptable, but this is not happening, what is happening is that the development upstream is proceeding prior to the matter that was listed as the condition for granting the approval upstream development.

Bruce Osborn asked; you are saying that nothing should have been done until the petition was submitted.

Mr. Dilling stated we are back to what the word "addressed" means. He feels this is a legitimate point to raise. His interest would be that the downstream problem should be resolved - solved either prior to or at least; the very least concurrently with the development of new inlet from upstream, and there is no question regardless of the regulation of the flow from the new development that there will be increased water. He doesn't think anybody has challenged that, he means to be sure there is a matter of regulating the flow but theres no question that will be increased total volume being put into a admittedly over taxed system.

Mr. Hoffman asked if the petition he received had been filed or is it just a form. Answer, form. Mr. Dilling stated it was submitted to Mr. Spencer and accepted, possibly a month or month and a half ago with a request that further input be made because as a non engineer he had no idea as to what specifics to include in it at that time together with at least an informal request for in put from the board and Mr. Spencer as to how that regulated drain should be constructed and what need to be done as far as securing petition from affected neighbors etc, he is still prepared to do that.

Mr. Hoffman stated so in other words it has not be presented except the unsigned form.

Sue W. Scholer asked if the board had the ability to hold up the construction of the Orchard Park Subdivision based on doing something downstream.

Mr. Hoffman stated not if it complies with the Drainage Ordinance. If it complies with the ordinance is not his jurisdiction. Sue asked if they understood that?

Len Dible read the fine print of State Laws history of judgments, private drain may be connected on a petitioners own land with a public one providing the utility of the latter is not destroyed. He stated there are several other cases that are matters of prior law that may not be specifically in the ordinance, but the ordinance also says that Mr. Spencer (surveyor) is the technical authority on purposed regulated drains and

## ORCHARD PARK CONTINUED

regulated drains. His understanding is that you (board) accepted this petition as a purposed regulated drain. Is this so?

Michael stated he accepted Mr. Dillings petition and Mr Dilling said he was considering filing it with the board, and Michael took it at that.

Mr. Hoffman stated there is no petition before the board until it has a signature. This is just a form. Mr. Hoffman stated he just received this morning. The board has to have something signed before any action can be taken.

Mr. Dible stated his understanding was that they were going to sit down with Michael and he was going to bring the engineering specifics in that would meet his reasonable test, then it would be signed.

Mr. Dilling stated exactly, the form was presented on the bases that they needed the input of the board and the surveyor with the respect of what needed to be included in it. They are awaiting that and in the mean time there is a matter of distress over the fact that the conditional approval which was suggested to the board apparently was not followed through with because the builder continues with the development without that condition being met.

Robert Grove spoke on behalf of the developer. He believes the developer submitted a petition to establish a legal drain for the entire development which was also addressing the downstream. At one time they did have a plan approved by the board to completely replace everything down to Mr. Dillings property. At that time easements had to be included on private property, Mr. Dilling was not willing to give the easements so they had to step back to the plans that they now have which meets the Drainage Board Ordinance and does not increase the flow to the system. He has submitted a petition to the board to bring everything he controls in the water shed into the legal drain.

Len Dible stated to Robert Grove the plan that your talking about was a 36 inch drain to the ravine and the easement you asked for was an increase to 15 feet and also included a right of way without Mr. Dilling or anybodies participation. It was done unilaterally. Now you have a plan where your orifice from your detention pond is 6 and 3/8 inches, there is a lot of difference between the capacity and the end result of 6 3/8 orifice and a 36 inch drain. Defective engineering is what it is.

Mr. Grove stated correct, they have tried three times to help solve the problem downstream, they started out by just meeting the Drainage Board Ordinance on site, the Drainage Board was aware of the problem downstream, the developer agreed to a program to replace that \$40,000.00 plus, he also gave up one of his residential lots and increased the availability of storage on site to store off site water on development that was not acceptably so they went back strictly taking care of the developments own situation which met they had to cut things back to the 6 and some odd inches orifice plate, which he thinks has been accepted. All he is saying is that one of the requirements that they had is to be included in a legal drain and petitioned to do so. Now it is up to some other people to join into that petition.

Len Dible stated he had called Commissioner Moore about the continued construction. He stated some one wants to characterized it as someone just moving dirt around. He presented the two pictures at this time. The drain they are challenging is being constructed right now that is not just moving dirt around, they are constructing the drain.

Michael stated he had gone by October 3rd also, they were digging a basin. They have no building permits at this time. Michael has not signed off on the Construction Plans.

Michael stated in response to Mr. Dilling he asked the Board to get with them if they see fit and get some engineering started to see what is going to be needed on that downstream condition, it has to be done sooner or later.

Mr. Hoffman stated there is going to have to be a petition from somebody to do it. He does not see anything wrong with the petition they have, it is acceptably, if it was signed we could go ahead.

Mr. Dible stated they had an hour meeting with Michael on that petition.

Eugene R. Moore asked if they would not cooperate with the petition?

Mr. Grove stated no the developer has already agreed to go with a legal drain petition which has been presented, what ever the legal drain ends up being he is willing to be in cost, the developer is just a part of the water shed.

Mr. Dilling asked if he could add that part of his problem was that at the last meeting he was asked to join in the developers petition and indicated he would be willing to do so given to what he understood at that time. It was not clear to him what was being asked of him. In pursuing that it appeared as to what was being asked of him was to have his Lot 76 Potters Hollow in the description of Orchard Park which would mean that he would be responsible at least not for the construction but at least for a share of the maintenance of the regulated drain in Orchard Park. He regards that as being unreasonable, there would be no reason for him to join them under that condition. The thing has turned around 180 degrees, as Mr. Grove suggested at one point the developer had offered to participate in the reconstruction of the thing we are talking about now, he indicated he would give the appropriate easements for that and at that time he was willing to do that and has been willing all along. With only the stipulations that there be some guarantee that it would actually be a workable system and that it be legal. There was never response given to that; in fact at that point the developer simply took a different tact instead of offering any guarantee that his system would

## ORCHARD PARK CONTINUED

work. His pleasure as to working with the Board as opposed to a private developer was that there was some guarantee down the road there would be re course for repairs and reconstruction which there would certainly not be if a private developer would do it and simply maintained it as a private drain. This is the only reason for the delay in the signing of the easement and to date there has never been any response given to that matter of a guarantee from the developer that his system would actually function properly.

Robert Grove stated as he understands Mr. Dilling was asked to join in the same petition for the legal drain for which any one in that legal drain area is going to have some in put into the maintenance and the cost of reconstruction, not just Mr. Dilling or Orchard Park, but people as far over as Potters Hollow. Its got to be decided exactly what is going to be done.

Len Dible stated there is no petition from Orchard Park or Orchard Heights.

Robert Grove stated there is for Orchard Park.

Mr. Dible stated Orchard Heights petition is down the road some where.

Robert Grove stated first all the water shed has to be defined. Orchard Park has petitioned a portion of the legal drain, the legal drain description has not been defined at this point, it will definitely go south of Union pick up a portion of Orchard Heights and a lot area downstream it is going to be a large watershed.

Mr. Dilling stated when he raised that issue with Mr. Spencer two weeks ago, the point was made that Orchard Park regulated was completely internal to Orchard Park and everything up stream of Orchard Park by passed the regulated drain involved in Orchard Park. That is correct. Mr. Dilling stated this is why there was no reason for Lot 76 to join. Why join Lot 76 which includes a much large water shed with the internal mechanism of Orchard Park, this simply did not make sense to him on reflection and he offers that explanation because at the last meeting that he tentatively agreed to join the petition, but he wanted to make it clear why to this point he has not. He needs to know exactly what he is being asked to do.

Robert Grove stated as he understands it on Mr. Dillings part it is a good faith effort just like it is on Orchard Parks part. If the whole mechanism starts a petition for the whole water shed area all of sudden when find out that Mr. Dilling is not going to have anything to do with it and Mr. Dilling is setting right in the main stream of things and a very important part of the drain.

Mr. Dible wanted to make sure that the board understands what this out flow is. He explained about 12 feet from the curb on the other side of street from Mr. Dillings property there is a collectors manhole into that man hole at this time was an 18 inch drain that connects with the 15 inch drain that comes down along Creasey Lane and turns east and comes into the manhole(18") it has a 12 inch drain that picks up the two catch basins in the street in front of Mr. Dilling, a 15 inch drain picks up the two catch basins in front of the building that use to belong to Indiana Gas, it has a 15 inch out flow that goes over through Mr. Dillings property. All that is going in and now the proposal is to add this to it. It has been an effective drain for some time. Again he stressed the flooding in September. He has been getting a lot of inquires. This is an additional in put into this man hole. Is it considered a new channel or not? He considers it a new channel.

Mr. Hoffman stated as he understands according to the plan presented they are not going to run any more water off this land than they are now, if they do then they are not complying with the Drainage Ordinance.

Mr. Dible stated what they are saying there was zero percolation before.

Mr. Hoffman stated that could be as he assumes the calculations show what the run off was before and after because they are to show no more after than they do before. It is obvious there is a problem, the problem has to be solved and the only way the board has any power of solving it is to have a legal drain for the whole thing as he has suggested originally and he did not get much encourage is to go all the way to the Wildcat Creek because it is no good to have a legal drain go into something that is not a legal drain, this thing of putting a legal drain into gullies and valleys behind houses just does not work. Again he stressed a PETITION is needed.

Len Dible asked Mr. Hoffman if he is satisfied and you believe the flooding conditions they have been experiencing will not be worsened by the addition of Orchard Park? Todd Frauhiger answered-correct because that water will be detained in a pond, the water got there whether it goes through the 15 inch- or Collector Man hole where it goes across the road and goes through the side yard, by the Ordinance it states by the 100 year develop flow must be collected and detained and discharged at the rate of the 10 year undeveloped flow. In the calculations they took the existing land as it is now, they calculated what the flow is now coming off that land and then they developed their land of which they are putting development on, they put 100 year storm on to that subdivision collect it in the pond and discharge at the 10 year undeveloped rate and what you get from a 10 year storm from the existing land right now.

Mr. Dible stated now it over flows to curb and erosion damage is a direct function of how much water there is to overflows to curb or how long. Mr. Dible used the storm in September again as example. Todd stated he can believe that.

Mr. Dible stated if that would happen and the detention ponds are not empty its going to wash Mr. Dillings house away.

## ORCHARD PARK CONTINUED

Todd stated what they did they took Mr. Dibles comment that the water was actually coming out of the inlets and they used the inlet elevations to tell on the pipe print out of pond, so anything in the pond below the elevation of the street grates they would not let them consider. They figured why they would be there going to be backing up through the system and fill the pond up to that level. Storage had to be obtained above that level of the inlet of the streets. Mr. Grove stated Mr. Frauhiger was correct and another thing to keep in mind that water does build up in the streets.

Mr. Dible asked if the collector manhole he described where it now sits. What do you classify it as Mr. Hoffman, what kind of a drain?

Mr. Hoffman stated it is not a legal drain at this time. Mr. Hoffman asked if it was in the right of way? Yes. Mr. Hoffman stated he did not know who put it there. Mr. Hoffman stated he had not been out there.

Mr. Dible invited him out and he would take him on his special tour.

Eugene R. Moore stated the area was put in years ago and there are many problems.

Mr. Dilling asked about assessments and definitions of water shed of legal drains, explanation was given.

The board explained to Mr. Dilling his position of Lot 76 being in the legal drain. He stated he was objecting to being asked to join the legal description of Orchard Park which was asked of him last week. Mr. Hoffman stated he did not think that was it. Explanation continued to clarify Mr. Dillings concerns.

Michael stated he had understood David's concern if he joined the petition that he would be a part of them. Discussion continued.

Michael asked if Mr. Dilling would sign this petition that he has prepared, could the board start the wheel in motion to look at that engineering down stream? Answer - yes.

Mr. Hoffman stated it could be paid out of General Drain to be paid back when assessments are made

Mr. Dible stated he had talked to Mr. Baumgardt who was the original developer in regards to the Collector Man hole, Mr. Baumgardt stated he turned that over to the county, the county said he may have thought he turned it over, but we did not take it so that makes it a public drain, is that right?

Mr. Hoffman stated it is probably a mutual drain. Mr. Dible says it fails to test to be a mutual drain, it was not constructed with the expressed mutual consent of property owners, therefore it must be a public drain. Mr. Hoffman stated he didn't think it could be a public drain unless it would be under the jurisdiction of the court there hasn't been any proceedings.

Mr. Dible stated it is important how it is classified as you have several sets of procedures, he would like to know what it is.

It is probably still a private drain if Mr. Baumgardt put it in and didn't have any approval from other land owners. Discussion.

Discussion of having Michael enter into a study of the watershed area as was done with Elliott ditch and pay from General Drain, cost will be paid back at the time of assessment. Michael stated the watershed area needs to be defined, and the board needs to decide where point A is. Discussion continued.

Discussion of the September 13 minutes were discussed again.

Wildcat south be defined in the watershed.

Discussion of whether the drainage board has the authority to hold up the construction of Mr. Scheumanns based on something downstream as long as they comply with the ordinance.

Mr. Dilling stated at this point we need explanation as to their meaning of conditions downstream.

Todd stated the addressed meant that basically it be studied and solution be generated, whether it be a private solution, a county solution.

Discussion of Orchard Park continuing with out meeting that condition.

Mr. Dible discussed with the board definitions of legal drain and regulated drain and jurisdiction over regulated drains.

Mr. Dible challenged a new channel, a letter is on file.

Discussion. Mr. Dible also challenged Orchard Park petition because it does not specify which section it is written under. He wants some one to tell him what they believe the legal classification of the collector man hole is. He stated there is no procedures for public drain. Sue Scholer told him to talk to his legislator.

Mr. Dilling signed petition presented.

Mr. Dible and Mr. Dilling volunteered to carry petitions.

RECOMMENDATION REQUIREMENTS FOR HYDRAULIC PERMIT APPLICATIONS

Michael presented memo of recommendations from Todd Frauhiger-CBBEL Indianapolis on what has to be submitted with drainage calculations when submitted to the board for review, he requested the board to review and he requested it be adopted. Need to get it into the proper language and put in the drainage ordinance.

Memorandum reads as follows:

TO: Mike spencer, Tippecanoe County surveyor, Project Files  
 FROM: Todd Frauhiger - CBBEL Indianapolis  
 SUBJECT: Requirements for Hydraulic Permit Applications

It is the recommendation of CBBEL that the following minimum standards be adopted by the County Drainage Board for hydraulic permit applications. If these standards are adopted, permit review will proceed in more expedient, efficient manner. At the present time many permit reviews are delayed while waiting for additional information from the design engineer.

It is our recommendation that the following be submitted with all applications in addition to the requirements of the Tippecanoe County Drainage Ordinance:

1. A hydraulic Report detailing existing and proposed drainage patterns on the subject site. The report should include a description of the present land use as well as proposed land use. Any off-site drainage entering the site should also be addressed. This report should be comprehensive and detail all the design steps which the design engineer took during the design.
2. All hydrologic and hydraulic computations should be included in the submittal. These calculations should include but not be limited to: runoff curve numbers or runoff coefficients; runoff calculations; stage-discharge relationship; times-of-concentration; and storage volume.
3. Copies of all computer runs. These computer runs should include both the input and the outputs. A floppy diskette with input files will expedite the review process.
4. A set of plan drawings stamped by a Registered Professional Engineer or Registered Land Surveyor showing all proposed detention areas, storm sewers, inlets, outfall structures, open ditches, culverts and bridges.
5. A set of exhibits should be included showing the drainage subareas and a schematic detailing how any computer model inputs were set up.
6. A conclusion report summarizing the hydraulic design and detailing how this design satisfies the Tippecanoe County Drainage Ordinance.

We feel that if these minimum standards are adopted, the review process will benefit greatly. Costly delays will be reduced, and the overall quality of the engineering will improve.

Sue W. Scholer moved to instruct Mr. Hoffman to re-draft the Ordinance to incorporate the items in the October 3, 1989 memorandum presented, seconded by Bruce V. Osborn, unanimous approval.

BROOK  
FIELD  
HEIGHTS

BROOKFIELD HEIGHTS

John Fisher reported that construction line grades are being set at this time and the legal drain in the Subdivision goes to the Wildcat Creek. Construction will start this afternoon.

There being no further business the meeting adjourned at 11:00 A.M.

*Eugene R. Moore*

Eugene R. Moore, Chairman

*Bruce V. Osborn*

Bruce V. Osborn, Board Member

ATTEST:

*Maralyn D. Turner*

Maralyn D. Turner, Executive Secretary

*Sue W. Scholer*

Sue W. Scholer, Board Member

TIPPECANOE COUNTY DRAINAGE BOARD  
WEDNESDAY, NOVEMBER 1, 1989

The Tippecanoe County Drainage Board met Wednesday, November 1, 1989 with Eugene R. Moore Chairman calling the meeting to order at 9:00 A.M. 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; J. Frederick Hoffman, Drainage Attorney; Michael J. Spencer, Surveyor; Todd Frauhiger, Drainage Consultant; Maralyn D. Turner, Executive Secretary; and Don Sooby, City Engineer, others present are on file.

Norfolk and Western Railway Company-SIA

Norfolk  
Western  
SIA

Michael J. Spencer wanted it to be put on record that the agreement between Norfolk and Western Railway Company and Tippecanoe County Drainage Board, concerning the cost sharing of the installation of multi-plate pipe-arch in Lafayette, Indiana: M.P. SP-251.57, Station 13283+10 has been fully executed and first installment is due on December 15, 1989 and a bill will be sent.

SIMON AND ASSOCIATES-WILSON BRANCH

WILSON  
BRANCH  
SIMON/  
Associates

Richard Boehning representing Simon and Associates along with Myles Minton of Simon and Associates and Bob Mossbaum engineer with Simon organization.

On October 4, 1989 a petition was filed with Board requesting several things:

1. Allowing Simon and Associates to re-locate a portion of the Branch 13 Wilson Branch of the Elliott Ditch.
2. Have the new easement approved and also to provide for the vacation of the old easement upon the new drain being reconstructed and the new grant of easement being submitted to the Board.

At that time Mr. Hoffman wanted to review the legal description of the new easement and wanted to make sure that it was described in a fashion which met his approval that being so many feet from the edge of the top of the bank. They have revised the legal description and submitted to Mr. Hoffman. There was an open question that Michael Spencer had on how wide the easement should be from the top of the bank, he wanted to make sure there would be sufficient room for maintenance. A new Exhibit "C" was presented to go with the petition submitted. They asked approval of the petition. It reads:

DESCRIPTION  
EXHIBIT C  
PROPOSED WILSON BRANCH OF ELLIOTT DITCH

Describing a portion of the Wilson Branch of the Elliott Ditch lying principally through the real estate commonly known as K. M. Simon, Inc.

That area described being one half of the proposed open channel of the Wilson Branch of the Elliott Ditch plus 30 feet from the top edge of the bank on each side of such open channel along the following described line:

Commencing at the northwest corner of the Northwest Quarter of Section 2, Township 22 North, Range 4 West, Wea Township, Tippecanoe County, Indiana; thence South 00 degrees 29 minutes 20 seconds East, 761.40 feet; thence Southeasterly on a curve to the left have a central angle of 00 degrees 52 minutes 24 seconds, a radius of 17,188.91 feet, an arc length of 262.01 feet; thence South 88 degrees 47 minutes 19 seconds East, 361.51 feet, to a point in the centerline of the Wilson Branch of the Elliott Ditch as now exists, and the Point of Beginning of this description; thence North 15 degrees 04 minutes 32 seconds East, 230.00 feet; thence North 47 degrees 47 minutes 53 seconds East 551.37 feet; thence North 12 degrees 47 minutes 53 seconds East, crossing into the Southwest Quarter of Section 35, 22 North, 4 west, Fairfield Township, 578.65 feet; thence North 22 degrees 51 minutes 30 seconds west, 328.04 feet; thence north 22 degrees 08 minutes 30 seconds East, 47.71 feet; thence North 62 degrees 27 minutes 30 seconds East, 22.82 feet to the centerline of Ross Road, as now exists, and to the Point of Terminus of this description. The side lines of the open channel and easement are extended to the property lines without gaps or overlaps.

Mr. Hoffman stated as far as the legal description it was satisfactory to him provided that it is satisfactory to Michael in regards to the 30 foot easement, this was the only question he had open on the description.

Michael stated he had spoken to two contractors who have the equipment that would reach this particular channel with the width it is a different situation; and they felt they could operate their drag line in the 30 foot easement as long as it was known there was no over head structure or any thing else that would be in that 30 foot easement as it will take a large piece of equipment which has a lot of swing to clean the ditch.

Mr. Hoffman asked Simon Associates what they have adjacent to the easement? The easement will be from the edge of the top of the bank, there will be a building outside the 30 foot easement their will be no permanent structures, there will be incidental cars and semi-truck trailer on delivery.

Mr. Hoffman asked how close would the building be? As stated previously it will be outside the 30 foot easement. There will be no over hangs. Michael again stated his main concern was over head utility lines. Their intent is to go under ground with utilities.

Bruce V. Osborn asked if they would be black topping on the easement? Answer- Concrete or Black top, it will probably be extra strength black top. Bruce stated there should be an agreement should the black top be destroyed or impaired that it will be up to Simon and Associates to fix it, not the contractor. Myles Minton stated it would not be a problem, they would agree to maintain the easement.

Sue W. Scholer asked if that was currently covered with the Ordinances and requirements on easements? Discussion. Mr. Hoffman stated it should be clear that the Association would be responsible and the contractor is not responsible if he damages the surface when he is doing work. Myles Minton stated they will be taking that into consideration in their design for the easement up front.

Bruce Osborn asked what about one of their buildings? Then that would be a problem.

Sue W. Scholer asked if there would be utilities in the easement? There could be a possibility, they do not have it laid out at this time. Plans are to be underground however they will come up and surface the building in the back. Discussion.

Bruce V. Osborn as about the Description of Exhibit "C" in the second paragraph the phrase, (one half of) plus the 30 feet. Bruce stated that the open channel goes with it automatically. Discussion.

After much discussion in the phrasing of paragraph two Mr. Hoffman stated a change could be made to read: That area described being the proposed open channel Wilson Branch of the Elliott Ditch plus 30 feet from the top edge of the bank on each side of such open channel along the following described line: Myles asked if the described line meant the entire channel? Answer-yes. Discussion.

Bruce V. Osborn moved to accept Exhibit "C" of the Wilson Branch re-location with the changes as read, second by Sue W. Scholer, unanimous approval.

Richard Boehning stated they are also asking for the petition to be approved as they are asking to re-locate the drain. Discussion of vacating at this time. Vacating will not take place until the reconstruction of re-location is installed. Richard Boehning stated that once the board approves the petition then when they re-locate the drain he will file before the drainage board a grant of easement using the revised legal description, report to the board that the drain has been reconstructed have Michael J. Spencer check it out after he approves it will automatically be deemed vacated. Their current petition covers that.

Sue W. Scholer moved to accept the petition for consent to relocate portions of a legal drain Branch #13 of the Wilson Branch and to vacate the easement described in Exhibit "D", seconded by Bruce V. Osborn, unanimous approval.

#### ORDINANCE NO. 89-37 CM

Bruce V. Osborn moved that the Tippecanoe County Drainage Board give approval of Ordinance No. 89-37 CM as read in the Special meeting of The Tippecanoe County Board of Commissioners, November 1, 1989, and that they be implemented in the Drainage minutes, seconded by Sue W. Scholer, unanimous approval.

#### ORDINANCE NO.89-37 CM

WHEREAS, the members of the Board of Commissioners of the County of Tippecanoe, in the State of Indiana are also members of the Tippecanoe County Drainage Board, and

WHEREAS, the members of the Board of Commissioners of the County of Tippecanoe, State of Indiana, did on the 7th days of November, 1988 adopt Ordinance No. 88-40 CM which established "Tippecanoe County, Indiana, A General Ordinance Establishing Storm Drainage and Sediment Control," commonly known as the "Tippecanoe County Drainage Code," and

WHEREAS, such ordinance was adopted and approved by the Tippecanoe County Drainage Board on the 7th day of November, 1988; and

WHEREAS, problems have arisen which have delayed the permit review process proved for by said Tippecanoe County Drainage Code because of additional information being required from the design engineer for the project which information has not been furnished at the time the application has been filed with the Tippecanoe County Drainage Board; and

WHEREAS, the Engineer, employed by the Tippecanoe County Drainage Board, has recommended that certain additional minimum standards be adopted by such Drainage Board for hydraulic permit applications; and

WHEREAS, it is the opinion of the Tippecanoe County Surveyor and The Tippecanoe County Drainage Board that the adoption of additional requirements to those now required by the Tippecanoe County Drainage Board will expedite the review process and provide for more rapid approval of applications filed with the Tippecanoe County Drainage Board.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Commissioners of the County of Tippecanoe, State of Indiana and the Tippecanoe County Drainage Board that:

- A. The following additional documents be submitted with all applications filed for approval with the Tippecanoe County Drainage Board:

1. A hydraulic Report detailing existing and proposed drainage patterns on the subject site. The report should include a description of the present land use as well as proposed land use. any off-site drainage entering the site should also be addressed. This report should be comprehensive and detail all the design steps which the design engineer took during the design.
2. All hydrologic and hydraulic computations should be included in the submittal. These calculations should include, but not be limited to: runoff curve numbers of runoff coefficients; runoff calculation; stage-discharge relationship; times-of-concentration; and storage volume.
3. Copies of all computer runs. These computer runs should include both the input and the outputs. A floppy diskette with input files will expedite the review process.
4. A set of plan drawings stamped by a Registered Professional Engineer or Registered Land Surveyor showing all proposed detention areas, storm sewers, inlets, outfall strictures, open ditches, culverts and bridges.
5. A set of exhibits should be included showing the drainage subareas and a schematic detailing of how any computer model inputs were set up.
6. A conclusion report summarizing the hydraulic design and detailing how this design satisfies the Tippecanoe County Drainage Ordinance.

B. The requirements set forth herein in Section A above, are in addition to the requirements of Section 6 of Ordinance 88-40 CM.

C. No application shall be considered by the Tippecanoe County Drainage Board or the Surveyor of Tippecanoe County until each of the items listed in Section A above of this Ordinance are submitted to the Tippecanoe County Drainage Board.

D. This Ordinance shall become effective after its final passage, approval and publication as required by law.

Enacted at Lafayette, Indiana on this 1st day of November, 1989.

BOARD OF COMMISSIONERS  
OF THE COUNTY OF TIPPECANOE,  
STATE OF INDIANA,

Bruce V. Osborn, President

Eugene R. Moore

Sue W. Scholer

ATTEST: Sarah S. Brown, Auditor

Adopted and Approved by the Tippecanoe County Drainage Board at Lafayette, Indiana on this 1st day of November, 1989.

TIPPECANOE COUNTY DRAINAGE BOARD,

Eugene R. Moore, President

Bruce V. Osborn

Sue W. Scholer

ATTEST: Maralyn D. Turner, Secretary

1203H

TWYCKENHAM

TWYCKENHAM

G. Mark Smith developer asked to be heard, but since he was not on the agenda the Board could not give any approval; however the Board had discussion. The city has accepted one of the ponds there are two ponds the city will not accept, therefore, the developer is going to set up a Homeowners Association. Mark stated that Michael and Fred have reviewed the Homeowners covenants. Mr. Hoffman stated he wants a letter from the city. Discussion of construction plans and the two basins and the letter of October 24, 1989. Don Sooby stated upon approval by the Drainage Board it would be helpful to the City if they could have the additional conditions mentioned in the letter. Discussion on making a legal drain. Michael's opinion on it was if it was going to be a legal drain it would all have to be a legal drain; not just a section, it should start across the road. Michael pointed out that the city has asked on the original section they have asked for some additional things to be done. Michael stated he had felt comfortable before. Again Fred stressed that a new letter should be received from the City as to what bases

they want done. Michael stated this was the one that only had the city listed and if the County was going to be involved in any way the County should be listed.

Mr. Hoffman stated he does not recall getting any revised covenants. Discussion of vacation.

Mark stated they want it conditionally vacated. Bruce asked with no illusion to a legal drain. They want it vacated, they continue to vacate until they are done. Each time they will come in to say they will substitute their new system, and when the new system is finished and acceptable by the City, then the drain will be vacated as they can not sell the lots.

The additional conditions being requested by the City of Lafayette are as follows:

1. Add concrete headwalls w/appropriate cut-off walls to each drainage pipe entering or leaving both of the detention ponds. Wingwalls should have slopes no steeper than 2:1 with sideslopes of ponds warped in to meet this slope.
2. Add protective fences around end of each drainage pipe entering or leaving both of the detention ponds.
3. Add structurally-designed child/animal guards over the end of each drainage pipe entering or leaving both of the detention ponds.
4. Establish grass cover over bottom and side slopes of both detention ponds using soil amendments and/or topsoil as necessary to get grass established in the sandy soil.
5. Add sod along both sides of concrete gutters in flowline of both detention ponds. Review width of concrete gutters for adequacy in light of what is to be done in the existing detention pond.
6. Provide inlet capacity of at least 150% of calculated quantity of run-off to be picked up by catch basins in the streets and at least 200% for field inlets. This will allow for partial blockage of inlets by debris which always seems to be present in and around construction sites.
7. Emergency routing swales between lots, if any, should be identified on the construction plans and AS-BUILTS for future monitoring purposes.
8. Provide drawings and calculations for the drainage system showing details of detention ponds, basis for pipe sizes, capacity of detention ponds, etc.

Sue asked Mr. Sooby if the City would like to see it a legal drain? Answer that has some merit, as the Homeowners Association is not going to have the same interest in maintaining. Mark stated The Homeowners Association allows the City to come in and assess the Homeowners if they do not perform their functions. Michael asked if they set out a yearly fee? A maximum fee of \$50.00.

Mr. Hoffman stated this will have to be put on the Agenda for December 6, 1989 meeting, plus a letter from the City including the County conditions. Michael asked Mark to send revised covenants to him and Mr. Hoffman another.

FARMINGTON LAKES

FARMINGTON LAKES

Robert Grove asked for final approval on revised plans.

They agreed to the double the culvert and all items have been addressed. The Board asked if George Schulte had given approval. George had a concern with the double culverts which they revised the plans to put it in. George and Michael have a full set of plans, but have not had the time to review them. Michael asked if adding that seconded set of inlets changed the pipe size? NO. It was just a restriction at one inlet. Michael asked if it was going to handle the 100 year storm event now. Correct. George's concern was the single inlets would be by-passed and some of that water would go on ???

Sue W. Scholer asked George Schulte if he had any concerns that the Drainage Board should be aware of?

Robert Grove stated everything on the revised plans have been addressed.

George stated that the only thing that he can think of is on the Storm drainage design where the inlets were doubled do the pipes have the capacity to carry the Q100? Robert stated he did not think it was a problem. George asked to have time to set down and study the revision.

Farmington Lakes was recessed to Friday, November 3, 1989 at 9:00 A.M.

ORHCARD PARK

ORCHARD PARK

Todd Frauhiger Drainage Consultant presented a report of Orchard Park legal Drain Design, report is on file.

1. The watershed has been delineated and is shown on Exhibit 1.
2. For purposes of our study only, two on-site field reconnaissances have taken place to access the existing condition of the ravine system and to aid in the final drainage area delineation.

3. A TR-20 model was developed to determine the peak flows for the defined drainage area. These flows are calculated to the mouth of the ravine and should be adjusted as detailed later to the mouth of the ravine and should be adjusted as detailed later in this report for design flows further upstream.

Todd stated that he and Michael had worked with the City Engineers office and walked the ravine from Kensington Drive all the way down to the Wildcat creek. Drainage area was determined to be 235 acres to the mouth of the ravine.

Todd reported in conclusion that CBBEL'S recommendation that an overall master plan be developed as the next step in the design process. This master plan would determine the location and type of corrective work (i.e. erosion control, channel straightening, etc.), a priority ranking for corrective work based on an evaluation of severity for each location and an opinion of probable construction cost for the corrective measures.

If this was done the Board would have design flows, and basically what would need to be done to bring the channel up to County standards.

Bruce Osborn asked where the outlet was. Outlet is at the Wildcat creek.

Page 3 of the letter the design flows of years 10,25,50, and 100 are at the mouth of the ravine (at the Wildcat). These flows need to be adjusted for upstream design flows. In the report equations are shown on how the adjustments will be accomplished.

Majority of the work will have to be done on the upstream portion of the ravine up close to Kensington Drive and along Creasey Lane.

Michael stated the next step would be to have a hearing or an informative hearing, possibly have a petition there for the property owners to sign. Michael would not be able to answer any questions in regards of money unless the Board would have Todd do further study and then there may be a chance of having some guess estimate of cost and cost per lot.

Todd stated they were going to come up with a master plan and talk to some of the local contractors and contractors in Indianapolis, show them what they have and what they are doing and generate the cost.

Michael stated the next step would be to have the Board give approval to the report and proceed on with the next step.

Sue W. Scholer moved to accept the report as presented and authorize the next step as outlined in the conclusion of the report, seconded by Bruce V. Osborn, unanimous approval.

Meeting recessed for Kirkpatrick One Ditch.

#### KIRKPATRICK ONE DITCH

Doug Ridenour of Doug Ridenour and Sons, Clearing and Ditching presented a Cashier Check in the amount of \$50,000.00 plus a Personal Check in the amount of \$650.75, on September 18, 1989 Mr. Ridenour had presented a check for \$2,800.00. for the bid making a total of \$53,450.75 100% of his bid.

Bruce V. Osborn moved to accept the bid received from Doug Ridenour and Sons, Clearing and Ditching in the amount of \$53,450.75 and execute the contract to Doug Ridenour and Sons, Clearing and Ditching, seconded by Sue W. Scholer, unanimous approval.

The meeting recessed at 10:30 A.M. until 9:00 A.M., Friday, November 3, 1989

TIPPECANOE COUNTY DRAINAGE BOARD  
WEDNESDAY, DECEMBER 6, 1989

The Tippecanoe County Drainage Board met Wednesday, December 6, 1989 at 9:00 A.M. in the Tippecanoe County Office Building 20 North Third Street, Lafayette, Indiana with Eugene R. Moore Chairman calling the meeting to order.

Those present were Bruce V. Osborn and Sue W. Scholer Board Member; Michael J. Spencer, Surveyor; J. Frederick Hoffman, Drainage Attorney; Todd Frauhiger, Drainage Consultant; and Maralyn D. Turner, Executive Secretary; and Don Sooby, Lafayette City Engineer. Others present are on file.

WAL-MART

Cliff Norton engineer for the Wal-Mart development presented drainage plans and asked for final drainage approval. Wal-Mart has 80 acres and in the plans presented 52 acres will be developed. The city has the same plans in their office. Mr. Norton stated the plans meet the discharge criteria. Calculations have been presented and on file. Run-off presented in plans would be 80 cfs.

Michael stated that since it was tributary to the Treece Meadows drain they restricted their release rate to the same as others that are tapped into the drain to the .11 cfs per acre after development, it will drastically reduce the amount of water that gets there. The problem is emergency routing. Water will be going through Treece Meadows, this is a problem. This will be a benefit up to the 100 year storm event, anything greater than 100 year storm event will be a problem.

After presentation questions and discussion continued.

What is going to be done with the 100 year storm? Michael stated he has Burke Engineering looking into the Wilson Branch from Simon's where the channel is sized for the 100 year storm event all the way to the end of Treece Meadows on a typical cross section of what channel size will be needed. Getting this plan will be taking some time to get the water down to the regional detention pond this is what they are building it for.

Fred Hoffman asked, at this time with these plans would the 100 year storm event be worse than it is now? No. With 150 year storm it would be worse.

Don Sooby stated it would be debatable as to whether it would make it worse or not, presumably after the ground gets saturated all the water that hits it is going to run off whether it is farmland or paved surface.

Plans presented complies with the Ordinance.

Bill Long land owner to the South of the property in Treece Meadows and to the South of McCarty Lane stated they have had major flooding problems within Treece Meadows under the current plan, also problems with water getting into houses. He stated they are anxious to have Wal-Mart come to the community.

Two areas that Mr. Long has great concerns is: Emergency Routing and Correction, either directly or contributing to the Wilson Branch solutions. He feels this has not been addressed in the plans presented. The project immediately south of McCarty Lane the emergency routing was required to go around the project. He asked that that standard be applied for Treece Meadows. The question of will we be worse off with this plan or won't be worse off? Mr. Long stated that he maintains we will be worse off as what has not been addressed is that we have the 100 year storm because of the impervious nature in the amount of water put in. He stated he is not an engineer, but the effect of the 100 year storm is going to be over a greater length of time. Mr. Long asked that this be tabled until emergency routing around Treece Meadows can be addressed, and two addressing the ultimate solution to the Wilson Branch problem that exist from the GTE south till they get into the Wilson Branch that they have all worked collectively on in the past.

Mr. Long stated that he and his engineer Paul Coutts commend the on site storage and the development plans presented, they are quite adequate, but are immense in the emergency routing.

Bruce V. Osborn asked Don Sooby if he agreed or disagreed.

Mr. Sooby stated they continue to get complaints about drainage in Treece Meadows. He agrees with Mr. Long there are problems. Treece Meadows was approved in the 1970's Discussion of the problem continued.

Mr. Long stated that they proposed to take their emergency routing for Burberry through the development and that was dis-allowed they had to dig a ditch around Burberry, he is asking that that standard be applied to around Treece Meadows for this water.

Mr. Norton stated that they had felt they had complied with the Drainage Ordinance and was not aware of emergency routing in the Ordinance.

Todd Frauhiger stated in the Ordinance it states that there should be emergency routing over flow for the detention pond, in this particular case the problem comes back to the overflow. Todd did a study of the 100 year 24 hour storm, his calculations concurred very closely with the calculations submitted, shows roughly 5 cfs discharge with the 100 year storm, that is compared to the 10 year undeveloped discharge current coming from

the 80 some acres with a little over 80 cfs. Comment was made that it would be a longer duration, this is correct but to say that 200 cfs with 100 year storm over an hour is worse than 5 cfs with 100 year storm over 20 hours.

Paul Coutts had a question for Michael, back when the analysis was done for Treece Meadows, he doesn't think it could pass for a 100 year storm again. Michael stated no, it was only designed for a 10 year storm event.

Paul stated that two things could happen, one is if there is a bad storm and the detention pond is already full from previous storm and turn around with another 100 year storm, where does the emergency routing go. Comes south on to Moore property on to Creasey Lane. There are serious problems.

Mr. Hoffman asked if there was emergency routing what would be done with the water? Water would be put down farther and no place for it to go. Discussion.

Paul Coutts stated there needs to be a solution found and a contribution made in the solution of how to get emergency routing around Treece Meadows and the land around that area.

Mr. Hoffman asked that in his statement he means when a solution is found that they should contribute to it. This is correct.

Sue W. Scholer asked how close are we to having some work done? Michael stated they could have something back from Chris Burke by the first of the year, he would check with Chris.

Eugene Moore asked how are they going to bring water from Treece Meadows into the Wilson Branch. Gene thinks this is a problem. Michael stated there are possibly two ways to do it, it will depend on how and the best way they want to do it. At Creasey Lane a bridge would be needed. It has to get from Creasey Lane east then north at the east side of Treece Meadows. Bill Long stated that Treece Meadows by itself is its own constriction. His concerns are not only as a landowner of Treece Meadows, but the residents of Treece Meadows. Another concern is Duration Construction Phase. Discussion of the emergency routing continued.

Michael again stated that Chris Burke is studying what cross section will have to be put in there to take care of the storm event. Discussion continued.

Sue W. Scholer stated we are basically looking at the need of reconstruction of the Wilson Branch.

Michael stated that Wal-Mart has met the requirements.

Todd Frauhiger stated in conjunction with the assumption that Wilson Branch will be sized large enough to take the 100 year storms someone will have to look at feasible ways to get the water down to the Wilson Branch. This seems to be the only alternative.

Michael asked Mr. Sooby what his thoughts were. He stated that something has to be done, but he is not sure what way. He feels they are faced with the problems today without the Wal-Mart development. Regardless of what storm event there is Treece Meadows is faced with a problem of flooding. With the facility it reduces the flow up to the 100 year event beyond that it is a problem again.

Bruce V. Osborn stated that this project and any other proposals in this watershed area should be held up until there is way to get a positive outlet to the Wilson Branch. All due respects to all engineers and statements made today things get worse as something goes up in the area, therefore we need to hold up development. Discussion.

Mr. Long stated he felt there should be some kind of time table put in to come up with emergency routing.

Sue W. Scholer stated it looks as if the board has no choice but to look at reconstruction and moving it as quickly as they possibly can for the whole area.

Michael asked Mr. Norton if he was in a position to speak for Wal-Mart in regards to reconstruction of the Wilson Branch if Wal-Mart would or would not oppose. Mr. Norton stated he did not think Wal-Mart would oppose to reconstruction. He felt they would have no reason to oppose it.

Mr. Hoffman asked if they would contribute their share of the cost for reconstruction? Mr. Norton stated they would have no reason and would comply with whatever assessment would go along with the project.

Mr. Norton's concern was the waiting time. This would put Wal-Mart in a bind.

After much discussion the Board tabled any action for the Wal-Mart Drainage Plans presented until January 3, 1990. Hopefully Mr. Burke can have information to us by January 3, 1990, whether it would be preliminary or final.

The Wal-Mart acreage will be annexed into the City January 2, 1990.

Discussion of both City Drainage Ordinance effective date. After they are approved by the respective cities the city attorney's are to sit down with Mr. Hoffman and go over the respective Drainage Ordinance. City of Lafayette was to be established Thursday, December 14, 1989.

Mr. Sooby stated that the presence or absence of the City Drainage Ordinance is not going to affect Drainage Board since it is tributary to the Treece Meadows, Wilson Branch and the Elliott Ditch. Ultimately the Drainage Board is going to have to act on it. Maybe they will be able to explore some of the things that might be satisfactory to the Drainage Board, reason for them to approve the Drainage Plan. He feels to have Wal-Mart wait until the Wilson Branch is reconstructed is probably not going to be a satisfactory answer. One point brought up of the back to back storms, this would certainly aggravate conditions downstream. If a supplementary detention basin were constructed to cover the event of back to back storm, would this be a reason for the Drainage Board to go ahead and give approval.

Sue W. Scholer stated that the issue that has been brought up today is whether the Board needs to look at additional emergency routing. Discussion continued.

Mr. Sooby wondered if the concept of a Supplementary Detention basin in lieu of an alternate for emergency routing. Again would this be an acceptable answer?

Again this refers back to the study of Mr. Burke's.

The Board postponed approval to January 2, 1990. Michael is to find out when Chris Burke can get study back.

Mr. Norton thanked the board and said he would be waiting to hear from them.

Mr. Long stated that Paul Coats engineer and his attorney Tom McCulley will be here, as he will not be able to be here for the January 2, 1990 meeting.

✓ TWYCKENHAM

Mark Smith developer presented his plan again in regards to vacating Ortman Drain and asked if his restrictive covenants was OK? The covenants has to be changed. Insertion of Drainage Board had been left out, the page needs to be re-typed. Mr. Hoffman has some new language that needs to be inserted as soon as that change is made it can be approved. This will be recorded at the time they record the plat.

Before they had 5 continuances:

1. The installation of the new drainage system had to be in before the vacation would occur.
2. Have to connect any field tile that may run across. Mrs. Purdy's concern.
3. Have to submit Certified As-Built drawings to Don Sooby, City Engineer and Michael J. Spencer, Surveyor.
4. Storm system has to be accepted by the City of Lafayette for maintenance.
5. That no building permits can be issued within the section until such conditions are met or satisfied.

Construction Plans have been approved by the City of Lafayette. Storm drainage system has to be accepted before any vacation occurs. Mr. Smith stated they are in agreement with the 8 conditionals, therefore why does the Drainage Board become involved.

Mr. Sooby stated since they are now a part of the approved Construction Plans the City would be more comfortable that the Drainage Board list those conditions. Mr. Hoffman asked that the Letter of October 24, 1989 from the City of Lafayette to the Drainage Board be made a part of the minutes.

October 24, 1989

Mr. John E. Smith  
smith enterprises  
2500 Glick Street  
Lafayette, Indiana 47905

Dear John:

In order that a repeat of the recent Twyckenham drainage problems can be avoided, request is respectfully made for the following changes to the construction plans for Twyckenham Estates, Phase one, Section 4 & 5 and Phase two, Section 2 & 4:

1. Add concrete headwalls w/appropriate cut-off walls to each drainage pipe entering or leaving both of the detention ponds. Wingwalls should have slopes no steeper than 2:1 with sideslopes of ponds warped in to meet this slope.
2. Add protective fences around end of each drainage pipe entering or leaving both of the detention ponds.
3. Add structurally-designed child/animal guards over the end of each drainage pipe entering or leaving both of the detention ponds.
4. Establish grass cover over bottom and side slopes of both detention ponds using soil amendments and/or topsoil as necessary to get grass established in the sandy soil.
5. Add sod along both sides of concrete gutters in flowline of both detention ponds. Review width of concrete gutters for adequacy in light of what is to be done in the existing detention pond.

6. Provide inlet capacity of at least 150% of calculated quantity of run-off to be picked up by catch basins in the streets and at least 200% for field inlets. This will allow for partial blockage of inlets by debris which always seems to be present in and around construction sites.
7. Emergency routing swales between lots, if any, should be identified on the construction plans and AS-BUILTS for future monitoring purposes.
8. Provide drawings and calculations for the drainage system showing details of detention ponds, basis for pipe sizes, capacity of detention ponds, etc.

Additionally, please advise me concerning the status of the establishment of the Homeowners' Association which is to be responsible for the maintenance of these detention ponds after your responsibility ends when all the areas tributary to the ponds have been built out. I will need a copy of the recorded legal documents for the Homeowners' Association and of the covenants of the Twyckenham Estates units that will be members of the Associations.

If you have any questions or comments on this matter, please contact me at your convenience. By copy of this letter I am advising the Tippecanoe County Drainage Board of our efforts to avoid a repeat of the problems that have been so much in the news lately,

Very truly yours,

Donald G. Sooby, P.E.  
City Engineer

DGS:gc

cc: James F. Riehle, Mayor  
Richard T. Heide, City Attorney  
Dave Hawkins, Hawkins Environmental  
Drainage Board  
Mike Spencer  
File

Mr. Sooby stated in his letter of November 13, 1989 he wanted to emphasize that the City is not accepting maintenance for the two additional detention ponds. This is being covered in the covenant. The letter of November 13, 1989 reads:

November 13, 1989

Tippecanoe County Drainage Board  
20 N. 3rd Street  
Lafayette, Indiana 47901

Dear Drainage Board:

I need your help to try to prevent the reoccurrence of problems we've experienced with a detention pond in Twyckenham Estates. These problems became apparent subsequent to my approval of the construction plans for Twyckenham Estates, Phase one, Sections 4 & 5 and Phase two, Sections 2 & 4.

By letter dated October 24, 1989, to John E. Smith of Smith Enterprises, I requested eight changes to the approvals already given by my office on the above-described construction plans. Enclosed is another copy of this letter for your information. You may recall at your Drainage Board meeting of November 1, Mr. Mark Smith indicated that they (Smith Enterprises) had agreed to similar changes on the existing detention pond and would have no objection to making these changes on the new ponds. To help assure that the changes are implemented, I am asking the Drainage Board to add these eight items to their list of requirements in conjunction with further vacation of portions of Ortman Legal Drain.

At your meeting of November 1, I advised you that the City of Lafayette will not be accepting for maintenance the two new detention ponds proposed by the developer of Twyckenham Estates, Phase one, Sections 4 & 5 and Phase two, Section 2 & 4. The developer proposes to establish a Homeowners' Association to provide required maintenance on these ponds. The proposed Declaration of Covenants, Conditions and Restrictions for the Homeowner's Association provides for the Drainage Board to provide maintenance in the event the Homeowners' Association fails to do so and to collect the cost for such maintenance from the Association. This would appear to provide reasonable assurance that the facilities will receive required maintenance.

In summary, request is hereby made that the Drainage Board add eight conditions, shown in letter to John Smith dated October 24, to the conditions of approval for vacation of portions of Ortman legal Drain.

If you have any questions on this matter, please contact me at your convenience.

Very truly yours,

Donald G. Sooby, P.E.  
City Engineer

DGS:gc

enclosure

cc: James F. Riehle, Mayor  
Richard T. Heide, City Attorney  
Mike Spencer

DECEMBER 6, 1989 Continued

Fred Hoffman  
Mark Smith  
File

Bruce V. Osborn moved to vacate the drain as shown in Mr. Smith's request upon Mr. Smith complying with the 8 conditions set forth in the letter of Mr. Don Sooby, City Engineer of the City of Lafayette, Indiana to John E. Smith dated October 24, 1989 and the correction of the restrictions as discussed at this meeting and the recording of the restrictions as so corrected, the installation of the c drainage, the furnishing of As-Builts to the City Engineering department and the County Surveyor and the connection of all drainage tile in the area to the new substitute drain, and the City accepting the revised drainage and substitute drainage for maintenance exclusive of the ponds, with an understanding that no Building Permits will be issued until all conditions are satisfied by the owner of the Subdivision, seconded by Sue W. Scholer, unanimous approval.

✓ ORCHARD PARK

Todd Frauhiger stated for the legal drain being proposed for the Orchard Park area he has contacted two firms for survey proposals. John Fisher Land Surveyor and MTA Consulting Engineers from Indianapolis. There was a wide range in the cost for the project, as they both looked at a different scope. Discussion has been to do some revising in the proposals. After doing this they will contact two other local firms in getting cost and present them back at the next Drainage Board meeting. At this time the two figures are \$5700.00 and \$16000.00 as stated previously these were looking at two different scopes of work. It is recommended that the survey be done in air. Time is an element, now is the time while the leaves are off and when there is no snow. Watershed area is between 270-280 Acres.

Todd recommendation is to get started on it as soon as possible. This would be a new established legal drain. Discussion of having meeting for landowners. An informal meeting should be held, and then a formal hearing. Michael and Todd will make presentation at the January 3, 1990 meeting.

Sue asked if an informal discussion is held at the regular meeting in January what does the time table look like at that point. Michael stated it would possibly call for a Special Meeting as 30 day notice has to be sent.

John Fisher is to let Michael know in regards to when a flight survey can be made at the January 3 meeting.

Todd asked if a survey could be approved without a hearing?  
Mr. Hoffman stated the only question would be how to pay for it. Discussion continued in regards to hearings.

✓ TRANSFER STATION

Bruce asked if the Board was going to be involved with the Transfer Station. Michael stated Drainage Board approval has to be given. John Fisher has drawings and he stated that he had informed the IDEM that there will be approval by the Tippecanoe County Drainage Board. John Fisher definitely wants the Boards approval.

Red Strange Realtor has some concern of Flood Plan in Hawthorne Ridge that is coming out from Hadley Lake reconstruction. Mr. Strange stated he had talked with City of West Lafayette and they are only planning to go to Road 500 North. Mr. Strange's concern is more water flowing down before it hits Burnett's Creek. Michael thought the study went all the way to the County Farm Road. Cole Associates are making the study. Discussion continued.

Bruce asked Fred to get a letter from Paul Coutts stating what the plans are.

Bruce moved to adjourn the meeting, seconded by Sue W. Scholer. Meeting adjourned at 10:20 A.M.

*Eugene R. Moore*

Eugene R. Moore, Chairman

*Bruce V. Osborn*

Bruce V. Osborn, Board Member

*Sue W. Scholer*

Sue W. Scholer, Board Member

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 Richerd, 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.

Sue W. Scholer called the January 3, 1990 meeting back in order.

Those present were: Sue W. Scholer, President; Bruce V. Osborn and Eugene R. Moore, Board Members; Michael J. Spencer, Surveyor; Todd Frauhiger, Drainage Consultant; Mr..

JANUARY 17, 1990 DRAINAGE BOARD MEETING CONTINUED

Hoffman was unable to set in the meeting as he had a conflict of meetings, and Maralyn D. Turner, Executive Secretary. Others present are on file.

WAL-MART

WAL-MART

Michael Spencer presented a letter of recommendation to the Board and Sue W. Scholer read the following letter.

January 16, 1990

TO: TIPPECANOE COUNTY DRAINAGE BOARD

RECOMMEND-  
ATION  
URBAN ✓  
DRAIN  
WILSON  
BRANCH

I have reviewed the Wilson Branch of the S.W. Elliott Ditch and based upon my inspection I request that it be designated as an Urban drain because a substantial part of the watershed has been converted to Urban land and an addition part is being converted from Rural land to Urban land.

I also request that it be classified as in need of reconstruction as an Urban drain.

I also request that the long range plan be amended to give priority to the reconstruction of the S.W. Elliott Legal Drain including the Wilson Branch.

Michael J. Spencer  
Surveyor

Tom McCully attorney representing Long Tree Limited asked what Urban drain is to be developed to include the Treece Drain. Michael stated the Treece Drain has been combined into the Elliott ditch. Discussion

Bruce V. Osborn moved to accept the recommendation as read from the County Surveyor Michael J. Spencer, seconded by Eugene R. Moore, unanimous approval.

George Davidson stated he had given his copies of the agreement to the County Drainage Attorney for him to review.

Michael stated Mr. Hoffman has looked at the agreement and asked that the following wording be inserted Paragraph 2 at the end in regards to PERFORMANCE. Mr. Davidson stated that the agreement had not been executed by Wal-Mart, he has presented it to Wal-Mart attorneys and they have approved the contents, Mr. Davidson had suggested to them that it be presented to the TIPPECANOE County Drainage Board to get approval of all language and then have Wal-Mart execute it and send it to Mr. Davidson and he in turn will see that Michael J. Spencer gets the agreement for the boards signature. Discussion of the agreement, agreement is on file.

The only question that the Board has at this time is the emergency routing and this problem is being worked on.

Michael stated that he had meetings with property owners downstream mainly Park East developers and Mr. Long that possibly will be affected by temporary drainage channel. Many questions were asked and some Michael could not answer as they got into widths of easements and depths of channels, none of the landowners downstream rejected the idea of the temporary channel, allot of questions in regards to temporary channels becoming permanent channels. This is why he wanted to get the recommendation of making an Urban drain so they can move onto an ultimate solution. Michael feels the temporary solution can be done and will relieve some of the pressure allot of engineering and field work needs to be done. Michael asked the Board to give him permission to go ahead and see if some of the engineering can get started. Funding would come out of General Drain Fund and be reimbursed at the time of completion of reconstruction. Discussion continued.

Tom McCully asked what temporary work is the Board talking about? Is it the same type of thing of Chris Burke's as the last time we met? Michael answered no, Burke's report has to do with the final solution for the whole watershed area, 100 year channel size, slope, and width. He is recommending a channel width of 40' bottom width of 2-1 side slope to carry the 100 year storm event from the upper region of the watershed down to the regional detention basin. Temporary solution is where the Treece Meadows ditch comes south along the east side of the subdivision and turns west through the subdivision continue on south crossing McCarty Lane bringing it back west to the existing channel that goes around Burberry picking it up at that outlet structure running a channel west to Creasey Lane down Creasey Lane to the 4'X 8' concrete inlet and into the pipe that runs parallel to Creasey Lane. Tom stated he had great concern about the cost of how and who was paying for the emergency routing. Michael stated the Board had voted to pay from the General Fund Elliott ditch for reimbursement for the engineering. Construction was not mentioned. Reimbursement would be on the watershed bases. He feels that it is throwing the burden of cost on the landowners who are not creating a problem. Michael again stressed his request was the engineering, not the reconstruction. Much Discussion continued.

Bill Long stressed he has concerns of the implementation of the emergency routing. He stated Wal-Mart should put their emergency routing in while they are doing their construction, the timing should be based upon the need. He feels that the engineering should be done by Wal-Mart, the emergency routing is a part of their construction plan. He continued his concerns that he had previously stated in the January 3, 1990 meeting.

Mr. Davidson stated that the proposal to look at the situation here and to develop the emergency routing should be implemented immediately. Until the Board's consultant can do that Mr. Davidson isn't sure what is being talked about in away of a solution.

## DRAINAGE BOARD MEETING - JANUARY 17, 1990

Michael stated the only other solution is to not allow anything go into the watershed area until the final is done.

Mr. Davidson asked what kind of time element are they talking about that the Board has on the table? A guess 30 days. Discussion on time element, cost, easements, etc. continued.

Michael stated that the principal property owners and Wal-Mart should meet together. Michael will make arrangements for this meeting. Property owners involved GTE, Park 65, Richard Moore, and William H. Long. This would possibly take a week.

Eugene R. Moore stated he may have to with draw from voting on the matter.

After all this discussion, the Board agreed to table the motion made.

Wal-Mart will be scheduled for February 7, 1990 regular meeting.

There being no further business Eugene R. Moore moved to adjourn the meeting at 9:50 A.M., seconded by Sue W. Scholer, motion carried.



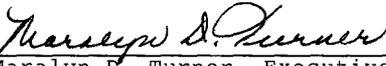
Sue W. Scholer, Chairman



Bruce V. Osborn, Board Member



Eugene R. Moore, Board Member

ATTEST:   
Maralyn D. Turner, Executive Secretary

TIPPECANOE COUNTY DRAINAGE BOARD  
 WEDNESDAY, FEBRUARY 7, 1990  
 REGULAR MEETING

The Tippecanoe County Drainage Board met in the Community room of the Tippecanoe County Office Building, 20 North Third Street, Lafayette, Indiana.

Sue W. Scholer, Chairman called the meeting to order at 9:00 A.M. with the following being present. Bruce V. Osborn, Board member; Michael J. Spencer, Surveyor; Todd Frauhiger, Drainage Consultant; David Luhman, Acting Drainage Attorney; and Maralyn D. Turner Executive Secretary, others present are on file.

BROOKVIEW AND COUNTRY CHARM Section 8 SUBDIVISION

BROOKVIEW  
 COUNTRY  
 CHARM SECS

Dale Koon, P. E.. President of Civil Engineering Service, Inc representing Brookview and Country Charm Section 8 subdivisions requested final approval of drainage plans presented.

Michael J. Spencer stated that the Brookview Subdivision plans presented were in order, he recommended that proper erosion control techniques be incorporated during construction, and letter from P.S.I. approving construction easement. That the petition for the subdivision to be made a regulated drain for future maintenance.

Bruce V. Osborn moved to give final Drainage approval for Brookview Subdivision as submitted subject to including proper erosion control techniques during construction, and letter from P.S.I. approving construction in the easement, that the petition for the Subdivision be made a regulated drain for future maintenance, and final Drainage approval for Country Charm Section 8 as submitted subject to including proper erosion control techniques during construction, seconded by Sue W. Scholer, unanimous approval.

WATKINS GLEN SOUTH PART 3

WATKINS  
 GLEN  
 SOUTH PT3

Robert Gross R.L.S. representing Watkins Glen South Part 3 presented plans and asked for final drainage approval. There are 11 lots in this phase, but they want to build a detention pond that will provide storage for more lots and future development. Plans are on file. Discussion of presentation continued.

Sue W. Scholer asked if this was a part of a legal drain system. Answer - NO.

Michael Spencer stated there is one question, what kind of maintenance are they going to have are they going to include the whole subdivision or just this section. Discussion.

Michael recommended that proper erosion control techniques be incorporated during construction also address maintenance. Discussion of maintenance and legal drain issue continued.

Bruce asked where the outlet was. Michael answered the ultimate outlet is along the railroad tracks.

Bruce V. Osborn moved to give final drainage approval to Watkin Glens Subdivision subject to erosion control and clearance through the attorney of wording for maintenance and addressing the legal drain, seconded by Sue W. Scholer, unanimous approval.

WAL-MART

WAL-MART

David Luhman, Acting Attorney read letter from Horne Properties, Inc. the letter reads.

February 6, 1990

Commissioner Sue Scholer  
 President  
 Tippecanoe County Drainage Board  
 20 North Third Street  
 Lafayette, Indiana 47901

Dear Commissioner Scholer:

This letter will serve as the commitment from Wal-mart Stores, Inc. to modify surface drainage in the Wilson Ditch watershed through the construction of a by-pass ditch around Treece Meadows subdivision and replacement of a 24" downstream storm sewer through the installation of additional ditching.

Mike Spencer and your consulting engineers have indicated that approximately 2600 linear feet of open channel (of 10' bottom width and 3:1 side slopes) would be required. Wal-mart has authorized me to commit to this work in order to be allowed to proceed with their plans for development of the Korty tract.

There are several details concerning the project that should be resolved over the next several days. I greatly appreciate your, Commissioner Osborn, Commissioner Moore, and Mike Spencer's efforts in our behalf to expedite resolution of our scheduling problem. It is my understanding that this letter along with our executed Drainage Agreement will allow you to approve our drainage plan on February 7, enabling us to proceed with the next phase of our development.

We look forward to a spring ground breaking and will keep you appraised of our schedule. Thanks again for your efforts in our behalf.

Sincerely,  
George R. Davidson, Jr.  
Vice President  
GRD/ad

Attached to the letter is a Drainage Agreement which has been reviewed and is submitted to the board for approval and has been signed by Patrick E. Peery, Assistant Secretary on behalf of Wal-Mart Properties, Inc and Curtis H. Barlow Vice President of Real Estate.

Sue asked if the drainage agreement referred to maintenance on the drainage facilities in the drainage plan.

George Davidson, Jr. Vice President of Horne Properties, Inc. stated that since last meeting he had met with other property owners within the water shed from whom they would have to arrange some easement agreement, with the help of Michael Spencer meetings have been held with these property owners, some plans have been worked out verbally in arrangements to obtain easements for construction of the ditch, this is for off site. The drainage easements that have been presented and executed by Curtis Barlow in behalf of Wal-Mart Stores refers to maintenance of on site facilities. The commitment letter is the letter the Board requested from Horne Properties, Inc. reviewed the proposed modifications to the drainage scheme in the Wilson Branch watershed with Wal-Mart's people. They have authorized Mr. Davidson to commit them to do the work that has been discussed. Mr. Davidson has reconfirmed with Michael Spencer since the last meeting that the drainage plan for site water is in compliance with the Drainage Ordinance. With the information in front of the Board Mr. Davidson requested approval of Wal-mart Drainage Plan so they may proceed with their project.

Bruce Osborn asked who the easements went to? Mr. Davidson's answer was that it was his understanding that the easements would be granted to the County. The facilities that would be built would be County, public facilities that would allow any adjacent land owner to discharge into them subject to County Drainage Board. Sue stated that in other words it would become a part of the legal drain system. Mr. Davidson stated this was the desire of the land owners.

David Luhman stated there were 5 main points that needed to be addressed they are:

1. Wal-Mart would put in temporary open ditch as per Mike's plan. This will be approximately 2600'. The width of the easement will be 80'.
2. Wal-Mart construct ditch pursuant to plans approved by the County Surveyor Michael Spencer.
3. Wal-Mart will petition for it to be a legal drain.
4. Gipe, Long, Moore, Telephone company and the other affected landowners will have to give the right-of-way easement for this drain, and each of them when they grant this easement will consent in writing for it to be a legal drain.
5. Wal-Mart can move dirt and put in the foundation for the building, but no occupancy permit be issued until ditch is installed and no paving done until 100 year flood retention pond is completed.

Mr. Davidson stated they would request relative to the 5th item. There is quite a difference in timing schedule in putting pavement in and request for occupancy permit. They asked that the 5th item be modified to allow them go forward with pavement subject to weather, they will have the ditch in before they request occupancy permit.

Bruce V. Osborn asked who was going to secure the petition for a legal drain? Mr. Davidson suggested that he continue to work with Michael Spencer in regards to getting the petition signed.

Michael stated he thought the intent of the adjacent land owners was that it become a legal drain so that maintenance is assured. There is enough land for a petition for a legal drain. Wal-Mart will petition for a legal drain.

The Board asked if there were any questions from any of the landowners present.

Richard Moore asked if that included the pond for retaining water? Also, Mr. Moore had concerns in regards to the under the road, this would include opening up under Creasey Lane, the junction box, branch tile. Mr. Moore is not interested in going ahead unless that is cleared up as well. This is something the County will have to address, but to answer Mr. Moore's question the answer is yes.

Paul Coutts stated that it is critical that the pond be the very first thing done. This is the intent.

Mr. Davidson stated that the proposal submitted is not going to completely eliminate the flooding in the Subdivision, but hopefully it will give to by pass to take some of the water around the Subdivision at least that is the intent.

Sue stated that hopefully it is not further impacted in a negative fashion in the Subdivision.

Tom McCully, attorney for Wm. H. Long stated there was one comment he wanted to make sure of that the 5 items read be made a condition to the approval given today. Another concern is the timing of Construction of the ditch and timing of the Development as Treece Meadows is going to be at risk when the sides are scraped and water starts to run off in an unconstructed manner. Paving may not make that much difference from just scraped dirt. The people in Treece Meadows need to be assured that the ditch is going to proceed in an orderly fashion so that is not going to be a period of time during the development process when the Subdivision is at risk. It seems to Mr. McCully that when

## Regular Drainage Board meeting February 7, 1990 -Wal-Mart Continued

they have the equipment out there for their development that would be the time they would want to be out there working on the ditch too to avoid having to have equipment back later. There are some obstacles in getting the ditch dug. Gas mains that have to be relocated etc. These may have to be modified in order to accomplish all these items. Again he stressed they don't want to put Treece Meadows at High Risk from the time development starts and until the ditch is functioning.

Michael stated all he could say today is that it is the intent to get the project started and that it will be a simultaneous construction and the pond be put in first.

Sue stated that Don Sooby City Engineer and the City of Lafayette need to be included. Permits restriction would actually be implemented by the City.

Mr. Davidson stated they will work closely with Mr. Sooby's office as well as with Michael's office. Mr. Sooby stated that the City is comfortable.

Norman Childress of N.W.I.D.C.-L.U.#215 had concern with item #5 as read. He felt it would put the houses in Treece Meadows in a position of the 100 year storm run off being under water. He asked if it was the intent of the Drainage Board to grant that variance as a part of partial of the Drainage permit?

Michael stated again that the pond is going to be one of the first things installed in the grading operations. With their commitment to go ahead and strive to accomplish the downstream improvements at the same time that their dirt equipment is there. He feels they are giving a full out effort to have every thing accomplished.

Mr. Davidson stated they need to know what they are working toward. There will be a retention basin built as one of the first construction items, it will retain up to the 100 year storm. It is a very sly probability that we will get that storm, but they will be able to retain the 100 year storm. Discussion continued.

Bruce asked Mr. Childress if he had his question answered? Mr. Childress stated he had miss understood what Mr. Davidson was asking for. Mr. Childress thought he was asking not to complete the ditch until after the paving process. Discussion continued.

Sam Copeland N.W. I.D.C. L.U.#215 stated that this also brought a point to his mind there was reference to an occupancy permit being issued. Will the drain be completed before an occupancy permit is issued?

Sue stated the request they made was only a waiver on the paving, a part of the process, that they not have a problem with the occupancy permit.

Don Sooby stated the discussion here was that Mr. Davidson's concern was not to be restricted to allow paving, it was not his intent to wait till after paving is completed to do the ditch work, but Mr. Davidson does not want that constrained. The City will not issue a occupancy permit until the drain is in and functioning.

Mr. Davidson stated the last phase of the ditch construction will be seeding and mulching. He hedges on the final completion of the ditch as they don't want to do the seeding and mulching until the fall (September). The grading will be done in April and May. Discussion.

Sue asked Mr. Davidson if he would be agreeable to changing the last condition to say that they would not be doing paving until the pond was installed, no occupancy until the ditch is completed. Mr. Davidson agreed.

Sue asked with these 5 conditions, the letter of agreement on maintenance, and the letter of commitment on construction if there was any of the landowners not comfortable with the proposal?

Bruce asked David if the Board had to have something stating that it would be Wal-Mart's responsibility to start the proceedings for a legal drain? David stated that was one of the conditions. This is Item #3. David stated it is not in the letter, it would be one of the conditions with approval subject to.

Bruce V. Osborn moved to give approval to Wal-Mart as submitted to the memorandum of understanding relative to temporary drainage with the conditions, seconded by Sue W. Scholer, unanimous approval.

Mr. Davidson will get the original agreement to the Board.

Sue asked Mr. Luhman to formally type up the conditions to attach to the agreement.

## THEATRE ACRES

THEATRE  
ACRES

Don Sooby City Engineer stated he had sent a letter to the Drainage Board in regards to an adopted Ordinance No. 88-39 which deals with shade trees it reads as follows:

February 2, 1990

Tippecanoe County Drainage Board  
20 North Third Street  
Lafayette, Indiana 47901

Dear Drainage Board:

Early in 1989 the Lafayette City Council adopted Ordinance No. 88-39 which deals with shade trees in the City. This Ordinance, among other things, requires developers to plant trees in and around new parking lots to offset the negative effects produced by large expanses of paving.

Theatre Acres Subdivision is a new commercial subdivision on S.R. 26 just east of the main post office. The lots on the west side of this subdivision contain the relocated and reconstructed 12" PVC Coleman tile in it. This easement, for the most part, is being utilized for parking areas as developments occur on the lots. In order for the

February 7, 1990 Drainage Board Meeting Continued--Theatre Acres--John Hoffman Ditch Orchard Park

developers to comply with the requirements of the City's shade tree ordinance it appears desirable to plant some trees within this 40 ft. Coleman Ditch easement.

Request is hereby respectfully made for the Drainage Board to allow the planting of shade trees in the 40 ft. Coleman Ditch easement in the Theatre Acres Subdivision under controlled conditions, perhaps keeping the trees a minimum of ten feet away from the new Coleman tile. I feel that in the urban environment that will be developed in this area that the encroachment of trees into this Coleman Ditch easement would not be detrimental to its primary use. Additionally, the pipe material and methods of construction used for this drain tile should pretty well preclude the problem of root intrusion into the drain tile. Your favorable consideration of this request will be greatly appreciated.

Very truly yours,  
Donald G. Sooby, P.E.  
City Engineer

DGS:gc  
enclosure  
cc: James F. Riehle, Mayor  
Richard T. Heide, City Attorney  
Don Staley  
Johanna Downie  
File

After much discussion Bruce V. Osborn moved to give approval to the request submitted by the City Engineer, Don Sooby City of Lafayette relative to the Coleman Drain in planting trees within the easements and the letter be made a part of the Drainage minutes, seconded by Sue W. Scholer, unanimous approval.

#### JOHN HOFFMAN DITCH

Michael Spencer stated he had received a petition to establish a maintenance fund for the John Hoffman ditch out east on the north side of 26 East. A meeting had been held previously in a hearing for reconstruction and the cost was out rages, it was rejected, so the property owners now want to establish a Maintenance Fund. Michael requested that this be put in the records of petition being received, and he will have to walk the ditch and come up with recommendations for the amount of Maintenance then call a hearing as soon as possible with the property owners. The plan is to start out with a high assessment rate for two years and then work down to a lower rate to get allot of the maintenance done up front early, instead of a dribble of funds and then waiting to get enough to continue on with another section. Main idea is to get the bulk of the work done up front. The petition was signed by over 80% of the property owners. The idea is to keep the ditch functioning and keep it from deteriorating.

#### ORCHARD PARK

Michael stated that he had requested quotes from four engineering firms for survey services to establish watershed boundaries and existing pipe structures topo maps, grade lines established down through the ravine to the Wildcat. Of the four Michael would like to recommend that the Board accept the proposal from John E. Fisher Company, Inc. Land Surveyor and Engineers in the amount of \$22,372.00. This will be paid out of General Drain and added on at the Reconstruction stage.

Bruce V. Osborn moved to accept the proposal of John E. Fisher Company, Inc. Land Surveyor and Engineers in the amount of \$22,372.00 to establish the watershed area, seconded by Sue W. Scholer, unanimous approval.

There being no further business to come before the Board, the meeting adjourned at 9:50 A.M.



Sue W. Scholer, Chairman



Bruce V. Osborn, Board Member

ATTEST: 

Maralyn D. Turner, Executive Secretary

#### NOT PRESENT

Eugene R. Moore, Board Member

TIPPECANOE COUNTY DRAINAGE BOARD  
REGULAR MEETING  
Wednesday, March 7, 1990

Tippecanoe County Drainage Board met in regular session Wednesday, March 7, 1990 at 9:00 A.M. in the Community Meeting room of the Tippecanoe County Office Building, 20 North Third Street, Lafayette, Indiana.

Sue W. Scholer chairman called the meeting to order with the following being present: Bruce V. Osborn and Eugene R. Moore Board Members; Michael J. Spencer, Surveyor; J. Frederick Hoffman, Drainage Attorney; and Todd Frauhiger, Drainage Consultant, and Maralyn D. Turner Executive Secretary. Others present are on file

WOODRIDGE SOUTH

WOODRIDGE  
SOUTH

George Schulte of Ticen, Schulte, & Associates P C presented Stormwater Drainage Design Calculations and requested final approval. Subdivision is located adjacent to Elliott Ditch in the Southeast Quarter Section 4 and the Southwest Quarter of Section 3 in Wea Township. The proposed development contains 8.92 acres which presently is in grass and weeds. There is approximately 0.75 acres of offsite for a total drainage area of 9.67 acres. The offsite drainage comes from a part of the developed Woodridge. Runoff from the site drains overland and into the Elliott Ditch.

Mr. Schulte stated this had been submitted to the Department of Natural Resources because of the area that the Subdivision is in. They have received a response from DNR concerning the high water elevation. They will have to submit to DNR for a permit to work in the flood way. As soon as the Drainage Board gives approval they will go ahead with the Construction plans, and then proceed with the submittal to DNR for there approval.

Mr. Hoffman asked if they were destroying wet land? Discussion. The back yard area of the lots will have to be graded out to show their detention storage area, it will be one to one half feet deep. Roadway has been cut.

Michael J. Spencer stated that he was requesting DNR approval and that they have the proper erosion control techniques incorporated during construction. For this small size pond Todd Frauhiger stated that the erosion control was important.

Mr. Hoffman asked if this was attached to a legal drain? Discussion. Michael stated this subdivision is already in the Elliott Ditch watershed area and that the lots would go into the Elliott, they will pay the maintenance assessments. Michael pointed out that a covenant should be presented and Mr. Hoffman check the language. The outlet pipe goes to the Elliott ditch. It is on the Elliott Ditch as previously stated, right on the easement line. Michael stated the county would still have access and he sees no problem. The only problem per Mr. Schulte is that there is some offsite coming in from the existing development, he has discussed this with Michael. Mr. Hoffman stated if there was no channel there would be no problem. Sue asked then if the Board would not be in consistent with legal drain request in a subdivision, answer no.

Bruce V. Osborn moved to give final approval for Woodridge South Subdivision Stormwater Design Calculations as presented, seconded by Eugene R. Moore, unanimous approval.

STOP & RUSH CONVENIENCE STORE

STOP/RUSH  
CONVENIENCE

Pat Cunningham of Vesters and Associates, Inc. presented drainage study for Stop and Rush Convenience Store, he is representing Dean Bunch property owner. The Proposed site consists of a 2.1 acre tract of ground. Tract lies within a 5.5 acre watershed area of which 1.1 is currently being developed. The property currently consists of mostly sandy-clay soil, flat terrain and cropland. Site drains overland to an 18 inch culvert pipe under Old Romney Road as shown on plan presented. The total watershed area for the 18 inch culvert is approximately 8 acres. The 18 inch culvert outlets onto property owned by Mr. Bunch and from there drains into an 18 inch storm pipe, as show on the drainage plan, and overland across the property and the St Mary cemetery. The 18 inch pipe outlets at the north boundary of the cemetery and at that point all flows are overland to the Wabash River. Todd Frauhiger has stated that Mr. Cunningham has over designed the pond for storing on the 100 year storm event for the total 4.65 acres watershed. Todd feels he can reduce the pond just for the 1.1 acre-site.

Pat stated that the drainage consultant had not had time to go over the plans as presented. Pat asked that the Board allow the drainage consultant and Michael to make final approval after they have made review and study of plans.

Pat stated that they do not have an easement at this time, they will be seeking an easement after they receive approval of the plans.

Mr. Hoffman asked if St. Mary's Cemetery had been informed? Answer-No. Mr. Hoffman stated they should be notified as they will be having drainage into the ravines on their property. This would cause erosion problems. It was pointed out that it is currently draining there now. They are not changing anything from that stand point as that is the direction the watershed goes.

Sue asked if the structure on the road would be new? Answer-No.

Sue asked Michael if they had reviewed the plans. He stated they had reviewed it in January. At that time they had 5-6 items that they discussed with Mr. Cunningham; therefore his most recent submittal is the out come of that meeting. Todd Frauhiger stated that by end of the week they should be able to finish their study on this proposed project. Pat stated that most of the comment in January pertained to the

March 7, 1990 Drainage Board Continued

Drainage Ordinance revisions of November 1989 of which he was unaware of when he made his first submittal.

Discussion of easement and notification to St. Mary's Cemetery, City of Lafayette, and Railroad Company continued.

There will be no increase of flow across the road after development. Discussion.

Discussion - Positive outlet is the proposed 12 inch pipe into the 18 inch pipe.

Discussion of a format letter should be composed for situations like this.

Michael is more concerned about the easement they need to get across the next neighbor, that is definitely needed. He requested they finish their review and get back with Mr. Cunningham and if they need anything it gets completed before coming back before the board. The Board requested that the easement be for pre-condition.

Before the Board takes action after much discussion it was decided to reconvene this meeting for the Stop & Rush Convenience Store. The Board agreed that notification be sent to the property owners affected and get the necessary easement. The Board will need to post the reconvened meeting 48 hours prior to the time and date.

ORCHARD  
PARK

ORCHARD PARK

Michael stated that he and John Fisher had met with Mid-States Engineering and got a copy of their topo maps showing where the flight lines will be and where they want the targets set, everything is moving along; hopefully this will be started this week.

CUPPY  
MCCLURE

CUPPY MCCLURE

Sue W. Scholer stated that a notice had been received from City of West Lafayette of an information meeting on Monday, March 12, 1990 at 1:30 P.M.

WATKINS  
GLENS

WATKIN GLENS

Mr. Hoffman stated that Jerry Withered had gotten restrictions to Fred and he has not had the time to go over the language yet. This is in regards to the Sondegarth property next to Watkin Glens.

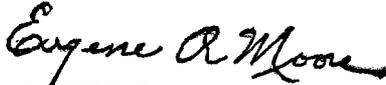
Michael suggested that when there are projects surrounding the City Limits and County, the Boards should have some type of joint review.

Meeting recessed at 9:30 A.M. until meeting is scheduled to reconvene.

April 4, 1990 the Drainage Board met and Eugene R. Moore moved to adjourn the March 7, 1990 meeting, seconded by Bruce V. Osborn, unanimous.



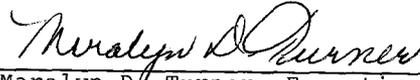
Sue W. Scholer, Chairman



Eugene R. Moore, Board Member



Bruce V. Osborn, Board member

SS:   
Maralyn D. Turner, Executive Secretary

TIPPECANOE COUNTY DRAINAGE BOARD  
WEDNESDAY, July 11, 1990

The Tippecanoe County Drainage Board met Wednesday, July 11, 1990 in the Community meeting room of the Tippecanoe County Office Building, 20 North Third Street, Lafayette, Indiana.

Chairman Sue W. Scholer called the meeting to order at 9:00 A.M. with the following being present: Bruce V. Osborn and Eugene R. Moore, Board members; Michael J. Spencer, Surveyor; David Luhman, Acting Drainage Attorney; Ilene Dailey Consultant Engineer; and Maralyn D. Turner, Executive Secretary; others are of file.

L.U.R.

L.U.R.  
MCCARTY LANE

Stu Kline of Stewart Kline and Associates representing the City of Lafayette presented Drainage Plan for Regional Detention Basin in conjunction with the McCarty Lane Reconstruction requesting Drainage Board approval of the Conceptual Drainage Plan. Road reconstruction begins at from Creasey Lane west to US 52. Presentation is on file. There is problems with flooding in several locations. The Regional Detention basin is proposed to be built in three phases, this is in the Kepner and Layden watershed area.

Phase I: The portion to be built by the City in conjunction with the McCarty Lane project. Accommodates 100 year runoff from the new roadway, areas tributary to the new roadway, and areas tributary to the basin. Phase I provides 18.75 ac-ft of storage capacity. This Phase would basically take care of the flooding problem in the area.

Phase II: The portion to be built by L.U.R. in accordance with the Regional Detention Basin plan. Phase II provides 15.0 ac-ft of storage capacity. This by passes the east and west leg of the Kepner tile. This brings the Layden into the Kepner, at this time there is no positive outlet, the existing Layden tile is old and not functional and quite a bit of overland flow resulting in flooding of the industrial plots. This would benefit the City ponds by allowing a higher release rate by combining the two watersheds. The release was based upon on the allowable flow through the remaining 48" tile, it is well less than a q-10. This still being a restricted structure. This Phase would take care of the existing problem. L. U. R. pond would still be providing on site detention connecting them together.

Phase III: The portion to be built by Caterpillar, Inc., in accordance with the Regional Detention Basin plan. Phase III provides 26.25 ac-ft of storage capacity. In the future Caterpillar, Inc. will be turning the 15 acre site over to the City for maintenance. They would extend this pond to take care of the future development.

All three sub-basins will continue to drain to the Wilson Ditch. The Layden ditch sub-basin, except for about 37 acres adjacent to Creasey Lane, will be re-route to drain through the Regional Basin, out letting just downstream of the head of the Wilson, and the portion of the Treece Meadows legal Drain sub-basin lying west of Creasey Lane (Caterpillar Property) will be re-routed to drain through the Regional Basin, out letting as described.

Bruce V. Osborn asked the size of the Layden. Theres 53 acres and the size of the underground tile is 18". Under the road construction they would be putting a new structure, and L. U. R. would provide a ditch and additional detention as required to make the whole new system work. Eventually when Caterpillar, Inc. comes in to do their development of 157 acres, they will reanalysis.

Eugene R. Moore stated that some of the Layden ditch is vacated. This is true, but water still continues to flow in the ditch.

Sue W. Scholer asked if all would become a part of a legal drainage system.. Mr. Kline's answer was that all the area would be deeded to the City.

Don Sooby stated that the proposal designates City of Lafayette as the owner of the Regional Detention Basin. Maintenance and Liability will be assigned to the City.

Maintenance and Liability was a question and concern of Mr. Osborn.

Sue W. Scholer asked what point and time would this occur?

Mr. Kline stated Caterpillar, Inc. and L. U. R. would have to deed the ground over to the city either during or prior to the right-away acquisition process for the road, hopefully prior.

Michael asked if it was going to be part of the right-away acquisition? Answer-the simplest way would be for the firms to donate prior to the acquisition.

Sue W. Scholer stated that she assumes there is concurrence from the two parties involved.

Mr. Kline stated that Larry Coles is Caterpillars Inc.. representative and Robert Grove representative L. U. R..

Mr. Grove requested Conceptual approval for the L.U.R. part of the Plan. He stated that this has been before the board previously. He stated that they have agreed to accept 30 cfs from the Layden ditch. It is controlled by a grade they have put in, L.U.R. has proposed to put in an orifice to control and route it to the west and to the south and detain as they go through, the detention basins or swales will be L.U.R.'s not a part of the regional pond. Sue asked if they would be adjacent to the east. This is correct, they would be on the other side of the line from the big pond. Some of L. U. R.'s water would be in there. The goal is to reduce the 30 cfs plus whatever water they have directed running into the basins down to 9 cfs. They are looking at discharging 100 cfs to the big pond. Their water will get into the system and out long before some of Caterpillars water enters the detention system. By staggering the peaks and looking at the whole regional pond together this is the reason for getting their water in and out. The water will be delayed and enter in, and add to the over all peak.

Mr. Grove stated what they are proposing to do is: The city does have the finalized specifications, include the fencing, the flow line, the cross section of the basin, they intend to build the basin to the city specifications and have their final acceptance; at that point it would be deeded over and become a part of the city. When the road construction is done the city would build their own basin. He stated they would like to build, if possible, this summer to get Phase II pond constructed.

Eugene Moore asked where does the water go now? Michael stated it goes east to the 48" pipe, then south into the Wilson.

Sue asked Michael if he had this in hand long enough to review? He stated this project has been going on for quite some time and there has been alot of discussion. They are only asking for Conceptual approval at this time.

Michael stated that he and Don Sooby have been in numerous meeting in regards to this project, he and Don like the idea of their regional detention basin storage, giving it a three Phase project. L.U.R. wants to build Phase II first, and as long as it all ties together conceptually I have no problem, timing may be a problem.

Sue asked for any questions.

Don Sooby stated that one of the major advantages of the regional basin is that it does have a leveling affect that allows more drainage to go through and be safely discharged into the Wilson branch, if the parties were to approach this independently it would be a situation where the hole is greater than some of the pipes because of the different times of water getting into the basin and if the Drainage Board were to just portion the allowable among the interest parties it would be a burden situation on all three of the major contributors. They would not be able to take advantage of the staggered peaks. This is highly advantageous to all the contributory to the drainage in that basin. Hopefully we can get the Drainage Board approval.

Sue stated that they all had felt all along that there was a solution to this major project, just a matter of everybody getting together to get something worked out.

Larry Cole Caterpillar representative, stated they have a conceptual agreement, they have not looked at it in legal details at this time, but they are working on it. They do agree with the conceptual plans, they have not given the land at this time.

Bruce V. Osborn moved to give conceptual approval to McCarty Lane Drainage Plan and L.U.R. as presented for the over all regional detention plans, seconded by Eugene R. Moore, unanimous approval.

#### HADLEY LAKE

#### HADLEY LAKE

Robert Bauman attorney, for the City of West Lafayette presented Petitions. 1. Establish Legal Drain, the outlet channel from Hadley Lake and, 2. A Petition to Reconstruct Legal Drain, the Dempsey Baker ditch.

Dan Kuester of Cole and Associates engineering presented Project Overview and Project Design of Hadley Lake. A study was done in the year 1986 and at that time it was recommended and as the plan presented today does propose to have a positive outlet constructed on the Northeast end of Hadley Lake under Moorehouse Road and to tie into Yeager ditch and eventually into Cole ditch. Yeager ditch would have some improvements done at the channel up to Cole Ditch and from that point and time the drainage goes on to Burnett's Creek then to the Wabash river.

Second part of the proposal is for the reconstruction of the Dempsey Baker ditch which is presently a legal drain, it is an old agricultural tile that is in need of maintenance. The project would reconstruct that; possibly making a new route from Moorehouse road east.

Bruce V. Osborn asked who owns the property? East of Moorehouse road is Purdue Research and the Hadley Lake is Martin Galema. Bruce asked if those property owners were present? Purdue Research had representative present, but Martin Galema was not in attendance. This was a concern of Bruce. He felt that Martin should be in attendance and should be given notice of meetings. Martin and his grandson have been in attendance in other meeting, after much discussion it was decided to precede with the presentation.

Bruce asked if other property owners had been notified of this meeting? It was pointed out that they had not on this particular meeting.

Paul Coutts stated the reason for us here today was that discussion had been held with the surveyor and they felt that before a petition was filed for a formal hearing that a presentation should be made before the board, in no way are they trying to circumvene the owners. Discussion with a number of property owners has been held. This meeting is to just get the Drainage Board up to date on what has been happening and will be presented, this is a preliminary overview.

Sue stated that everything given today will have to be repeated.

Bruce stressed to have all owners notified and kept up to speed of what is happening in the Hadley Lake area.

Dan Pusey assured the board that Martin Galema has been kept a breast of what is happening and at the June 15, 1990 meeting held in regards to this project Martin and his grandson were in attendance, at that time they were made aware of the presentation that was going to be made today as an informational presentation at the same time the petitions were going to be filed. They assumed that Martin and the grandson knew of the date and time of presentation.

Presentation continued and is on file.

The design of the project has been based upon a 100 year storm event during the process of design he has reviewed 6 different durations from 4-24 hour storm event making sure they were looking at the most critical peaks. A portion of Indian Creek is in this

project reason being there is a back up in which Indian Creek water backs up into Hadley Lake this will continue to occur under the present conditions and after the construction of this project. The design is to minimize any affects of downstream landowners on Cole ditch (project results.) This will be accomplished through the increase in the peak storm condition of Cole Ditch by 0.05 ft. in stage and 37 cfs in terms of discharge. Construction with the floodplain of Cole Ditch requires a permit be granted by the Indiana Department of Natural Resources. Permit has already been granted, a copy of which is included in the report.

They are proposing to cross the road with reinforced concrete pipe, that they intend to coordinate with the County Highway engineer and there is a potential of using corrugated metal pipe arches. This would be only to the approval and agreement with the Highway engineer, and only if it is a cheaper alternative.

Bruce asked Steve how long of a pipe was that going to be? Steve answered that he had no idea as he had not had any contact in regards to this project.

Dan Kuester answered that the pipes arrange from 60-80 feet, the pipe coming out of the Lake itself are 2 - 36 inch pipes which are 500 feet long, this is to allow construction within the proposed easements.

Michael summarized that many meetings have been held in regards to the Hadley Lake project. The ongoing engineering and permitting process through the DNR, working with Paul Coutts, West Lafayette City Engineer and Mr. Bauman with the legal process of petitions, they have been in contact with Mr. Hoffman. Their form has been presented in the petition. Michael stated in his opinion the project was not affecting Mr. Galema's lake adversely, he is aware of it, Michael has met with him, set elevations at his request, the level of the lake will remain, it will provide an outlet for the lake so the flooding problems should be relaxed it will ultimately be the outlet of the Cuppy-McClure ditch having their own storage, but having a place for the water to drain to and away of getting the water out of the lake, instead of continuing dumping water in there with no outlet.

Bruce V. Osborn stated upon hearing this presentation and Michael's summary procedures should follow for a Public Hearing. Bruce stated that this area has had problems for many years and this will take care of those major problems.

David Luhman stated it should be made record that two petitions were received, one to establish Hadley Lake as a legal drain, one to petition to reconstruct legal drain. Then start the process of setting a hearing date. Petitions were presented to Michael.

Bob Bauman stated it is hoped that getting all things in order that this could be started this fall for construction.

RAINEYBROOK  
ESTATES  
PART VIII

#### RAINEYBROOK ESTATES PART VIII

Tom Borck representing the property owners of Raineybrook Estates Part VIII. Location of project is in Section 18, Township 22 North, Range 4 West, Wea Township. It is bounded by County Road 500 South, to the South, Raineybrook Estates Parts V and VII to the west and north, and farmland to its east. The proposed development consists of 13 lots on 10.49 acres of land. The site is located in the Little Wea Creek watershed and is currently covered with a small grain crop. Off site drainage contributed by approximately 6.84 acres enters the site from the northwest. Runoff from the area drains overland in a southeasterly direction to an existing culvert under County Road 500 South and eventually discharges into the Little Wea Creek. Easement has been received from Mr. Lux along the west side of Mr. Lux's property. Detention basin has been sized to accommodate the parcel as well as part of the Lux property. The project will consist of 13 lots. They have met with Michael and are requesting preliminary and final approval of the drainage plans.

Michael stated that it has been reviewed and the only comment was that erosion control be incorporated into the plans, there is a sheet in the plans that set out the erosion, it is the recommendation that preliminary and final approval be given and the easement be recorded.

Eugene R. Moore moved to give preliminary and final approval on the 10.49 acres on the Southeast corner of Raineybrook Subdivision for the Raineybrook Estates Part VIII, and the easement be recorded, seconded by Sue W. Scholer, unanimous approval.

~~OMITTED FROM MINUTES SHOULD BE INSERTEED ON PAGE 560, HADLEY LAKE PROJECT.~~

**PROJECT RESULTS:** The planned project will not result in lowering of the peak water elevation of Haldey Lake during a 100 yr. storm event. What it will result in is the return to a pool elevation of 648.0 in a time period of 3 or 4 days rather than the existing periods measured in terms of weeks.

FARMINGTON  
LAKE  
DIVISION

#### FARMINGTON LAKE SUBDIVISION

Robert Grove engineer, representing Farmington Lake Subdivision requested final approval for drainage. The project has been before the board previously. The presentation present is a variation of the drawings presented before. In the past there were central lakes and basins. Location is located east of County Road 400 East just north of County Road 200 North. The development is bordered on the north by Willow Wood Subdivision, on the East by farm land, on the South by woods and a single family residence, and on the west by County Road 400 East and Watkins Glen Subdivision. Watershed consists of approximately 115 acres which drains to the Northwest around and through the side and is picked up and directed North by the existing side ditch along the East side of County Road 400 East. This water continues to the North to the existing ditch along the South side of the railroad then Northeast to an existing culvert under the tracks where it then flows to the Northwest to the Wabash River. The existing side ditches along 400 East and the railroad have been improved and handle the existing runoff.

The entrance has been moved and they did away with any detention within the central area. They are now proposing a large basin to the Northwest corner. There was a question about the existing pond. Mr. Grove doesn't believe that pond was ever met to be a detention facility, there are some problems with it. The area is owned by Dr. Greise (west of the pond). The owner of Farmington Lake Subdivision has met with Dr. Greise, they have come to an agreement that the Farmington owner will provide a 12 foot wide spillway, rip-rap it bringing it into the Farmington drainage system. They are proposing to make a separation along the South line, berm it up keeping Farmington water in the ditch at this point, the berm would drop off to allow any water that came from the South into the ditch switch the berm on the other side to take Farmington water into their detention facility.

## FARMINGTON LAKES CONTINUED

At this time Mr. Grove doesn't know what kind of pipe outlet there is. Michael stated it has one, but he doesn't know what design it was built to. He is presuming it was a Soil Conservation project years ago, it comes from down behind the Clegg property. It fills up and spills right over the bank right back into Dr. Greise's swimming pool. Dr. Greise stated it use to be spring fed. Pershing built the pond. Discussion. Michael asked Dr. Greise if he was satisfied with the presentation? They will put the pipe 6-8 inches below where it over flows now. They will be reconstructing the ditch along the south property line and the entire ditch along 400 East. Side ditch will be moved clear back to the right-of-way along with their project. It will be with the Phase I.

Sue W. Scholar asked if Steve Murray County Highway Engineer had been contacted? They have be in contact with the County Highway, they have incorporated the comments in the plans. Robert presented pages 27 and 28 to be inserted in the Plans.

Michael stated the main concerns he had with Robert's submittal was the overflow structure from the existing lake, some other concerns that Dr. Greise had and that is the north end of his property with his existing septic system. This has been satisfactorily addressed. Dr. Greise stated he was happy to be working with Mr. Palmer and Robert Grove. The plan actually resolves the existing pond as the pond does overflow. He stated the pond does not hold water well in its old age. The water comes from Peters Mill landing overflows at Dr. Mark's home comes across his driveway into the pond. Discussion.

Michael stated the only other comments he has is on the County Highway approval and the maintenance of the system.

Robert Grove stated there will be a Homeowners Association and some landscaping that will go in. Michael asked the developer to get with Mr. Hoffman for the proper language in the covenant.

Bruce V. Osborn asked Steve Murray if he had seen the plans? Steve stated they have been in the process of reviewing the construction plans.

Bruce V. Osborn moved to give final approval as presented to the Farmington Lake Subdivision drainage plans with the condition of having the approval from the County Highway Engineer and Supervisor, and the maintenance covenant and restrictions, seconded by Eugene R. Moore, unanimous approval.

ILGENFRITZ-ALVIN PILOTTE

Ilgenfritz  
Alvin  
Pilotte

Alvin Pilotte, property owner in Sheffield Township, now a resident of Winter Haven, Florida. Mr. Pilotte stated he has a complaint on drainage on his property which the Ilgenfritz drains. His complaint is that the top of the Ilgenfritz tile was torn out, therefore there is no drainage pipe working. He has a dam on his property, discussion of this dam of who put it there and maintenance of it. Lengthy presentation and discussion continued. Sue W. Scholer stated after hearing Mr. Pilotte's story the board will look at his problem. Eugene Moore asked Mr. Pilotte to call him when it would be convenient for him to come out. Michael told Mr. Pilotte that the dam is in there; you better leave it as it was put there for a reason. Berm on the north side of the ditch all the way through Mr. Pilotte's farm, a berm all the way along. Much discussion. Mr. Pilotte stated the ditch was not put in there by the County and not paid for by the tenants. The waterway over the Ilgenfritz tile is north of ditch that Michael is talking about and is still there. Mr. Pilotte is insistent that the map of the Ilgenfritz has been changed. South end of the Elliott ditch which shows the Ilgenfritz ditch. Sue stated this has been a problem that has been hanging fire that started several years ago and the only thing the board can do at this time is take your comments try to do some research, and meet with you. Wyndotte Road and South. Petition was signed when ditch was extended from Mr. Pilotte's road all the way down to the headwall on Jim Phillips. 9910 feet. This was February 6, 1974. Mr. Pilotte stated it was after that the dam was put it. It was after 1975 that Michael saw the dam. Mr. Pilotte feels this turned the water into his farm ditch, who has the right to change the water capacity and take over a private ditch? Michael has never put a dam in where he says a dam was put in or sand bags, fill dirt or anything. Sue stated appreciate his coming.

WILDCAT VALLEY ESTATES SUBDIVISION

Wildcat  
Valley  
Estates

Robert Grove representing Wildcat Valley Estates Subdivision presented Preliminary Drainage Plan asking for Conceptual approval to waive the detention on the project. Steve Baumgartner is the developer. The project site is located East of Lafayette on County Road 50 North just North of Foxwoods Subdivision, East of Interstate 65, and South of the Wildcat Creek. The project consist of 128 acres only 40 acres will be used for residential development at this time, the remaining 88 acres is either in the flood plane or steep area which is not buildable except for single dwelling on large areas. The proposal has been presented to the Urban Review Committee. At the meeting with the Urban Review committee they requested the committees support for proposal to waive detention requirements for this project. The Urban Review committee did support the waiving of detention, therefore today they are asking for Conceptual approval so they can proceed with the project. The lower portion of this project is right on the Wildcat creek, there is 120 foot elevation difference between Foxwood Subdivision and the Wildcat creek. When Interstate 65 was built they ended up constructing a pond. The Subdivision would like to keep that pond as part of the overall development, if needed they can use it for detention, they are so close to the outlet which is the Wildcat creek, at 100 year flood there is 28,000 cfs, it would take a while to get there. The water from the subdivision will be out within and hour to an hour an half, try to get it into the creek and get it out of the way before the peak from the Wildcat does occur. Timing wise it may be a day later. They are not trying to discharge and add to it. Discussion of the 28,000 cfs.

Michael's comments were: that Mr. Grove has met with the Urban Review committee (volunteer committee that gets together and review some of the projects that are around the urbanized area around the city) the majority, including Mr. Hoffman did support the waiving of detention. Michael pointed out that in a few places the theory that the outlet is handy, the peaks are so different, it is going to take Drainage Board action at a hearing to waive the storage condition. The developer understands this.

## SUBDIVISION CONTINUED

Sue W. Scholer asked if DNR has any input when dealing with a natural stream? Mr. Grove stated they do have a permit from DNR to cut the bank back flat using some of the material to fill their lots, they are aware of what is being done in the area and approve of it, the detention they are not really concerned with one way or another, the feeling is that they feel the same as the developer get it out of the stream before the Wildcat peaks. Part of the process there is an erosion problem that the stream comes through, it is cutting into the land, the bank is 8 foot straight up and down.

Sue asked Michael if he agreed, yes, his recommendation is to give Conceptual approval. Eugene R. Moore asked, is the Board creating a problem by waiving detention? Mr. Moore used a similar project (McCutcheon Heights) as an example. Michael stated the problem there was that it was on the Little Wea it was such a long way to the outlet where it meets the river. In this project the Wildcat is relatively a short distance away and is full length of the area to the north. Mr. Moore just wanted to protect the Board in future projects.

Eugene R. Moore moved to give conceptual drainage approval to Wildcat Valley Subdivision, seconded by Bruce V. Osborn, unanimous approval.

ORCHARD  
PARK

## ORCHARD PARK

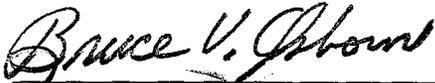
Michael presented two billings from John E. Fisher for the Orchard Park project, one is for the aerial photo work, and the other for man hours for the project per his contract to do the work, he asked for the boards approval. This will be paid out of General Drain and billed back later to repay General Drain. Consent of the board to pay the bills.

Sue stated that she and Michael need to meet with Mr. Hoffman to go over the Contract and Legal Fees, and asked Michael to set the meeting. Mr. Hoffman will be back the week of July 16, 1990.

There being no further business to come before the board, Eugene R. Moore moved to adjourn at 10:40 A.M., seconded by Bruce V. Osborn, unanimous approval.



Sue W. Scholer, Chairman



Bruce V. Osborn, Board Member



Eugene R. Moore, Board Member

ATTEST:



Maralyn D. Turner, Executive Secretary

~~OMITTED~~ FROM MINUTES SHOULD BE INSERTEED ON PAGE 560, HADLEY LAKE PROJECT.

PROJECT RESULTS: The planned project will not result in lowering of the peak water elevation of Haldey Lake during a 100 yr. storm event. What it will result in is the return to a pool elevation of 648.0 in a time period of 3 or 4 days rather than the existing periods measured in terms of weeks.

TIPPECANOE COUNTY DRAINAGE BOARD  
REGULAR MEETING, September 5, 1990

The Tippecanoe County Drainage Board met in regular session, Wednesday, September 5, 1990 with Sue W. Scholer, Chairman calling the meeting to order at 9:00 a.m. in the meeting room of the Tippecanoe County Office Building, 20 North Third Street, Lafayette, Indiana.

Those present were: Eugene R. Moore, Board Member; Michael J. Spencer, Surveyor; David Luhman, Acting Drainage Attorney, Ilene Dailey, Drainage Consultant, and Maralyn D. Turner, Executive Secretary.

LAFAYETTE VENETIAN BLINDS

Michael J. Spencer, surveyor reported that Steve Marsh, engineer for Tillet Engineering Services had submitted drainage calculations and report for Lafayette Venetian Blinds. Ilene Dailey, consultant drainage engineer has gone over the plans and requested additional information. Some information had been received, but there were more questions to be answered. To this date no information has been received. Michael asked the board to table this project until next drainage board meeting, October 3, 1990.

LAFAYETTE  
VENETIAN  
BLIND

ISFELT DITCH

Michael stated he had received a petition signed by six land owners to vacate a portion of the Isfelt ditch, located in Lauramie Township, County Road 500 East and County Road 1300 South. The Isfelt is a tile branch of the Kirkpatrick One, ditch is a big wetland, the contract buyers of the land is Keith and Deb Stingley. They have had it designated as a wetland and wildlife habitat; therefore they wish to keep it in that condition. Petition is on file in the surveyor office. A hearing will be scheduled later.

ISFELT

WAL-MART

Wm Long asked if there had been anything introduced in regards to Wal-Mart. Answer-No.

There being no further business, Eugene R. Moore moved to adjourned the meeting, seconded by Sue W. Scholer. 9:15 A.M.

Sue W. Scholer  
Sue W. Scholer, Chairman  
Eugene R. Moore  
Eugene R. Moore, Board Member

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

## WAL-MART

TIPPECANOE COUNTY DRAINAGE BOARD  
SPECIAL MEETING, WEDNESDAY, SEPTEMBER 19, 1990

The Tippecanoe County Drainage Board met at 9:00 A.M. in the meeting room of the Tippecanoe County Office Building, 20 North Third Street, Lafayette, Indiana with Chairman Sue W. Scholer calling the meeting to order.

Those present were: Eugene R. Moore and Keith McMillin, Board Members; Michael J. Spencer, Surveyor; Keith Berg, Consulting Engineer, J. Frederick Hoffman, Drainage Attorney, and Maralyn D. Turner, Executive Secretary.

Eugene R. Moore, Board Member abstained from the board as his family has property within the area of Wal-Mart drainage.

WAL-MART

David Robinette of Architectural Services Group, Inc. presented calculations and plans for detaining a 500 year storm event. Mr. Robinette requested approval of plans submitted and to allow Certificate of Occupancy.

Request of proposal.

1. The 100 year Storage volume as presently approved is 806,282 cubic feet.
2. Approximately 232,000 cubic feet of additional storage volume will be needed to detain the 500 year storm.
3. The presently approved discharge rate of 0.11 cfs per acre (5.21 total cfs) will not increase.
4. The existing basin may be enlarged to provide this additional storage.
5. The area of the basin expansion required will be approximately 1 acre in land area size.
6. The overall storage volume will be 1,038,282 cubic feet.
7. It is our understanding that when the downstream channel improvements are finished that additional basin volume may be filled back in.

Mr. Robinette stated that they had met with the County Consulting Engineer. Keith Berg of the Burke Engineering, LTD, and had agreed on the calculations of the 500 storm event and the intensity, how much additional storage would be needed to be added to the detention basin which is already there and designed to detain the 100 year storm event. It was proposed to just expand the basin to the south. 27 acres of undeveloped land is available to expand the detention basin for the additional storage and continue to release it at the same point to the outlet.

Patrick E. Peery real estate representative for Wal-mart Stores, Inc., stated he is responsible for this project. He stated that last spring in a drainage meeting the drainage plan for Wal-Mart was approved subject to Wal-mart installing an emergency route, 2600 feet length with an 80 foot width easement and a 10 foot deep drainage ditch, circling around the Treece Meadows Subdivision. Wal-Mart agreed to put this ditch in and still do agree. Reflection of the February minutes states that cooperation would be received from the people who own land over which the ditch needs to travel to get easements from them. Wal-mart agreed to under take that, which they hired an attorney to get this done for them, he has made substantial progress, to date they do not have all those easements in place, secondly there are some city utility lines that need to be relocated so that the ditch can go through. There are some water and sewer lines that the ditch needs to travel across, therefore need to be re-routed. The board approved the drainage plan which they are appreciative of so that they could go ahead with their construction. The minutes reflect that they were not going to be able to have an occupancy permit until the drainage ditch was in. They understood that at that time, they immediately started with best efforts to get the drainage ditch in. Buildings are up and they are on schedule to open this fall, because of the snags in getting the easements, not of any lack in desire in the part of Wal-Mart to install the ditch, getting the easements has caused them to be at a point where they are not going to be able to get it completed in time for Wal-Mart to have an occupancy permit to open on schedule which is to be the first week in December. We are asking the board if they will agree to the expansion of the detention pond. Until they can get the easements and get the relocation of the utilities and ditch installed, detention will still be there for available storage, whether it will be needed or not they may be able to go back to its original size of detention pond. They had originally planned to sell the 27 acres for future development. Again Mr. Peery stated they will stand by their previous agreement. The proposal presented today they feel is a good temporary way to solve the problems, they want to help the problem.

Mr. Hoffman asked what happens if you have a 100 year storm out there before this is built and you have another 100 year storm, how long before are you going to have flooding downstream? How much will this big pond hold? Mr. Robinette stated it will hold the 500 year storm event at the release rate that has been calculated. Mr. Hoffman stated he isn't worried about the 500 year storm event, he is worried about the 100 year storm event. Take for example you have (2) 100 year storm event a week apart, is this going to hold it? Mr. Robinette stated it will hold the first 100 year storm an additional above the first 100 year it will hold up to the 500 year storm event. Mr. Hoffman asked what happens about the second 100 year storm, is there going to be flooding down stream, if this ditch is not installed? Answer who knows.

Keith Berg stated if you say they are a week apart, the first 100 year storm would be drained.

Keith Berg stated that a 500 year storm is a 7 inch rain fall and 100 year is a 5.8 inches, it has been designed to drain within 72 hours bring it back to a dry basin.

Mr. Hoffman asked if it would be 2 days later, how much? Mr. Hoffman stated his interest is that there will be flooding down stream. Keith Berg stated that two days later it would be 1/2 to 1/3 full rough magnitude, Keith stated after 3 days the likelihood of holding another 100 year storm is good.

Mr. Hoffman asked how long it was going to be before easements were received.

Mr. Peery stated they would be meeting with their attorney after this meeting. Mr. Peery stated he is upset that they do not have them at this time. Mr. Hoffman stated this had been discussed back in March or April stressing they had to have the easements before occupancy, now you come in and say sorry were doing all we can. Mr. Hoffman stated that the board did not tell them at the time it was all you could do, it was a condition that Wal-Mart had to have the easements or else.

Sue W. Scholer asked what assurances do we have that we have a time frame that you are going to meet? Mr. Peery stated he would like to give any kind of assurance he could, let him have one and he will give it to the board. Mr. Peery stated they had hired an attorney told him to go do it, pay the people money, just go do it, it just hasn't gotten done yet.

Michael Spencer stated he has seen one letter from one of the representatives of the land owner, he thinks they have agreed to the principle, but as far as their name on it to grant an easement, they have not. Mr. Robinette stated they have two. Mr. Robinette stated if you would read the minutes of the February, 1990 drainage board it stated that the land owners would grant the easements across their land, this they have not ran into that at all.

Mr. Hoffman asked how many land owners are affected? Four.

Sue W. Scholer stated she would like to hear from the City on where they feel they are on this project. Sue stated that something was stated in this meeting that City utilities needed to be relocated. She asked if they had some sort of time table they were looking at.

Don Sooby city engineer, stated this ditch project is tied in with the moving of the city water line and a large diameter gas line, these have to be done before the conduits can be placed under McCarty Lane. This would be all a part of the ditch project itself, it would be tied in with it one way or another. There have been negotiations going on between an attorney representing Wal-Mart and the City of Lafayette concerning the possibility of having this drainage ditch installed with TIF financing. This has been going on for sometime, there have been agreements drafted, at this time there has been no agreement accepted by the City. Part of this agreement would be the commitment from Wal-Mart to set up an escrow fund with the City having control of that escrow fund, this would guarantee the City the ability to move forward and see that this ditch project is completed together with the utility relocation. Personally Mr. Sooby feels that more could have been done to get this project further ahead than it is right now. Getting the attorney's in to start negotiating, you sort of lose track of real time. Looking at it at a practical stand point, the buildings are going to be in, the paving is going to be in, the run off is going to be the same whether they have an occupancy permit or not. Mr. Sooby stated, they feel that if there is mechanism set up to where they can have iron clad assurance that the ditch will be constructed at the next earliest possible time, summer is past, they had felt it was the earliest possible time; initially it should have been constructed during the summer, they will be prepared to accept Wal-marts proposal for this additional detention storage. This is not what they had in mind to begin with, but probably the best situation that could happen right now. The city has not yet agreed to do this, but sort of leaning this way if things are put in place where they would have what they feel proper guarantees.

Michael asked when do they feel they will have these guarantees? Is the Memorandum of Understanding going to be acted on today? It was Michael's understanding that this was going to be brought up this morning in a Board of Works meeting. Mr. Sooby stated that he had no other information on the Memorandum other than the discussion that Michael had with another party, it is the only indication that Don has had. Mr. Sooby stated that the Mayor is out of town, it is Don's guess that the City Attorney would want the Mayor to review the agreement before going to the Board of Works.

Sue W. Scholer asked if any one else would like to make any comments.

Tom McCully attorney representing Wm H. Long an owner of several properties in Treece Meadows and also is principle owner of Long Tree and Burberry Apartments south of McCarty Lane.

Mr. McCully stated several things which have been said this morning in this meeting really disturb him. He would like to go back to when this was first proposed. There were substantial discussions before the drainage board about the tremendous problems that exist in the Treece drain right now. Everybody acknowledges that the Treece Meadows drain is a problem and has been there for years and something has to be done. We have had some piece meal development that has added water to this drainage system over a period of time, has done nothing more than increase the problem. Now even with moderate rains we have substantial flooding in Treece Meadows, the residence there have been flooded out, pictures have been in the newspaper any time there is a heavy rain. With all these problems Wal-Mart came to the Drainage Board they asked for permission to construct and add into to this drain and everything else. As a result of all these discussions we got to the Drainage Board meeting of February 7, 1990 at which time Wal-Mart said they had all there plans they wanted to go forward with it, they had the smaller detention basin designed and everybody agreed that there needed to be an emergency routing system, so then the questions were they came up with a long letter of conditions, that they agreed to, they would perform before they would get an occupancy permit. Then it was discussed what is the hammer going to be that the drainage board has. We talked about, lets say no paving, then it was agreed whether its paved or dry land really doesn't make much difference, but the ultimate hand that the drainage board has was to say that no occupancy permit would be issued until this project was completed, not money put in escrow, not plans drawn, nothing else until this project was completed at that point Wal-Mart agreed to this. Mr. Sooby was here, he agreed to that, the drainage board agreed, and we said OK you can go ahead with your plans, but you realize that your doing this entirely at your risk, that if you want to proceed to

## WAL-MART CONTINUED

Mr. Long asked the board not to approve this. He stated we have a gentlemen here who has modified the plan to build 27 acres basin. He understands the predicament that Wal-Mart is in. They have major dollars out that they can not execute, or they have put themselves in a box. He wanted to say he owns commercial real estate there, has apartments there, he wants Wal-Mart, Sams Wholesale Club, and the other businesses and the development there. This has been his position from the very beginning. We have a severe flooding problem, he is not concerned the 100 year back to back. How about a week, 100 year, 25, 25, then 60 and the emergency routing, don't tell me it can't happen, it happened this summer. Its accumulation of the facts. It can be said we can store it 2,000 year round, and he guessed a lake could be built out there, that might satisfy, but until we can have some assurance that the emergency routing accumulative effective filling the pond up, and when it does spill over its going to spill over with more water he believes than pre development. There is an impervious surface, its all asphalt. Back to what took place. Mr. Peery may be in earnest, but we met shortly there after with the land owners and the representative for Wal-Mart (George Davidson), it was discussed that the easements were available free. All present analyzed what benefit would be received from having the ditch put in. Some of the owners thought they'd get one thing and kind of anticipated. From February until the end of July Larry O'Connell who represents Wal-Mart never contacted me. He is sure it is in late July that he(Larry) finally contacted him. Mr. Long is saying basically the easements were kind of available free, if Wal-Mart would perform. Mr. Long told Larry O'Connell if you are going to pay for one you can pay me too. I'm glad to accept your money. I will accept whatever you offer the highest bidder, nothing has come back, Mr. Long said, "is this the highest, I will accept it, get everybody together". Mr. Long sent him a letter and has not heard from Larry O'Connell, and it is the middle of September, he thinks he can go back and look, but he knows it has been 4 if not 6 weeks since he has responded, there were five months before that when nobody came, he does not believe Wal-Mart, Horne Properties if you two are having problems dropping the ball that's your problem. His concern is his tenants, his property, and the other residences in Treece Meadows. They are at risk during accumulative affect exceeding capacity of the Wal-Mart pond. The 500 year event probably is not going to occur, that's way out there, but series of events can occur and have water every where. We offered as an alternative to your predicament of millions of dollars that you have put your into by going ahead with construction before you had your ducks in a row, we offered. I am a developer too and I'm sympathetic. Caterpillar has water coming through close to the Wal-Mart pond, why don't you dig the ditch and put that water into your big pond, go south. You have a big thing up here all draining down to the telephone property into a 24 inch tile, we can talk about everybody's responsibility of how it got there, but it is there. Why don't you just go down and may be take this 24 inch tile out, and may be Mr. Moore's brother and family, and telephone company will let you take out in a stop gap, that would release some of the emergency routing pressure. Never heard back, Mr. Long never made the offer to Wal-Mart or suggest it as he has not heard from Wal-Mart, he told Michael Spencer. He does not feel Wal-Mart has done everything they could do. He wants to put that in corrected record, that the people in Treece Meadows are at risk until this ditch is put in. He does not think the board, unless there is some other solution other than a 500 year pond that he doesn't think is adequate should permit you(Wal-Mart) to go ahead and grant occupancy. Thank you.

Mr. Hoffman stated, question is, and he knew back in February that we would probably be here at this time, it happens all the time. People don't understand plain English. In this type of situation the question is not what peoples intentions are, it is what is going to happen if there is a rain, what's going to happen with the water, he feels it was made clear back in February there had to be something to take the water off the property before you start operating a store, it isn't there. He stated he did not know what the board was going to do, but his recommendation is that they table this until such time there is some way there is to get rid of the water, other wise you have problems.

Mr. Robinette stated he wanted to say one other thing. Mr. Long stated he does not believe in putting all that storage in there with their detention basin that it will increase the water down stream. Mr. Robinette asked if this was true with the detention basin, will it not retain and release at a slower rate than what is going down stream at this time? He just wanted to bring this up, he said he does not believe it will not put any more water, it will flood more, if it stores there. Mr. McCully stated he is not an engineer, but he agrees with Mr. Long as you have a smaller than 100 year storm range you are going to help down stream, small range, small events, your system will reduce the peak rate of run off after development. He is not talking about that risk, he feels they know that. What he is talking about is the accumulative affect of the emergency routing of Wal-Mart ponds when or if it overflows..

Sue W. Scholer stated that one of the things that needs to be clarified at this point is that this board and county government will not be involved with issuing occupancy permit. She stated she would just ask Mr. Sooby by having been involved in these negotiations, she is assuming that the decision that the drainage board makes the city will back and cooperate with also. Is that your impression?

Mr. Sooby answered, like you have stated there are separate entities. We certainly want to be on the same side as the county in everything that is done around here. There are certain functions that the county has and certain functions that the city has and we can not make the city functions together with the county action. We have to retain the ability to act as they see best on things that the city needs to act on.

Keith McMillin asked the question to what the 100 year event? 100 year 5.8 inches - 500 year 7 inches. Discussion.

Mr. Berg stated that what is in the plan now is the facility to hold the 7 inches and release it at the rate that has been approved, so during storm events right now up to 500 year you will have more water storage on the property, than the facility that was approved.

Keith McMillin stated he sympathizes, the planning has been so poor, it is unbelievable. It amazes him with so much money invested the planning was not better. He stated he would recommend to table this request.

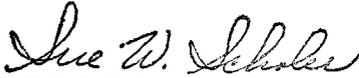
## Wal-Mart Continued

Sue W. Scholer stated she would agree with Mr. McMillin as the county needs some kind of assurances that this is actually happening, what has been discussed and agreed to and approved is actually taken place, at this point we do not have those assurances.

Keith McMillin moved to table this request to see what the City and

Wal-Mart does and have a Memorandum of Understanding, seconded by Sue W. Scholer, unanimous approval.

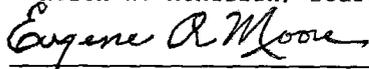
There being no further business to come before the meeting, the meeting adjourned at 9:50 A.M..



Sue W. Scholer, Chairman



Keith W. McMillin, Board member



Eugene R. Moore, Board Member

ATTEST:



Maralyn D. Turner, Executive Secretary

TIPPECANOE COUNTY DRAINAGE BOARD  
WEDNESDAY, October 3, 1990

The Tippecanoe County Drainage Board met Wednesday, October 3, 1990 in regular session in the meeting room of the Tippecanoe County Office Building, 20 North Third Street, Lafayette, Indiana.

Sue W. Scholer called the meeting to order at 9:00 a.m. with the following being present: Keith W. McMillin and Eugene R. Moore, Board Members; Michael J. Spencer, Surveyor, Ilene Dailey, Drainage Consultant Engineer; J. Frederick Hoffman, Drainage Attorney; and Maralyn D. Turner, Executive Secretary, others present are on file.

✓ LAFAYETTE VENETIAN BLIND (LVB)

Steve Marsh, P. E. Tillett Engineering Services, Inc. representing Lafayette Venetian Blind presented drainage plans and asked for final drainage approval. Mr. Marsh stated they are staying fairly consistent with the existing drainage of the property. The bulk of the drainage goes and flows out the north edge of the property, the existing 38.82 acre tract they will be developing 90 to 95 % of the existing area runs in that direction. They are staying consistent with their over all game plan to follow the same direction of flow so the downstream people do not see any different flow through their property than the exists now. The proposal before the board covers basically initial the construction phase plus there are some expansion capabilities built into it as far as additional square footage of buildings and lot areas.

The drainage plan addresses the adjoining property owners, there are two considerations as far as offsite drainage from other owners. The first one would be the apartment complex to the South, they have a slight run off coming from the watershed of their buildings and also the lawns of their back property, the remaining portion is carried through a sub surface storm sewer system which is then tied into the sanitary sewer. They have addressed and compensated for their run off and through a culvert under Lafayette Venetian Blind truck drive. They (Apartments) have a small 12 inch concrete culvert underneath their main entrance which will be diverted and also carried into Lafayette Venetian Blind culvert therefore Lafayette Venetian Blind retention system. The apartment watershed should shed completely through the property just as it does naturally now. The other consideration is there is a 15 inch corrugated metal pipe culvert under Klondike road which Lafayette Venetian Blind would address and carry that water through LVB retention system and the pond, the two areas of the adjoining property owners they believe they have addressed and taken care of them, and they should not experience anything contrary to what they flow is at the present time. Again he stated basically what the adjoining property owners and downstream should also experience flow relatively the same as what they are experiencing right now in the present state. There are a few questions that have been raised by the review of the engineers that need to be addressed.

1. A variance must be obtained to allow the maximum planned depth of storm water stored to exceed four feet.

At the present time they have designed for approximately a 6 1/2 to 7 foot depth of retention. There were two reasons for requesting this. First of all the area of the retention pond is a wooded area it is the owners intention to move in and to leave as much of the trees and vegetation on the site as possible. The area of the retention pond they are following the natural topography that required amount of cubic feet of water needed to retain requires a depth of 6 1/2 to 7 feet of retainage, due to those reasons they are requesting a variance to go to a deeper retention depth.

2. The other areas that were requested to be addressed was proper erosion control techniques be detailed in the plans and implemented during construction. Basically on the erosion control on a temporary stand point until the vegetation takes place in their swales in their dike area. They will be using straw bales to reduce the velocity of the flow and minimize the erosion that will concur until the vegetation takes hold next spring.

3. The proposed stability of the proposed dike which they will address as the soil make up is addressed and the dike is built. The soil does have a fair amount of clay, therefore they feel the dike should hold, that will either be matted or straw'd down until the natural vegetation starts to take hold on that also.

Mr. Marsh stated this is their plan.

J. Frederick Hoffman asked if they are going to put a fence around the retention pond. Answer-The original plan at this point was not to put fence.

Michael J. Spencer state it is not a permanent pool, it is does drain down.

Mr. Hoffman asked how much water was it going to have at one time? As stated it goes from 6 1/2 to 7 feet depth to the outlet to zero, it follows a natural drain so it is actually just going to fill to topography of the land.

Michael stated he has looked at it, and thought about it. The way the land lays it is steep and narrow valley at the outlet end it will be deeper than the 4 foot depth.

Mr. Hoffman asked if the kids were going to get in it? Michael stated if it was a permanent pool he would agree with Fred's concern. It is a dry bottom basin and will drain down. Ilene Dailey consultant engineer stated it will drain quickly. Mr. Hoffman asked how soon would it get down? Answer 1-11/2 hours. Discussion and concern in regards to Liability continued.

Michael J. Spencer recommended that the depth variance be approved. Michael has talked to Steve Marsh about the erosion control, a drawing will be made showing where the bales will be placed. Mr. Marsh had stated when they get into the soils work they will use the proper material to build .

Mr. Hoffman asked if the neighbor had been notified of this hearing today? No written notifications were sent, they were aware of it. Mr. Hoffman stated by the ordinance they are to have a written notification. Michael stated he had spoke to them about the notification, on Michaels recommendation they did not notify.

Discussion of fencing and liability be an exception since it is not a permanent pool and water being deeper. The pond is on LVB site, not the neighbors site.

Mr. Marsh stated that the intention of the owner is to fence in the entire property, not just the pool area, but the whole area, whether this would take care of the exception has to be addressed. It would be a tall barbed wire chain length fence, not climbable. Mr. Hoffman stated this should be a condition of that the site be fenced in order to give him the exception of variance. Also, require a notice to the other property owners involved.

Discussion continued. Michael stated they are asking for final drainage approval so that they can get started with their foundation. Michael stated he has no problem with them starting their foundation. Michael stated this was his recommendations, it was not timed in regards to the notification, he had discussed this with Mr. Marsh. Mr. Hoffman stated there should be a waiver from the affected neighbors of the right. Michael asked if they could go ahead with the foundations. Mr. Hoffman stated they could go ahead with the foundations, but no final approval until waivers are received. Also, a statement will be needed stating they are going to fence the property. Michael stated it is a wooded area all the way to Indian Creek.

Sue W. Scholer asked Ilene Dailey if she was satisfied with the presentation. Ilene stated she was satisfied.

Eugene R. Moore moved to grant variance of depth with restriction being that a chain length non climbable type of fence be installed around the entire property or the detention pond, seconded by Keith W. McMillin, unanimous approval.

Eugene R. Moore moved to give final approval with two condition, the erosion control be implemented during construction, and the proper design and construction methods must be employed to insure the stability of the proposed dike, and waiver by the adjoining neighbors, seconded by Keith W. McMillin, unanimous approval.

#### WAL-MART

For the records Eugene R. Moore abstained from any action of the board as his family has property affected by this project.

Pat Peery Wal-Mart Stores, Inc. representative stated he is with Wal-Mart and there is no developer on this project. Wal-Mart Stores is building it themselves. He stated this miss conception might be out there and he wanted to clarify that they are not a Real Estate developer, they are a merchant.

Mr. Peery stated that two weeks ago we were here and at that time there seemed to be confusion as to what Wal-Mart had done to full fill the agreement made with the Drainage Board to build the drainage ditch around Treece Meadows. Since that time they have done a number of things. Today since it was a regular drainage board meeting they wanted to come and report what has been done since the special meeting held September 19, 1990. They are not asking for any particular action today, more or less and informative and if there is any action needs to be taken, fine. After the special meeting Wal-Marts attorney had been negotiating with the City of Lafayette to build the ditch. Wal-Mart put \$600,000.00 toward the cost of the ditch, plus pay to acquire the easements. The city would under take building the ditch itself. Wal-Mart has now entered into an

agreement with the City of Lafayette, that the city build the ditch and Wal-Mart will acquire the easements. Mr. Peery presented a copy of the signed ESCROW AGREEMENT, this agreement is on file in the Surveyors office. Mr. Peery stated they have acquired from three of the property owners drainage easements which he presented. Drainage Easement signed by Richard A. Moore and Marjorie Halstead was presented, which is on file. Signed copy of Memorandum of Understanding presented and is on file. Easement for Russell H. Gipe, Settlor and INB National Bank, (formerly Lafayette National Bank), Trustee is on file. A letter of intent from GTE the third easement area was mentioned, but not put on file.

Mr. Peery stated that two weeks ago they had proposed a temporary solution to any storm water problems that may be caused by the Wal-Mart development to get them through to the point of when the ditch is built that they increase the size of the detention pond. They are still working at this point and time to come up with an even better comprehensive interim solution that goes beyond simply increasing the size of the detention pond, this they are working on in conjunction with Mr. Long who is the easement owner of the fourth easement that is needed before all the easements are in place. At this point and time they want the county drainage board to have the assurance that the ditch is going to get built because the money is there, and the city has all ready contractually obligated themselves to actually build the ditch, and having three of the four easements and on the verge of having the fourth providing they come up with a interim solution that will temporarily protect the residence of Treece Meadows until the ditch is built.

Mr. Hoffman stated the Company has not signed the site agreement with Gipe yet. Mr. Peery stated they had signed the original and it was sent back to their attorney, this is needed for the files.

Sue W. Scholer stated it sounds as if we are progressing along the lines that the drainage board needed. Sue asked if there was any time frame for Wal-Mart to return to the drainage board? Mr. Peery stated they may or may not be asking for a special meeting prior to the regular meeting in November, he feels they will be wanting to appear before the drainage board with a comprehensive interim solution that is satisfactory to all parties concerned to tie them over to get the city to actually get the ditch built.

Michael Spencer asked if the city would be moving toward the construction process in this month between now and the first of November? Will the City actually be proceeding ahead on construction? Mr. Peery answered he believed so.

Mr. Sooby, city engineer; stated he doesn't believe there is any way of getting a contract agreement and beginning any time this year. Michael stated there can be some action going on toward letting a contract. Mr. Sooby stated that plans would have to be finished up to make sure everybody is concurrent with the plans. Michael stated we will be moving ahead toward construction, it is not dead time.

Tom Borck, Hawkins Environmental stated as far as Michael's concern from the stand point of moving ahead for construction that is the intent, of course no construction is going to happen this year, because of the lateness of season on the entire ditch itself.

Mr. Hoffman asked if anything had been done about the hole at all (detention). Answer - yes the original on site. Michael stated it is there in 90% form. Mr. Hoffman asked then is it the 500 hole we are talking about that nothing has been done on? Tom Borck stated we are talking about the outlet ditch, city has nothing to do with the on site ditch. David Robinette stated the county is in agreement, the highway engineers have been approved on the off site.

Mr. Peery stated the detention pond that Wal-Mart agreed to make bigger they have not started to making it bigger as they have not reached an agreement on how much bigger it needs to be. Wal-Mart is ready to do that work. There are two more things they are talking about doing that they think will help the problems. One is to take the 24 inch drain tile that goes under GTE and Moore property subject to the contractual agreements with the city whether they can remove it from public bidding process, if this can be done Wal-Mart subject to the attorney working it out and city agreement, Wal-Mart would go ahead and immediately remove that drain tile in before the rest of the ditch is put in.

Richard Moore asked to make comment. He is all for that, the sooner the better. Starting this fall would suit him fine, but that's not in the city, its county whether it makes a difference or not. He stated that end needs to be opened up so the water can get away.

Mr. Hoffman stated he thinks everybody would be happy to have that blockage removed.

Michael asked that they move forward on that as fast as possible.

Mr. Peery stated that part of the property is covered by the easement that they have. They would not be trespassers.

Tom McCully representing Wm Long and Kip Treece who are two of the property owners over which the proposed easements would run. He stated everybody is faced with a difficult situation here. What we have is based on the commitments that were made back in February 1990, we thought there was going to be a ditch in place by now, and the residence of Treece Meadows would be physically protected at this stage of the game. Now we are faced with a situation where because of time constraints, weather, time of the year and everything else we can't physically get this relief ditch built this year, but on the other hand we are going have to buildings and paved parking lot that will be creating considerable risk. As we said last month there was some mention last month

although the representation at the meeting were that nothing was really going to happen on that, but a potential discussion with the city about a Memorandum of Understanding, putting \$600,000.00 in an escrow. Mr. McCully stated their comment at that time was \$600,000.00 in escrow isn't going to keep the water out of peoples houses, this is what they are concerned with right now, also the health and safety and property of the people who live in the area because there is going to an interim risk even if all the agreements are fine and everybody is convinced that the ditch is going to be constructed sometime in the future we are still placing allot at considerable risk between now and the time the ditch is finished, as we are going to have buildings, impervious surface going to have the water. What they are trying to do and we have had discussions with Wal-mart is to come up with some kind of interim solution, not just commitments to do something in the future, but physical construction that can take place now that will alleviate the risk that these people are going to be in, try to make sure we are not going to have a worse problem in the area as we have had in the past, and try to help that problem which was the idea to the plan that was proposed and approved back in February. All of the questions asked here of Mr. Peery concern is there going to be physical construction now. Mr. McCully stated he thinks that is obsoletely vital, because commitments right now are not going to do any good. There is going to have to be physical work done the ditch on portions of the ditch to come up with interim means that will help alleviate the situation, this is what they are concerned with. Based on some discussion earlier this morning he is at least hopeful right now that can take place. He thinks it is going to take some concentrated effort and maybe within the course of being within the next week or two. Some of the engineering details can be verified. Can get commitments to go ahead and do some of this work. Problems being talked about is agreements with the city, we have to do this and that. What we have to do is get someone out there with a backhoe and dig the ditch, get the 24 inch tile out of there. As Mr. Moore has stated it is a log jam for everybody, everybody wants to have that done, that's in the county, its part of the plans that have all ready been approved and if Michael says it is Ok, Mr. McCully says go ahead and do it, don't worry whether theres money in escrow, but go ahead and do it. Also, the size of the pond there is discussion about that, maybe oversizing that a little bit more to buy some additional insulation which is not a major factor, plus a couple other things that have been talked about. At this point Mr. McCully stated they are talking and hopefully can come up with some kind of interim solution that doesn't solve the problem, but at least helps minimize the risk, and they will be able to come back to the drainage board in good conscience at another meeting and tell you that under the circumstances, its not what we want, its not what we thought everybody had when the commitments were made in February, but it is something that we think we can live with in good conscience until the entire project is completed. This is where we are right now. Thank You!

Sue W. Scholer asked if there was any one else that wanted to make any comments.

Don Sooby, Lafayette City Engineer; stated that the 24 inch pipe is under discussion now for the removing of, is part of the lower part of the project, removal of it and the construction of ditches. A good hard look needs to be taken at doing a part of the project we could be creating a worse situation. It would be fine if the lower part was built from the inlet where it crosses Creasey Lane up to and including the removed tile, if the tile is pulled out and don't get it on down to the inlet where it crosses Creasey Lane you are subjecting the lands below to possible flooding that they do not have now. If there is a partial solution here he thinks we need to take a very careful look at it and make sure that we are not aggravating the situation.

Sue W. Scholer asked if there was anyone else who would like to make any comment. She stated that we will be hearing from the Wal-Mart people in the interim or see them at the next regular drainage board meeting in November, hopefully there will be progress made between now and then.

LUR

Robert Grove representing LUR stated he is here not to get approval, but just to give an update report of what is going on with this project and do get some comments from the board and the surveyors consultant. This project is providing part of regional detention basin. A preliminary plan was presented previously and a conceptional approval was given for the regional basin. Today he is pointing out some progress of construction plans submitted to the surveyor. LUR is obligated in their process to pick up the water from the north which they have to coordinate the consultants on McCarty Lane. Mr. Grove stated that Stewart Kline's original regional plan required 15 acre feet, they are providing 16.4 acre feet in their basin which will eventually hook on to the basins up stream, they would provide an interim ditch connection to the existing ditch as they anticipate the project will go first. They are providing the Phase II basin before Phase I basin. One thing he wanted to bring to the attention of the board and also to Mr. Sooby's. The project calls for the abandon of the 48 inch storm sewer that is in there now. That storm sewer is an easement, the land owned by Cloverleaf development corporation, the easement is in favor of Caterpillar. They are not actually constructing there basin on that easement, part of their outfall structure would be. He thinks they can build the basin and the outfall structure on to the easement that Caterpillar has with their agreement however part of this plan would be road way and a fence which would be pushing the storm easement rights, this needs to be addressed by the city along with the McCarty Lane project. He thinks if Caterpillar obviously needs the ditch to survive they are going to be willing to work with LUR, but the city would ultimately want to own 60 foot easement. There is a drive in part of that, half is being used by Cloverleaf now, they would use the other half, he doesn't know how Cloverleaf would look at having someone right behind their drive. This has not been discussed with them. Basically at this point they have coordinated with McCarty Lane project and have met the requirements with the regional over all basin. The internal review process is not complete, but they are heading in that direction hopefully by next month they can come into next months drainage board meeting to request final approval at least on the drains portion. Michael stated we are pretty close and Ilene has a few

questions she wants to get information from Bob this morning in order to finalize a few things. Michael stated the plan is following the scheme presented by Mr. Kline on his overall storm water management for the McCarty Lane Caterpillar and LUR combination of the three. This was just to inform the board that LUR is still on track and will be here in a month to request final approval. Sue asked if they would have the easement or something worked out. Robert answered that this has to be worked out between now and the next meeting. It does not really affect what LUR does, they could go ahead and provide that, they could not provide the drive and the fence without the easement situation being resolved, it could be done later, a fence could be put on their property line, that would have to be moved once the city acquired that easement and built the rest of the basin, they intend to fence everything clear down to where they are tying in, and a portion of their own detention area. Michael stated this will be a city maintained facility and one of their requirements was the drive and the fence, there may be a couple things that need to be worked out between the owners.

Mr. Hoffman asked if they would comply with the notices of the ordinance. Michael had a question of where do they stop? At the Wea as it is on the upper end of the Wilson branch. Robert stated they are intending to fence the basin. Mr. Hoffman stated that does not make any difference it is the amount of water that comes through there he again stressed the ordinance requirement states everybody affected down to the outlet has to be notified. Michael stated the outlet is a 48 inch pipe it is at least 500 feet from the Wilson branch all in one owner. Michael asked if notification is to be sent to the one owner or everybody downstream on the Wilson Branch. Mr. Hoffman asked if there would be more water going into the Wilson Branch? No more water, the pipe size is the same. Mr. Hoffman stated the only one to notify according to the ordinance is the one owner. Mr. Grove stated they will address the notification and the easement in their plans. He thanked the board for their time.

There being no further business Eugene R. Moore moved to adjourn the meeting at 9:40 A.M., seconded by Keith McMillin,

*Sue W. Scholer*

Sue W. Scholer, Chairman

*Keith McMillin*

Keith McMillin, Board Member

*Eugene R. Moore*

Eugene R. Moore, Board member

ATTEST:

*Maralyn D. Turner*

Maralyn D. Turner, Executive Secretary

TIPPECANOE COUNTY DRAINAGE BOARD  
WEDNESDAY, NOVEMBER 7, 1990

The Tippecanoe County Drainage Board met in regular session with Sue W. Scholer, Chairman calling the meeting to order at 9:00 A.M. in the Community Meeting room of the Tippecanoe County Office Building, 20 North Third Street, Lafayette, Indiana.

Those present were: Keith W. McMillin and Eugene R. Moore, Board members; Michael J. Spencer, Surveyor; Ilene Dailey Drainage Consultant; J. Frederick Hoffman, Drainage Attorney; and Maralyn D. Turner, Executive Secretary, others present are on file.

JOHN HOFFMAN DITCH DITCH

JOHN  
HOFFMAN  
DITCH

C. J. Baker whose address is Box 13, Route 2, Rossville, Indiana 46065, a property owner with in the John Hoffman ditch stated that he has 160 acres in the Northwest corner of Clinton County. He is a conservationist and about one fourth of his land is in wood land and half of his land that is designated as being in the John Hoffman watershed is woodland. His policy is to not cut any living trees. He feels that the trees are an investment for the future generations. He asked that all woodlands be exempted from the drainage assessment, except those woodlands which are utilized for dwellings or livestock production. Mr. Baker's letter is on file.

Sue W. Scholer asked if there was a legal ability to respond to that type of request?

Mr. Hoffman stated he doesn't believe there is anything in the law that allows that. He will check for the information, but to the best of his knowledge there is no provision in the law for exempting any property that drains from the drainage assessment if it is in the drainage area, you have the power to set different rates.

Mr. Hoffman asked Mr. Baker if he was talking about his assessment of the ground with in the conservationist reserve? Mr. Hoffman asked if it is classified forest, or classified with the state? Mr. Baker stated he has not formally entered his land as a classified forest, but he would be glad to do so, if this would make a difference. Mr. Hoffman stated if it was reconstruction assessment you would do it with benefits and damages, but maintenance he thinks the statute requires that it be uniform. Mr. Hoffman stated again he will check this out and get back with the board and Mr. Baker.

Road 350 South Phase III

Road  
350 South

James Gulick PE of Bernardin Lochmueller and Associates introduced Steve Grundhoefer, Project Engineer for the 350 South Phase III project. Bernardin Lochmueller and Associates are doing the road plans for County Road 350 South. Mr. Gulick gave presentation of plans. The project starts just west of US 52 -350 South and heads in a northeasterly direction crossing US 52, north over the Norfolk and Western Railroad and ties into State Road 38 East at the intersection with Road 475 East. The project area is very poorly drained, there are no real drainage outlets in the area, it is served by field tiles. Looking at the Aerial photo there is an area west of US 52 and North of present 350 south, a low area that is not outletted to any area, water collects in the area evaporates, percolates through the soil. Just east of US 52 about 500 feet there is a natural swale that head from south to north, it drains to a lower area which is served by an existing field tile.

In looking at the project they had to give a lot of thought as there is no existing creek in the area for them to find a suitable outlet. One of the first considerations they had to do was to be aware of, was they had to meet the drainage board requirements for the Elliott ditch watershed and come up with a concept of where they were going to take the water. At first they thought they could have it go the way it is now and hook into the drainage tiles. They met with Steve Murray and Michael Spencer in regards to various options to explore. Michael had explained that allot of the drainage tiles were over taxed and that it would not be a very good idea to introduce more water into the tiles. The only other options that they could come up with, that would be to collect all water in the side ditches along the road way and take them into a northeasterly direction along 350 South and come up with some type of design for a detention pond in the area just south east of the over pass of the railroad is going to be. From that they could outlet into a pipe that would roughly parallel with the railroad for about 1800-2000 feet until it opened up into a ditch on the railroad, then it could go under the new corrugated metal pipe arch at the railroad, under State Road 38 East and eventually into the Elliott ditch. One thing that made the project difficult was that it is very flat in the area and they have a long way to go without any relief. They are very concerned if they could drain the ditches to that. After making a study, they found it possible to go meet with Ilene Dailey of the Christopher Burke Engineering and discuss their concepts and have their input of how they might model the situation.

Steve Grundhoefer, Project Engineer gave presentation of the six different sub areas and the detention pond and how it would work. Looking at a 50 year storm of the undeveloped area which is allowable for Tippecanoe County Drainage Ordinance for road way project. Looking at the limited slope outlet sewer it was undesirable to release the water at the allowable 50 year rate, therefore they tried to use just a 10 year storm on all the undeveloped area. This includes the area which would be outside the right of way which ideally would not have to be retained at all. Assuming there was all ready a ditch along the proposed road way which would be intercepting the sub areas, direct the water to the proposed detention pond. Using the 10 year storm on the undeveloped area running it through TR-20 to determine the allowable release rate from the detention pond. The result of the TR-20 model of the undeveloped area gave a peak flow rate in the detention pond of 63.5 cfs, this would be the allowable release rate of the detention pond. Taking the 100 year storm on the developed areas and run it through the TR-20 model came up with the peak flow rate into the detention pond for 100 year storm 116.6 cfs. These two items were then used to determine the actual size of the detention pond and the

outlet sewer. They looked at several different sizes for detention pond outlet sewer using pond two. Due to the limited slope of the outlet sewer .11 percent, it was determined that a very large and expensive outlet sewer would be required to release it to the allowable rate of 63.5 cfs. Because the job required a large amount of fill for the bridge and the detention pond is located beside the bridge, it was decided to increase the size of the detention pond and thereby reduce the size of the outlet sewer required. This would save money on both the outlet pipe and the borrow by reducing the haul distance.

The excavation of the detention pond could be used for the bridge fill which would reduce the cost of both the outlet sewer, allowing smaller pipe, and decreasing the earth work as the excavation of the pond could be used on the bridge fill. Shorter haul distance etc. They modeled several sizes of detention ponds. A 30" reinforced concrete outlet sewer was selected because it provided an acceptable peak water elevation in the detention pond and was more economical than the larger size outlet pipes. The 250' X 135' detention pond was selected because it provided the most storage per elevation and it also provided the most fill for the bridge. With the 30' outlet sewer the peak outflow would be 21 cfs for a 100 year storm. This is considerably less than the allowable release rate of 63.49 cfs. The peak pond elevation for 100 year storm would be 660.05 this would stay within the ditch that is proposed. Mr. Grundhoefer then presented the graph of the peak flows and cfs verses time.

Mr. Gulick showed more detail of what the project will look like. The detention pond will outlet into a 30" pipe go into a north easterly direction, run parallel to the railroad, the 30" pipe will cross an existing easement for the existing sanitary sewer that is coming from Dayton, it will come across and will be approximately 15 feet above the elevation of the sanitary sewer, there should be no interference with the sanitary sewer. At the outlet pipe they will ask to get a perpetual drainage easement. There will be 30' strip of ground between the property line of the Norfolk and Western Railroad and the existing utility easement for the sanitary sewer. They feel they can get that between those two easement lines, pipe it through the 30" pipe. Where the sanitary sewer is it is not on top. It has an elevation of 10- 15' higher, offset away from it. They feel there will be no long term maintenance problem between the two. Going further east crossing underneath Newcastle Road, they are able to outlet into an open ditch still staying within the easement area that they want runs down to existing corrugated metal pipe that runs under the Norfolk & Western Railroad. Railroad put in a good size pipe two years ago and it is more than adequate to handle the flow, goes under the railroad through the existing box culvert to the existing State Road 38 East into the Elliott ditch watershed. Summary: They feel they have came up with a good solution on two counts. It takes care of allot of the drainage areas and releases them at a much lower rate that will create any problems for Elliott ditch watershed, side benefit is that they are able to get fill for the project from the detention pond. Result in an overall economical solution of the problems in the area.

Mr. Hoffman asked is this water being drained in the area within the Elliott ditch watershed area now? Answer-Yes.

Mr. Hoffman asked what affect will this pond have on the other ponds they have been discussing in the whole plan of the Elliott ditch?

Michael Spencer answered- Only that it is reducing the run off rate.

Mr. Gulick stated it would take care of 52 acres. Part of it would be highway right of way and part of it is off the proposed right of way. It is taking care of some of the area out there.

Mr. Hoffman asked how deep will be pond be? Depth 10 feet, when it fills up with elevation it will have six feet deep of water before it starts lowering down.

Mr. Hoffman asked how long is the water going to stand? Rough calculations have been done. A 100 year elevation on the Elliott ditch is approximately 2 feet above the low level of the pond. Figured it would take from time of peak 5-8 hours to empty down to the level of the Elliott ditch, then it will be controlled by how slow the Elliott ditch goes down.

Mr. Hoffman asked if they were going to put a fence around it? Yes.

Michael Spencer stated it was going to be in a right of way.

It will be in the right of way that the County will require for the Highway project.

Mr. Hoffman asked if the outlet was going to be a legal drain from the pond to the Elliott Ditch? Michael asked if he meant the tile? Yes-Outlet tile from Detention Pond. This has not been discussed. Mr. Gulick stated they would be willing to go either way the drainage board would require them to go.

Mr. Hoffman stated it looks as if we have some easement problem if it is because it looks to him with 30 feet will not be able to get in there very easily.

Michael stated with the depth he feels it will be OK with 30 feet, it just does not meet the 25 foot minimum on each side. The easement will be a part of the highway and not just legal drain.

Sue W. Scholer had a question in regards to the impact on the pipes that the railroad put in and into State Road 38 East as this is some water at this point in time goes north rather than east. Are we impacting any of the capacity. Michael Spencer answered with the reduction coming out of the detention basin, it should not impact it at all. She asked Michael if he was looking at that, his answer was yes.

Mr. Hoffman asked how many people are they working with to acquire easements to get the pipe from the pond up to the Elliott ditch. Two property owners.

## Road 350 South Phase III

Michael pointed out that the easement would be taken with right of way.

Sue W. Scholer stated that today they are asking for conceptual approval.

Michael Spencer stated he had received the drainage board consultants report, everything was fine and they recommended conditional approval with proper erosion control techniques be detailed in the plans and implemented during construction.

Sue W. Scholer asked Steve Murray if he had any recommendation or report.

Steve stated that they had originally discussed conceptual approval. At there last meeting they had discussion that at this point final approval could be requested.

Michael stated he would have no problems in giving final approval to the plans presented. Steve feels that every thing is in order for final approval.

Mr. Hoffman asked if it was going to resolve any increase in the water going into the Elliott ditch from the way it is now? No. If the answer is no, he sees nothing wrong with granting final approval, but if there is going to be an adverse affect on the people downstream by the amount of water being in there, then notice would have to be sent.

Michael stated it is less than what they get today from the ten year storm event after it comes out of the detention pond.

Mr. Hoffman stated he sees no problem in giving final approval with conditions.

Sue W. Scholer asked if they are changing the request from conceptual approval to final approval. Mr. Gulick stated yes.

Eugene R. Moore moved to give final approval to continue with plans presented for County Road 350 South Phase III with the following conditions: that the proper erosion control techniques be detailed in the plans and implemented during construction, fences be put in, and that they acquire the easements, seconded by Keith McMillin, unanimous approval.

WAL-MART

WAL-MAR'

For the records, Eugene abstained from the board as the project has conflict of interest.

David Robinette representing Wal-Mart stated that he is here on the matter of getting tabled from the last two drainage board meeting. Mr. Robinette stated they need to give the board some assurance of what measures will be taken to help Treece Meadows. Since the last meeting they have acquired the easements for the three parts of the downstream off site channel. Michael has received the GTE easement agreement. They have expanded on the onsite detention pond on the Wal-Mart site above the 500 year storm to hold two 100 year storms back to back which added above the 500 year storm of an extra 250,000 cfs, they went from 240,000 to 440,000 cubic feet of storage on their on site detention pond. The third reach, the last reach of the off site channel they have taken the 24 inch restriction out of it, and it is still under construction, there are still some things that need to be done per plans which is modifications to the 4 X 8 drainage structure along Creasey Lane. Channel is in place, they just need to work on the box where the concrete wing walls goes there is just a hole knocked into it now, just need to go in and remove the whole side and pour wing walls.

Mr. Hoffman asked if they were going to remove the whole box. Michael stated no, just one side of it (east side). It will be just a wall. Michael stated it will be more like a headwall.

Mr. Robinette continued with stating that the on site detention pond has been finished. He stated the City has money in escrow to build the channel (\$600,000.00). The plans have been designed by Christopher Burke Engineering. Mr. Robinette was not sure if they would be used to build the channel, but this is what they used to build the lower section of the channel. He stated he was not sure who was involved at this point with the project as there as been different attorneys and engineers involved with the project.

Mr. Robinette stated they have taken some other measurers which is between Mr. Long and Wal-Mart. They have decided to add some additional storage for the Caterpillar water that comes in on the southwest corner, the drain around Treece Meadows that is additional undeveloped 80 acres that spills in. Wal-Mart is providing some storage as there is some problems with flow across the property, they have worked an agreement out with Mr. Long. Mr. Robinette stated he would let Mr. McCully who represents Mr. Long talk at this time to see if they have any comments.

Tom McCully stated he was not sure specifically what was on the agenda today. Michael stated it was more less for the board to hear an up dated report from Wal-Mart in regards as to what has been done to meet some of the requirements that had been requested. Acquire the easements, remove the 24 inch pipe, the additional storage. Just report to the board that they are doing what they said they were going to do.

Mr. McCully stated on be half of Bill Long at the last meeting we were talking about the fact that initially the whole ditch was going to be built, but because of the time they were looking for some interim solution or precautions to prevent something happening this winter until the ditch can be built this next year. Last month the three things were discussed which has just been mentioned including the two 100 year storm events back to back. He understands that the 24 inch tile was removed last week, the ditch has been constructed on an interim bases, not pursuant to the plan that the board approved last February. He understands that it is a temporary situation that has been discussed

with Michael, the City, and Wal-Mart to try to accommodate things at this time. He stated there are some refinements that need to be made. The rest of the box needs to be removed, where the ditch makes a bend there is a problem and that is to be taken care of today. He stated on the Caterpillar thing they have seen calculations and has been reviewed by their engineer that it is just a temporary situation to accommodate things until the ditch is built. What they are here today to say is that even though this is not what we had anticipated last February given the situation now, they are satisfied with the way Wal-Mart is proceeding in good faith, they feel Wal-Mart is doing what they are commented to do and will finish it. They are prepared they have no objection to the current situation and they will leave it to the desecration of the board to see what they wish to do at this point.

Mr. Hoffman asked about the three easements? Is that all the easements that are necessary? There is one outstanding easement and that is Mr. Long's. Mr. McCully stated that he thinks their original agreement with Wal-Mart was that they were not going to give them the last easement until they finished the ditch.

Michael asked them if they were allowing Wal-Mart to build the ditch without actually granting an easement? Mr. McCully stated not until they get all the interim situations taken care, final plans approved, then they will proceed with their easement.

Sue W. Scholer stated that easement is going to be released upon final plan approval and completion of the construction on the interim, not completion of the final. Mr. McCully stated this is correct. Mr. McCully stated they understand there may be some modifications in the plans, therefore they do not want to give final approval until they are sure.

Michael asked Don Sooby if he knew what some of the changes were? His answer - NO.

Mr. Hoffman stated he wanted to get it clear in regards to the easement from Long; will be granted after two things are done. The plans for the final ditch are approved, and the temporary ditch is in. Mr. McCully stated it was the three things that had been discussed. Two are done, one is almost completed, and the third is under construction. Mr. Hoffman stated: you won't make them wait until the final ditch is completed. Mr. McCully stated that is correct, they just want to make sure all the interim solutions are constructed and in place, and that the plans are approved to accomplish the final solution. Mr. Hoffman asked if they had given them approval to go ahead and put in the temporary ditch. This is correct.

Sue W. Scholer asked if this was in a form agreement. Mr. McCully stated they had discussed this morning that they have a verbal agreement and this will be confirmed by letter this week. Sue asked that the board be furnished a copy of the agreement, Mr. McCully stated they will send a copy to the board.

Don Sooby asked under these discussions who is to approve the final plans, is Bill Long one of the approvers of the final plans? Bill Long stated they have no say to the final approval of the plans. Mr. McCully stated they had nothing to do with the approval of the original plans, but they understand now they are going to be modified, therefore someone is going to have to give approval, and he assumes it is going to be the County drainage board. Michael stated what ever the modifications are he has heard battered around, but he has not seen any. This is all Mr. McCully has heard.

Sue W. Scholer asked if there was any additional action that needs to be taken at this time.

Mr. Robinette stated Wal-Mart just wants to be able to clear as to when the City will issue occupancy permit; that they won't feel the drainage board is holding them back from granting them occupancy. If vote could be taken on the revised drainage plan temporary matters.

Mr. Hoffman stated since it is in the City's jurisdiction to grant occupancy. All the County Drainage Board can do when the plans are there is approve the plans, at this time the board has no authority. Michael stated acknowledgement of what they have done, and to the fact they are acting in good faith. Mr. Hoffman stated that they have reported to the board of what we requested two meetings ago and told us what the status is, they have most of it done except one easement, but as far as granting occupancy permits etc., that's in the City jurisdiction, all the County Drainage Board can do is approve plans when the work is completed. David Robinette stated that Wal-Mart just wants to open their store, the channel didn't get built there are allot of different elements that have been involved in regards to the channel not being built. He hopes that everyone realizes, and Michael does realize that the ditch is a band aid measure for Treece Meadows that their worries won't be over until the regional detention pond and the ditch around it will be completed, he hopes that anybody else who request a development in the area will share some of the cost like Wal-Mart has to help out Treece Meadows.

Sue W. Scholer asked what the status of the plans were at this point.

Michael stated from his stand point the plans are in a status that they could be approved. Michael stated he does not know how the city stands on it if they have any changes they want to make, discussion has been held, but Michael stated he is not sure.

Mr. Hoffman stated this should come before the Urban Review committee. Mr. Hoffman stated they have had this before the committee, but needs to be reviewed again by the committee to make a recommendation to the County Board. Michael stated he is satisfied with. Sue W. Scholer stated the question is are there going to be modifications to the plans. Michael stated he did not know if there would be modifications.

Sue W. Scholer stated that the board is in a position at this point to just acknowledge that the board is in agreement with everything that seems to be happening, but until we

## November 7, 1990 Regular Drainage Board Meeting Continued

know that the plans that Michael has looked at are the final plans the board really can't take any actions at this time. The plans will have to come back as the final plans. Michael agreed.

Mr. Robinette stated that it was not in the hands of Wal-Mart and he hoped that the board realized that. They started preparing the plans less than a month after the Drainage Board meeting in February, 1990, it was PORTRAYED that the Wal-Mart actually did nothing for the last ten months. They have communicated everything. Being people from out of town trying to work over the phone, flying in from time to time has not gone as quickly as should have, but they have been working. He had just talked with Mr. Sooby that as far as being able to open the store on time as long as they provide the city that everything is fine. In summary in all good faith Wal-Mart has done their part from the drainage part.

LUR

Michael stated that Robert Grove had called and asked to be removed from the agenda.

DEWEY/LOFFLAND

Sue W. Scholer stated she had a letter from Montgomery County Drainage Board. Mr. Hoffman read letter from James M. Kirtley, Chairman of the Montgomery County Drainage Board asking for Tippecanoe County Drainage Board to appoint two board members to the joint board for Dewey/Loffland ditch. Letter is on file. Eugene R. Moore moved to give approval to the appointment of Mr. Herschel Gentry, former Hendricks County Commissioner as the fifth committee member and appoint Keith W. McMillin and Eugene R. Moore as Tippecanoe County board member to the Dewey/Loffland joint board, seconded by Keith W. McMillin, unanimous approval.

There being no further business to come before the board, Keith W. McMillin moved to adjourn, seconded by Eugene R. Moore, unanimous approval.



Sue W. Scholer, Chairman

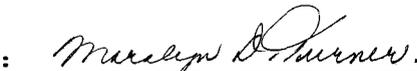


Eugene R. Moore, Board Member



Keith E. McMillin, Board Member

Attest:



Maralyn D. Turner, Executive Secretary

December 5, 1990 Regular Drainage Board Meeting

TIPPECANOE COUNTY DRAINAGE BOARD  
REGULAR MEETING, WEDNESDAY, JANUARY 9, 1991

The Tippecanoe County Drainage Board met Wednesday, January 9, 1991 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, therefore she invited J. Frederick Hoffman drainage attorney to preside

Those present were: Keith E. McMillin, Hubert D. Yount, Board Members; Michael J. Spencer, Surveyor; Ilene Dailey Consultant Drainage Engineer; J. Frederick Hoffman Drainage Board Attorney; Don Sooby, City Engineer; and Maralyn D. Turner Executive Secretary.

Mr. Hoffman asked for nominations from the floor for board chairman. Keith McMillin nominated Nola J. Gentry as chairman, seconded by Hubert Yount, there being no other nominations from the floor Nola J. Gentry was unanimously elected chairman of the board.

Mr. Hoffman turned the meeting over to Ms. Gentry to conduct the remainder of the meeting.

Ms. Gentry asked for nominations from the floor for vice-chairman of the board. Keith McMillin nominated Hubert Yount as vice-chairman, seconded by Nola J. Gentry, there being no further nominations from the floor, Hubert D. Yount was unanimously elected vice-chairman of the board.

Ms. Gentry asked for nominations from the floor for Executive Secretary, Keith McMillin nominated Maralyn D. Turner as executive secretary, seconded by Hubert D. Yount, there being no further nominations from the floor Maralyn D. Turner was unanimously elected executive secretary.

Mr. Hoffman read the following ditches to be made active for the year 1991 J. A. Kuhns, Ray Skinner, Gustav Swanson, and Shawnee Creek. A letter from White County Surveyor was read to collect maintenance assessments on the Emmet Rayman ditch for 1991. Keith E. McMillin moved to make these ditches active for assessment in the year 1991, seconded by Hubert D. Yount, unanimously approved.

(See bottom of page for active and inactive ditches.)

#### ROAD 350 SOUTH

Stewart Kline of Kline and Associates presented final drainage plans for the project Road 350 South. A preliminary plan had previously been presented and a conceptual approval had been granted.

At this time they are developing plans for three separate projects along County Road 350 South as follows: Phase I Part I Cr 350 South from US 231 to CR 100 E. (9th Street) Phase II Part II CR 350S from CR100 E to 250 E (Concord Road) Project II CR 350 S from CR 250 E to approximately 0.3 miles west of US 52. All three projects fall in the Kirkpatrick ditch watershed except for a small section at the western terminus which outlets along US 231 and eventually into Wea Creek. The existing conditions for drainage are poor. Mr. Kline continued presentation which is on file. What they propose to do with the three projects is to use some road side channels and clean up allot of the existing problems. They have broken down three major off-site locations. Presentation continued on the new off-site surface flow channel.

Structure # 1 will be providing storage on the north side of new County Road 350 South and outletting into the Wea Watershed.

Second point of discharge is at the Kirkpatrick ditch itself where a new box culvert will be installed and channel improvements for downstream, at that point they will be opening up the existing tile. The channel will be deepened going with the box culvert sections allowing the existing pipe to be opened into the open flow channel, run down and spill eventually into the extension of Elliott ditch. This will allow them to bring more water more efficiently. This makes for a more economically feasible structure. At this time the bridge would be extremely long and very shallow because it is more of swale by defining the channel and dropping the depth will be able to cross in a much shorter distance.

County Road 100 East they are basically discharging down 100 east the existing path that flows down and back into the Kirkpatrick open ditch and tile system. Detention will be provided at this point to try to minimize any affects there.

The fourth at Station 135+94 line "A" where water will be routed through the proposed Valley Forge Subdivision storm water sewer system which eventually outfalls into the Kirkpatrick. They have coordinated with Dale Kuhns with Valley Forge, they are accepting the off-site water into their storm sewer system.

The fifth is at CR 150 E running down the existing side ditches again providing storage.

The last is a new overland ditch at Station 185+40 line "A" which runs south to the northernmost branch of the Kirkpatrick surface flow. This will provide detention ahead that and bring the channel out to match the existing surface flow which is very shallow and almost a sheet flow condition.

Detention is provided at several location. Presentation continued.

The two major points of detention are east of the Conrail Railroad at that point they will be holding the water before it ever crosses, catching the water that sheet flows to the south to the Kirkpatrick ditching it and doing major detention at the point holding both north and south prior to reaching CR 150.

Mr. Kline stated all in all it is an improvement of a very poor situation up and down the line. By holding at the top of the shed they eliminate problems from all the way down the watershed. Mr. Kline asked if there were any questions.

Hubert Yount asked at Valley Forge going into the storm sewer, what is the capacity realization for the future as it is developed, are you in good condition there so we won't have any problems the back up in Valley Forge? Mr. Kline stated as Valley Forge develops the storm water going into the County system should decrease because they are designing for existing flow conditions. As developers come in there they are going to have to meet drainage ordinance and hold back the 10 year pre-developed, so they are assuming that their peak that we are giving to Mr. Kuhns now is the maximum. Mr. Yount stated then we are still going to be in a safe condition when the developers come in. Mr. Kline stated as the developers come in we will actually have excess capacity.

Michael Spencer, surveyor asked what they were going to do in the mean time before the development takes place over on Valley Forge? If there system is not in place how is yours going to work? Mr. Kline answered if it comes to a point where Valley Forge is not going to be in place prior to our development we will have to go on down to 150 and take it south.

Nola Gentry asked then there is capacity at 150? Mr. Kline stated they would have to rebuild the ditch, but that is the existing path and will be reduced. It would mean greater construction expenses, which they are trying to avoid. One of the big problems in the shed is that there is not enough fall. To get the water down to the Kirkpatrick, they would have to take the larger volume of the water that they were going to route throughout Valley Forge they would have to do considerable ditch work to get it there.

Mr. Hoffman asked how much additional distance would you have? Mr. Kline asked to go around Valley Forge? Yes, at least a half of a mile.

Hubert Yount stated they would have to do some reconstruction on those existing ditches down there. Mr. Kline stated right, they would have extend Project I. Hubert asked if they had enough right of way to do that? Mr. Kline asked down 150? Yes, under the present plans the answer is no. It is assumed that the present plans is that the Valley Forge development occurs prior to our development. Hubert stated if it does not, then we will have to acquire the right of way to do that. Mr. Kline stated we will have to acquire right of way, this is 100 E (South Ninth).

Michael stated comes back west along the south side of 350 South, then south along the east side of Ninth Street. If they plat subdivision they would have to grant that additional right of way which is not platted today, therefore we do not have it. Stewart Kline stated we do not have the right of way to build the ditch if they don't build, then we don't have their storm sewer system in place. Hubert stated then we are ahead of them if we acquire right of way on South Ninth Street prior to that platting. Mr. Kline stated this is right.

Steve Murray Highway Engineer, stated he does not anticipate that being a major problem in that we have met with the developer and supplied him with information. He has been cooperative. The half width right of way dedication for that side of South Ninth Street, 50 or 60 feet based on the thoroughfare plan. He thinks if the worse case develops here where Valley Forge did not have or was not ready to put their storm improvements in at the time we go to construction that the developer would be willing to grant us the extra right of way knowing full well that when he plats he has to give that right of way up. We would use that primarily as a temporary solution to drain the water from this small portion of 350 South, south along South Ninth along the east side of the road down to the Kirkpatrick. Basically that is just a back up solution, and rather than to go into it without a back up we feel we have ourselves covered from both sides.

Hubert asked what does that do to our road construction?

Steve asked as far as the 350 South job? Yes. Steve - Nothing substantial. Hubert - How about on Ninth Street? Steve - It should not affect that either. Hubert, but you are ultimately going to have to widen there? Steve - Eventually, yes they are hoping to. There is going to be a need for it in a very few short years.

Nola J. Gentry asked if there were any questions or comments from those present.

Ed Purdy property owner on Road 231 South. His family farm is on the south end of the drainage system. He is very concerned about removing the existing tile, it is functional and performs adequately for the agricultural commitment that it was initially built for. He realizes that with the development upstream there probably is a need for a better drainage system. He would like for the system not to be opened if anything improving the size of tile. The area that it runs through is real rough ground and he feels if it is opened there will be allot of erosion in that area. The sub base is sand & gravel and he thinks that all of us know it would be difficult to maintain slopes on a ditch with a base of sand and gravel. What is there now is the existing system, the excess water runs over the surface and there appears to be no erosion. He stated since the board (Commissioners) are new, he would like for them to come out to the site and look over the area and see what is being talked about and presented. He thinks to do some of these things at this time the way they are proposing to do they are short sided for the future for the whole system. If the board would come out he would be more than happy to show them the area.

Michael asked Ed if he was talking about the part of the ditch at the Kirkpatrick north of the proposed Road 350 South. Steve stated basically where the tile is going to be taken out and replace it with an open channel. Ed stated he is not familiar with the other thing they are talking about on US 231 where your talking about some other detention area, this is new to him. Steve stated it is the water that is going to be stored in the ditches, the controlled structure will be a cross pipe under 350. Ed pointed out the area he was talking about is a habitat for wildlife. Tearing that out the wildlife is going to be disturbed. Discussion continued.

Fred Hoffman asked how long of a stretch are you talking about? Mr. Kline 800-900 feet. Mr. Hoffman asked how big is the pipe? Michael stated the existing pipe is approximately 27-30 inch. Nola asked if it would hold or would it have to be open for this to work. Michael stated they are not going to be allowed to put the road water into the tile. It drains overland today, after construction release rate is acceptable it could drain the same way today. Mr. Purdy stated what you have is the tile in there now is performing, there is no surface drainage. Mr. Purdy hates for them to jerk that tile out and always have surface drainage there, if the tile is left in and if the

system was regraded and cut back and smoothed out, then maybe you could take care of the run off easier. It is simply not a problem to his farm as it is today. Today there is no problem, if you tear it out it is going to be a continuous flow of water. There is flow in the tile at all times, if you remove it there will surely be continuous flow in the ditch.

Mr. Hoffman asked how deep is the tile from the surface? Mr. Purdy stated he did not know, he feels it is quite deep because the elevation of the banks is probably 25 feet. Discussion continued.

Mr. Purdy stressed again he is requesting the board to see the project before they grant approval to the proposed drainage plans.

Mr. Hoffman asked how deep were they going to have the water in the side ditches where they are going to have storage? Stewart Kline - 4 feet or less in compliance with the ordinance. Discussion continued.

Nola asked if we had a major storm what would be the depth in the side ditches on storage? Steve Murray stated this can't really be answered without computer calculations. Mr. Hoffman asked how long is it going to be before it drains out and will it create a traffic hazard? Answer - In a matter of hours, and no hazard to traffic as it is in the side ditches. Discussion continued.

Jack Coffman property owner of Fairfield Contractors 3310 Concord Road. Property is at NE corner of 350 and Concord Road. He recommended that the board not give approval to the proposed drainage plans submitted until they have a chance to review the affect on their property of this design.

Nola asked if there were any other comments on this project.

Steve Murray stated an over all comment of this project is that it takes up a very large area an improvement that the county highway department has been working on for quite some time, do to the SIA plant being put into Tippecanoe County. It has gone through the normal channels. Basically according to the drainage boards consultant it meets the drainage codes. He realizes that Ed Purdy has some concerns and he certainly has no problem delaying judgement on this for another month if the board would like to come out and become more familiar with the project and what is actually going to happen. He did point out that we have had conceptual approval, as stated the drainage board consultant has reviewed the calculations and documentation with some additional information to be supplied to them they do recommend conditional approval. Back to the out fall to the Kirkpatrick and removing a portion of the tile. The primary reason that was done was what Stu had mentioned to begin with, if we would try to put a bridge in there or a battery culverts, we would have a long very expensive part to maintain bridge structure, so at that time they took a look at putting in concrete box structures to keep the cost down, plus maintenance cost down for the future and looking at it they found out that from the hydraulics by taking that portion of the tile out it would actually cause the rest of the tile up stream to function better. Again we would have no objection to delaying this for a month. Delaying he feels will not affect the development of the project.

Hubert D. Yount moved to table the action on the Road 350 South project until next meeting so the board can go out to the project and give Mr. Coffman of Fairfield Contractors a chance to review the plans, seconded by Keith E. McMillin, unanimous approval.

#### MCCARTY LANE

Nola J. Gentry stated that McCarty Lane was not an agenda item, but that some of the preliminary drainage report is ready for the McCarty Lane. We will listen to the report, but no action will be taken today.

Stewart Kline presented the preliminary drainage plans. Presentation was given in the July 11, 1990 meeting and at that time conceptual approval to McCarty Lane drainage plan and LUR as presented for the over all regional detention plans.

Stewart Kline stated this is an interesting drainage problem with the existing Kepner ditch being overwhelmed.

They will be coming with a four lane urbanized roadway section.

Again he stated the solution is to build a regional detention facility which will be built in three phases that have already been presented. Phase I is to be built by the City. Phase II LUR. Phase III Caterpillar Tractor Inc.

It uses property currently owned by LUR and Caterpillar Tractor to detain the already existing problem. Presentation continued and is on file. Discussion continued.

Phase III will be built as they develop. Caterpillar is retaining the rights to enlarge the Phase I pond to meet their development needs. Hubert asked if this would occur as they developed. Answer - yes.

Nola Gentry asked how wide is Phase I? Mike Peterson stated about 100 feet. Hubert asked how deep? Mike Peterson stated the maximum depth in the whole basin is 8 feet, and a 7 foot chain length fence is around Phase II. Mr. Hoffman stated there would be a fence because of the requirement to the ordinance. Hubert asked how much water would it hold. Mike Peterson stated there is 18 acre feet in Phase I, 16 acres feet Phase II, and 26 acre feet in Phase III. Hubert asked if they are talking about carrying water in that at all times. Mike Peterson stated there will be a flow of water because of the Layden ditch to the north which brings water across from McCarty Lane down through the system. It is not actually a wet bottom pond, it is a ditch that will be used to detain.

Stewart Kline stated the city will have ownership of the entire property Phase I, Phase II, and Phase III properties. LUR will install the maintenance road in the Phase II pond and fence in that section. City will install the fence, the ultimate ownership and maintenance will be the city for the entire project.

Nola J. Gentry asked if there were some down stream problems that this is going to create? Michael Spencer stated this should help down stream property because they are making a regional facility. Currently there are some flooding problems along McCarty Lane. The pipe going into the Wilson branch is not going to change from what it is today as a certain capacity. Nola asked, then this would be a controlled. Michael stated it will be controlled by the existing pipes. Mr. Hoffman asked if this storage was going to help on the storage that is needed on the Wal-Mart project and on the Wilson (below)? Is it going to assist in our need there for the whole Elliott ditch system storage. Michael stated it will help, it is not connected with the Wal-Mart other than they both drain to the Wilson branch. They are not going to take water away from one and the other. The Caterpillar area when it is developed it will come south instead of going east. Technically it is going to help, it is not going to create any additional problems. Mr. Hoffman asked if this storage will help on the storage problem at Elliott ditch that has been talked about at Ivy Tech? Michael stated at this time it won't make a difference.

Hubert asked how big of pipe is it that is coming out of there going to Wilson ditch?  
Answer - 48 inch.

Stewart Kline stated at this time the outfall will be reduced. The pipe that outfalls to the Wilson is capable of discharging 108 cfs. What happens now that there is like road way flooding on surface. Water isn't taken into the tile and spills out over land and kind of floods the properties along Creasey and gets into the Wilson. This is an additional 100 cfs plus the will be integrated into the system and stopped. Won't have that surface flow condition that you have now, everything will be held and the release will be held to the capacity of the existing tile. It will still be the 48 inch pipe with 108 cfs. They will eliminate the run around that happens now where all the surface flow seeps and eventually gets down to the Wilson, that will all be trapped by the LUR development and the roadway. This will bring it into the pond and still hold the water way to the 108 cfs, this should be improved with the downstream.

Michael Spencer stated when Caterpillar develops it will be rerouted and the water will come south instead of going east into Treece.

Mr. Hoffmans asked if this required Core of Engineer approval. Answer - No.

Don Sooby, City Engineer stated this is the project the City has been working quite some time. They are getting close to right of way acquisition and hope to complete getting those by the end of 1991. Hopefully in 1992 get the project program for Federal funds for construction work to begin. They have worked with Caterpillar and LUR in developing this regional detention pond to the benefit of the whole drainage area. On behalf of the city he encourage the drainage board approval at the earliest opportunity on this project.

Stewart Kline stated the project has been reviewed the county drainage consultant. The pond itself and the watershed analysis and there is no problem with the water construction capacity. The consultant is wanting at this point is that this being a fairly large shed and the master model that is being developed by Burke and Associates for the Elliott system. They want to be able to bring this into their master model since it is significant.

Ilene Dailey, drainage consultant stated that would help answer some of the questions in regards of what affect this would have on other basins. Stewart Kline stated it will increase the accuracy of the model we are looking at a 2 hour storm event and they are looking at a 24 hour storm event. That controls for the Elliott as a whole, but does not control for us, so what we have to do to provide for them or work with them in some manner in updating their report as to convert this model to the 24 for the master. He thinks as far as the design for this, there is a consensus that this is where it stands, and this is what is good for the Kepner ditch watershed.

Hubert Yount asked at Navco and Farbee problem does it all go into this watershed? Yes.

Discussion and presentation continued.

Jim Shook representing LUR recommended approval at the right time.

Michael stated this project will be on the agenda of the February, 1991 meeting.

Mr. Hoffman asked if notices had been mailed to property owners? Per Kline notices had been sent stating this would be presented at todays meeting, but no action would be taken, copies of these letters are in the file.

Michael stated that basically the same pipes are being used that are there now, not changing, and there is no assessments.

#### WETLANDS - 1990 USDA

Michael Spencer presented copies of information on Wetlands - 1990 USDA. Discussion of Wetlands. Michael asked Mr. Hoffman how this affects the drainage board in regards to Maintenance and Reconstruction. Mr. Hoffman will check into this and brush burning. He has written legislatures in regards to brush burning, and he will check on Michaels concern in regards to the reconstruction schedules. Mr. Hoffman stated we all should write our legislatures in regards to these two subjects. He will make a report to the board as soon as he has an answer.

There being no further business, Hubert Yount moved to adjourn the meeting at 10:05 A.M.

Nola J. Gentry  
Nola J. Gentry, Chairman

Keith E. McMillin  
Keith E. McMillin, Board Member

Hubert D. Yount  
Hubert D. Yount

Attest: Maralyn O. Turner  
Maralyn O. Turner, Executive Secretary

#### ACTIVE AND INACTIVE DITCHES

Mr. Hoffman read the following ditches to be made active for the year 1991 J. A. Kuhns, Ray Skinner, Gustav Swanson, Charles E. Daugherty, John Hoffman and Shawnee Creek. A letter from White County Surveyor was read to collect maintenance assessments on the Emmet Rayman ditch for 1991. Keith E. McMillin moved to make these ditches active for assessment in the year 1991, seconded by Hubert D. Yount, unanimously approved.

The following ditches were made Inactive for the year 1991 John Blickenstaff, O. J. Byers and Beutler/Gosma, Keith E. McMillin moved to make these ditches inactive, seconded by Hubert D. Yount, unanimously approved.

TIPPECANOE COUNTY DRAINAGE BOARD  
REGULAR MEETING  
February 6, 1991

The meeting was called to order by Nola J. Gentry, Chairman, at 9:00 A.M. in the meeting room of the Tippecanoe County Office Building, 20 North Third Street, Lafayette, Indiana.

Those present were: Nola J. Gentry, Keith E. McMillin, Hubert Yount, Tippecanoe County Commissioners, Mike Spencer, County Surveyor, Eileen Dailey, David Luhrman, Rebecca Irwin and Dorothy Emerson, Drainage Board Secretary.

Nola Gentry nominated Dorothy Emerson as Drainage Board Secretary, seconded by Keith McMillin. Dorothy Emerson was elected as Drainage Board Secretary.

ROAD 350 S.

Nola Gentry called the meeting to order. First thing on agenda is the drainage plans for Road 350 S.

H. Stewart Kline stated that they did visit the site and did the one month delay as requested. Mr. Kline asked the board if they wanted the project plans to be re-presented at this time.

Nola Gentry asked all present in the audience if they wanted the drawings on the 350 S project to be presented again. The response was no.

H. Stewart Kline stated that they had presented addendums.

Nola Gentry asked Mr. Kline if he had made any changes.

Mr. Kline said the only changes that have been made were from meetings with Fairfield Builders. They changed a cross pipe as requested by Fairfield Builders which was included in the addendum.

Mike Spencer asked Mr. Kline about the request for variance from the 12" to 6" pipe.

Mr. Kline stated it has been changed to a 12 inch pipe.

Mike also asked if it still met all the requirements.

Eileen Dailey, County Drainage Board Consultant and Stewart Kline was in agreement that it did meet all requirements.

Discussion followed.

Nola asked the audience if anyone had any questions or comments.

Ed Purdy spoke from the audience and said that he lived on the West end of the drainage ditch and wanted to thank the Commissioners and their staff for coming out and reviewing the site and felt that they made the best decision.

Nola asked if anyone else had comments or questions. The response was no.

Hubert Yount motioned to approve the 350 S. Drainage Plan subject to the review of the revisions by Mr. Spencer. Keith McMillin seconded the motion. The vote was unanimous. Motion carried.

McCarty Lane Project

H. Stewart Kline stated that McCarty Lane was in the situation where they did present it at the last meeting. They are asking for Drainage Board approval subject to the storm drainage question that Mr. Burke had. This is a data issue, and it is understood that it has nothing really to do with the design of the basin.

Eileen Dailey stated also that there have been concerns raised about what rain fall duration should be used throughout the county and it has varied from project to project. Burke Engineering will be studying it and will have recommendations to the board, and to Mike by the next meeting as to what different types of computer programs the consultants use in the design and which are more appropriate for which situation. They will issue a memorandum and Chris will be here for the March meeting so if anyone has any questions at that time concerning the recommendation they can be addressed then. As Stew said the subject is that we have requested some of the data be converted into a different format for incorporation of the Wilson branch watershed study, subject to that we have no problem with the specific project. So conditional approval we would not object to.

Nola asked if there was any point to hear it today.

Mike Spencer stated that they had went through the whole drainage scheme last month and asked if they wanted to see the pictures again. It was brought up at the last meeting but it wasn't on the agenda and they were told to come back with them.

Nola stated they should at least bring the board back up for a quick review since they are on the agenda.

Stewart Kline called Mike Peterson to give the presentation.

Mike Peterson went over the plans for the McCarty Lane project. This was a review from last month.

When Mike Peterson had completed his presentation to the board, Nola asked if there were any questions or comments from people in the audience? There were none.

Mike Spencer stated that the only conditions that would be put on the approval or that he would put on the approval would be that they do strive to comply with the request for

our consultant on the duration of the storm event and erosion control plan and emergency routing over land and over the 48 inch pipe down to the Wilson. It is graded somewhat now and want to make sure that they don't block off the emergency over flow when they build the LUR portion.

Stewart Kline stated that the LUR will be coming in with the final plans.

Discussion followed.

Nola recommended to put the exceptions in the motion.

Hubert Yount asked Stewart Kline if it would help to proceed with the design if they go ahead and give conditional approval.

Stewart Kline responded that they are asking for approval for the construction phase.

Hubert asked even though we have conditional approval.

Nola stated that all conditions will have to be fulfilled.

Stewart stated that the main issue that he would point out to them in the submission is that this issue is conditional.

Discussion followed.

Hubert moved to approve this on the conditions that were set forth before on the exceptions that Mike has asked for.

The Board voted and it was unanimously approved.

Hubert requested from Mr. Kline that the conditions be ironed out before it comes to the board. "I do not like conditional approval."

Mike Spencer stated that at the last meeting there was a discussion on proposed legislation to permit drainage board projects to burn brush derived from ditch cleaning and maintenance operation without having to go through the IDEM for the permitting process. On January 28 Fred sent over a letter from the Assistant Commissioner with IDEM and it basically stated that as long as it is woody products derived from drainage ditches or farms that a permit is not required and if you get into open burning related to maintenance not on farm property you have to go through a variance process with the state. We were sent a packet of what variances and the variance forms to fill out, who needs them and a list of criteria. Mike stated that this was on file if the board wished to look at it.

Mike brought to the board 3 easements for the off-site drainage channel that Walmart has acquired. I am waiting for their signatures on the acceptance page on these but would ask the board to accept these easements on the condition of them being properly executed by Walmart after being accepted by them. Mike asked if there needed to be a motion on that or just to get these in the minutes.

David Luhman stated that a motion was needed and that they be accepted upon execution by Walmart.

Mike answered: They are in Walmarts' hands for the acceptance.

Nola asked Mike Spencer to read off the easements.

Mike read; from Indiana National Bank for the Gipe Estate, Richard A. Moore and Marjorie M. Halstead and GTE North Incorporated.

Hubert motioned to accept the easements, seconded by Keith McMillin. The vote was unanimous. Motion carried.

Mike Spencer said after Walmart makes their acceptance they will come back to the Commissioners to be signed.

Nola asked if there were any comments. There were no comments. Nola stated that our next meeting will be Wednesday, March 6 at 9:00 A.M.

Mike interjected that there is a special Drainage Board Meeting February 27 at 9:00 A.M. for the Vacation of the portion of the Isfelt Drain, which is in Lauramie Township.

Nola asked for a motion to adjourn. Keith McMillin motioned to adjourn, Hubert Yount seconded the motion. Meeting adjourned.

*Nola J. Gentry*  
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Nola J. Gentry, Chairman

*Keith E. McMillin*  
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Keith E. McMillin, Member

*Hubert D. Yount*  
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Hubert D. Yount, Member

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

Note: Nola J. Gentry & Keith E. McMillin were appointed to the H. W. Moore Lateral of the town of Otterbein Ditch. Meeting is set for March 14th at 7:30 P.M.

TIPPECANOE COUNTY DRAINAGE BOARD  
REGULAR MEETING  
Wednesday, March 6, 1991

The Tippecanoe County Drainage Board met Wednesday, January 9, 1991 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.

Those present were: Nola J. Gentry, Chairman, Keith E. McMillin, Hubert D. Yount, Commissioners, Mike Spencer, County Surveyor, Christopher B. Burke & Ilene Daily, Consultant Drainage Engineers, Dorothy Emerson, Executive Secretary.

Nola started by saying: The agenda this morning is a discussion of rainfall distribution tables. Nola asked Mike to make a report on the last month approval we gave the conditions and if those conditions have been met concerning County Road 350 S.

County Road 350 S

Mike stated that the conditions of approval for 350 S from the last Drainage Board meeting have been met. Ilene has looked at them and everything is fine.

Discussion of Proposed changes to County Drainage Ordinance by Chris Burke

Chris Burke started by saying that he talked to Mike about not only the rainfall distribution but some other aspects of the hydrologic models and it is done throughout the county as part of the drainage ordinance. Chris prepared a brief memorandum that address this and we had talked about utilizing this to go out to get comments from the other consultants and the other people that use rainfall inputs. Hydrologic model inputs, to go through some of these.

Time-Of-Concentration

Simply that is the time it takes water to travel from some part of the watershed to the point that you are interested in looking at. If it is a bridge how big the area is upstream is input and how long it takes the water to travel. There is a lot of methodologies that are used, the HERPICC County Storm Drainage Manual recommends some methodologies that manual was written in 1981 and utilizes the information that was current in 1981. What we are trying to do here is recommend that we take the TR-55 methodology, and this is a Soil Conservation Service report (TR means Technical Report) you take those methodologies and use those to calculate a uniform basis the time of concentrations for projects that are coming into the county.

So that would be a recommendation on Time-Of-Concentration.

Storm Sewer Design

A lot of people utilize the ILLUDAS computer program. We think that is fine and that it can be continued to be used. We recommend a rainfall distribution which is called the HUFF First Quartile Storm Distribution and storm duration no greater than one hour. That is just the kind of limitation and our recommendations. We don't recommend the use of an ILLUDAS for sizing and detention storage facilities. Just used for sizing the storm sewers.

Detention Storage Design

The SCS methodologies as some people in the audience have suggested as well as some people down at INDOT that the existing rainfall distribution the so called type 2 distribution give some high flows that are not substantiated in stream gauge network or related to the coordinated discharges. The state uses them. So what we are suggesting here is utilize the TR-20 computer program across the board with the HUFF Third Quartile rainfall distribution should be used. The standard SCS time-of-concentrations as described should be used along with the SCS dimensionless unit hydrograph, and the curve number calculation procedure outlined in TR-55. Various storm durations should be used up to and including the 24-hour duration to determine the duration which gives the highest storage volume. What this does now is to allow for a more uniformed basis for computing inputs and test the storage volume this is going to be a standard procedure. Some people are saying "Why can't we use this TR-55. Well TR-55 is a computer program you buy and it has its distribution built in. You can't change it. So we are suggesting the TR-20 computer program be used.

Storm Water Release Rates

The last aspect here is the Storm Water Release Rates. That is how much you can allow to go out through the restrictor. Now currently, the ordinance says a ten year undeveloped release rate. Well, that is fine but different people calculate it different ways. And that may use a ten year with TR-20, a ten year with the rational method or other methodologies and its a little bit confusing. One thing we suggested to do is go back to what was suggested when we did the original Elliott Ditch study and that was to use something based on the acreage, something that is based on the capacity of the receiving stream and that ranges from 0.15 to 0.2 cfs per acre. We know when critical points along these creeks that the capacity would be a hundred cfs. (a hundred cubic feet per second) And we have a thousand acres going in that tells us the capacity of the channel is .1 cfs per acre. That is the type of rule of thumb. We are recommending somewhere between 0.15 and 0.2 cfs per acre. And this would be applied across the board and would eliminate some of the confusion that sometimes comes into play when we are reviewing drainage submittals. There is a lot of precedent for the things that are now being used throughout the mid-west for other type projects for detention storage. So these would be are suggestions and would streamline a lot of the processes. I will be updating the Wilson Branch hydrology and if these were to be adopted we could make those changes now and that could all be reflected in the new model for the Wilson Branch.

Hubert Yount asked Mike if this corresponded with the County's drainage plan.

Mike stated that this would change the drainage ordinance as it is today.

Hubert asked if this would raise the release rate.

Mike said no it will probably reduce it.

Mike stated that he wasn't sure they needed to take action on this today other than discussing with Chris and send a copy of the proposed changes out to consultants, engineers and surveyors that do submit things regularly to the drainage board and give them until the next drainage board meeting to get back with comments, suggestions or rejections or just their feelings in general. Right now we don't specify which computer model or way of figuring run off & detention storage in our ordinance. We give some suggestions on which ones can be used. But this would define them.

Chris said because computers are available now and almost all of the consulting firms this can be done fairly easily. Ten years ago when the HERPICC manual was written computers were very rare. Now they are being used by virtually everyone.

Nola asked if there were any questions from the audience for Chris?

George Schulte stated that what he believed was normal procedure would be to run the ILLUDAS and determine your 10 year runoff for your pipe system add that into your detention system take that hydrograph put it into you TR-20 and then develop your 100 year runoff and determine your shortage line.

Chris said that is one of the things you kind of get away from. The methodologies are so dissimilar that even TR-20 and ILLUDAS that there is no correlation. Because TR-20 as you know uses SCS methodologies. Illinois state board of Survey when they developed ILLUDAS had a different series of equations and time area method, so they are not really comparable. So we are suggesting that we go back and take a look at the Wilson Branch that we are doing right now and see if it should be 0.15 or 0.2 or somewhere in between. What we are recommending that based on the Elliott Ditch that we are somewhere around that range of release rates. This way is stream line, we see the Rational Method, we see TR-20 used to determine the release rates this is a procedure that is now being more uniformly accepted.

George said basically what is going to happen is that you are going to increase the required storage lines for all these developments.

Chris said no. Because if you are looking at the Third Quartile distribution you are probably going to be close to being a wash or maybe a little bit increase.

George asked, What about taking Third Quartile and putting it in loose.

Chris said for what? Sizing.

George said for sizing you pipe and then hydrograph and using your TR-20.

Chris stated that ILLUDAS is not direct comparison and we shouldn't be trying to compare. That is what we are trying to get away from with this. Because some will not ever use the ILLUDAS and we see TR-20 being used, we see Rational Method being used, we see Hydro methods being used. This is an attempt to make it uniform and this is plenty of precedent for utilizing this approach throughout the water resources community.

George asked about smaller drainage areas. Is the Rational Method still going to be applicable.

Chris said that would be a call for the Drainage Board. There is a cut off point where TR-20 should probably not be applied to a one acre site. That is one of the things that we should sit down and look at and recommend as well.

Nola asked if there were any other questions or comments for Chris.

Don Sooby, City Engineer asked if this is recognizing the urbanization of the area in general that we are seeing? Is this taking that into account?

Chris stated that Time-Of-Concentration relationships are more up to date and allow you to reflect channelization which is more a result of urbanization. The storm shortage angle is based on urban drainage design. It is really only applicable to urban areas. Detention storage which will allow for direct evaluation of urbanization. The reason why we are putting detention storage in is of course, to midigate the impact of urbanization. That is the whole reason why detention storage evolved. This whole thing is geared toward midigating impact of urbanization with respect to storm water run off.

Don asked if these changes were going to simplify the administration of the coordinates.

Chris said greatly. The Time-Of-Concentration there are forms in the TR-55 manual that will greatly simplify the review process. There are spread sheets with the TR-55 computer program that can be used to greatly simplify the calculation and review process. The ILLUDAS is the same level of review that you have now. For detention storage this will simplify the procedure. You are looking at a lease rate that is greatly simplified. I am recommending TR-20 rather TR-55. You can't go in there and change the distribution of TR-55. It will greatly simplify things if we made uniform the procedures for detention storage design.

Nola asked if there were any other questions.

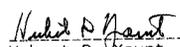
Nola stated that there would be a time set at the next Drainage Board meeting for further discussion.

Discussion followed.

There being no further comments from the audience, Keith McMillin moved to adjourn, seconded by Hubert Yount, unanimous.

  
Nola Gentry, Chairman

  
Keith E. McMillin, Member

  
Hubert D. Yount, Member

ATTEST:   
Dorothy M. Emerson, Executive Secretary

TIPPECANOE DRAINAGE BOARD  
REGULAR MEETING, WEDNESDAY, APRIL 3, 1991

The Tippecanoe County Drainage Board met Wednesday, April 3, 1991 in the Community meeting room of the Tippecanoe County Office Building, 20 North 3rd Street, Lafayette, Indiana.

Those present were: Nola J. Gentry, Chairman, Keith McMillin, Board Member, Michael J. Spencer, County Surveyor, Ilene Dailey, Consultant Drainage Engineer, J. Frederick Hoffman, Drainage Board Attorney and Dorothy M. Emerson, Executive Secretary.

The meeting was called to order by Nola J. Gentry, Chairman. Nola stated that the first item on the agenda is the discussion on the Proposed Drainage Ordinance changes. Nola asked Mike Spencer to go through some of the comments that were received.

Discussion on Proposed Drainage Ordinance Changes

Mike stated that he had received comments back from three consultants: George Schulte, Ticen, Schulte & Associates; Pat Cunningham, Vester & Associates; and Stewart Kline, H. Stewart Kline & Associates. These have all been forwarded to Chris Burke in Chicago and a written response has been received from Chris concerning George Schulte's review of the changes. At this time, if there are anymore comments from the surveyors, engineers or consultants we would be glad to hear them, but we would like to wait another month to answer these other comments in writing to the different consultants and engineers. So that would be my recommendation that we wait another month to make the final decision and let the comment period continue.

Nola asked if anyone present would like to make any additional comments other than what has already been written.

George Schulte stated that he agreed with Mike that it would be a good idea to extend it. What I would like to see is a meeting between the local consultants and discuss some of the comments before they are finalized.

Mike said that they would try to set something up before the next meeting.

Don Sooby said that he would like to see the comments made available for review.

Nola said any comments that come into the Surveyor's Office or Commissioner's Office is public record. Mike will have them. You can either come in and look at them or we could make you copies to look at.

Nola stated that the discussion would be continued because it certainly isn't to the voting stage at this point.

Vacation of Layden Ditch

Mike stated that he received a petition from Lafayette Union Railway through Dana Smith, President of Lafayette Union Railway Company, and they are wishing to vacate a portion of the Layden Drain between two sections that have already been vacated. The outlet section between Creasy Lane Industrial Park have been vacated years ago when the subdivision was platted and the area north of McCarty Lane on Caterpillar was vacated on the Caterpillar site when they came here. So there is a piece in the middle, the only affected persons were Lafayette Union Railway the petitioner. Fred Hoffman, Drainage Board Attorney has looked at this and said everything was fine.

Fred stated that he had gone over it and everything was fine.

Nola asked if a hearing date needed to be set.

Fred said no. The hearing date is set for today. Since this affects nobody else, other people were not notified. This is solely on their land. (Lafayette Union Railway). And that is the only ones that use the drain. So you can go ahead and act on it.

Mike stated that it is being replaced with the Urban Storm Sewer System as part of the regional basin associated with McCarty Lane and Caterpillar and LUR. Mike recommended that that portion of the Layden Drain be vacated as petitioned.

Nola asked if there was anyone present representing the Lafayette Union Railway.

No response.

Nola asked if there were any discussions or comments from anyone in the audience.

No response.

Keith McMillin, moved to vacate the portion of the drain as described. Seconded by Nola Gentry. Motion carried.

County Extension Office

Mike Spencer asked Mike Peterson from Stewart Kline & Associates to come and give a brief description of the project.

Mike Peterson discussed the drainage plans for the County Extension Office. When the presentation was complete he asked if there were any questions.

Discussion followed.

Mike Spencer stated that the submittal had been reviewed by Ilene Dailey with Christopher Burke & Engineering and they do recommend approval it does meet the drainage board ordinance. Mike recommended approval.

Fred asked if it has been considered by the city and gone over with them.

Mike stated that it had not been discussed with the Urban Review Committee yet, but that it should be run through there.

Fred asked Don Sooby if he had seen it.

Don Sooby stated that they had looked at it and they had no problems with it.

Nola asked if there were any other questions on this drainage plan from anyone in the audience. She asked Don Sooby if he was satisfied so far with what he had seen.

Don said yes, we haven't been given a detailed review of it, but conceptually we have no problems with it.

Discussion followed.

Keith McMillin moved to accept the drainage plans for the County Extension Office, seconded by Nola J. Gentry. Motion carried.

Nola asked Mike if he had anything else to bring before the board.

West Lafayette Ordinance/Resolution 79-91

Mike said the only other thing he had was the letter that Fred sent to the Drainage Board in c/o Nola, Commissioners Office. Mike asked Fred what they were trying to do.

Fred said it wasn't clear, but to his understanding they were asking for establishment of a new drain and that they were going to pay the cost. But you will still have to give everybody the notices. You will have to tell the people that they are not going to have to pay the construction cost. But I assume Fred continued that there won't be any grant money for maintenance, so you are going to have to tell the people in the same 30 or 40 day notice that there will be a maintenance fee established after the project is finished. Even though they don't have to pay any part of the cost they are going to have to maintain the system.

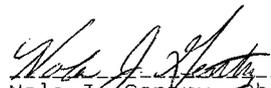
Mike stated that until they have the route settled there would not be another date set for the hearing on reconstruction and maintenance and to date that has not happened.

Discussion followed.

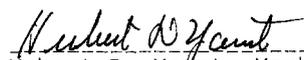
Nola asked if there were any comments or questions from anyone in the audience.

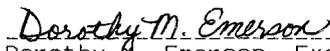
No response.

Being no further business Keith McMillin moved to adjourn. Seconded by Nola Gentry. Meeting adjourned. The next schedule Drainage Board meeting is May 1, 1991.

  
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Nola J. Gentry, Chairman

  
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Keith E. McMillin, Member

  
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Hubert D. Yount, Member

ATTEST:   
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Dorothy M. Emerson, Executive Secretary

TIPPECANOE COUNTY DRAINAGE BOARD  
REGULAR MEETING, WEDNESDAY MAY 1, 1991

The Tippecanoe County Drainage Board met Wednesday, May 1, 1991 in the Meeting Room of the Tippecanoe County Office Building at 9:00 A.M.

Present were: Nola J. Gentry, Chairman, Keith E. McMillin, Hubert D. Yount, Commissioners, Michael J. Spencer, County Surveyor, Ilene Dailey, Consultant Drainage Engineer, J. Frederick Hoffman, Drainage Board Attorney, and Pauline E. Rohr, Secretary Pro Tem.

The meeting was called to order by Nola J. Gentry, Chairman.

Mike Spencer, County Surveyor, reported that a meeting regarding the rainfall was held on Thursday, April 25, 1991, with Chris Burke. Consultants, land surveyors, and engineers who do business with the County were in attendance and, based on their comments during the discussion, some changes will be proposed. Chris Burke is recording these comments and will distribute the results for any further comments.

Mike Spencer presented to the Board the MEMORANDUM OF UNDERSTANDING BETWEEN TIPPECANOE COUNTY DRAINAGE BOARD AND THE TIPPECANOE COUNTY SOIL AND WATER CONSERVATION DISTRICT. The following is a portion of the memorandum which can be viewed in its entirety in the County Commissioners' Office.  
(quote)

STATEMENT OF PURPOSE

Drainage has been important in the agricultural and economic development of Tippecanoe County. Drainage and related practices have been installed since the county was first settled, but the need for improved drainage maintenance is evident and this situation is expected to continue.

The District and the Board have a mutually desired goal of accomplishing drainage improvements within a well rounded total water resources and soil conservation program. The District is responsible for planning and carrying out a complete soil and water conservation program on the lands within the county. The Board is responsible for administering the provisions of the Indiana Drainage Code and other laws on drainage relating to planning, construction, reconstruction, and maintenance of legal drains within the county.

It is the purpose of this Memorandum of Understanding to provide for continued cooperation between these two boards and for coordination of activities relating to drainage.  
(unquote)

Commissioner Yount moved to approve the MEMORANDUM OF UNDERSTANDING BETWEEN TIPPECANOE COUNTY DRAINAGE BOARD AND THE TIPPECANOE COUNTY SOIL AND WATER CONSERVATION DISTRICT and to sign such documents, seconded by Commissioner McMillin; motion carried.

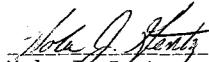
Mike Spencer reported on the court decision of Pike Lumber Company vs Huntington County Drainage Board. The decision was held regarding the setting of assessments on maintenance or reconstruction for forest land. There was a 75% assessment reduction for woods vs farm lands. Mr. Hoffman stated that this means that land should be assessed on its usage. He further stated in response to a question that, if a request is made for reducing an assessment in a watershed area, all assessments in that watershed area should be treated alike.

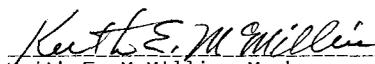
Commissioner Gentry asked Mr. Spencer if he had a report regarding the Positive Outlet on Hadley Lake. Mr. Spencer stated that he is trying to schedule a meeting with Paul Coates and Rex Bowman concerning that issue.

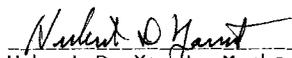
Tom Bork of Hawkins Environmental made an informal presentation regarding the proposed Treece Meadows Storm Relief Project by the City of Lafayette. This project involves Treece Meadows and the Wilson Branch of Elliott Ditch. He explained that this project has been designed as a permanent solution to the drainage problem in this area and fits into the overall Regional Plan. The project will provide a primary route for water that is not Treece Meadows' water. The planned ditch crossings will be constructed so that they will accommodate future road expansion without great additional expense. He estimated that construction cost will be approximately \$500,000.00.

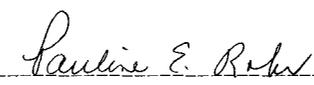
Having no further business, Commissioner McMillin moved to adjourn, seconded by Commissioner Yount; motion carried.

The next regularly scheduled meeting will be held on Wednesday, June 5, 1991, at 9:00 A.M. in the Meeting Room of the County Office Building.

  
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Nola J. Gentry, Chairman

  
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Keith E. McMillin, Member

  
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Hubert D. Yount, Member

ATTEST:   
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Pauline E. Rohr, Secretary Pro Tem

**TIPPECANOE COUNTY DRAINAGE BOARD  
REGULAR MEETING  
JUNE 5, 1991**

The meeting was called to order by Nola J. Gentry, Chairman, at 9:00 A.M. in the meeting room of the Tippecanoe County Office Building, 20 North Third Street, Lafayette, Indiana.

Those present were: Nola J. Gentry, Chairman, Keith E. McMiliin, Hubert Yount, Tippecanoe County Commissioners, Michael J. Spencer, County Surveyor, Ilene Dailey, Chris Burke Consulting Engineers, David Lührman, 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 May 1, 1991. Keith McMiliin moved to approve the minutes, seconded by Hubert Yount. Unanimously approved.

HADLEY LAKE

Dennis Clark, Cole Associates presented to the board a final plan on Hadley Lake Drainage Project. Involving two components: 1) Reconstruction of the Dempsey/Baker Drain from Purdue Pond to Hadley Lake; 2) Provide a positive Drainage outlet from Hadley Lake northeastward through the Equitable Life Assurance property to their gravel pit and continuing intercepting the Yeager Ditch and then outletting into Cole Ditch.

Dennis Clark presented the plans with revisions to the Board.

Discussion followed.

Dennis Clark stated to the Board that they could make the changes.

Mike Spencer said the plans needed to be reviewed since this was the first time the Board had seen this route. Also, a revised set of plans need to be given to Steve Murray, County Highway Engineer.

Discussion continued.

Mike also stated, a 30 day notice needed to be sent to the landowners. The date should be set soon. It is too late to make the July Drainage Board meeting, but a special meeting could be scheduled.

Discussion continued.

CONCORD CORNER

George Schulte presented plans to the board on Concord Corners. Mr. Schulte stated that Concord Corners is a 25 acre site located at the intersection of County Road 350 and Concord Road. Approval is needed on the high water elevation so that the site can be planned.

Discussion followed.

Mr. Schulte stated that they are projecting a high water elevation of 6 foot going through the site. The proposal is to build the site up to a flood protection grade 2 feet above that.

Discussion continued.

Hubert Yount asked Mr. Schulte and Steve Murray, Highway Engineer how this would proposal would affect the county side ditch.

Nola asked if this proposal was putting more water in the side ditch.

Steve responded that this was his primary concern. This is a unique site and we have no problems trying to adjust our side ditch along 350 to accommodate the Fairfield site as long as it does not cause any undo maintenance problems for the road or any downstream problems. We will hire Chris Burke, Engineering LTD to look at both drainage reports, Klins that was done for 350 South and the one done for Concord Corners to see what are realistic discharges and how it is going to affect in particular the downstream area.

Hubert asked if the resevoiring would move out into the side ditch and send it downstream.

Steve replied. "Some amount of it would yes." The question is: What is a reasonable amount and how will it affect the downstream area.

Discussion followed.

George Schulte stated that it was his understanding in the report to Stu Kline developed at 350, that their system would pass the 50 year storm drainage. That is what we are looking at, the same criteria. We are passing the 50 year storm drainage.

George continued that we would provide detention storage. We are not increasing the run off rate, it will be decreased because of County Road 350's construction.

Ilene Dailey, from Chris Burke Engineering asked how will you define what your predevelopment run off is? You looked at it without accounting for the existing storage and the existing outlet conditions correct? So the existing run off on the site is the number you came up with but that is not how much actually gets out through the existing outlet.

George stated that there is no existing outlet. The only thing that is there is a field tile that drains the site. It is my understanding that 350 will be improved to help the drainage for these areas.

Nola said that the 350 drainage was just designed to handle the road drainage.

Steve commented that the policy had always been if they can in turn help adjacent properties without causing problems or liabilities for down stream owners we would.

Hubert stated that that is the question that arises.

Steve said that he did not feel comfortable recommending one way or the other.

Noia interjected that we just need to have Burke Engineering look at this and bring it back later.

Steve said that Burke would be hired through the Engineers office.

Hubert said to bring it back to the Commissioners and tell us what they say.

Steve said that they do a good job reviewing these things, but this was unique enough it needs to be a more in depth review, and he would go basically with their recommendation.

George stated that they had gotten involved in the original design of these culverts. We are looking for approval so we can establish some kind of grade out here and build a site and start construction. We need high water elevation.

Ilene Bailey stated that what George came up with based on this structure being put in, I don't have any problems with the calculations specifically for this site. What is the down stream affect?

Discussion followed.

George stated that the only thing that needs to be taken into consideration is when General Foods was built the whole intersection was raised at one time which did impede the discharge going through that area.

Jack Coffin, Fairfield Contractors asked the Board what the status of the project does the county give additional approval based on their review, where do we stand?

Nola responded that no action could be taken today, or until the plans had been reviewed.

MAPLES PARK/ELDER BERRY SUBDIVISION

George Schulte said the next item is the Maples Park/Elder Berry Subdivision which is located northwest of Lafayette this is US 52, Morris Bryant, County Road 250 West Hadley Lake. What is being proposed is an increase in the number of lots for the Maples Park Mobile Home community and also the Elder Berry Subdivision which lies just north of the existing park and along County Road 250.

The Maples Park area contains about 9.33 acres and proposed addition of 56 lots. The Elder Berry development contains about 2.10 acres and they are proposing 15 lots in that area. The reason that both were submitted is because they are continuous to each other and contributory to the Hadley Lake drainage basin. What we are proposing to do to comply with the drainage ordinance is to excavate just north of the proposed development to build up the existing proposed development above the 100 year high water elevation. It will take about 6600 yards or about 4.1 acre feet to build the Maples Park area up. Theoretically, storage volume required to comply with the ordinances about 1.2 acre feet. What we are proposing is that the area we excavate out from within the flood plain provide the needed storage for the site.

The site itself does have about a 33 acre watershed tributary to it which we did look at for drainage and providing sizing of culverts through the proposed road system.

Discussion followed.

Hubert asked if the basin was going to be in the flood plain.

Ilene responded that it would not be a basin it will just be excavation.

George said it would be excavation. Basically, it is a volume exchange.

Discussion followed.

George stated that what they are asking for is final approval on the Maples Park area and preliminary approval for Elder Berry Subdivision.

Ilene Daily stated that they were planning to use polyethaline pipe and that requires a special approval from the board.

Mike stated that we do allow polyethaline pipe. It refers to state highway specs.

Noia asked Mike if he had looked at Mapie Point.

Mike said yes, and his only concern was that digging around a lake was it a wetland, do they need DNR and Soil Conservation approval? Is that area inundated now by 100 year storm event where you want to dig.

George said yes.

Mike said normally storage doesn't count unless it is above the flood plain elevation.

Discussion followed.

George stated that we are doing here, by excavating out of the flood plain we are taking dirt out and putting water out we are not going to raise the water level, and that is the concern of detention storage.

Ilene stated that if the water is not raised the outflow will not be raised.

George stated that they are exchanging volumes basically. A lot of times when you go to detention storage people will build them in a flood plain and when you build a pond in a flood plain then you can only consider that storage above that, where you actually dyke it.

Discussion followed.

Mike stated that a lot of the items brought up in the review deal with construction plan items.

Ilene stated to the board that since he was asking for preliminary approval on the one these would be addressed when he comes back for final approval.

Nola stated that he was asking for final approval on the Maples Park project.

George stated that a complete design had been submitted on the storm drainage system for Maples. The only thing we haven't really detailed is exactly where the detention pond is going and we need to know if we can get approval before we can do something like that.

Discussion followed.

Nola said that it looks like they are just making Hadley Lake a little bigger. So we are not really detaining.

Ilene said in affect you have a natural detention which is the entire lake and you are enlarging that detention.

Nola asked if that was technically throwing water on another property.

Mike said that it drains that way now so he would say no, it's not.

Hubert asked in your opinion we are not increasing the flow.

Ilene said; right because he providing over twice as much volume as is required.

Discussion followed.

Ilene wanted the Drainage Board to be aware that this might be setting a precedent. Enlarging the existing natural basin.

George stated that this is a natural reservoir and it is advantageous if you look at future maintenance problems with the basin that could crop up that you could build it into a natural reservoir by increasing the volume of the storage. That is basically what we are doing. Increasing the volume of the storage in a natural reservoir.

Discussion followed.

George said they would like final approval on the Maples Development and preliminary approval on the Elder Berry because the construction plans have not been submitted. The reason for the preliminary approval on the Elder Berry is to utilize the same detention area.

Hubert asked: "Your theory is that you are just enlarging the Hadley Lake basin. They are not releasing more water on the predevelopment."

Ilene stated, not down stream.

Hubert stated that Hadley Lake would basically have the same volume it may get there quicker downstream based on what happens on the other project.

Mike said it was tied in just like the 350 South from Fairfield. We have got to get out what is there.

Nola asked Ilene that basically her caution was that a precedent was being set by exchanging volumes.

Ilene responded that it wasn't necessarily bad, but she just wanted the board to be aware of it.

Mike stated that compensatory storage had been approved along the Elliott for the Mall expansion but there is the regional lake. There is the volume versus spread all over a place.

Hubert commented that this is the theory he had been preaching. We need regional detention, regional basin.

Discussion followed.

George stated that they were asking for final approval on the drainage plan for Maple Park so the construction plans can be developed. Give them to the drainage board for final approval so we can go to the state board of health, area plan commission and get final approval.

Irene said that they had looked at the storm sewer and grading of the Maples Subdivision and it all checked out.

discussion followed.

Hubert Yount moved to approve the Maples Park drainage plan subject construction plan approval.

Keith McMillin, seconded. Motion carried.

Hubert Yount moved to approve the preliminary plans for Elder Berry Subdivision Phase II.

Keith McMillin, seconded. Motion carried.

TREECE MEADOWS

Tom Borck, Hawkins Environmental stated that the City of Lafayette did receive bids yesterday on the Treece Meadows project. There was one bidder successful in completing all the documents, Worts & Yates. We are in the process of evaluating that bid and talking with the contractor.

In evaluating the preliminary there were a couple of items that caused the difference. Other than that everything was in line. As far as I know the Interlocal Agreement is in order.

Noia asked Mike if he had finished looking over the exhibits on the Interlocal and are they in order.

Mike said as far as he could tell yes.

INTERLOCAL AGREEMENT

This INTERLOCAL AGREEMENT is entered into by and between the BOARD OF COMMISSIONERS OF TIPPECANOE COUNTY, INDIANA, and the TIPPECANOE COUNTY DRAINAGE BOARD hereinafter referred to collectively as "COUNTY", and the BOARD OF PUBLIC WORKS AND SAFETY as approved by the MAYOR and ratified by the COMMON COUNCIL of the CITY OF LAFAYETTE, INDIANA, hereinafter referred to as "CITY", and the parties each agree and represent one to the other as follows, to-wit:

WHEREAS, a problem exists involving the disposal of surface water from the area; and

WHEREAS, the surface water drainage creates problems of ponding and flooding during significant rainfall; and

WHEREAS, a proposed improvement for the Treece Meadows and contiguous area has been designed to significantly improve both surface water drainage problems for the area (See Exhibit "A" which is attached hereto incorporated by the reference and made part of this INTERLOCAL AGREEMENT).

**WITNESSETH THAT:**

WHEREAS, the County and the City have agreed that it is in their best interests to jointly participate in the Project hereinafter described; and

NOW THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS HEREIN CONTAINED THE PARTIES DO HEREBY AGREE AS FOLLOWS:

1. That it is in the best interests of the parties to this Agreement and the Citizens they represent that said Project heretofore described be implemented for all.
2. That the Board of Public Works and Safety of the City of Lafayette acting through Hawkins Environmental, Inc., will be responsible for the administration of said Project, but will coordinate approvals with the Tippecanoe County Highway Engineer and the Tippecanoe County Surveyor.
3. That in consideration of the implementation of the project described in Exhibit "A" which is attached hereto, incorporated by reference and made part of this INTERLOCAL AGREEMENT involving the disposal of surface water drainage said area being more fully described in Exhibit "A" the City will pay the costs connected with items one (1), two (2), three (3), six (6), seven (7) and eight (8) in part with CITY FUNDS and in part with monies acquired by participation from property owners served by said project and the County will pay the costs connected with items four (4) and five (5) with COUNTY FUNDS said items one (1) through eight (8) being more fully described in Exhibit "B" which is attached hereto, incorporated by reference and made part of this INTERLOCAL AGREEMENT.

4. That it is the intention and desire of all parties to this Agreement that the Treece Meadows Area Storm Relief project drain when constructed pursuant to the provisions of this Interlocal Agreement be made a "Regulated Drain" pursuant to the provisions of the Indiana Drainage Code, I.C. 36-9-27, and be under the jurisdiction of the Tippecanoe County Drainage Board, and the City and County will take all action, do all things, and execute all documents necessary or proper to make the drain constructed pursuant to the Treece Meadows Area Storm Relief Project a "Regulated Drain", pursuant to the provisions of I.C. 36-9-27-54 to 65 inclusive, and other applicable statute. At the discretion of the County it may be made a part of the "Wilson Branch" of the S.W. Elliott Ditch a regulated drain, to which it will connect at the project point near Creasy Lane.

5. That as further consideration the County will take appropriate action pursuant to the Indiana Drainage Code, I.C. 36-9-27, to reconstruct and/or maintain the present Wilson Branch of the S.W. Elliott Ditch, a regulated drain, from the project point of Creasy Lane described as item five (5) in Exhibit "B" to its confluence with the main branch of the S.W. Elliott Ditch, or the contemplated detention pond to be constructed near highway 52 (Sagamore Parkway).

BOARD OF COUNTY COMMISSIONERS  
 TIPPECANOE COUNTY, INDIANA  
 By: Keith E. McMillin  
 Keith E. McMillin, President  
Nola C. Gentry  
 Nola C. Gentry  
Hubert D. Gount  
 Hubert D. Gount

ATTEST:  
 \_\_\_\_\_  
 Betty J. Michael, Auditor  
 Dated: \_\_\_\_\_

BOARD OF PUBLIC WORKS AND SAFETY  
 CITY OF LAFAYETTE, INDIANA  
 By: \_\_\_\_\_  
 P. Anne Glade  
 \_\_\_\_\_  
 Eileen Hession-Weiss  
 \_\_\_\_\_  
 Richard T. Heide

ATTES! :  
 \_\_\_\_\_  
 Eileen J. Hession-Weiss, Clerk  
 Dated: \_\_\_\_\_

Ratified by Resolution \_\_\_\_\_ of the LAFAYETTE COMMON COUNCIL on the \_\_\_\_\_ day of \_\_\_\_\_, 1991.

EXHIBITS

- Exhibit "A" Plans and Specifications
- Exhibit "B" Preliminary Cost Estimate

Keith McMillin moved to enter into this Interlocal Agreement between the county and city.

Seconded by Hubert Yount. Motion carried.

This will also be acted on at the special Commissioners Meeting on Monday, June 10, 1991.

INTERLOCAL AGREEMENT FOR  
MAPPING FOR THE CUPPY/MCCLURE WATERSHED

This agreement is entered into between and among the City of West Lafayette, Indiana, Tippecanoe County Drainage Board, Shook/Pearlman, et al., and Great Lakes Chemical Corporation, Inc. on \_\_\_\_\_, 1991.

**WHEREAS**, due to the dynamic and interrelated nature of the Cuppy/McClure watershed, consideration must be made for downstream improvements.

**WHEREAS**, in order to make downstream improvements, professional mapping must be procured.

**WHEREAS**, the City of West Lafayette, Indiana, Tippecanoe County, Indiana, Shook/Pearlman, et al., and Great Lakes Chemical Corporation, Inc. are affected by the drain, the parties have agreed to fund the cost of the professional mapping.

In consideration of the mutual promises contained herein, the parties agree as follows:

- 1. The mapping will be performed by MSE Digital Mapping of Indianapolis. The mapping will provide a one foot contour interval for the entire 1000 acres, more or less, of the Cuppy/McClure watershed.
- 2. The watershed delineation and study will be based on the mapping provided by MSE Digital Mapping of Indianapolis.
- 3. The parties agree to pay the cost of mapping of \$10,750 in the following amounts:

City of West Lafayette	\$11,250.00	
Tippecanoe County	\$ 3,000.00	
Shook, Pearlman, et al.	\$ 4,500.00	
Great Lakes Chemical Corporation, Inc.		will provide current completed mapping of their site as payment in kind

Each party shall pay MSE Digital Mapping of Indianapolis directly upon completion of the work and submission of a statement and/or claim.

4. Upon the completion of the mapping, the parties will be provided with reproducible copies of same. A study of the mapping will then be conducted for a wetland determination, delineation and use plan. The funding for this study will be provided for by the City of West Lafayette, Indiana. All parties will be provided with a copy of the study.

Dated: \_\_\_\_\_, 1991

RD OF PUBLIC WORKS AND SAFETY THE CITY OF WEST LAFAYETTE BY ITS BOA

By: \_\_\_\_\_  
By: \_\_\_\_\_  
By: \_\_\_\_\_

ATTEST:

THE TIPPECANOE COUNTY DRAINAGE BOARD

By: \_\_\_\_\_  
By: \_\_\_\_\_  
By: \_\_\_\_\_

GREAT LAKES CHEMICAL CORPORATION, INC.

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

TIPPECANOE COUNTY SURVEYOR  
By: \_\_\_\_\_

Keith McMillin, moved that the Tippecanoe County Drainage Board enter into the Interlocal Agreement for Mapping of the Cuppy/McClure Watershed with the City of West Lafayette.

Seconded by Hubert Yount. Motion carried.

Nola asked for any other business.

The next Drainage Board meeting will be July 10, 1991 at 9:00 A.M. Being no further business the meeting was adjourned.

\_\_\_\_\_  
 Keith E. McMillin, Member

\_\_\_\_\_  
 Nola J. Gentry, Chairman

\_\_\_\_\_  
 Dorothy M. Emerson, Executive Secretary

\_\_\_\_\_  
 Hubert D. Yount, Member

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

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

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

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

**CARROLL COUNTY JOINT DRAIN**

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

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

Hubert Yount, seconded. Motion carried.

**DRAINAGE BOARD ATTORNEY CONTRACT**

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

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

Nola J. Gentry, seconded. Motion carried.

**ACTIVE AND INACTIVE DITCHES**

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

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

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

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

#### DISCUSSION ON TILE BIDS

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

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

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

#### JOHN HOFFMAN DRAIN

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

Mike read the proposal into the minutes.

#### TO WHOM IT MAY CONCERN:

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

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

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

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

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

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

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

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

Discussion followed.

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

#### HADLEY LAKE DRAIN

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

#### PINE VIEW FARMS

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

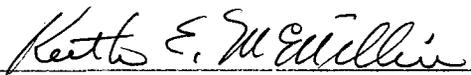
Discussion followed.

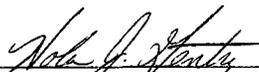
Mike Spencer recommended preliminary approval to the Board.

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

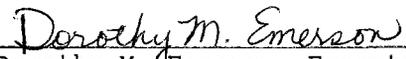
Hubert Yount, seconded. Motion carried.

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

  
Keith E. McMillin, Chairman

  
Nola J. Gentry, Member

  
Hubert D. Yount, Member

ATTEST:   
Dorothy M. Emerson, Executive Secretary

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

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

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

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

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

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

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

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

**Hire the Attorney**

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

**Active and Inactive Ditches for 1993**

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

**ACTIVE DITCHES**

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

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

INACTIVE DITCHES

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

**Storm Water Drainage Improvement Plan**

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

Mr Peterson discussed the alternative improvements.

Alternative #1 Low flow pipe and high flow channel.

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

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

Mr. Hoffman asked how big the pipe would be?

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

Alternative #2 All pipe improvements.

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

Pipe size ranges from 54 inches to 60 inches.

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

Alternative #3 All channel improvements.

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

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

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

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

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

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

Commissioner Gentry answered there will be a reconstruction hearing.

Discussion followed.

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

Meeting adjourned.

  
William D. Haan, President

  
Nola Gentry, Vice President

  
Hubert Yount, Member

ATTES:   
Shelli Hoffine, Executive Secretary

TIPPECANOE COUNTY DRAINAGE BOARD  
REGULAR MEETING  
FEBRUARY 3, 1993

The Tippecanoe Drainage Board met Wednesday February 3, 1993 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 Yount, County Surveyor Michael J. Spencer, Drainage Board Attorney J. Frederick Hoffman, Christopher Burke Consulting Engineer Ilene Dailey, Woolpert Consultants Project Manager Steve Nixon, Representing Meijer Properties Scott Nowakowski, American Consulting Engineer Willard Hale, Indiana Department of Transportation Engineer Robert Rhoades, Tippecanoe County Highway Engineer Steve Murray, Drainage Board Secretary Shelli Hoffine.

The first item on the agenda was to approve the minutes from the last Drainage Board Meeting held on January 3, 1993 Commissioner Gentry moved to approve the minutes. Seconded by Commissioner Yount. Unanimously approved.

MEIJER PROPERTIES, INC

Mr. Hoffman, entered for the record he is a representative of the O'Ferrall Estate, Mr. O'Ferrall is the owner of this real estate. Steve Nixon, Project Manager for Woolpert Consultants, introduced Pat Cunningham from Vester & Associates. Mr. Cunningham represents the O'Ferrall Estate. Mr. Nixon also introduced Scott Nowakowski the Meijer Real Estate Representative.

Mr. Nixon stated that currently as part of the Alexander Ross Drain there are two tiles, a 10" and a 12" that encumber the property that Meijer intends to purchase. What Mr. Nixon and Mr. Cunningham requested, due to the size of building on the site, is that on the storm drainage plan the legal drain needs to be relocated to bypass the building and parking area. Mr. Nixon plans to use reinforced concrete pipe so the easement widths can be decreased to 50 feet for both drains. Mr. Nixon also requested that the Drainage Board approve the location of the joint detention pond and that the County accept the facility into its maintenance assessment district. Mr. Nixon stated that Meijer and O'Ferrall agreed on a joint retention facility.

Mr. Cunningham defined what the perimeters are and what storm events he and Mr. Nixon are dealing with. Mr. Cunningham has looked at some concepts with Jim Shook Sr., a commercial real estate broker, on the concepts on marketability and things that might take place. Mr. Cunningham and Jim Shook realize they can fit the pond in a three and a half acre area. They are presently proposing that the pond be a wet bottom with safety ledges and four (4) foot of storage area on top.

Commissioner Yount asked if the pond was going to be at a later date?

Mr. Cunningham replied that they hope to do it with the construction of Meijer property project.

Commissioner Gentry asked Mr. Cunningham if they will have to come in with a reconfigured pond?

Mr. Cunningham answered, Yes.

Mr. Spencer asked if detention pond would serve the entire site.

Mr. Cunningham replied, No it will not serve the total watershed area, not included is the portion that goes to the South and East.

Mr. Hoffman stated that the South and East portion goes into the Berlovitz Ditch.

Commissioner Yount asked if the open area has any projection of what it might be used for?

Mr. Cunningham said it is possibly going to be used for an outlet mall.

Commissioner Gentry made a motion that the Board approve the preliminary storm drainage for the Meijer properties. Seconded by Commissioner Yount. Unanimously approved.

#### US 231 RELOCATION SR25 to River Road

Willard Hale from American Consulting Engineering introduced Bob Rhoades from Indiana Department of Transportation. Mr. Hale and Mr. Rhoades presented plans for the middle section of three projects that are being designed for US231 relocation and a new crossing for the Wabash River. The project will start south of SR25 midway between Old Romney Road and County Road 100 West including the intersection of SR25. The project will stop just short of tying into South River Road. The majority of the drainage goes westward along SR25. Approximately 50 acres out of the 500 acres will be taken on the Northwest side between SR25 and Elston/Shadeland Road. Old Romney Road will be relocated and go North instead of West. As SR25 depresses down hill, there will be a bridge at Elston Road. The grade will depress 20 feet keep going down under the two railroads and across the river. Water in this depression goes North to the outlet in the wetland just south of the river.

Steve Murray Tippecanoe County Highway Engineer stated that in 1992 or 1993 one or both of the railroad bridges were scheduled for construction. He asked if there is any indication on the contracts.

Mr. Hale stated that the ground will be broke on some portion of the project.

Mr. Rhoades said that he can not say for sure. The bridge project has not received all of the needed environmental approval.

Mr. Hoffman asked Mr. Hale if he is going to do the work by the Cement Construction Company?

Mr. Hale said not this year, hopefully next year.

Mr. Hale stated that they will have to shut Elston down completely.

Mr. Hoffman asked when you do SR25 are you going to let traffic through?

Mr. Hale said, yes traffic will be able to get through. First one half will be under construction and then the other.

Mr. Hoffman asked Mr. Hale if he had to have a Corp of Engineers permit for the wetlands?

Mr. Hale said, yes.

Commissioner Yount asked if SR25 will be an at grade crossing?

Mr. Hale said, it will be an at grade crossing.

Mr. Hoffman asked if there would be an access to the toepath?

Mr. Hale said, they have to relocate a piece to go under the new bridge. It is an emergency exit for Lilly and the sewage treatment plant still uses it.

Ilene Dailey, Christopher Burke Engineering Consultant, asked Mr. Hale if he had to get a flood easement up stream from the bridge?

Mr. Hale said no as he understood it they did not have to get an easement.

Mr. Hoffman asked if they have to purchase any right-a-way for that?

Mr. Hale said no.

Mr. Spencer recommended approval of the drainage plan as submitted to the Board.

Commissioner Gentry moved to approve the drainage plan as submitted by American Consulting Engineering for their section of the US231 relocation.

Seconded by Commissioner Yount. Unanimously approved.

#### BIDS FOR ELLIOTT DITCH

Mr. Spencer had a bid to accept for maintenance work on the Elliott Ditch. He recommended that the Board accepts the bid from F & K Construction.

Mr. Hoffman asked if that was the only bid?

Mr. Spencer said no we had four other bids.

Commissioner Gentry asked for the figures of the other bids.

Mr. Spencer read the amounts of the bids as follows:

Cement Construction	\$144,422.00
F & K Construction	\$49,620.00
Fairfield Contractors	\$88,955.00
Merkel Excavation	\$79,500.00

Commissioner Gentry moved to award the bid to F & K Construction on the Elliott Ditch for \$49,620.00. Seconded by Commissioner Yount. Unanimously approved.

#### PROPOSALS FOR DRAINAGE STUDIES

Mr. Spencer requested the Board allow him to issue a request for proposals of drainage studies on the Alexander Ross watershed and the James N. Kirkpatrick watershed area.

Commissioner Gentry asked if the Alexander Ross and James N. Kirkpatrick studies would be paid out of engineering funds or if the ditches have money in their maintenance fund?

Mr. Spencer said that the ditches have money in their maintenance funds, but he would prefer to use engineering funds first.

Commissioner Gentry moved to have Mr. Spencer develop requests for proposals for the drainage studies of the Alexander Ross watershed and the James N. Kirkpatrick watershed. Seconded by Commissioner Yount. Unanimously approved.

#### ATTORNEY CONTRACT

Mr. Spencer presented a contract between the Drainage Board and Mr. Hoffman for attorney services for the year 1993.

Commissioner Yount moved to approve the contract for the Tippecanoe County Drainage Board for legal services performed by J. Frederick Hoffman in the amount of \$10,000.00 due and payable by the County in monthly proportions on proper claims and allowances. Seconded by Commissioner Gentry. Unanimously approved.

#### REGIONAL STORMWATER DETENTION FACILITY

Mr. Spencer requested acknowledgment of a receipt of an executed copy between the City of Lafayette and Lafayette Union Railway, (LUR), for a regional stormwater detention facility located on the LUR property. LUR entered into this agreement and requested that the Board acknowledge its existence.

The agreement reads as follows:  
(quote)

The Tippecanoe County Drainage Board acknowledges receipt of an executed copy of the above Agreement and to the extent the facility referred to therein remains within its jurisdiction, agrees to regulate the use of such facility as provided by the provisions of this Agreement to the extent that such provisions conform to the laws of the United States of America, and the State of Indiana, as well as the ordinances of the Tippecanoe County, Indiana, that are then in effect, but at no time shall the Tippecanoe County Drainage Board be required to approve any Drainage Plan for any part of the Area involved in such Agreement which does not comply with the terms of the Tippecanoe County Drainage Ordinance in effect at the time such Drainage Plan is presented to it.

Tippecanoe County Drainage Board

By: \_\_\_\_\_

William Haan, President

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Nola Gentry

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Hubert Yount

(unquote)

CERTIFICATE OF ASSESSMENT FOR ANNUAL MAINTENANCE ON HADLEY LAKE

Mr. Spencer had a Certificate of Assessment for Annual Maintenance on the Hadley Lake. This encompasses the Dempsey Baker Reconstruction Drain and Hadley Lake Drain which is the outlet channel from the lake itself, north to Cole Ditch. At the hearing, one of the stipulations was that the maintenance fund would not start on those drains until the work had been done and accepted. The surveyor would like for the Certificate to be signed so that it can be submitted to the Auditor's Office and they can put it in the budget for this year. The yearly total is \$16,336.24 and it will change as developments come on line, Pineview Farms is one that has come on line since the hearing, plus Hadley Moore Subdivision will be added when the acreage becomes lots.

Commissioner Gentry moved to approve the Certificate of Assessment for Annual Maintenance on the Hadley Lake Drain. Seconded by Commissioner Yount. Unanimously approved.

Commissioner Gentry asked Mr. Spencer to update the Board on the Cuppy-McClure Drainage Project.

Mr. Spencer reported that he met with Great Lakes Chemical to discuss alternate one, the low flow pipe and the high flow channel. Great Lakes was unhappy with alternate one, mainly from an aesthetic standpoint. Mr. Spencer and SEC Donohue are looking into a few things with DNR and Fish and Wildlife to see if they have any problem with moving the drain. SEC Donohue is looking into the possibility of the floodway ever going away. Until that question is answered, SEC Donohue is not going into any more alternative plans. If the floodway can not go away, there is no reason for not following alternate one.

Commissioner Gentry asked if the all pipe alternative requires any additional permits?

Mr. Spencer said no additional permits are required, but the application for the permits would be different.

Being no further business Commissioner Gentry moved to adjourn. Seconded by Commissioner Yount. Meeting was adjourned

The next scheduled Drainage Board meeting will be March 3, 1993 at 8:30 a.m.

TIPPECANOE COUNTY DRAINAGE BOARD  
REGULAR MEETING  
AUGUST 4, 1993

The Tippecanoe County Drainage Board met Wednesday August 4, 1993 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, Christopher Burke Engineering Consultant Jon Stoltz, and Drainage Board Secretary Shelli Hoffine.

The first item on the agenda was to approve the minutes from the last Drainage Board Meeting held July 7, 1993. Commissioner Gentry moved to approve the minutes. Seconded by Commissioner Yount. Unanimously approved.

VALLEY FORGE

Pat Cunningham from Vester and Associates represented the developers, Greg Sutter and Pat Cunningham, they asked for final approval on Valley Forge Phase IV Subdivision. The 1.01 acres that were not included in the preliminary approval plan have been added to the final plan and it does not change the pond elevations of 637.5 or the release rate of 9.65 CSF. The project covers a small area and includes a pond between the existing Valley Forge and Phase IV. A larger area drains through the existing Valley Forge before the rest of the storm water reaches the pond, therefore it does not change the elevations or the release rate.

Mr. Cunningham stated some concerns on the drainage of Valley Forge. It currently drains to the Kirkpatrick Ditch and there is a problem with the runoff at the location of South Ninth Street as to whether or not the pipe has enough capacity for the runoff to get under South Ninth Street. Also a concern was if this subdivision is approved, it would leave the door open to other developers that want to develop in the Kirkpatrick Watershed. The ordinance allows this development to proceed and would allow the Board to request any other developers that creates a point of release and cause a flood hazard situation to solve the problem downstream.

Mr. Cunningham also stated that the Board requested Vester & Associates to analyze the pipe in the existing Valley Forge. There was some question as to whether or not the sag conditions would have enough capacity in the catch basins, if the 2 1/2 lots of uncontrolled runoff were added to the catch basin. It was evaluated and there is more than enough capacity in the catch basin. Mr. Cunningham thinks that they comply with all the ordinances and they are prepared to proceed with Valley Forge Phase IV.

Commissioner Yount asked if there is going to be any problem controlling the runoff during construction?

Mr. Cunningham stated that they have submitted an erosion control plan with the construction plans and the runoff will be controlled.

Commissioner Gentry asked what the progression of the construction for Phase IV?

Mr. Cunningham stated that construction is scheduled to start right away. There are four developers that would like to build model homes starting in the fall.

Commissioner Gentry asked if the Highway department had any requirements?

Mr. Cunningham said that the Highway department asked for the ditch to be regraded along South Ninth Street and the developers have agreed.

Mr. Beeler 3816 South 150 East expressed concerns of having more runoff onto his property. He stated that the existing Valley Forge created a problem with the drainage of his property and he wants to make sure Valley Forge Phase IV will not contribute to the problem.

Mr. Cunningham assured Mr. Beeler that Valley Forge Phase IV will not add to his existing problem.

Mr. Spencer stated that Mr. Beeler's problem was compounded by the construction of the existing Valley Forge along with a narrow watershed area for the Kirkpatrick drain. Mr. Beeler is in the middle of the watershed area so he has water from upstream that gets trapped between South Ninth Street and Eighteenth Street. The problem is with the road crossing and a flat grade, the water runs through Mr. Beeler's property and can not get away fast enough above and below South Ninth Street making it back up on Mr. Beeler's property.

Commissioner Yount moved to grant final approval of Valley Forge Phase IV Subdivision. Seconded by Commissioner Gentry. Unanimously approved.

#### WESTON WOODS II SUBDIVISION

Paul Coutts from C & S Engineering asked for preliminary approval of Weston Woods II Subdivision. It includes the leftover land area between Weston Woods Subdivision and the east side of Treece Meadows relief drain. Mr. Coutts indicated that they have increased the pipe size for the area and the discharge for the curb inlets drains toward the west. The direct discharge of the runoff from Weston Woods II will run into the Treece Meadows relief drain. The extra storage in Burberry Place Apartments will allow an increased runoff from Weston Woods Subdivision while providing for no additional downstream runoff at Creasy Lane.

Commissioner Yount moved to approve preliminary plans for Weston Woods II Subdivision. Seconded by Commissioner Gentry. Unanimously approved.

#### DRAINAGE BOARD SCHEDULE

Mr. Spencer explained that the budget hearings are going to be held in the Community Meeting Room on the regularly scheduled Drainage Board for September 1, 1993. He requested the Board change the Drainage Board meeting to September 8, 1993 at 9:00 a.m. in the Community Meeting Room.

Commissioner Yount moved to change the Drainage Board Meeting to September 8, 1993 at 9:00 a.m. in the Community Meeting Room. Seconded by Commissioner Gentry. Unanimously approved.

DRAINAGE BOARD MINUTES     AUGUST 4, 1993 REGULAR MEETING

TIPPECANOE COUNTY DRAINAGE BOARD  
REGULAR MEETING  
SEPTEMBER 8, 1993

The Tippecanoe County Drainage Board met Wednesday September 8, 1993 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, and Hubert D. Yount, Tippecanoe County Surveyor Michael J. Spencer, Drainage Board Attorney J. Frederick Hoffman, Christopher Burke 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 August 4, 1993. Commissioner Gentry moved to approve the minutes. Seconded by Commissioner Yount. Unanimously approved.

WESTON WOODS SUBDIVISION II

Paul Coutts from C & S Engineering asked for final approval of Weston Woods II Subdivision. Mr. Coutts explained the only change that has been made since the preliminary plan was minimizing the rear yard storage, increasing size of pipe, and increasing the bottom slope of the ponds.

Mr. Hoffman asked how many ponds are there?

Mr. Coutts said the plan is for five ponds.

Mr. Coutts stated that the only condition is the verification that the diversion pipe between the Treece Meadows relief drain and the Burberry Phase III pond meet the requirements of the ordinance as previously discussed with CBBEL. Mr. Coutts would like not to put the pipe in the construction plans of Weston Woods Phase II. Instead draw up a separate set of construction plans and put the pond as part of Burberry Place Phase III.

Commissioner Gentry asked what the schedule is on Burberry Place Phase III and the schedule of Weston Woods II?

Mr. Long said construction is planned to start in 1994.

Mr. Coutts stated that Weston Woods II section III is scheduled to start moving dirt this fall and finishing utilities by the spring of 1994, section IV is scheduled for the fall of 1994.

Commissioner Yount moved to approve final plans for Weston Woods II subject to a letter concerning Burberry Place Phase III that states there will be a pond constructed and a pipe installed. Seconded by Commissioner Gentry. Unanimously approved.

ABBINGTON FARMS SUBDIVISION

George Schulte and Dan Lee asked for final approval of Abbingtion Farms Subdivision. Joseph Bumbleburg represents Abbingtion Farms Subdivision and request any copies of material that relates to Abbingtion Farms Subdivision. Mr. Schulte explained that Mr. Stolz memorandum stated that no proposed grading plan had been provided. The normal process for final drainage plan is to get approval for the curb inlets location, detention storage locations etc. Then

the next step is to get into the final design and prepare the construction plan, normally the grading plan is submitted with construction plans. Mr. Schulte submitted a plan profile for the streets but not for the grading mainly because there is not going to be any grading do to the septic system.

The watershed map based on the proposed grading plan shows the project is a self contained project and the offsite drainage has been indicated. This has been considered with the design of the culvert system to drain the offsite watershed. The erosion control plan will be provided with the final construction plan. The drainage easement and legal drain boundaries again will be provided with the final construction plan.

If details on the proposed detention pond outlet pipes, road crossing, inlets, emergency spillways, outfalls and other drainage appurtenances would be a set of construction plans. Mr. Schulte stated that they are not asking for construction plan approval, just drainage plan.

Mr. Stolz indicated an example of what needs to be submitted before final approval can be granted, the detention pond's flow appears to flow in the right direction, but without having more information. It may also appear that with a 100 year storm event there would be flow over the emergency overflow spillway.

Mr. Schulte stated that all the information is in the report that Mr. Stolz is asking, but is not shown on the drawing.

Mr. Spencer stated that normally for final approval the Board has a better understanding of what is going in the ground.

Mr. Bumbleburg felt that if the final drainage plans get too detailed, that would restrict the Surveyor from making changes to the final construction plan.

Commissioner Gentry moved to continue final approval on Abbington Farms Subdivision until Monday, September 13, 1993 at 10:00 a.m. in a Special Drainage Board Meeting held in the Community Meeting Room. Seconded by Commissioner Yount. Unanimously approved.

#### THE RAVINES PLANNED DEVELOPMENT

Paul Coutts, C & S Engineering, asked for preliminary approval of The Ravines Planned Development. The section discussed includes six holes of an eighteen hole golf course and twenty two residential lots located off division road in Shelby Township. The proposal is to use the natural waterway and create three permaneat storm water detention areas, then outlet the ponds to the ravine using a twelve inch pipe. The runoff for the pre-developed conditions is much higher than what the runoff will be post-developed because the runoff will be contained in the ponds.

Mr. Spencer read the requirements from the memorandum sent to Mr. Spencer from Jon Stolz P.E. CBBEL, it states what needs to be provided for final approval.

1. Additional information regarding the grading of the site should be provided. The grading within the proposed golf course area as it transitions into the residential development is unclear. Also, grading around the proposed detention facilities was not provided with this submittal. The grading around lots 1 thru 6 and along County Road 875 West is also unclear.

2. The performance of the outlet structure for detention ponds 2 and 3 should be clarified. Pond 1, located in the northeast corner, appears to adequately drain via a 12 inch outfall. However, ponds 2 and 3 will apparently

discharge via natural overland flow paths which have not been clearly indicated on the plans. It also appears that the ponds will dewater by means of percolation. the discharge from ponds 2 and 3 should be clarified as well as the means of maintaining a normal pool elevation of 672.0 and 670.0 feet, respectively. Also, the background information used to derive the stage-discharge relationship of all ponds will be necessary.

3. It appears that a drainage easement should be provided around detention pond 1. Currently, the easement appears to traverse through the pond.

4. The outlet pipe from Pond 1 includes pipes G and H which are each 465 feet in length. Structures will be required at a maximum of 400 feet between pipes per the Ordinance.

5. Verification of contributing drainage areas into the streets drains analyzed by the ILUDRAIN model should be provided.

6. The proposed drainage plan does appear to restrict 100-year developed flow to that of the 10-year existing flows or less. However, the detention storage calculations analyzed only one storm duration, ie. the 24-hour storm. A series of storm durations up to and including the 24-hour duration, must be used to determine the duration which gives the highest storage volume and determines the appropriate allowable release rate.

Commissioner Gentry moved to grant preliminary approval of The Ravines Planned Development with the six condition that Mr. Spencer read. Seconded by Commissioner Yount. Unanimously approved.

#### STRATFORD GLEN SUBDIVISION

Dale Koons, representing Bill Davis of Hawkins Environmental, asked for preliminary approval of Stratford Glen Subdivision located off of County Road 500 South along the west side of US231 in Wea Township. There are 29.1 acres of land that have been parcelled into 83 lots and will include the installation of utilities, street pavement and final grading. The runoff flows west along the south property line of Stratford Glen and a detention pond is planned at the north side of the north property line of Stratford Glen. The pond will be constructed by constructing a dam across a natural swale and retain the runoff of the 83 lots in Stratford Glen, the existing Mayflower Mill, Sheffield Subdivision and 36.5 acres of undeveloped agricultural area south of Stratford Glen.

Commissioner Yount read a memorandum sent to Mr. Spencer from Jon Stolz, P.E. - CBBEL, Indianapolis, dated September 7, 1993.

(start quote)

September 7, 1993

#### MEMORANDUM

TO: Mr. Mike Spencer - Tippecanoe County Surveyor  
FROM: Jon Stolz, P.E. - CBBEL, Indianapolis  
SUBJECT: Stratford Glen Subdivision  
(CBBEL Project No. 93STRAT)

RECOMMENDATION: Final Approval with Conditions

The Storm drainage plan for Stratford Glen is closely associated with the previously approved Mayflower Mill subdivision drainage plan. Mayflower Mill is located east of existing U.S. 231 and drains to the west under the highway. The runoff then flows west along the south property line of Stratford Glen before flowing to the north along the west property line of Stratford Glen.

After development, Stratford Glen will discharge to this ditch as well. Detention will be provided northwest of the site, by constructing a dam across a natural swale. This pond will receive runoff from Stratford Glen, the existing Mayflower Mill and Cheffed subdivisions, and 36.5 acre undeveloped agricultural area south of Stratford Glen.

After review of the information and supporting data listed below, CBBEL offers the following comments.

1. The allowable release rate has been determined by looking at the difference between the 10-year pre-developed discharge for the Stratford Glen site (19.4 cfs), and the 100-year post-developed discharge (35.5 cfs). The applicant feels that if the reduction in the peak 100-year discharge is 16.1 cfs or greater due to the routing of the pond, the Ordinance will be satisfied. The applicant has shown that in the post-developed, 100-year condition, the peak runoff entering the basin will be approximately 108 cfs. The discharge from the pond, after routing, will be 72 cfs, a reduction of 36 cfs. It appears that the applicant has fulfilled the requirements for detention at this site.

2. The applicant has provided a watershed map for areas C1 through C4. This map indicates that area C3 is 31.9 acres. However, all other documentation indicates that the area is 21.6 acres. Rough scaling of the watershed map indicates that the area is actually closer to 21.6 acres.

3. The applicant has provided a schematic (Exhibit 5) of the TR-20 runs for this project. According to the schematic, area C1 is 32.4 acres. All other documentation (including the drainage area in square miles used in the analysis) indicates that the area is 36.5 acres.

4. The proposed detention pond is a dry bottom facility that will pond water to a maximums depth of 5.2 feet in the 100-year event. The applicant has requested a variance from the ordinance in order to allow ponding deeper than the maximum of 4 feet.

5. The proposed detention pond will utilize an earthen embankment to contain stormwater runoff. The submitted material from the applicant did not include specifications for the stability and compaction of the proposed embankment. The specifications should be presented to the County for review.

This review was based on the following information:

1. Report entitled "Drainage Report for Stratford Glen Subdivision", with on-site and off-site drainage area maps included as attachments A and B, dated August 4, 1993 and prepared by Civil Engineering Services, Inc.

2. Site Development Plans for Stratford Glen Subdivision, dated June, 1993 and prepared by Hawkins Environmental.

3. Revised sheets 3, 23 and 24 of the above listed reference, dated June, 1993, no revision dates, prepared by Hawkins Environmental.

4. Erosion Control Plan, dated April, 1993, prepared by Hawkins Environmental.
5. Erosion Control Plan, Phase 2, dated July, 1993, prepared by Hawkins Environmental.

Based upon this review, CBBEL recommends final approval of the storm drainage plan with the following conditions:

1. The applicant must clarify the outlet pipe to be used for the detention pond. The plans indicate a 36" diameter CMP, while the calculations using a 42" diameter CMP.
2. The applicant has analyzed the adequacy of the collector channel along the south and west property lines by using a HEC-2 hydraulic model. The applicant should provide plots of the cross-sections and an exhibit showing the locations of the modeled cross-section.
3. It appears that the proposed detention pond will be constructed on off-site property. The applicant should provide documentation or agreements allowing for this construction.
4. The applicant has provided a detailed erosion control plan. However, it appears that the applicant should revise the plans to show the following:
  - a. Additional erosion control should be provided around the topsoil stockpile area to reduce the potential for sedimentation in the adjoining areas.
  - b. Erosion control measures, such as an erosion control blanket, should be clearly indicated for the 3:1 embankments of the proposed detention pond dam.
5. A review of the pipe-sizing computations revealed several apparent errors in either the analysis or the plans. There are discrepancies between the calculations and the plans for the following:
  - a. The invert elevation of the pipe leaving structure G-9,3.
  - b. The inverts for structure F-2 and the endsection for Line F, and the diameter and length of the pipe between structure F-2 and the endsection.
  - c. The invert elevations for structures L-4,3 and L-4,4.
  - d. The length of pipe between structures L-4 and L-5.
  - e. The rim and invert elevations for structure G-6,2 are not provided on profile "G6".

No error or omission in either the plans, calculations or applications (whether said plans, calculations or applications have been reviewed by the review engineer or not) shall permit or release the applicant and designer from constructing this work in any other manner than that provided for in the County Ordinance.

JDS/DWE/de  
M93STRAT.REV  
(end quote)

Commissioner Yount moved to approve the final plans of Stratford Glen Subdivision subject to the five conditions read into the minutes. Seconded by Commissioner Gentry. Unanimously approved.

#### APPOINTMENT OF JOINT DRAINAGE BOARD MEMBERS

Mr. Spencer asked the Board to appoint two members of the Tippecanoe County Drainage Board to a Joint Drainage Board with Benton County for the discussion of the Frances E. Martin Drain. The Martin drain is a branch of the H.W. Moore Lateral that drains into the Otterbein Ditch.

Mr. Hoffman asked if the Frances E. Martin drain is a legal drain.

Mr. Spencer said that according to Jack Steele, Benton County Surveyor, the Frances E. Martin drain is a legal drain.

Commissioner Haan stated that he has personal involvement in this situation, so he appointed Commissioner Gentry and Commissioner Yount to serve on the Frances E. Martin Joint Drainage Board.

Mr. Spencer mentioned that there has been a meeting set up for September 22, 1993 at 7:00 p.m. in Pierce Hall, Otterbein Indiana.

#### OTHER BUSINESS

Mr. Spencer introduced Michelle Abrems, 4329 Hillside Court, lot 80 in Prairie Oaks Subdivision and Andy Vanburan, 22 Hillside Court, lot 88 in Prairie Oaks Subdivision. Mrs. Abrems and Mr. Vanburan expressed concern to Mr. Spencer about a drainage problem in Prairie Oaks and they wanted to address the Board about the problem. The initial problem with the Subdivision was Hillside Court drained to the south and then did not have any place to go because there was not a pipe under the road to make a release area.

Commissioner Gentry asked if the roads are County maintained?

Mr. Spencer said that Prairie Builders obtained a permit from the County Highway Department to cut through the road to put a pipe in. That would help the problem of drainage and it also indicates that the roads are maintained by the County.

Mr. Spencer stated Prairie Builders were going to regrade in the right of way and then go North along lot 80 on Hillside Court, then west between lot 80 and 89, the regrading would end heading northwest to lot 92. Mr. Vanburan's concern is with lot 92, it is a low lot that is owned by Mr. Dave Lux. It is a ponded area and the only way the water disappears is when it eventually percolates into the ground. Prairie Builders submitted a modification to Prairie Oaks drainage and it was approved by Mr. Spencer with two conditions, one being Prairie Builders obtain a permit to work in the right of way and second being they have to do the modifications within the existing drainage easement that are platted for this subdivision. Mr. Schrader had told Mr. Spencer that Prairie Builders will not comply with the modifications to Prairie Oaks.

Commissioner Yount asked what control The Board has over this situation?

Mr. Hoffman stated that The Board does not have much control, however if it is effecting the streets the County Commissioners would have control over the streets, otherwise it is up to the effected landowners to take action.

Mrs. Abrems stated that Prairie Builders are working in the easement without permits and she felt that would get The Board involved.

Mr. Spencer replied that The Board can require Prairie Builders to submit a plan on what they propose to do and that is what the modifications are, but Prairie Builders refused to follow the plan.

Mrs. Abrems explained that Prairie Builders is working outside the drainage easement on the corner of their lot. If Prairie Builders is going to take that part of their lot they want to be compensated.

Commissioner Gentry moved to continue discussion of Prairie Oaks Subdivision until Tuesday, September 14 at 4:00 p.m. in a Special Commissioners Meeting held in the Community Meeting Room. Seconded by Commissioner Yount. Unanimously approved.

Being no further business Commissioner Gentry moved to adjourn. Seconded by Commissioner Yount. Unanimously approved.

DRAINAGE BOARD MINUTES    SEPTEMBER 8, 1993    REGULAR MEETING



VALLEY FORGE PHASE V

Dale Koons, Engineer for Civil Engineering Services and Roy Prock, Developer of Valley Forge Phase V, asked for preliminary approval of the project. Mr. Koons stated this project has been on hold because the City of Lafayette had refused to give sewer and water to the area of development until the issue of 9th street had been resolved, the City has waved that decision for this project. Mr. Koons presented the Board two different plans of development for Valley Forge Phase V, plan A and plan B. Plan B has 172 lots and plan A has 171 lots, the major difference between the two plans is plan B has two detention ponds onsite and extends 80 feet into the Kirkpatrick floodplain area. Plan A is back 80 feet from plan B and uses the natural storage of the Kirkpatrick drain between 9th Street and 18th Street. Both plans will lower the water level back to the pre-develop water level before Valley Forge Phase III. Plan A lowers it by adding storage to the Kirkpatrick floodplain area that Phase III took away and plan B will bring the water level back down by adding two detention basins that will hold the excess water that was added to the floodplain from Phase III.

Mr. Spencer asked what would happen to the project if 9th street was raised and a structure like what is under 18th street installed?

Commissioner Yount stated that the storage capacity would be gone.

Commissioner Gentry stated that means it would be a direct discharge situation.

Mr. Koons stated that nothing can be done with 9th street until the offsite work is done.

Mr. Hoffman asked if there would be rear yard storage for either of the plans?

Mr. Koons stated there will be four to five feet of water standing in a 100 year storm event on both plans. Both plans also suggest regrading the Kirkpatrick drain from 18th Street to 9th Street to create enough fall to eliminate the standing water.

Commissioner Yount wanted to know how this could fit with the overall plan of the Kirkpatrick watershed area, which is to create a regional basin instead of all the small detention ponds?

Mr. Prock stated both plans will comply with the overall plan to create a regional detention pond, but plan A would be the easiest to convert because it does not have any onsite storage.

Mr. Koons stated with the regional detention storage basin there would have to be a complete change to the drainage ordinance. As the ordinance states now, the project has to accept water onto itself in a ten year pre-developed flow. With the regional detention pond in affect, the ordinance can not apply. Mr. Koons stated that the developer will have to size all offsite facilities to handle the 100 year developed storm and every storm sewer that is build will be a 100 year developed storm sewer.

Commissioner Yount stated there needs to be a meeting with the Drainage Board and the Developers to discuss what changes need to be made to incorporate this idea. The idea of the regional pond is to create one or two large detention ponds instead of all the small ponds that are being designed in each individual subdivision. If the Board can get the developers to incorporate a regional pond in their developments that would greatly decrease the County responsibility on maintenance and liability and improve each subdivision.

Mr. Hoffman asked how close the houses will be to the water line?

Mr. Koons stated twenty five feet.

Mr. Hoffman stated that would prevent the homeowner from building a basement.

Mr. Spencer stated there needs to be a meeting between our Engineering Consultant and Mr. Koons to discuss what requirements are needed.

Mr. Koons asked if this plan is approved and 9th Street improvements are done, can we by law put in a berm across 9th Street to restore the 100 year floodplain?

Mr. Hoffman said probably not without paying the landowner for compensation

Commissioner Yount asked Mr. Spencer if a structure is constructed on 9th Street and the improvement done before Phase V was ready to begin, how would that affect the project.

Mr. Spencer stated that would help the project and would take the water off the back of the lots that now are showing standing water.

Commissioner Yount moved to continue Valley Forge Phase V. Seconded by Commissioner Gentry. Unanimously approved.

HOLIDAY INN EXPRESS

Scott Falk, Falk Architecture & Planning, asked the Board for final approval of Holiday Inn Express. The project is located at the Northeast corner of State Road 26 and I-65, beside Budget Inn. A detention area is planned in the parking lot and a grassy area as short term water detention. The grassy area will drain to the parking lot and flow down Tudor Trail in the same direction as the rest of the parking lot drainage which is to an existing drainage swale along Vermont Drive.

Commissioner Gentry asked how deep the water will be in a 10 year storm event?

Mr. Falk stated in a 100 year storm event there will be 6.5 inches, maximum depth with emergency spillage over the top of the curb or through the driveways then to the drainage swale along Vermont Drive

Mr. Spencer stated there is an existing storm sewer along Tudor Trail that is equipped to handle the runoff from Holiday Inn Express.

Commissioner Yount moved to grant final approval of Holiday Inn Express. Seconded by Commissioner Gentry. Unanimously approved.

#### HAWKS NEST SUBDIVISION

Jack Kovich asked for final approval of Hawks Nest Subdivision located east of State Road 43 North on the north side of 600 North. Mr. Kovich stated that it was his understanding that all the information was submitted to the Board's Engineer and the project was ready for approval.

Mr. Spencer read the four conditions that need to be met, but recommended final approval.

1) Support data, including drainage area mapping and time of concentration determinations, for the gutter spread, inlet capacity, and pipe sizing calculations be submitted.

2) Revision to the emergence spillway plans be made to clearly detail their construction.

3) An IDNR Construction in a Floodway permit or justification for the lack of this permit be provided for the Basin A construction.

4) Verification that drainage along the western property line will be adequately conveyed behind lots 102 - 109.

Commissioner Yount stated Mr. Kovich was informed of what needed to be submitted for final approval. All the information was not completed therefore, he moved to continue Hawks Nest Subdivision until the information to make a complete review is submitted. Commissioner Yount also informed Mr. Kovich that his Engineer needs to contact the Surveyor for any questions that he may have. Seconded by Commissioner Gentry. Unanimously approved.

#### CHILI'S RESTAURANT

Pat Cunningham of Vester and Associates, representing Quality Dining and Floyd Britt, asked for final approval of Chili's Restaurant located on lot one of Britt Subdivision. Mr. Cunningham introduced Andrew Slavens, a new Engineer with Vester and Associates. Mr. Cunningham explained that the entrance for Shoney's will be used and is being reworked, then another entrance will be put in west of the Shoney's entrance. There is a new street being designed to drain Chili's parking lot, the runoff will drain into catch basins, then drain to the detention pond.

Commissioner Yount moved to approve grant approval of Chili's Restaurant with the following four conditions. Seconded by Commissioner Gentry. Unanimously approved.

1) Verification be provided that the curve numbers used in the analysis of this site match the Master Plan values of this project.

2) Support data for the pipe-sizing, inlet capacity and gutter spread calculations be supplied.

3) Additional drainage area maps, pipe-sizing calculations and reserve capacity calculations be provided.

4) Swale relocation information and easement be supplied.

#### HARRISON & MCCUTCHEON HIGH SCHOOL EXPANSION

Mr. Spencer stated Jon Stolz and himself are working with Triad and Associates on the plans that were submitted for the expansion of Harrison High School and McCutcheon High School.

#### OTHER BUSINESS

Mr. Spencer asked the Board to give a waiver of encroachment permit to a lot in Red Oaks Subdivision because an individual wants to change the easement. In the platting of Red Oaks there was a 50 foot minimum build line and drainage easement that does not need to be there. The individual want to change the easement, so that his house foot print will be off the easement.

Mr. Hoffman stated that the individual needs to have a lawyer describe the area in writing and present it to the Board.

#### ORCHARD HEIGHTS SUBDIVISION

Mr. Spencer stated that he shot the elevation for Orchard Heights Subdivision and based on the gutter elevation it would be impossible to drain the rear yard to the front yard because the rear yard is much lower. The water would have to go south along the rear of several lots before it could drain to the street. One problem is that the utilities use the same easement as the drainage easement.

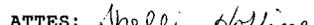
Commissioner Gentry stated the only other solution would be have the landowners hire an engineer to draw up a set of plan to examine other options.

Being no further business Commissioner Gentry moved to adjourn until January 5, 1994. Seconded by Commissioner Yount. Unanimously approved.

  
William D. Haan, President

  
Nola J. Gentry, Vice President

  
Hubert D. Yount, Member

ATTES:   
Shelli Hoffine, Secretary

TIPPECANOE COUNTY DRAINAGE BOARD  
REGULAR MEETING  
JANUARY 5, 1994

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

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

ELECTION OF 1994 OFFICERS

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

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

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

-APPOINTMENTS-

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

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

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

-MEETING DATES FOR 1994-

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

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

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

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

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

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

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

#### HAWKS NEST SUBDIVISION, PHASE I

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

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

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

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

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

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

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

#### TRIPLE J POINTE SUBDIVISION

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

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

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

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

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

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

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

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

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

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

#### HARRISON & MCCUTCHEON HIGH SCHOOLS IMPROVEMENTS

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

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

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

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

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

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

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

ACTIVE DITCHES FOR 1994

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

INACTIVE DITCHES FOR 1994

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

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

OTHER BUSINESS

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

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

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

**GREAT LAKES CHEMICAL**

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

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

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

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

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

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

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

TIPPECANOE COUNTY DRAINAGE BOARD  
REGULAR MEETING  
FEBRUARY 2, 1994

The Tippecanoe County Drainage Board met Wednesday February 2, 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 pro-tem David Luhman; 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 January 5, 1994 Commissioner Yount moved to approve the minutes, seconded by Commissioner Haan. Motion Carried.

TRIPLE J SUBDIVISION

Robert Grove requested preliminary approval for Triple J Subdivision. The routing of the discharge line caused the project to be continued from the last Drainage Board meeting and is still has not resolved with Wea-Ton owners. Mr. Grove suggested putting a fifteen inch pipe in the east road right-of-way as an alternative.

Commissioner Yount asked if there has been any discussion with the County Highway Department?

Mr. VanNess stated Steve Murray, Executive Director of the Highway Department, is in attendance to discuss his concerns. Triple J prefers the plan to install a fifteen inch pipe in the east right-of-way line and then west along the north property line to an existing twenty-four inch RCP under Old Romney Road. The fifteen inch pipe should relieve any concerns about overflow.

Mr. Murray needs more detail before saying that a fifteen inch pipe would work. It appears a corrugated pipe installed under Old Romney Road could help clear up existing drainage problems by providing the County with a positive outlet for property of the Wea-Ton area.

Mr. Spencer stated his concern was the way the water flow system is planned. The by-pass water from the east is routed around the subdivision to the twenty-four inch pipe and there are no calculation as to its capacity. Without calculations, determining whether the water will back up onto the subdivision area is difficult.

Mr. Grove stated another culvert could be provided under 250 South to take care of any overflow.

Mr. Spencer stated the idea is fine, but without the calculations we can not make a final decision.

Mr. Murray asked who would be responsible for maintaining the storm sewer?

Commissioner Gentry stated the developer would be responsible for maintenance of the storm sewer.

Mr. Spencer read the memo from Christopher Burke Engineering.

(start quote)

January 3, 1994

MEMORANDUM

TO: Mr. Mike Spencer - Tippecanoe County Surveyor  
FROM: Jon Stolz, P.E. - CBBEL, Indianapolis  
SUBJECT: Triple J Point Subdivision  
(CBBEL Project No. 93-165)  
RECOMMENDATION: Preliminary Approved

CBBEL recommends preliminary approval of this project. The 75 lot subdivision is proposed for the nearly 16 acre tract. Support and design information necessary to fully assess the project's compliance with the Drainage Ordinance has not been submitted for review. However, it appears from the submitted information that the applicant is proposing a storm water management plan that would indicate general compliance with the ordinance.

After review of the provided information listed below, CBBEL offers the following comments.

1. The following comments are in reference to the storm sewer design:
  - a. Structure 10 has a top of casting elevation of 638.0. However, the swale flowing from the west appears to have an invert elevation of 636.4. It would appear that the applicant should revise the swale to the west to obtain positive drainage to structure 10.
  - b. The applicant should provide structure numbers and top of casting and invert elevations for the structures at the upstream end of reach 4-0 and reach 2-5.
  - c. The storm sewer pipe from structure 1E to 1D, as shown on the plan, has no slope.
  - d. The storm sewer analysis provided indicates that no storm water is tributary to structure 2 (catch basin) for reach 1-8. However, the analysis provided does indicate storm water tributary to structure 3 (manhole) for reach 1-7. It appears that the applicant should revise the analysis to show the storm sewer tributary to structure 2.
  - e. The outlet pipe downstream of structure 1, as shown on the plans, has a slope of 0.3%. However, the storm sewer analysis utilizes a slope of 2.0% for this pipe.
  - f. It should be noted that the applicant has proposed a 36" RCP downstream of structure 1B. The next downstream pipe (downstream of structure 1A) is proposed as a 21" RCP. The slope of the 36" pipe is 0.3% and the slope of the 21" pipe is 3.76%. Although it appears that the 21" pipe is hydraulically adequate to convey the 10-year discharge, it should be pointed out that the downstream pipe will be smaller than the upstream pipe and may appear as an error at first glance.
2. The applicant has proposed to convey the upstream off-site runoff in a swale along the east edge of the site. Structure 1F is a catch basin proposed to convey a portion of the upstream runoff through the proposed storm sewer system. Any additional runoff not conveyed by the storm sewer will apparently be conveyed in the swale along the east property line and then west along the north

property line to the existing 24" RCP under Old Romney Road. The following comments are in reference to the upstream off-site overflow routing:

a. The applicant has provided calculations to determine the 10-year frequency discharge to the upstream off-site watershed. This analysis appears to be adequate. However, the applicant must also provide the analysis for less frequent storm events (ie. the 50 and 100-year storm event) to show the expected discharges to be conveyed through the overflow channel.

b. The applicant must provide calculations to show that the existing 24" RCP and any proposed outlet configuration under Old Romney Road has the capacity to convey the overflow runoff from the 50-year frequency storm event.

c. More information must be provided for the overflow channel to ensure that it can convey the overflow runoff. Information to be provided should at least include channel inverts, sideslopes, depth, a typical cross-section and possibly a channel profile. The applicant must provide calculations to show that the proposed channel can adequately convey the proposed overflow runoff and contain this runoff in the appropriate easements.

d. The applicant has indicated that structure 1F will intercept the 10-year frequency runoff from the off-site upstream watershed (22cfs) as well as the local runoff. More detail and calculations should be provided to show how this structure will adequately intercept the discharge indicated. The design of this structure and its ability to capture the noted runoff must be provided.

3. The applicant has proposed two alternatives for the outfall from the proposed detention pond and the up stream watershed. However, the following comments are in reference to the detention pond outlet:

a. The applicant should provide background information and calculations to show how the stage-storage discharge relationship was developed.

b. Alternative One shows the 15" RCP detention pond outlet pipe along the east side of Old Romney Road. The pipe crosses under Old Romney Road north of County Road 250 South as a 36" RCP. The applicant has indicated that the outlet pipe will convey discharge from a portion of the Weaton West development under Old Romney Road in the 36" RCP. More details and information are needed to show how the runoff from the Weaton West site will be conveyed to the proposed 36" pipe. Background calculations should be submitted in support of the discharge value provided for Weaton West in the narrative.

c. Recommendations for the watershed outlet under Old Romney Road have been examined under a previous study. It is recommended that the proposed outlet pipe and channels comply with the earlier study and the issues regarding the outlet be coordinated with the Surveyor's Office.

4. The applicant must also provide the following before final approve can be recommended for this project:

- a. Pipe sizes must be shown on the plans.
- b. Gutter spread calculations must be provided.
- c. An erosion control plan must be provided.
- d. Certified plans must be provided.
- e. Additional information such as structure details, swale and detention pond cross-sections and storm sewer profiles should be provided.

f. Background data for the calculation of the curve numbers and times of concentration used in all TR-20 models must be provided.

g. An exhibit showing the emergency routing for low frequency storm events (ie. 100-year storm) should be provided. It is not clear whether 100-year flows are adequately routed to the detention facility at this site. Also, the noted 100-year detention pond elevation would appear to surcharge much of the storm sewer system.

It should not be construed that these are the only comments for this project. After additional information has been provided and reviewed, additional concerns may become apparent.

CBBEL was supplied with the following information:

1. Plan sheet entitled "Off Site Storm Plan" (Attachment 'C'). Sheet 1 of 1, prepared by Lafayette Engineers, not dated.
2. Plan sheet entitled "Triple J Pointe Subdivision Storm Sewer Calculations" prepared by R.R. Grove, P.E., L.S., dated November 8, 1993
3. Triple J Pointe Subdivision Drainage Report prepared by R.R. Grove, P.E., L.S., dated December 7, 1993
4. Off-site upstream watershed drainage area map (Attachment 'A'), not dated.
5. Triple J Point Subdivision soils map (Attachment 'D'), not dated.
6. ILUDRAIN analysis dated December 3, 1993 and TR-20 analysis dated November 9, 1993 and December 3, 1993 (Attachment 'B') all prepared by R.R. Grove, P.E., L.S.

Based upon this review, CBBEL recommends the preliminary approval of the project. Once additional information and support calculations have been submitted and reviewed, a final recommendation may be considered.

No error or omission in either the plans, calculations or application (whether said plans, calculations or applications have been reviewed by the review engineer or not) shall permit or release the applicant and designer from constructing this work in any other manner than that provided for in the County Ordinance.

DWE/de  
M93-165.REV  
(end quote)

Commissioner Yount moved to grant preliminary approval of Triple J Pointe Subdivision subject to the January 3, 1994 memorandum and to the approval of the County Highway Department for the use of the right-of-way, seconded by Commissioner Haan. Motion carried.

#### ROMNEY RUN SUBDIVISION

Jerry Kittle of Schneider Engineering asked for preliminary approval of Romney Run Subdivision located off Old Romney Road and County Road 300 South. Storm water will flow from the north to the south passing through detention ponds located within Romney Run Subdivision then to an extension of the Elliott Ditch. Pre-developed conditions for runoff are at 57 cfs, post-developed conditions will be at 42 cfs, decreasing the amount of runoff by 15 cfs.

Mr. Spencer stated Mr. Kittle has notified the downstream landowners.

Commissioner Gentry asked if the pond would be unfenced and who will be responsible for the maintenance on the pond?

Mr. Kittle stated they will ask for a variance on the fence at final review and the Homeowners Association will be responsible for the ponds.

Commissioner Yount suggested the landowners have an undivided interest in the ponds to eliminate any involvement of Homeowners Association and the chance of the pond being the responsibility of the County.

Ron Adams and Steve Norfleet, downstream landowners, have property on County Road 300 South at the opening of the culvert that is planned to be used for runoff from the subdivision. Their concern is the culvert is not large enough to handle the runoff.

Mr. Kittle stated there will be less runoff going through the existing culvert after development, so the size of the culvert is adequate.

Being no other concerns from the downstream landowners, Mr. Spencer recommended preliminary approval of Romney Run Subdivision with two conditions:

1. The detention storage analysis should be amended using the Huff Third Quartile distribution and with a critical storm duration series to confirm the maximum required volumes has been achieved. Support data for the analysis should also be amended and clarified as noted in the initial memo provided by the engineer.

2. The adequate conveyance of upstream flows through the site should be confirmed by providing calculations and system information to the County for review.

Commissioner Yount moved to grant preliminary approval of Romney Run Subdivision subject to the two conditions, seconded by Commissioner Haan. Motion carried.

#### WAKE ROBIN ESTATES II

Commissioner Yount moved to continue Wake Robin Estates II due to the absence of project representatives, seconded by Commissioner Haan. Motion carried.

#### MEIJER JOINT DETENTION

Mr. Spencer stated he had a request from the Meijer representatives, Vester and Associates, to ask for a continuance. Commissioner Yount moved to continue Meijer Joint Detention, seconded by Commissioner Haan. Motion carried.

Commissioner Gentry recessed the meeting for five minutes.  
Commissioner Gentry reconvened the meeting at 9:30 a.m.

#### TIPPECANOE MALL EXPANSION

Dick Boehning and Marianne Owen represent Melvin Simon & Associates, Joe Stallsmith Staff Engineer with the Simon Organization and Mark Harris with ACE American Consulting Engineering were also present. Mr. Boehning stated there was an agreement called the "The Nonbinding Memorandum of Understanding". The parties involved in the agreement are the County Drainage Board, the County

Commissioners, the City of Lafayette, Ivy Tech, Mel Simon, and Maple Point Enterprises. The parties agree to develop the area in order to get the needed improvements to generate enough funds to construct a regional retention facility, extend Creasy Lane from State Road 38 to Brady Lane, and construct another road between State Road 38 and US52 called Maple Point Drive. Since State Road 38 is nearing completion, interest rates are down, Simon has successfully been converted to REIT which has relieved financial pressures, and the May Company which owns LS Ayres has committed to moving to the mall area this project is moving forward. LS Ayres is Phase I of this project with a completion date of October 1994 which will involve constructing Maple Point Drive, the Creasy Lane extension to Brady Lane, beginning the engineering and construction of a regional retention pond, and the relocation of the Wilson Branch of the Elliott Ditch.

Commissioner Haan asked what the Drainage Boards involvement is on this project?

Mr. Boehning stated the Boards involvement, along with Simon Engineers and American Engineering Consultants is the design for a regional retention facility and getting approval of the design by the City of Lafayette. The ponds construction cost will be covered by TIF funds generated from the improvements of the Payless Store and LS Ayres which the City will track. Simon & Associates will be petitioning the Board for the relocation of the Wilson Branch of the Elliott Ditch and under the original agreement it was anticipated the soil from the regional retention facility would be used to fill the area where LS Ayres will be constructed and the Creasy Lane project.

Joe Stallsmith stated no soil has been removed from the pond area. Christopher Burke's hydraulic study will be broken down to show what is going to happen to the pond. When the break down is done, it will be submitted to the Drainage Board and the Department of Natural Resources for approval. Mr. Stallsmith stated the construction of Maple Point Drive will be done in two phases and constructed the same time as LS Ayres. The first phase consists of four lanes beginning at State Road 38 narrowing to two lanes then back to four lanes before reaching US52. The second phase will be to make the portion that is two lanes into four lanes, so Maple Point Drive is four lanes from State Road 38 to US52. Mr. Stallsmith concluded by asking when Simon has a plan to remove the dirt from the pond to fill the LS Ayres site, is approval to be made by the County Commissioners and the Drainage Board?

Commissioner Gentry stated the pond design is approved by the Drainage Board, the actual dirt removal from the pond is approved by the County Commissioners and the Department of Natural Resources.

#### ATTORNEY CONTRACT

Mr. Hoffman will be the County Drainage Board Attorney compensated at a hourly rate of one hundred and twenty-five dollars per hour.

Commissioner Haan moved to enter into the contract with J. Frederick Hoffman as Attorney for the County Drainage Board for the year 1994, seconded by Commissioner Yount. Motion carried.

#### ENGINEERING CONSULTANT CONTRACT

Christopher Burke Engineering will provide professional engineering services related to the review of drainage plans prepared for development in the County. These services are to be provided on an as-needed basis as directed by the County Surveyor and includes attendance at Drainage Board meetings. The total hours spent on the review depend on the project complexity, adequacy of the submittals, and responsiveness of the consultant. Billing rates for Jon Stolz, Engineering Consultant are forty five dollars per hour and reproduction cost for photocopies \$0.10/each, bluelines \$0.30/sq ft, Fax \$2.00/Page, outside copy service (reproducibles, sepias, etc.) cost + 5%, 2-Man Survey Crew 75, 3-Man Survey Crew 85. The only change to the contract was that the agreement be governed by and in accordance with the laws of Indiana not Illinois, the contract is on file in the County Surveyor's Office.

Commissioner Yount moved to approve Christopher B. Burke Engineering to provide engineering services for the County Drainage Board, seconded by Commissioner Haan. Motion carried.

Commissioner Yount moved to give the President of the Drainage Board authority to sign the contract between Christopher Burke Engineering and the County Drainage Board, seconded by Commissioner Haan. Motion carried.

#### DRAINAGE BOARD ORDINANCE

Commissioner Gentry read the changes to the Drainage Board Ordinance No. 88-40-CM:

"6 f. Submittal and Consideration of Plans

Preliminary and final drainage plans and/or construction plans shall be submitted to the Drainage Board at least thirty (30) days prior to their regularly scheduled meeting. The Surveyor shall furnish the Applicant in writing at least ten (10) days prior to the scheduled meeting a complete list of his objections to the plans and accompanying data submitted to him by Applicant. All preliminary plans, final plans and/or construction plans in compliance with the standards of this ordinance shall be approved by the Drainage Board. The Drainage Board and/or the county Surveyor shall stamp such approval on a copy of such plans and deliver the same to the Applicant. The Board shall approve or disapprove any preliminary plans, final plans and/or construction plans within sixty (60) days of the date when these plans and all necessary documents required to the submitted therewith pursuant to this section 6 are delivered to the Surveyor in a form which complies with all requirements of this Ordinance, unless Applicant consents to a continuance or extension. All approvals and disapprovals with written reason shall be incorporated into the drainage board minutes.

Commissioner Haan moved to adopt and approve Ordinance amendment 94-04-CM, seconded by Commissioner Yount. Motion carried.

#### JOINT DRAINAGE BOARD MEMBERS

Commissioner Gentry recommended appointing Commissioner Yount and herself to the Joint Drainage Board with Benton County on the Otterbein Ditch.

Commissioner Gentry recommended appointing Commissioner Haan and herself to the Joint Drainage Board with Montgomery County on the Phillip Dewey drain.

Commissioner Yount moved to approve the Joint Drainage Boards appointments, seconded by Commissioner Haan. Motion carried.

Being no further business Commissioner Yount moved to adjourn until March 9, 1994, seconded by Commissioner Haan.

DRAINAGE BOARD MINUTES    FEBRUARY 2, 1994 REGULAR MEETING

TIPPECANOE COUNTY DRAINAGE BOARD

REGULAR MEETING

MAY 4, 1994

The Tippecanoe County Drainage Board met Wednesday, May 4, 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 April 19, 1994, Commissioner Yount moved to approve the minutes, seconded by Commissioner Haan. Motion Carried.

WILSON BRANCH FLOOD CONTROL RESERVOIR

Mark Harris, American Consulting Engineers, submitted to the Board the plan for the Wilson Branch Reservoir. The initial review was done by Christopher B. Burke Engineering, LTD. By taking information already collected by Burke, American Consulting Engineers were able to create a final construction plan for the Wilson Branch Reservoir. The DNR restricted an increase in the flood elevations to no more than one tenth of a foot in the Elliott Ditch downstream and the Wilson Branch upstream from the Reservoir. This restriction is summarized in the report Mr. Harris submitted to the Board. The pre-developed condition which includes the construction of the Treece Meadows diversion ditch and detention facilities upstream of this project will lower the upstream and downstream water elevations. The side overflow design was chosen over the on in-line design because the discharge into the pond would increase effective storage. The low flow channel of the Wilson Branch in a typical rain will flow through the reservoir in a six foot pipe then under US52, once the higher flow reaches the top of the Wilson Branch bank it will overflow into the reservoir. Surrounding the pond will be shrubs and trees to fulfill the DNR request to restore the habitat from relocating part of the Wilson Branch and to serve as bank protection. The portion of the Wilson Branch that is planned for relocation is located between what is proposed as the Payless Grocery Store and State Road 38. As a result of the relocation the water elevation will be lower and plantings will restore the lost vegetation.

Mr. Hoffman asked the depth of the reservoir?

Mr. Harris stated the depth will be 14 feet, the DNR requested that a third of the pond bank be at a slope of 10 to 1.

Mr. Hoffman inquired about the fence requirement.

Mr. Spencer stated the fence issue will be a variance American Consulting Engineers will request at final approval.

PARK 475 EAST - Rowe Trucking

Todd Warrix, Hawkins Environmental, asked the Board for final drainage approval of Park 475 East also known as Rowe Trucking located in Wea Township. John Rowe is the landowner of 92 acres, but only wants to develop 6 acres, any further development of the 92 acres will require additional analysis. An industrial building approximately 425 feet X 80 feet is proposed for the site, an asphalt area of 3.5 acres and a grassy area of 2.4 acres. Mr. Warrix asked for a

variance of on-site storage and instead let the runoff go to a natural pond then flow to the Elliott Ditch. Mr. Rowe is willing to contribute to an escrow account for the proposed construction of the regional retention pond planned for the Elliott Ditch.

Commissioner Yount asked if there are any figures for the pre and post developed conditions?

Mr. Warrix stated the pre-developed 10 year runoff is 1.67 cfs and post-developed 100 year runoff is 11.4 cfs.

Mr. Rowe submitted a letter to the Board stating he will contribute to the regional retention pond.

Mr. Davis pointed out the bidding of the pond construction is out on the Wilson Branch, which will give an idea of a dollar amount for Mr. Rowe to contribute to the future construction of the Elliott Regional Basin.

Mr. Hoffman stated an escrow account would be an advantage to people in Mr. Rowe's position because no on-site storage would be required which would provide extra building area and an escrow account is an advantage to the County by helping with the expense of constructing the pond.

Commissioner Gentry read a letter from Fred Koehler to John Rowe and the exact letter was sent from John Rowe to Fred Koehler.

(quote)

April 29, 1994

Rowe Farms, Inc.

P.O. Box 386

Otterbein, IN 47970

Dear John,

With regard to our phone conversation about water drainage, Koehler access to sewer and water lines, and drive way sharing. Rowe Farms will give Koehler free access to cross Rowe property to get access to water and sewer without cost. Rowe and Koehler will share the drive way entrance. Koehler recognized it is possible that water may come from Rowe Farms to Koehler property. Koehler will be able to connect to the water line at its termination with no cost sharing of bringing the water line to that location.

Sincerely,

Fred Koehler

Alandco, Inc.

(unquote)

Commissioner Yount moved to grant Park 475 East, Rowe Trucking, final drainage approval on the proposed 6 acres with the conditions of any further development of the 92 acres Mr. Rowe will be required to provide on-site storage if the development is prior to the construction of the Elliott Ditch retention pond (pond F). An escrow account must be set up for the purpose of establishing a fund for pond F which Mr. Rowe has agreed to contribute to on a prorated basis of storage volume, seconded by Commissioner Haan. Motion carried.

OTHER BUSINESS

## Leader-Newton Drain

Mr. Spencer received a petition to establish the Leader-Newton Drain in Jackson Township as a County regulated and maintained drain. The Leader-Newton watershed area was redone by the Soil and Water Conservation, at that time the landowners agreed to maintain the system, but some people have not been keeping up with the maintenance, so they decided to submit this petition. Mr. Spencer stated he would write his Surveyors report and assemble the paper work to establish the Leader-Newton Drain.

## Wet-Bottom Detention Facility Requirements

Mr. Spencer asked what type of wording should be on the signs for the detention facilities?

Mr. Hoffman stated the depth of the pond should be posted and signs that indicate danger, deep water, no swimming, no fishing etc. The safety ledges for a nonfenced pond should change from 4 to 6 feet in width with various slopes to 10 to 15 feet in width with slopes of 6:1 and 3:1 per proposed cross section.

Commissioner Gentry stated the fence requirement should stay in the ordinance as it reads currently.

Being no further business Commissioner Yount moved to adjourn until June 1, 1994, seconded by Commissioner Haan. Motion carried.

DRAINAGE BOARD MINUTES    MAY 4, 1994 REGULAR MEETING    07/25/9405/04/94

TIPPECANOE COUNTY DRAINAGE BOARD  
REGULAR MEETING  
JUNE 1, 1994

The Tippecanoe County Drainage Board held its regular meeting on Wednesday, June 1, 1994 at 8:30 A.M. in the Community Meeting Room of the Tippecanoe County Office Building. Present were: County Commissioners: Nola J. Gentry, William D. Haan, and Hubert D. Yount; County Surveyor Michael J. Spencer; Drainage Board Attorney J. Frederick Hoffman; Drainage Board Engineering Consultant Jon Stolz, and Acting Secretary Pauline E. Rohr.

Commissioner Nola J. Gentry called the meeting to order.

APPROVAL OF MINUTES

Commissioner Yount moved to approve the minutes of May 4, 1994 as distributed, seconded by Commissioner Haan; motion carried.

WILSON BRANCH FLOOD CONTROL RESERVOIR

Mark Harris, American Consulting Engineers, stated that, following discussions with Mike Spencer and Jon Stolz, minor changes have been made to the plans for the Wilson Branch Flood Control Reservoir which were presented at last month's Drainage Board meeting. The following concerns were discussed at today's meeting:

- ¶ Mr. Harris, in a letter to Mr. Spencer, requested a variance of the statutory 75' easement measured from the top of the bank to be reduced to approximately 35' on each side. The total easement will then be 150 feet. Mr. Hoffman stated that the letter should be changed to read: a "minimum" of 35' rather than "approximately" 35 feet.
- ¶ Mr. Hoffman asked if a fence will be erected on the side that parallels US52 to prevent the public from entering the pond.
- \* Mr. Harris explained that a fence along US52 is not planned. Since the existing roadside ditch along US52 will be retained, a fence erected on the right of way line would be in the flow line of the ditch. He also pointed out that the top edge of the berm surrounding the pond will be approximately 120' from the pavement.
- \* The Board generally agreed that erecting a fence will not prevent a person from entering the pond. It is hoped that the 120' distance from the paving will be enough of a deterrent.
- ¶ Commissioner Gentry asked if the water from the Mall parking lot will flow directly into the ditch.
- \* Mr. Harris answered that it will go directly into Wilson Branch but, after it reaches an approximate depth of 6', it will overflow into the pond.

Commissioner Gentry thinks that, for future projects, the ordinance should be amended to require more filtering of the water before it flows into the retention pond.

Commissioner Yount moved to give final approval to the drainage plan of the Wilson Branch Flood Control Reservoir as well as to approve the variance for no fence and the width of the easement to be 75' from the center line of the new proposed Branch and a minimum of 35' on each side from the top of the bank for maintenance all of which is subject to DNR approval, a change in the wording of the letter, and revised plans showing the change from 75' to 35', seconded by Commissioner Haan.

Audience Discussion:

Mr. Howard Helfrick, President of Torchwood Condominiums Homeowners Association, spoke to the Drainage Board about the ditch becoming a buffer between a residential area and a commercial/industrial area without a fence to separate them. The Association wishes to be a part of the total plan so that the owners' property will not be devalued and the area will continue to be a source of pride. Since the rear of the new Pay Less store will be visible from the Torchwood Addition, the Association is discussing the landscaping plans with a store representative. Mr. Helfrick outlined the main concerns of the homeowners regarding the entire project:

1. They want a sufficient buffer to prevent environmental pollution; e.g. air, water, human, light, and noise.
2. They want to prevent the disturbance of area wildlife.
3. They are concerned about the potential for flooding due to the large amount of paved area. In addition, they think a fence would prevent the blowing of paper and debris across their properties.

Commissioner Gentry explained that the "variance for no fence" previously discussed applies to the pond located on US52 close to Ivy Tech.

Mr. Helfrick stated that the Association is asking Pay Less to erect a chain link fence on its side of the ditch to provide security from trespassers as well as to prevent the blowing debris into the Torchwood Addition.

Commissioner Yount pointed out that, if a fence is erected within the easement for the ditch, the County is not responsible for replacing any part of that fence which has to be removed during maintenance work on the ditch.

The motion carried to give final approval to the drainage plan for Wilson Branch Flood Control Reservoir as well as approval of the variance for no fence and the width of the easement to be 75' from the center line of the new proposed Branch and a minimum of 35' on each side from the top of the bank for maintenance all of which is subject to DNR approval, a change in the wording of the letter, and revised plans showing the change of 75' to 35 feet.

#### COUNTY ROAD 50 WEST

Tom Turey of Bernardin, Lochmueller & Associates, presented the drainage plan for the construction and reconstruction of CR50 W for final approval. Tippecanoe County Highway Engineer, Kristine A. Frazell-Alexander, P.E., also attended for consultation.

The drainage plan continues the upgrading of Salisbury Street (in a northerly direction) just north of 350 N to just north of 600 N. The road, which is narrow and substandard, requires improvements because of increased traffic volume due to Harrison High School. Mr. Turey discussed cross culverts and a storm sewer which will improve drainage along CR50 W.

Mr. Spencer and Mr. Stolz expressed concern that the County ditch on the south side of 600N has inadequate capacity. Ms Frazell-Alexander stated that the County has an adequate amount of right-of-way should the ditch require additional work by the County Highway Department.

Commissioner Haan moved to give final approval of the CR50 W drainage plan, seconded by Commissioner Yount; motion carried.

#### ASHTON WOODS SUBDIVISION PHASE IV

Dan Lee, Ticen, Schulte & Associates, presented the drainage plan for Ashton Woods Subdivision Phase IV for final approval. Mr. George Schulte, of the same firm, also attended the meeting.

Mr. Lee presented the drainage plan in which the pond previously approved for Phase III has been enlarged to also provide drainage for Phase IV. New outlet structures have been designed under the roadway which separates the westerly pond (Phase III) and the easterly pond (Phase IV). The subdivision is surrounded by swale that will direct drainage to the easterly pond. Grass swales are also positioned at the end of the cul-de-sacs to provide additional drainage.

Mr. Lee requested a variance on the required depth of the dry bottom easterly pond located in Phase IV for the 100 year storm event.

Commissioner Yount moved to grant the variance for dry bottom depth on the easterly pond located in Phase IV and to grant final approval of the drainage plan for Ashton Woods Subdivision Phase IV, seconded by Commissioner Haan; motion carried.

Commissioner Haan left the meeting.

#### OTHER BUSINESS

##### DISCUSSION: DRAINAGE ORDINANCE

Mr. Spencer explained that each year the Drainage Board receives a large number of variance requests for wet bottom storage basins and "no fencing". In order to avoid the granting of a variance for "no fence", the following proposed changes to the Drainage Ordinance No. 88-40-CM were presented for the Board's consideration.

Commissioner Haan reentered the meeting.

Mr. George Schulte expressed his concern regarding the proposed item h (a) in Section 14 h of the Ordinance which states:

(quote)

A safety ledge 10 to 15 feet in width is required and must be installed in all lakes approximately 12 to 24 inches below the permanent water level.

(unquote)

Mr. Schulte thinks that the change from a 6 feet safety ledge (h) to one 10 to 15 feet in width (h a ) in a wet bottom basin will cause the public to consider the basin a play area and present a danger.

Commissioner Gentry explained that the Board thought if a small child wandered too close to the water, the wider ledge would allow the child to be more easily reached.

Section 14 h (a) of the revised Ordinance specifies how the basin has to be built if no fence is used. This allows a developer the option to build with a fence or without a fence.

The wording of section 14 h (#8) was discussed and the Board agreed to delete "chain link" and "plus a barb wire". Item #8 will now read:

(quote)

Basins designed with permanent pools or containing permanent lakes shall be surrounded by a nonclimbable (sic) fence at least six (6) feet in height suitably posted to prevent unauthorized entry into the pool area, as shown on typical cross-section.

(unquote)

Commissioner Gentry answered Mr. Schulte's question about stagnation control in the pond by pointing out that item #7 concerns providing aeration facilities if required.

#### INTERLOCAL AGREEMENT: CUPPY MCCLURE PROJECT

Mr. Spencer announced that the Interlocal Agreement between the County and the City of West Lafayette is complete and will be presented at the next Commissioners' meeting for their approval. The two entities have agreed to plant four acres of trees in the Celery Bog Park Plan as a requirement for obtaining the Water Quality permit for the Cuppy McClure Project.

#### ROWE RETENTION POND PROPOSAL

Mr. Spencer announced that Attorney Hoffman has drawn up a proposal which includes the Drainage Board, County Commissioners, and Rowe Truck & Equipment, Rowe Farms, Inc., and John C. Rowe as participants. In a letter dated May 2, 1994, Mr. Rowe agreed to pay a proportional percentage of the cost of a regional downstream retention pond on the Elliott Ditch. Attorney Hoffman pointed out that Mr. Rowe will place the funds in an escrow account.

Mr. Spencer pointed out that Mr. Rowe originally submitted a six (6) acre area for drainage to the Drainage Board, but the legal description submitted by Mr. Rowe for the proposal includes nine (9) acres. The Board decided that this discrepancy should be resolved before Mr. Rowe's proposal is accepted.

#### CORRESPONDENCE TO: TIPPECANOE ENTERPRISES, INC.

Mr. Spencer referred to a letter sent to Tippecanoe Enterprises, Inc. on behalf of the Tippecanoe County Drainage Board by Attorney Hoffman. The letter, which addresses the "Restrictive Covenants for the Northridge Subdivision provided in Paragraph 18 on Page 3", says that the maintenance of the retention ponds has not been accepted by the homeowners and the developer is required to return those ponds to their original condition. A general discussion followed.

#### ENGINEERING REVIEW FEES

The proposed fees for a first time engineering review were discussed. Although the first time review fees are absorbed by the County, fees for additional reviews will be charged to the customer.

#### LENARD DIBLE

Mr. Dible appeared to discuss continuing drainage problems on his property which are a result of drainage work done by Hawkins Environmental for the City of Lafayette. His complaint concerns work done on Creasy Lane and the ravine that is directly behind his lot. Mr. Dible requested the Drainage Board to develop a position either verbally or in writing to Hawkins Environmental to get the problem corrected.

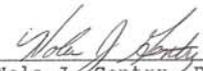
Commissioner Gentry asked Mr. Spencer to present a written request for the as-built drainage plans from Hawkins Environmental. This will enable the Drainage Board to determine if the City is at fault and therefore should be responsible for correcting the problem.

Mr. Spencer stated that if Hawkins Environment does not comply with his request for the plans, he will personally correct the problem.

#### ADJOURNMENT

Commissioner Haan moved to adjourn, seconded by Commissioner Yount; motion carried.

The next regularly scheduled meeting of the Tippecanoe County Drainage Board will be held at 8:30 A.M. on Wednesday July 6, 1994.

  
Nola J. Gentry, President

  
William D. Haan, Vice President

  
Hubert D. Yount, Member

ATTES:   
Shelli Hoffine, Secretary

TIPPECANOE COUNTY DRAINAGE BOARD  
REGULAR MEETING  
JANUARY 4, 1995

The Tippecanoe County Drainage Board met Wednesday January 4, 1995 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 William D. Haan, Nola J. Gentry, Gene Jones; Tippecanoe County Surveyor Michael J. Spencer; Drainage Board Attorney J. Frederick Hoffman; Drainage Board Engineering Consultant pro-tem David Eickelberger and Drainage Board Secretary Shelli Muller.

The first item on the agenda was to approve the minutes from the last Drainage Board Meeting held December 7, 1994. Commissioner Haan moved to approve the minutes, Seconded by Commissioner Gentry. Motion carried.

ELECTION OF 1995 OFFICERS

Commissioner Gentry made a motion to nominate Commissioner Haan as President of the Tippecanoe County Drainage Board, seconded by Commissioner Jones. Motion carried.

Commissioner Haan made a motion to nominate Commissioner Gentry as Vice President of the Tippecanoe County Drainage Board, seconded by Commissioner Gentry. Motion carried.

APPOINTMENT TO THE BOARD

Commissioner Gentry moved to appoint Shelli Muller as Executive Secretary of the Tippecanoe County Drainage Board, seconded by Commissioner Jones. Motion carried.

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

Commissioner Gentry moved to approve the contract of J. Frederick Hoffman as Attorney for the Tippecanoe County Drainage Board for a hourly rate of One hundred and thirty five dollars (135.00), seconded by Commissioner Jones. Motion carried.

HADLEY MOORS SUBDIVISION PART 2

Dale Koons, Civil Engineering, representing Dave Lux the developer of Hadley Moors Subdivision part 2 which is located North of the existing part one. A detention pond located West of the development has been sized to retain runoff from parts one and two. The storm system consist of a thirty-six inch pipe which outlets into the detention pond.

Mr. Spencer stated changes to the initial review have been made to correct the plan therefore final approval is recommended.

Commissioner Gentry moved to grant final approval of Hadley Moors Subdivision Part 2, seconded by Commissioner Jones. Motion carried.

#### DRAINAGE ORDINANCE - Review Fee

Commissioner Haan discussed the change to the Drainage Ordinance that will enact a review fee.

Mr. Spencer explained a review fee will be implemented to anyone that submits a project to be reviewed by the County and exceeds the ten hour review time limit. All accounts receivable and payable will go through the Surveyor's Office and final approvals will be subject to payment in full.

Commissioner Haan stated the review fee has taken affect January 1, 1995.

Mr. Hoffman confirmed any project that was submitted for this meeting is subject to a charge if exceeding the ten hour review time limit.

#### PENTECOSTAL CHURCH OF GOD

Mr. Spencer recommended to continue the Pentecostal Church of God review due to the absence of representation. Commissioner Gentry moved to continue review, seconded by Commissioner Jones. Motion carried.

#### VALLEY FORGE ESTATES PH 4 PT 2

Andy Slavens, Vester and Associates, presented the Board with final drainage plans for Valley Forge Estates, Phase 4 Part 2 which is located east of the existing Phase 4 Part 1. Part 2 contains 15.1 acres and will be divided into 53 lots. The existing detention pond that retains the runoff of part 1 will also retain part 2.

Mr. Spencer mentioned the memorandum dated December 27, 1994 from Christopher B. Burke Engineering concerning Valley Forge Estates Phase 4, Part 2 which indicates the contour lines are shown to go uphill instead of downhill and the pipe-sizing calculations for the rainfall intensity vary. Mr. Spencer stated he discussed the changes needed with Mr. Slavens and he was able to get the corrected information. Mr. Spencer felt by the end of today the corrected plan will meet the requirements of the Drainage Ordinance therefore he recommended approval.

Commissioner Gentry moved to grant final approval with the condition that Mr. Spencer and Mr. Slavens come to an agreement on the corrected plans, seconded by Commissioner Jones. Motion carried.

#### US231 PROJECT - SOUTH SECTION

Mr. Spencer recommended to continue the US231 project due to the absence of representation. Commissioner Gentry moved to continue the project, seconded by Commissioner Jones. Motion carried.

#### WILSON BRANCH RELOCATION

Mark Harris, American Consulting, presented the Board with final plans for the Wilson Branch relocation of the Elliott Ditch. Mr. Harris referred to the relocation as Phase 2 which will connect and replace most of Phase 1 relocation. Starting on the North side of Ross Road the relocation will go southwest of the recently relocated Wilson Branch. The relocation will outlet back into the old existing Wilson Branch before entering the regional retention pond. Mr. Harris mentioned the project has been submitted and is being reviewed by the DNR for construction in a floodway.

Commissioner Gentry asked how this affects the other agreement of the Wilson Branch and does this relocation affect the agreement with Judy Hammond, Maple Point Enterprises?

Mr. Spencer asked if all the land that the relocation will be taking place is owned by the Payless Corporation?

C. Buzz Weisiger, Payless Corporation, stated the land is owned by the Simon Corporation, Maple Point Enterprises and by Payless Corporation.

Mr. Spencer asked if all the land is going to be owned by the Payless Corporation at the end of the relocation?

Mr. Weisiger stated the center of the ditch will lie on the property line between the Payless Corporation and Maple Point Enterprises.

Mr. Hoffman requested American Consulting to get the consent of Maple Point Enterprises and Simon Corporation before the Board approves the project.

Mr. Weisiger stated both parties are aware of the project and asked if approval could be granted subject to the consent of Maple Point Enterprises and Simon Corporation.

Mr. Hoffman suggested approval be denied until a letter of consent has been received by Maple Point Enterprises and Simon Corporation. The letter asking for consent should contain the legal description and the description of the drainage easement.

Mr. Spencer stated American Consulting is asking for a reduction in easement width from 75 feet from the top of the bank on either side of the ditch to 35 feet from the top of the bank on either side of the ditch.

Commissioner Gentry moved to grant the variance to reduce the easement of 75 feet to 35 feet either side of the ditch from the top of the bank, seconded by Commissioner Jones. Motion carried.

#### CREASY/BRADY CONNECTOR

Todd Warrix, Hawkins Environment, asked the Board for final approval of the Creasy/Brady Connector. This project is in conjunction with the proposed Wilson Branch Reservoir and lies completely within the Elliott Ditch watershed area. The roadway will increase the existing condition .25 percent, but only increase the water surface elevation by .01 feet. With this project the flooding at Ivy Tech will be reduced, however it will not be eliminated. Upon completion the "F" lake the majority of the runoff from the Creasy/Brady roadway will be contained in County owned detention storage facilities.

Mr. Hoffman asked if the project is going to increase the volume of the nonexisting lake.

Mr. Warrix stated the 3.3 cfs increase is insignificant to the size of the Elliott Ditch Watershed and represent a total increase of .25 percent.

Mr. Spencer stated the only concern is the project needs to be clarified as to whether or not it is in the floodway. If so, there needs to be a permit from the DNR allowing construction in a floodway.

Bill Davis, Hawkins Environment, stated the contour data showing Creasy/Brady Roadway Extension was submitted with the Wilson Branch reservoir to the DNR and that permit has been issued.

Mr. Spencer stated the problem with the permit from the DNR is there is no mention of the roadway in the project description.

Mr. Davis stated the Wilson Branch contract contains all the dirt work for the roadway. The dirt from the reservoir will be used to build up the roadway and that was explained in the request for the permit.

Mr. Hoffman stated it needs to be clear that the roadway is not in the floodway otherwise the Board will require DNR approval of construction in a floodway.

Commissioner Gentry moved to grant final approval of Creasy/Brady Roadway with the condition of proof the roadway is not in the floodway or a DNR permit for construction in a floodway, seconded by Commissioner Jones. Motion carried.

#### CONCORD CORNERS SUBDIVISION

Dan Lee, Ticen Schulte and Associates, asked the Board for a reduction in Drainage Easement for Concord Corners Subdivision located at the Northwest corner of Concord Road and 350 South. Mr. Lee asked for the easement on the East and North sides of the ditch to be reduced from 75 feet to 25-30 feet.

Mr. Spencer stated the County has road right-of-way on the South and West of the eight inch pipe therefore the reduction will not interfere with maintaining the ditch.

Commissioner Gentry moved to approve the reduction of easement from 75 feet to 25-30 feet on the East and North side of ditch in Concord Corners Subdivision, seconded by Commissioner Jones. Motion carried.

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

DRAINAGE BOARD MINUTES      JANUARY 1, 1995 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  
JULY 12, 1995

The Tippecanoe County Drainage Board met Wednesday, July 12, 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 Pro-Tem Thomas H. Busch; Engineering Consultant Dave Eickelberger and Drainage Board Secretary Shelli Muller.

The first item on the agenda was to approve the minutes from the last Drainage Board Meeting held June 7, 1995. Commissioner Gentry moved to approve the minutes, seconded by Commissioner Jones. Motion carried.

SADDLEBROOK ESTATES SUBDIVISION

Todd Warrix, Hawkins Environmental, presented the Board with final drainage plans for Saddlebrook Estates Subdivision, located South of Brookfield Farms Subdivision off County Road 500 East. Mr. Warrix proposed a 12 inch low flow drain along the existing County easement will outlet 1600 feet downstream, which will prevent any restriction of flow from upstream. Mr. Warrix explained at the June 7, 1995 meeting more information on the construction of the Berlovitz Regional Retention Basin was needed before final approval could be considered. Mr. Warrix stated Crossman Community Partnership plans to develop the regional retention basin as Saddlebrook is being developed, but Hawkins has included in their plan for Saddlebrook an interim detention facility located at the southeast corner of County Road 550 East and 50 South, which will handle the runoff from their development if the regional retention basin is not developed.

Mr. Eickelberger explained the comments in the review memorandum for the interim detention facility were made as if the facility was to be a permanent structure, but since the structure is only temporary, he felt it would be sufficient.

Commissioner Gentry suggested adding to the approval of Saddlebrook a time limit for the use of the interim detention facility. After the time limit and if the pond was still in use, the developer would have to appear before the Board and the detention facility would have to meet the requirements of the Drainage Ordinance.

Mr. Busch agreed with Commissioner Gentry's suggestion.

Commissioner Gentry moved to grant final approval of Saddlebrook Estates Subdivision subject to after one year if the interim pond is still in use and the regional retention basin has not be constructed, the developer will return with plans for the detention facility that will meet the Drainage Board Ordinance requirements, seconded by Commissioner Jones. Motion carried.

LAFAYETTE MARKET PLACE

Paul Coutts, C & S Engineering, presented the Board with final drainage plans for Lafayette Market Place, located north of State Road 38 East and west of US 52

South. Mr. Coutts presented Mr. Spencer recorded easements of the Kepner Drain and a certificate indicating the drain is in the easement. The proposed drainage system is designed to connect the McCarty Lane ditch, the LUR Ditch and the Kepner Ditch into the Wilson Branch which will outlet into the regional retention basin. Adjustments were made to the original plan to improve the performance of the Kepner Drain by using a 42 inch pipe west of the existing 48 inch Kepner Drain.

Commissioner Gentry asked if there was adequate capacity in the Wilson Branch?

Mr. Spencer stated there is adequate capacity, Christopher B. Burke Engineering reviewed this project because they did the original study of the Elliott Ditch and have been updating the Wilson Branch capacity as developments are constructed.

Commissioner Gentry moved to grant final approval of the release of runoff from Lafayette Market Place into the Wilson Branch of the Elliott Ditch, seconded by Commissioner Jones. Motion carried.

#### SAGAMORE POINTE SUBDIVISION

No representatives appeared before the Board.

#### OTHER BUSINESS

#### US 231 - RELOCATION

Mr. Spencer and Mr. Eickelberger agreed the final submittal, June 16, 1995, of the relocation of US231 meets the requirements for the County Drainage Ordinance. Mr. Spencer stated if US231 has another phase, it will also have to meet the Drainage Board requirements.

Commissioner Gentry moved to approve final drainage plans of US231 relocation, also to submit a bill to RQAW for engineering review fees in excess of 10 hours, seconded by Commissioner Jones. Motion carried.

#### Cuppy-McClure - update

Mr. Spencer reported to the Board of a meeting with Marty Maupin from IDEM, the discussion was about the changes IDEM required before approval of the Water Quality Permit could be granted. Mr. Spencer explained to Mr. Maupin the changes were made and submitted in July of 1994, Mr. Maupin acknowledged the changes and stated a memo of his approval for the Water Quality Permit would be submitted.

Being no further business, Commissioner Gentry moved to adjourn until August 2, 1995, seconded by Commissioner Jones. Meeting adjourned.

DRAINAGE BOARD MINUTES JULY 12, 1995

TIPPECANOE COUNTY DRAINAGE BOARD  
REGULAR MEETING  
NOVEMBER 8, 1995

The Tippecanoe County Drainage Board met Wednesday November 8, 1995 in the Commissioners Meeting Room of the Tippecanoe County Courthouse, Lafayette Indiana, with William D. Haan calling the meeting to order.

Those present: Tippecanoe County Commissioners William D. Haan, Nola J. Gentry, and Gene Jones, Tippecanoe County Surveyor Michael J. Spencer, Tippecanoe County, Drainage Board Attorney J. Frederick Hoffman, acting secretary Anna Rumble.

The first item on the agenda was to approve the minutes form the October 4, 1995 Drainage Board Meeting. Commissioner Gentry moved to approve the minutes, seconded by Commissioner Jones. Motion carried.

RIVER BIRCH TRACE SUBDIVISION

Robert Grove, representing Klondike Road Partnership, requesting final approval of River Birch Trace Subdivision. Since meeting last time some revisions were made so as not to cause problems upstream with the trailer park. The agreement has not been signed by the owners of the trailer park. The engineer for the trailer park wants to hold a meeting tomorrow. Fred Hoffman stated that we have to have the owner of the trailer park sign the agreement before we can give final approval. We can have a meeting within 48 hours of signing the easement agreement. Nola moved to continue River Birch Trace Subdivision until Mike has a signed easement, Gene seconded, motion passed.

ABBY MARIE APARTMENT

Robert Grove, representing Pure Inc., requesting final approval for drainage plans for Abby Marie Apartments. Mike stated that all the conditions for final approval was the sections on the swale so the contractor will know what to build, and these have been added. Nola moved to give final approval to Abby Marie Apartments, seconded by Gene, motion passed.

OSCO DRUG #483

Pat Cunningham presented preliminary plans with three well casings to take some of the overland flow back to the ground water. The major change in this plan is putting a concrete weir in instead of a pipe for flow.

Nola asked Andy to talk about the drilling to help percolate faster. Andy state that drilling had found a vein of silt gravel about 30 feet down that looked like it would handle any kind of ground water flow. Andy has contacted DNR and they put him in contact with the EPA, who have indicated that they will go along with this.

Nola asked Mike to talk with Darrell Leap at Purdue to ask about this drainage situation.

Mike asked about the changes from the State Highway since they will be making improvements at the intersection of Hwy 231 and Beck Lane. Andy Stated that Osco will try and work with the State on this as they will be bidding that in January.

Nola moved to give final approval to Osco #483 contingent on a letter from EPA/DNR and Mike having a discussion with Darrell Leap, Gene seconded, Motion passed.

#### WILSON BRANCH EASEMENTS

Marianne Owen, Bennett, Boehning, Poynter & Clary Law Firm, for Tippecanoe Court Subdivision, which is property owned by Tippecanoe Associates which is the real estate arm of the Payless group is asking for the acceptance of the Dedication of a portion of a new legal drain and the release of the original part. They are working toward an opening date of November 29 for the Payless Store. The bottom of the new ditch is the property line between them and Maplepoint. The old one ran through their property. Fred stated that we could vacate the hold one but we could accept their grant of easement by not accept the new ditch because of easement on Judy of Maplepoint. Nola moved to vacate the old section of Wilson Branch described in Exhibit C of the petition of vacation of Wilson Branch and accept the easement from Tippecanoe Associates LLC the Drainage easement as exhibited in exhibit A.

#### AGGREGATE EQUIPMENT CONCEPTUAL

Allen Jacobson with C & S Engineering for Paul to ask for an interim drainage solution with a final drainage solution in the spring. Lot one will be Aggregate Supply, an equipment rental on McCarty Lane now which has to move out in February.

Allen passed copies of the site plan on Concord Road south of Fairfield, which is currently farmed, some woodland on the southern edge of the site and brush along Concord Road but majority is farmed. The natural flow of the water goes to Concord which is the cities ditch. They would like to grade the site in which all the water from the site moves to the back of the site and then goes through an open channel to the south and two detention ponds and that water regulated and directed into the Elliott Ditch.

Nola moved to grant the conceptual approval of the temporary drainage plan of Aggregate Equipment, seconded by Gene. Motion passed.

#### OTHER BUSINESS

Nola read the letter Fred had received from the Department of Labor; "Your October 10, 1995 letter to Betty L. Cockrum, Indiana Department of Commerce, regarding the above-cited Wabash Township, Tippecanoe County project and the question of application of either the Prevailing Wage Law or the Common Construction Wage Law was referred to this Department for reply.

On June 21, 1995, the Lake County Superior Court (the "Court") declared that the legislative amendments to the Prevailing Wage Law, enacted by the 1995 Indiana General Assembly, were unconstitutional. By order of the Court, the Department of Labor continues to implement IC 5-16-7 as it did prior to July 1, 1995. Please have your client direct its request for the formation of a Prevailing Wage Committee for this project, along with the name and address of the Township's representative on the Committee, to the undersigned at the above

address. As always, we will promptly respond to that request and all Committee member will receive written notice of the date, time and place for the meeting. Sincerely, Patti Fralich, Deputy Commissioner of Indiana Department of Labor." Nola questioned that this didn't answer our question of doing the project then paying the money back to the state since it's a state grant. Bill then stated that ownership of the project was the county and as ownership the law states the common construction wage. Mike stated that permits have been extended for two years and saw no reason to wait to start the project. Fred will review the letter and grants that we are using the money for. Mike suggested to let the bids go out in two parts, the bid for the total project and the alternate bid would be enough to give Great Lakes Chemical the outlet that we promised but short of the total project if West Lafayette doesn't come through with their money.

Being no further business the meeting adjourned.

DRAINAGE BOARD MINUTES      NOVEMBER 8, 1995

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 7, 1996

The Tippecanoe County Drainage Board met Wednesday, February 7, 1996 in the Commissioners Meeting Room of the Tippecanoe County Courthouse, Lafayette, Indiana with Nola J. Gentry calling the meeting to order.

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

CUPPY MCCLURE BRANCH OF THE HADLEY LAKE DRAIN

The first item on the agenda was the Reconstruction Hearing for the Cuppy McClure Branch of the Hadley Lake Drain.

Those present were: Jack Coffin, Mark Hatton, Al Parker, Lynford Chaffee, Robert Cox, John Harbor, W.R. Baldwin, Hans Peterson and Paul Elling.

Mr. Spencer stated all affected landowners in the watershed area of the Cuppy McClure Branch of the Hadley Lake Drain have been notified. Mr. Spencer asked the two remonstrance letters and his response letters be placed in the minutes.

"Richard K. Maier  
107 Tealwood Drive  
Bossier City, LA 71111  
11 January, 1996  
318-741-9864

Tippecanoe County Drainage Board  
20 N 3rd St  
Lafayette, IN 47901

Dear Sir:

I received your notice of the hearing on the schedule of assessments for the Cuppy-McClure and Hadley Lake drain. As I do not live in-state, I will not be able to attend the hearing, however, I would like to dispute the number of acres benefitted by my farm. Although I am not familiar with the specific location effected, I do know that most of my land drains to the south and not toward the ditch. I have included a map of the areas and direction of shed for my farm. The blue line divides the flow from the south and east. The 8.9 in the "Acres in Tract". Outside the woods, I would estimate 3 to 4 additional acres that drain east. Tile shown on the map all drain south. The farm to the west of me was listed as 3 acres benefitted.

I would appreciate your attention to this matter to correct the acres benefitted. I would be glad to arrange for the tenant farmer to accompany anyone who wishes to confirm the flow directions and number of acres effected. Thank you.

Sincerely

Richard K. Maier"

Mr. Spencer's response letter.

"January 19, 1996

Richard K. Maier  
107 Tealwood Drive  
Bossier City, LA 71111

Dear Mr. Maier:

This letter in response to your letter of January 11, 1996, Concerning acres benefitted by the Cuppy McClure Branch of the Hadley Lake Drain.

I agree that the 8.92 acre woods was not included in the "acres in tract" and it should have been.

I have reviewed the topo maps for the watershed for your property and I have determined that your acres benefitted should be reduced from 25.00 acres to 15.00 acres. For your information I have enclosed a copy of the amended recommended plan for the Cuppy McClure branch of the Hadley Lake Drain stormwater improvement plan.

Please call or write if you have any questions or concerns.

Very truly yours,

Michael J. Spencer,  
Tippecanoe County Surveyor"

The second letter received.

"January 26, 1996

TO: Shelli Muller, Executive Secretary  
Tippecanoe County Drainage Board

Letter of objection

Dear Sir:

- 1) It will be a mess in our daily life, in and out of our house especially when we have a visitor.
- 2) It will destroy the surrounding trees and flowers, I have planted 15 years ago. It will destroy the lot.
- 3) It will be very inconvenient for us being elderly couple in and out of the house. I truly object strongly to your digging! It will destroy the beautification I did some 15 years ago.
- 4) It will depress our feelings my wife and myself of your digging those dirt. It will hurt our feelings after living here X 15 years ago. All the mess we can not stand looking! It all the dirt and dust not healthy for my wife's asthma.
- 5) It will mess our life thinking of those digging. It will depress our feeling the mess you are going to make.

6) I can not attend your meeting. I am too busy at the hospital. We don't care about the cost, its the mess.  
Sincerely

Romuld Jardenil, M.D."

Mr. Spencer's response to letter.

"January 30, 1996

Mr. Romuld Jardenil  
1925 Carlisle Street  
West Lafayette Indiana 47906

Dear Mr. Jardenil:

I have received your letter of objection to the proposed construction of the Cuppy McClure Branch of the Hadley Lake Drain.

I would be willing to meet with you at your convenience to show you the project plans and hopefully satisfy your concerns.

Please call me at 423-9228 and we can set a meeting date and time.

Very truly yours,

Michael J. Spencer,  
Tippecanoe County Surveyor"

Mr. Spencer referred to a watershed map of the Cuppy McClure Branch. He explained the stormwater improvement plan, a clean out and regrading of the existing open channel. A 48 inch pipe to a 11' x 5' box culvert under U.S. HWY 52 West is designed, South of U.S. 52 a low flow 42 inch pipe with a high flow side swale to another 10' x 5' box culvert across Great Lakes Chemical property and connect with another 36 inch pipe with a swale running on top of the pipe. There is a proposed structure at North end of the Celery Bog.

Commissioner Gentry asked what the schedule is for construction.

Mr. Spencer stated after this hearing, advertisements for bids will be published, then begin construction this spring.

Commissioner Gentry asked for questions and comments from the audience.

John Harbor, 2512 Nottingham Place, asked what the need is for this project?

Mr. Spencer stated there is an existing old clay tile that was installed in the early 1900's, the soils have moved causing the tile to no longer function properly. In 1992 a petition was filed to reconstruct the Hadley Lake Drain, the Cuppy McClure Ditch is a Branch of this Drain. It will provide a positive outlet for Celery Bog Park and the future development of West Lafayette.

Mr. Harbor asked how the size of the pipe was determined and if such a large size of pipe really is necessary?

Hans Peterson, RUST Environmental & Infrastructure, stated the main reason for the designed sized pipe is so it can handle future development in West Lafayette.

Mr. Harbor asked if the project included the funding for any environmental ratification for this project?

Mr. Peterson stated I.D.E.M. has required the project include a four to one tree mitigation plan. Also, the construction will be a one sided channel clean out and the portion of open channel just south of Hadley Lake will be a channel bottom clean out.

Mr. Spencer pointed out another hearing will be set up after the completion of construction to establish a maintenance fund.

Mark Hatton, Great Lakes Chemical, asked what the easements are for the ditch.

Mr. Spencer stated the current easements for the ditch are 75 feet either side of the center of the pipe or 75 feet either side of the top of the bank on the open channel portions. A landowner can make a request to the Board to reduce the easement on their property to a minimum of 25 feet either side of the center of the pipe or the top of each bank on an open channel.

Mr. Hatton asked what the restrictions are for construction of a parking lot or road in the easement?

Mr. Spencer stated with the approval from the Board, parking lots or roads can be constructed in the easement, but a structure has to be outside the easement.

Lynford Chaffee, 1411 Ferry Street, stated he owns the property south of U.S. 52, just east of Cheswick Village Apartments. He explained his back yard floods and wondered if the construction of this pipe was going to help his problem?

Mr. Spencer stated the 42 inch pipe with the swale running along side of it will be constructed to the southwest of Mr. Chaffee's property. The swale will collect the water off the property and take it to a manhole from there the pipe will carry the water on downstream.

Being no further questions or comments from the audience, Commissioner Gentry read the findings and orders.

BEFORE TIPPECANOE COUNTY DRAINAGE BOARD  
IN THE MATTER OF THE CUPPY-MCCLURE BRANCH OF THE HADLEY LAKE DRAIN:  
FINDINGS AND ORDER FOR RECONSTRUCTION

This matter came to be heard upon the reconstruction report and schedule of assessments prepared by the Surveyor and filed on January 2 1996.

Certificate of mailing of notice of time and place of hearing to all affected landowners filed. Notice of publication of the time and place of hearing in the Lafayette Journal & Courier, & Lafayette Leader were filed.

Remonstrances were (were not) filed.

Evidence was presented by the 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 Surveyor and the schedule of assessments were filed in the office of the Surveyor on January 2, 1996.
- 2) Notice of the filing of the reconstruction report and 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 and Courier, a newspaper of general circulation in Tippecanoe County, Indiana, and Lafayette Leader a newspaper of general circulation in Tippecanoe County, Indiana more than ten (10) days prior to this hearing.
- 4) The legal drain consists of 1550 feet of open ditch, 4990 feet of tile in the Main ditch and 0 feet of tile in branches.
- 5) The largest diameter tile is 48 inches.
- 6) The drain drains 900 acres.
- 7) The total estimated annual volume of water handled by the drain is 69,200,000 cubic feet.
- 8) The land drained consists of approximately 700 acres of wetland, golfcourse, & cropland, 200 acres of urban, industrial, business or subdivision land.
- 9) Soil types involved are: Houghton Muck, Mahalasville, sloan clay loam, wea silt, toronto-octagon silt loam, langlois silt, throcmorton silt loam, stark-fincastle silt loam .
- 10) The present condition of the drain is: poor .
- 11) The drain needs the following reconstruction: Open ditch needs cleaned out, new storm sewer installed to provide positive outlet for the watershed .
- 12) The estimated cost of reconstruction is: \$1,035,455.00 \_.
- 13) Estimated annual benefits to the land drained exceeds \_the costs\_ and consists of: Providing a positive stormwater outlet for the watershed.
- 14) Reconstruction would result in the following damage to the following landowners. No damages
- 15) There is now due the General Drain Fund for the past work on said drain \$0.00
- 16) The drain should be reconstructed.
- 17) In order to provide for the reconstruction an assessment of \_\$0.00\_ should be levied on each acre benefited.

- 18) A Maintenance fund for annual maintenance should be established.
- 19) In order to provide for the annual maintenance an annual assessment of \$5.00 per acre benefited and \$10.00 per patted lot benefited should be levied.
- 20) The Reconstruction Report and the Schedule of Damages and Assessments presented by the Surveyor should be amended as follows:
- 21) The Schedule of Damages and Assessments (as amended) including the annual assessments for periodic maintenance are fair and equitable and should be adopted.
- 22) The first assessments should be collected with the N/A taxes.

HOW, THEREFORE, IT IS ORDERED THAT:

- 1. The Cuppy-McClure Branch of the Hadley Lake Drain be reconstructed.
- 2. The Reconstruction Report filed by the Surveyor is adopted (as amended).
- 3. The Schedule of Damages and Assessments for Reconstruction filed herein (as amended) is adopted.
- 4. The annual maintenance fund (is not) established.
- 5. The Schedule of Assessments for reconstruction filed herein by the Surveyor (as Amended is adopted).
- 6. The assessments shall be collected with the \_\_\_\_\_ taxes.

Dated at \_\_\_\_\_, Indiana this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_

Nola J. Gentry, Chairman

\_\_\_\_\_

Gene Jones, Member

\_\_\_\_\_

William D. Haan, Member

ATTEST: \_\_\_\_\_  
 Shellie L. Muller, Executive Secretary

NOTE: The Final Report by the Surveyor, the Notice to the Landowners, the list of landowners in the watershed area and the Advertisements from the Journal & Courier and Lafayette Leader are on file along with the Finding and Order in the Tippecanoe County Surveyor's Office.

Commissioner Haan moved to approve and adopt the finding and order of the Cuppy McClure Branch of the Hadley Lake Drain, seconded by Commissioner Jones. Motion carried.

Commissioner Gentry recessed the meeting until 10:00 a.m.

DRAINAGE BOARD MEETING  
 Commissioner Gentry called the meeting to order.

Approval of Minutes

Commissioner Haan moved to approve the minutes from the meetings held December 21, 1995, a special meeting and January 3, 1996, a regular meeting, seconded by Commissioner Jones. Motion carried.

#### WABASH NATIONAL

Jennifer Bonner, Hawkins Environmental, asked for preliminary approval of Wabash Nation's parking lot located near the corner of U.S. 52 and 350 South, previously the General Foods property. Changes were made from the original report in regards to the area that drains to the current outlet under U.S. 52 to the Elliott Ditch. Ms. Bonner stated the memorandum from Christopher B. Burke Engineering will be addressed before final approval.

Mr. Spencer recommended preliminary approval.

Commissioner Haan moved to grant preliminary approval of Wabash National parking lot drainage plan, seconded by Commissioner Jones. Motion carried.

#### Elliott Industrial

Jennifer Bonner, Hawkins Environmental, asked for preliminary approval of Elliott Industrial located at the southeast corner of C.R. 250 East (Concord Road) and C.R. 150 South (Brady Lane). The site includes 17.5 acres, 3.88 acres of the total will be for future development, but 13.6 acres is proposed for seven light industrial lots. Commissioner Haan excused himself from the meeting at 10:04 a.m.. There are two dry bottom detention areas designed for the site, they are both located along C.R. 250 East (Concord Road) and divided by a driveway, both will outlet into the Elliott Ditch.

Mr. Spencer recommended preliminary approval with four conditions:

- 1) The applicant must submit an analysis of the proposed detention ponds using the TR-20 computer model when submitting for final approval.
- 2) When submitting for final approval, the applicant must clarify the existing tailwater elevation on Elliott Ditch for the 100 year frequency, 1.5 hour duration storm and use this value in the stage-discharge calculations for the proposed detention ponds.
- 3) The applicant should clarify the existing drainage for the site east of the subject site when submitting for final approval. The clarification should include delineation of the off site area, determination of the 100 year frequency runoff, comparison with the estimated contribution utilized in the preliminary analysis and determination of flow paths for any excess runoff.
- 4) The applicant must obtain a construction in a floodway permit from IDNR before final approval is granted.

Commissioner Jones moved to grant preliminary approval of Elliott Industrial Park with the four condition read by the Surveyor, seconded by Commissioner Gentry. Motion carried.

Commissioner Haan returned to the meeting at 10:08 a.m.

#### SANWIN APARTMENTS

Bob Grove asked for final approval of Sanwin Apartments located off State Road 25 West. At the last meeting Mr. Spencer requested the owners make a request to the Board for a variance to reduce the building setback from a 25 foot distance between the buildings and detention facilities. The second request from Mr. Spencer was that landowner acknowledge the restrictions for the front 125 feet of the site.

Mr. Spencer recommended the Board grant the variance and final approval.

Commissioner Haan moved to approve the variance of the 25 foot requirement for a setback between buildings and a detention facilities, seconded by Commissioner Jones. Motion carried.

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

#### WAKEROBIN ESTATES II PHASE I

Allen Jacobsen, C & S Engineering, asked for preliminary plan approval for Wakerobin Estates located north of Lindberg Road, west of McCormick Road and east of the railroad. A detention basin is proposed as a wet bottom facility located at the southern end of the site. The storm runoff will be routed through the basin and discharge into the 30 inch culvert under Lindberg Road. The majority of the site, 32.76 acres, will drain south to the basin and the remaining 1.89 acres will drain uncontrolled to the northeast similar to the current pattern and will be picked up by the future development of Wakerobin Estates II Phase II.

Mr. Spencer asked if phase I was going to be done all at once or will it have different sections?

Mr. Jacobsen stated phase I will probably be done in three different sections.

Commissioner Jones asked what size of discharge pipe is proposed?

Mr. Jacobsen replied the pipe will be 24 inch corrugated metal pipe. Mr. Jacobsen explained the outlet structure outlets into a concrete gutter, upstream from the existing culvert under Lindberg Road. He stated another thought is to extend the 30 inch culvert to connect with the outlet structure. The off-site area to the west enters the site in two areas, half of the off-site runoff will enter the existing ditch on the north side of Lindberg Road. A pipe has been designed at the entrance to convey the flow under the entrance to the subdivision. The other off-site runoff comes over the ingress and egress of the driveway to the west of the development and will flow into an inlet to capture the flow. Mr. Jacobsen asked for a variance for the detention facility to be located on lots 176 and 177 of the subdivision.

Mr. Harbor, Sherwood Forest stated he reviewed the plans for Wakerobin and submitted a report of his concerns. He wanted to know what impact the development would have on the existing Wakerobin and Sherwood Forest.

Mr. Eichelberger stated he read the review comments from Mr. Harbor and incorporated them into his review memorandum.

Mr. Spencer recommended preliminary approval with twelve conditions:

1) Starks Fincastle Silt Loam was presented in the submittal as a B/C hydrologic soil group and calculations make as a group B, when this soils is a group C. This value used in curve number determinations was used for both existing and developed conditions for both on and off-site CN determinations. All curve number determinations should be revised to reflect this fact. Also, Rockfield and Kalamazoo soils have been incorrectly assumed to be C group soils in the off-site drainage area.

2) All TR-20 runs have Huff 3rd quartile distribution that is different than the values in the Tippecanoe County Ordinance. Although not a large difference between values, there may be enough difference to make changes in discharge values, thus warranting a correction by the applicant.

3) HY-8 tailwater conditions for the Lindberg Road culvert are analyzed using a normal flow cross section of the receiving swale. No information has been provided regarding the receiving system or the cross section. Slope and condition of the swale need to be provided to confirm this assumption.

4) Although not required by the Ordinance for this project, the TR-20 analysis of the 50-year event of the Lindberg Road culvert did not include the 8.74 acres of off-site drainage area.

5) The following comments are related to the time of concentration calculations:

a. The developed conditions Tc value has been incorrectly computed for the Sheet Flow condition. The slope value was incorrectly entered as a value of 2 versus the correct value of 0.02 foot per foot. In addition, the flow path for the developed condition should be provided in order to confirm the values provided with the submittal.

b. The off-site Tc value has been incorrectly computed for the Sheet Flow condition. The slope value was incorrectly computed as a value of 1 versus the correct value of 0.01 foot per foot. (the calculation sheet does show a value of 0.01 though). In addition, the flow path for the off-site area should be provided in order to confirm the values provided with the submittal.

c. The applicant has not provided a calculation for the uncontrolled runoff time of concentration.

6) It appears that the construction plans differ from the ILUDRAIN calculations at reach 1-3, 0.4 vs 0.5%. The grassed flow length for the area contributing to reach "AS" (5-0) appears to be too long (540 feet).

7) All grading information and subbasin areas assume, in general, that the individual lots will be graded to split front and back yard drainage. The noted grades do not always show a clear indication of the drainage breaks. The acceptance of the provided analysis assumes that the noted drainage peaks will be adhered to during construction of the subdivision.

8) No mention of emergency access nor a safety ramp has been provided for the proposed pond. It appears that lots 176 and 177 contain all of the proposed detention facility on the lot not in common area. If the applicant plans on having detention on lots 176 and 177, a variance request should be submitted.

9) The applicant has not provided indication of drainage easements around critical flow areas between lots 9 & 10 nor near the primary storm outlet into the pond on lot 178.

10) No capacity calculations for the back-yard beehive inlets were provided. Maintaining the minimum 1.5 foot depth of emergency and rear yard swales does not appear possible in a few locations. This appears to be the case near lots 167-168, between lots 9-10 along 6-7(to collect the west off-site flow), and lots 36-37.

11) It does not appear that the applicant has noted erosion control measures for the uncontrolled runoff in the north part of the subdivision.

12) The applicant appears to provide an adequate drainage area map for the off-site area, however, it appears that the 8.76 acres may actually need to include slightly more area above the 702 contour.

Commissioner Haan moved to grant preliminary approval of Wakerobin Estates II, Phase I, with the twelve condition as listed, seconded by Commissioner Jones. Motion carried.

#### CROSSPOINTE COMMERCIAL SUBDIVISION

Allen Jacobsen, C & S Engineering, asked for final drainage approval of Crosspointe Commercial Subdivision located east of Creasy Lane and south of Burberry Place Apartments. The site consists of a total of 80 acres, with Crosspointe Commercial Subdivision being the first of three different sections, consisting of 25 acres and 16 lots. A road is planned through the middle of the subdivision off Creasy Lane and another entrance to the south of the site for access to the future development of apartments. There are two major drainage facilities that run through the site, the open Treece Meadows Legal Drain and the Treece Meadows Relief Drain. The project proposed not to have any on-site detention facility, direct the water to the Treece Meadows Relief Drain then south to the Wilson Branch, which outlets into the regional retention facility. The portion of the relief

drain that runs through the site is very shallow, to eliminate that problem it is proposed to widen the ditch by 10 feet without altering the existing flowline. Also, change the culvert size under Amelia Avenue to accommodate the full 100 year flow and to extend the culvert under Creasy Lane to the northeast to connect with the relief drain.

Commissioner Gentry asked if the existing culvert under Creasy Lane is large enough to accommodate the runoff?

Mr. Jacobsen stated the culvert is designed to convey a 100 year storm event, the plan is to continue the culvert at the same size, so it should function the same as it does currently.

Mr. Jacobsen explained on-site there is an existing 15 inch clay tile, which is proposed to be rerouted and increase the size of the pipe to 18 inches.

Mr. Spencer stated there is a grade conflict with the new storm sewer going down the access road and the back of the lots.

Mr. Jacobsen stated he would make sure in the final submittal there will be no conflict. He also, agreed that with each development of the individual lots approval from the Board will be needed.

Mr. Spencer recommended final approval with three conditions:

- 1) IDNR response to the applicant's January 31, 1996 letter.
- 2) Verification of the cross-section reach lengths through the modeled section of the Treece Meadow Relief Drain.
- 3) Comparison plots of the cross-section.

Ms. Bonner, Hawkins Environmental on behalf of the City of Lafayette, stated many of the easements are not shown and the easements for the Treece Meadows

Relief Drain need to be shown on the construction plans. The developer also, needs to coordinate the proposed construction plans for the widening of Creasy Lane. The Treece Meadows Legal Drain will be extended south approximately 350 feet, which will cross the proposed Amelia Avenue and will affect lots to the south of the access road.

Pat Clancy, Tippecanoe County Highway Engineer's Assistant, asked for a meeting to be held to discuss the future widening of Creasy Lane and the proposed Crosspointe Subdivision. The County Surveyor, the developer, the City and the County Highway should be represented.

Commissioner Haan moved to grant final approval of Crosspointe Commercial Subdivision with the above listed conditions and an agreement be made between the developer, County Highway Engineer and County Surveyor, seconded by Commissioner Jones. Motion carried.

#### HUNTINGTON SUBDIVISION

Andy Slavens, Vester and Associates asked for preliminary approval of Phase I and II of Huntington Subdivision located upstream from State Road 26 and west of the existing Green Meadows Subdivision. A concern from the review of the proposed subdivision is the existing culvert under SR 26, the watershed area included 374 acres to the northeast of Huntington Subdivision, which is tributary to the culvert. After further review, the result was the Subdivision utilizes 20% of the culvert, to control the discharge into the culvert an additional pond was designed at the northwest corner of the site. Another concern from the review was an existing 12 inch tile that is a legal drain, which has the 75 foot easement either side of the pipe.

Commissioner Gentry stated since this is not going into a legal drain what happens when the property owners say they are getting a lot of adverse water and put fill in the drainage area, what happens to the drainage system?

Mr. Slavens stated the drainage plan is designed to handle the water.

Pat Cunningham, Vester & Associates, stated that currently the ten year release rate off the proposed site is between 40 and 50 cfs runoff, per Mr. Spencer's requirement, after development there will only be 10 cfs.

Mr. Spencer recommended preliminary approval with the five conditions David Eichelberger provided in the memorandum dated February 6, 1996.

Commissioner Haan moved to grant preliminary approval of Huntington Subdivision subject to the five condition of the memorandum dated February 6, 1996, seconded by Commissioner Jones. Motion passed.

#### WATERSTONE SUBDIVISION

Dale Koons, Civil Engineering, asked for final approval of Waterstone Subdivision, located between 9th and 18th Streets, south of County Road 350 South and North of the Kirkpatrick Ditch. The approval is to relocate a surface inlet into the Kirkpatrick Ditch along the south end of the proposed subdivision. Two options were proposed for the design of the subdivision in the fall of 1993, the first was to minimize the encroachment into the existing floodplain, and not provide any on-site detention storage. Instead, 77 acre-feet of storage would be provided in the Kirkpatrick Ditch. The second option was to increase the encroachment into the existing floodplain, and provide on-

site detention that is distinct from the drainage way of the Kirkpatrick Ditch. This option would provide approximately 4 to 5 acre-feet of on-site storage above the 100 year flood elevation. In an informal meeting with the Board in December it was decided to pursue the first option and maximize the storage of the Kirkpatrick Ditch. The Commissioners expressed concern about the depth of the flooding and asked that it be fenced off.

Some reconstruction of the Kirkpatrick Ditch will be required from County Road 350 to 9th Street to alleviate the problem of standing water at the 9th Street crossing.

Mr. Spencer recommended final approval, with the condition the proposed invert elevations of the reconstructed Kirkpatrick Ditch should be clarified between the downstream invert of the 18th Street crossing and the 622 contour line. For example, the cross-section labeled as Sta. 79+00 on sheet 51 indicates an invert elevation of 622.30. This cross-section appears to be located at Sta. 25+00 of the Kirkpatrick Ditch centerline as shown on Sheet 10. The invert elevation according to Sheet 10 appears to be approximately 621.7. The applicant should clarify this issue.

Commissioner Haan moved to grant final approval of the drainage relocation connection to the Kirkpatrick Ditch for the Waterstone Subdivision, seconded by Commissioner Jones. Motion carried.

#### OTHER BUSINESS

##### ROMNEY STOCK FARM DITCH

Marvin McBee stated he submitted a petition to the Board for the reconstruction of the Romney Stock Farm Ditch and wanted an update on the progress.

Mr. Spencer stated there was a joint board meeting between Tippecanoe County and Montgomery County. Montgomery County was suppose to get the landowners, names, address, and acreages to him so the County could notify the landowners in the watershed. Mr. Spencer explained shortly after the meeting he received a letter stating Montgomery County was withdrawing from the joint board. Mr. Spencer suggested Mr. McBee ask the Montgomery County Surveyor to send the information of the landowners in the watershed area of Montgomery County.

#### CONTRACTS

Commissioner Haan moved to sign the contract for the Tippecanoe County Drainage Board Attorney with Hoffman, Luhman and Busch, seconded by Commissioner Jones. Motion carried.

Commissioner Haan moved to sign the contract for the Tippecanoe County Drainage Board Engineering Consultant with Christopher B. Burke Engineering Limited, seconded by Commissioner Jones. Motion carried.

Being no further business, Commissioner Haan moved to adjourn until March 6, 1996, seconded by Commissioner Jones. Meeting adjourned.

DRAINAGE BOARD MINUTES      FEBRUARY 7, 1996

TIPPECANOE COUNTY DRAINAGE BOARD  
SPECIAL MEETING  
MAY 15, 1996

The Tippecanoe County Drainage Board met in a special session, Wednesday, May 15, 1996 in the Commissioners Meeting Room of the Tippecanoe County Courthouse, Lafayette, Indiana.

**O'FERRALL BRANCH OF THE ALEXANDER ROSS DITCH HEARING**

Those present were: Tippecanoe County Commissioners Nola J. Gentry, Gene Jones and William D. Haan; Tippecanoe County Surveyor Michael J. Spencer; and Drainage Board Secretary Shelli Muller. also in attendance were: Walter Fassnacht, 5091 State Road 26 East; Patrick Cunningham, Vester & Associates; Francis Albregts, 3901 East 100 South; and Joseph Gaskill, 4228 East 100 South.

Mr. Spencer asked the Board to accept the petition of the O'Ferrall Branch as part of the Alexander Ross Ditch. No additional assessment will be implemented since the O'Ferrall Branch is located within the Alexander Ross Watershed area. The branch includes the new detention basin located west of the Meijer Store and the outlet structure. There were several phone calls concerning the notification, but after an explanation there were no objections to the petition.

Mr. Albregts asked if Mr. Spencer had received any plans for the proposed development west of the interstate.

Mr. Spencer stated he has seen a plan of Park East which is located west of the interstate. The Alexander Ross Ditch Watershed study includes two detention facilities one on the east and west side of the Interstate 65.

Commissioner Haan moved to accept the O'Ferrall Branch as part of the Alexander Ross Ditch, seconded by Commissioner Jones. Motion carried.

Commissioner Haan moved to recess until 9:30 a.m., seconded by Commissioner Jones. Meeting recessed.

Commissioner Gentry called the meeting to order at 9:30 a.m.. Thomas H. Busch of Hoffman Luhaan and Busch joined the meeting.

Commissioner Haan moved to approve the minutes from the May 1, 1996 regular Drainage Board Meeting, seconded by Commissioner Jones. Motion carried.

**BERLOVITZ REGIONAL RETENTION BASIN**

Robert Foley, Hawkins Environment presented the Board with the plans of the Berlovitz Regional Retention Basin located in the southeast corner of County Road 50 South and 550 East. Mr. Foley asked the Board for final approval which will satisfy the last condition before the construction of Saddlebrook Estates Subdivision, Arlington Commons and Bridlewood Subdivision.

Mr. Spencer stated the 30 inch concrete tile that will pass under the proposed basin is in good condition and there is no plan to make any connection to the tile from the basin. The basin is currently planned to be a dry bottom pond, but in the future it will become a wet bottom basin as other developers are allowed to widen the pond to create storage for their developments. There will be a 2'x 4' box culvert under 550 East and a new road crossing under 50 South with a new box culvert which needs further discussion between Mr. Spencer and Mr. Murray.

Mr. Albergts asked what the depth between the top of the tile and the bottom of the basin will be.

Mr. Spencer stated the plans do not show what the elevation is, but he would find out and get back with Mr. Albergts.

Mr. Spencer recommended final approval with the condition of County Highway Department and the County Surveyor approval of the box culverts.

Commissioner Haan moved to grant final approval with the condition of both box culverts be studied and approved by the County Highway Department and the County Surveyor, seconded by Commissioner Jones. Motion carried.

**OTHER BUSINESS**

**ELLIOTT DITCH WATERSHED STUDY**

Mr. Spencer stated there is money available through the Department of Natural Resource to do some watershed mapping. Mr. Spencer presented the Board with a letter draft requesting assistance in the form of aerial topographic mapping, surveying or technical guidance from the DNR. Mr. Spencer stated the money would be used to further update the Elliott Ditch Watershed study done in 1987.

**RUST Environment & Infrastructure - work agreement**

Mr. Spencer presented the Board with a letter from RUST Environment and Infrastructure, Inc. stating the two IDNR permits had expired and must be renewed this additional work will increase the contract by \$1,500.00 above the current contract amount of \$99,985.00. RUST asked that an agreement for the additional work to be performed be signed by the Tippecanoe County Board of Commissioners.

Commissioner Gentry agreed to sign the agreement at the next Commissioners meeting.

Cuppy McClure - update

Mr. Spencer stated copies of the bids for the Cuppy McClure project were sent to the West Lafayette Engineer for his review. Mr. Spencer expects to hear from West Lafayette by the end of the week.

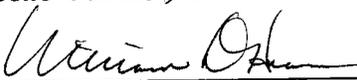
Valley Forge Subdivision

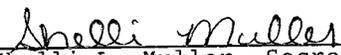
Mr. Spencer informed the Board of a drainage problem in Valley Forge Subdivision. The situation was viewed by the Commissioner last summer where a catch basin outletted in Mr. Roden's back yard which he disliked. Another landowner in Valley Forge Subdivision contacted Mr. Spencer complaining of water backing up in her back yard. When Mr. Spencer investigated the complaint he found the catch basin full of rock, concrete pieces and debris that was larger than the grate size on the catch basin. The County Highway Garage removed the debris and will fasten the grate down so that it cannot be lifted.

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

  
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 Nola J. Gentry, President

  
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 Gene Jones, Vice President

  
 \_\_\_\_\_  
 William D. Haan, Member

ATTES:   
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 Shelli L. Muller, Secretary

TIPPECANOE COUNTY DRAINAGE BOARD  
REGULAR MEETING  
June 5, 1996

The Tippecanoe County Drainage Board met Wednesday, June 5, 1996 in the Commissioners Meeting Room of the Tippecanoe County Courthouse, Lafayette, Indiana with Nola J. Gentry calling the meeting to order.

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

The first item on the agenda was to approve the minutes of the Special Drainage Board Meeting held May 15, 1996. Commissioner Haan moved to approve the minutes, seconded by Commissioner Jones. Motion carried.

Cuppy McClure - update

Mr. Spencer presented the Board with a complete application notice from the DNR which states both permit applications they received have been deemed complete and ready for processing. Mr. Spencer stated it is not an authorization to proceed, but indicates the DNR has received the application.

Commissioner Gentry asked Mr. Spencer if he heard anything from the West Lafayette Engineer concerning the bids?

Mr. Spencer stated he had spoken to the West Lafayette Engineer and he asked for two more weeks to review the bids.

Commissioner Gentry mentioned a conversation with Opal Kuhl, former West Lafayette Engineer, in which Opal told West Lafayette the bids received were low enough that even if the plans had a smaller culvert size it might cost more to rebid the work.

PROPOSAL FOR PROFESSIONAL ENGINEERING SERVICES - Elliott Ditch Watershed Study

Mr. Spencer discussed a proposal for Professional Engineering Services to update the 1988 CBBEL/OMTEK Report Entitled "Hydraulic and Hydrologic Investigation of the Elliott Ditch Watershed". Christopher B. Burke Engineering, LTD submitted the proposal to the Drainage Board for review and consideration. The proposal includes an Understanding of the Assignment, Scope of Services, and Estimated Fees. The Understanding of the Assignment reads:

"In January, 1988, CBBEL, in association with OMTEK, completed a study of the Elliott Ditch Watershed for Tippecanoe County. This study was completed to identify and evaluate potential solutions to the "present and future flooding problems" of the watershed. In the period between the completion of that report and the present, the watershed has seen a substantial amount of development and the construction of the Wilson Branch Reservoir. In addition, there has been several recent permit applications submitted to the Tippecanoe County Surveyor's Office for development along Elliott Ditch between the Conrail and Norfolk & Western (N&W) railroads and U.S. 52, with the potential for further development in the near future."

Mr. Spencer stated the estimated cost of the services described in the proposal is \$24,800.00.

Commissioner Gentry asked the procedure for having the floodplain elevation redefined.

Mr. Spencer stated the DNR would have to adopt the study of the Watershed and the only way to get them to adopt the study is to get them involved as much as possible with the study that Christopher B. Burke Engineering is proposing.

#### MCCUTCHEON HEIGHTS SUBDIVISION - Outlot "A"

Mr. Spencer presented a letter from Prairie Oaks, Inc. which is addressed to all property owners in McCutcheon Heights Subdivision. The letter explains Prairie Oaks, Inc. is going out of business and the 3.38 acre outlot A for McCutcheon Heights will be sold. Prairie Oaks, Inc. suggested the adjoining landowners in Prairie Oaks Subdivision buy outlot "A" which could be used for a neighborhood picnic/playground area. Mr. Spencer stated outlot "A" serves as the dry storm water retention basin for McCutcheon Heights Subdivision.

Commissioner Haan stated with dividing outlot "A" between adjoining landowners, they may not maintain it as a basin.

Mr. Hoffman stated the basin should be sold to one individual with the understanding the basin is to be maintained so it functions properly.

Commissioner Gentry understood the basin was going to be petitioned to be made a legal drain.

Mr. Spencer stated if the basin would become part of a legal drain that would solve the problem of who would maintain the basin, but not who would own it. A suggestion was made to Mr. Spencer of the County owning the basin. Another solution would be if the adjoining landowners did own the basin and did not maintain it as a basin, the County can fix the problem and bill the landowners.

Mr. Spencer presented aerial photos by Woolpert for the Board's inspection. The aeriels were done for the pilot GIS project, the photos include six section east of town.

#### BROOKFIELD FARMS SUBDIVISION - Homeowners Association

Eric Burch, Brookfield Farms Subdivision lot 63, stated he is the President of the Homeowners Association in Brookfield Farms Subdivision. The association has just formed and Mr. Burch asked for information on liability, maintenance, and erosion of the two wet bottom basins located in Brookfield Farms Subdivision.

Mr. Hoffman stated the Homeowners Association will have the responsibility of getting liability insurance, maintenance and controlling erosion in the basins.

Mr. Spencer asked if the Homeowners Association has a set of the construction plans for Brookfield Farms. The plans will help to determine the sizes and location of the pipes and outlet structures.

Mr. Burch stated they have a plat of the subdivision, but not the construction plans.

Mr. Spencer stated he can provide a set of the plans for the association to have on file. Maintaining the basins would include mowing, inspecting the outlet structure to insure it is in proper working order which means making sure nothing obstructs the flow through the pipes. Also, monitoring the rear yard swales so no one alters the flow path will be a responsibility of the Homeowners Associates. Mr. Spencer offered to meet with the Homeowners Association when he gets the construction plans and go through the plans with them on site.

Mr. Burch expressed some concern of existing erosion that was started before the Homeowners Association formed and also with an existing muskrat problem. He wondered who would address those problems.

Mr. Spencer stated he can give them a name of someone who traps muskrats. He mentioned another option for the landowners in Brookfield Farms is to petition the Board to make the basin part of a legal drain. All of the landowners in the watershed area would pay an annual maintenance fee for the drain. The money collected would go into a fund set up for the ditch and if a maintenance problem arises the landowners can call the County Surveyor's Office to report the problem. The County would make the necessary repairs and the expense would be taken from the fund that was created for the ditch.

Mr. Burch stated he will suggest the idea of petitioning the Board to the association and get their input.

Being no further business Commissioner Haan moved to adjourn until July 3, 1996, seconded by Commissioner Jones. Meeting adjourned.

DRAINAGE BOARD MINUTES     JUNE 5, 1996 REGULAR MEETING

TIPPECANOE COUNTY DRAINAGE BOARD  
REGULAR MEETING  
August 7, 1996

The Tippecanoe County Drainage Board met Wednesday, August 7, 1996 in the Commissioners Meeting Room of the Tippecanoe County Courthouse, Lafayette, Indiana with Nola J. Gentry calling the meeting to order.

Those present were: Tippecanoe County Commissioners Nola J. Gentry, and Gene Jones; Tippecanoe County Surveyor Michael J. Spencer; Drainage Board Attorney J. Frederick Hoffman; and Drainage Board Secretary Shelli Muller.

The first item on the agenda was to approve the minutes of the Drainage Board Meeting held July 3, 1996. Commissioner Gentry moved to approve the minutes, seconded by Commissioner Jones. Motion carried.

PETITION OF DEDICATION - Wilson Branch of the Elliott Ditch  
Marianne Owen, Bennett Boehning Poynter and Clary Attorneys at Law, represented Tippecanoe Associates and Maple Point Enterprises with a petition for acceptance of dedication for the relocated portion of the Wilson Branch of the Elliott Ditch Legal Drain. She requested the Board's acceptance of the dedication and signing of the vacation for the old portion of the Wilson Branch which is no longer in use.

Commissioner Jones moved to dedicate the new legal description of the relocated portion of the Wilson Branch of the Elliott Ditch, seconded by Commissioner Gentry. Motion carried.

Commissioner Jones moved to vacate the unused portion of the Wilson Branch of the Elliott Ditch, seconded by Commissioner Gentry. Motion carried.

Commissioner Jones moved to authorize the chairman of the Drainage Board to sign the order for the Wilson Branch of the Elliott Ditch, seconded by Commissioner Gentry. Motion carried. Commissioner Gentry signed the order.

Pine View Farms II, Section 2

Todd Warrix, Schneider Engineering, requested final approval of Pine View Farms II, Section 2 located in Wabash Township east of County Road 250 West. Pine View Farms Subdivision contains 180 residential lots, section two consists of 60 lots on approximately 17 acres. At the April 1994 Drainage Board meeting, the drainage system was approved by the Board for both sections. Section two was submitted to assure the Board it meets the requirements previously approved. Mr. Warrix asked the Board for a variance to allow ponding of detention water on lots 158, 159 and 160 of section two.

Commissioner Gentry moved to grant a variance to allow detention on lots 158, 159 and 160 of section two, seconded by Commissioner Jones. Motion carried.

Commissioner Jones moved to grant final approval of Pine View Farms II, Section 2, seconded by Commissioner Gentry. Motion carried.

MILL CREEK SUBDIVISION

Jim Jones, Hawkins Environmental, requested final approval of Mill Creek Subdivision located east of 18th Street, north of 350 South and south of Elliott Ditch. The site consists of 74 single family lots and 58 duplex lots. The site

is designed to direct release into the Elliott Ditch, therefore Mr. Jones requested a variance for no onsite detention.

Mr. Spencer recommended final approval of Mill Creek Subdivision with the condition the developer receives approval from the Department of Natural Resources for the outfall structures.

Commissioner Jones moved to grant final approval of Mill Creek Subdivision with the condition the development receives approval from the Department of Natural Resources for the outfall structures, seconded by Commissioner Gentry. Motion carried.

Commissioner Gentry moved to grant the request for a variance of no onsite detention in Mill Creek Subdivision, seconded by Commissioner Jones. Motion carried.

#### LIGHTHOUSE HOMES CENTER

Mr. Spencer introduced Ike Tarvin, President of Lighthouse Homes Center and Amy Moore, of Butler, Fairman & Seufert, Inc.. They came before the Board to discuss Lighthouse Homes Center and the concept of them contributing to the Elliott Ditch Regional Detention Basin instead of having onsite detention. Ms. Moore stated she wrote a letter to Mr. Spencer which discussed the possibility of the developer contributing to the regional basin based on the volume of storage used by Lighthouse Homes Development.

Mr. Spencer stated the next step would be for the developer to prepare an agreement and include the amount of storage the development will use.

Mr. Tarvin asked when the regional detention basin will be built?

Mr. Spencer stated a time frame has not been determined.

#### COMFORT SUITES HOTEL

Steve Johnson, Design Consultant, requested final approval for Comfort Suites Hotel located northeast of frontage Road. Mr. Johnson explained water from the hotel site will travel across the surface of the parking lot and collect in catch basins, a storm water pipe will carry the water through a dry detention basin outletting into the existing ravine at the same runoff rate.

Mr. Spencer stated the developer wants to fill the existing ditch along Frontage Road. The ditch is within the right-of-way, therefore the developer needs approval from the County Highway Department. The other two conditions are the applicant needs a variance for the anticipated detention storage depth of 12 feet and the applicant must include an emergency spillway for the proposed detention pond.

Steve Murray, County Highway Executive Director, stated the developer has to provide information to confirm the amount of offsite water which flows through

the ditch. After an amount is determined the Highway Department will make a decision to allow or not to allow the ditch to be filled.

Commissioner Gentry moved to grant the variance of the detention storage depth, seconded by Commissioner Jones. Motion carried.

Commissioner Jones moved to grant final approval of Comfort Suites subject to the condition stated by the Surveyor, seconded by Commissioner Gentry. Motion carried.

#### OTHER BUSINESS

Mr. Spencer presented an agreement from RUST Environmental & Infrastructure, Inc in regards to Cuppy McClure drainage project. The agreement states RUST will provide additional engineering services as the County requires and be reimbursed on a per diem basis. Expenses incurred will not exceed the amount of \$12,500.00 and be billed at a hourly rate.

Mr. Spencer presented a letter from Atlas Excavating, who is the contractor for the drainage improvements on the Cuppy McClure Ditch. They suggested a structure change for manhole #1, and manhole #3 through manhole #9 to change from a 72" diameter pre-cast manhole to a 5'x 5' box manhole. They also, suggested changing catch basin #2 from a 48" diameter catch basin to a 2'x 2' box catch basin. There is no cost savings on the 5'x 5' box manhole, but the 2'x 2' box catch basin will result in a savings of \$125.00.

Mr. Spencer asked to be on the agenda for the August 12, 1996 Commissioner meeting for both the agreement with RUST Environment & Infrastructure and the changes suggested by Atlas Excavating.

Mr. Spencer informed the Board the notices for a hearing on the maintenance assessment for Romney Stock Farm Drain and the High Gap Road Drain were sent August 5, 1996 and the hearing will be held September 4, 1996 at 9:00 a.m.

#### SHEPHERDS POINT SUBDIVISION

Mike Gibson, 47 West 500 North asked the Board for help with the detention basin at the corner of 50 West and County Road 500 North. He was before the Board a year ago with the same situation and nothing has been done to get the pond regraded or seeded. Mr. Gibson stated Al Buckley was going to do the work, but nothing has been done.

Mr. Spencer stated he spoke with Mr. Gibson prior to this meeting and wrote a letter to Mr. Buckley asking for a meeting between himself, Mr. Buckley and Highway Department so they could discuss a remedy to Mr. Gibson situation.

Mr. Hoffman stated another letter needs to be written to Mr. Buckley with a time limit to respond to Mr. Spencer's letter.

Mr. Spencer stated he will send a certified letter instructing Mr. Buckley to contact him within 10 days after his receipt of the letter.

Being no further business, Commissioner Jones moved to adjourn until September 4, 1996, seconded by Commissioner Gentry. Meeting adjourned.

TIPPECANOE COUNTY DRAINAGE BOARD  
REGULAR MEETING  
OCTOBER 2, 1996

The Tippecanoe County Drainage Board met Wednesday, October 2, 1996 in the Commissioners Meeting Room of the Tippecanoe County Courthouse, Lafayette, Indiana.

Those present were: Tippecanoe County Commissioners Nola J. Gentry and William D Haan; Tippecanoe County Surveyor Michael J. Spencer; Drainage Board Attorney J. Frederick Hoffman; and Drainage Board Secretary Shelli Muller.

ROMNEY STOCK FARM DITCH HEARING

Commissioner Gentry called the hearing to order.

Mr. Spencer read the maintenance report for the Romney Stock Farm Ditch.

"The portion of the Romney Stock Farm Ditch as petitioned for maintenance needs the ditch bottom cleaned starting at County Road 1300 South then South for six hundred (600) feet then the ditch bottom needs cut to grade for twenty nine hundred (2900) feet to provide a better outlet for tile drains at the very upper end.

The first year assessment (\$12.13 per acre) should be sufficient to do the proposed ditch excavating then the annual assessment will be reduced to \$1.50 per acre."

The estimated cost for the first 600 feet equals \$750.00 and the following 1700 feet estimated cost of \$4,250.00 for a total estimated cost of \$5,000.00.

Commissioner Haan asked how many acres are within the watershed of the proposed clean out?

Mr. Spencer stated there are 412.18 acres within the watershed area of the Romney Stock Farm Ditch. Mr. Spencer stated he did not receive any remonstrance letters, but did receive a letter from Carol DePlanty. The notice she received indicated her owning 13.33 acres, this was incorrect she owns 6.76 acres the remaining 6.57 acres are owned by Doc Widmer.

Commissioner Gentry mentioned that Paul Kerkhoff was not in favor of the ditch becoming a county regulated drain because Mr. Kerkhoff is concerned about crop damage when maintenance is being done to the ditch.

Mr. Spencer replied that he spoke with Mr. Kerkhoff on his concerns and reassured him it is not the County's intention to do the maintenance while crops are in the field.

Mr. Hoffman asked the length of the extension?

Mr. Spencer stated 1600 feet is what the petition request to become county maintained.

Marvin McBee was present, representing his acreage in the watershed area, and confirmed he is agreeable with the petition to create a maintenance fund for the Romney Stock Farm Ditch.

Mr. Hoffman stated there are two request, the first is to add 1600 feet to the existing legal drain. The second request is to create a maintenance fund for the entire drain starting at County Road 1300 South.

Commissioner Haan moved to extend the Romney Stock Farm legal drain 1600 feet southeast from the ending point of the existing legal drain, seconded by Commissioner Gentry. Motion carried.

Commissioner Haan moved to establish a maintenance fund for the Romney Stock Farm Legal Drain, the first year assessment is \$12.13 dollars per acre and thereafter be reduced to \$1.50 per acre per state statute, seconded by Commissioner Gentry. Motion carried.

Marvin McBee asked if the landowners in the Grimes Ditch watershed pay for the proposed portion of the Romney Stock Farm ditch?

Mr. Spencer stated the Grimes Ditch is considered a separate ditch from the portion that is being petitioned today. The only way the landowners upstream will pay for the proposed ditch is if the two ditches are petitioned to become combined. Mr. Spencer stated after the quotes are received and a contract awarded, the annual assessment will be lowered if the cost is lower than the estimate.

#### HIGH GAP ROAD DITCH MAINTENANCE HEARING

Commissioner Gentry called the hearing to order.

Mr. Spencer read the maintenance report:

"The High Gap Road Ditch needs to be cut to grade the twenty two hundred (2200) feet to provide for a better tile outlet at the South end of the ditch at County Road 800 South. To provide a better tile outlet the drive culvert at station 15+40 must be removed and or replaced at a deeper depth. The first year assessment (\$13.72 per acre) should be sufficient to do the ditch excavation, then the annual assessments will be reduced to \$1.50 per acre."

Commissioner Gentry inquired about the estimated cost for construction?

Mr. Spencer stated the estimated cost of construction is \$6,000.00. Hugh Pence, the farm manager for the Baugh property, would like to extend the excavation to the west property line of the Baugh's eighty acre tract. The petition does include the ditch through the Baugh property, but the estimated cost of construction was based on the clean out of two thousand two hundred feet north of 800 South. Mr. Spencer stated he did another cost estimate which includes continuing the clean out to the west two thousand five hundred fifty feet (2550 ft) for a total cost estimated of nine thousand eight hundred twenty five dollars (\$9825.00). There was one written remonstrance from Jeanne Snoddy.

"Dear Mr. Spencer:

As an absentee landlord I am not as knowledgeable as someone who is living on the premises and operating the farm.

However, I am not in favor of paying for the maintenance and excavation of High Gap Road from which I will not derive any benefit. Our family has been able to maintain our drainage ditch and replace tiles as needed.

I am therefore registering in opposition to the hearing on maintenance report on September 4, 1996 at 9:30 a.m. at the Community Meeting Room of Tippecanoe County Courthouse." signed Jeanne J. Snoddy. Mr. Spencer stated she

owns an eighty acre tract east of High Gap Road and along with Bill Windle who expressed his objection to the ditch at the last Drainage Board Meeting, Mr. Spencer thinks they would agree to the ditch becoming a legal drain if the project extended over to the west property line of the Baugh property.

Commissioner Gentry stated it is possible to continue the project over to the Baugh's west property line by doing the necessary improvements and continue assessment until the drain maintenance fund repays the general drain improvement fund in full.

Commissioner Haan moved to establish High Gap Road Drain as a legal ditch as described in the petition filed, seconded by Commissioner Gentry. Motion carried.

Commissioner Haan moved to clean out and maintain High Gap Road Drain and create a maintenance of \$13.72 per acre for the first year assessment and then reduce the assessment to \$1.50 per acre per statute, seconded by Commissioner Gentry. Motion carried.

#### WATKINS GLEN SUBDIVISION PHASE IV PART II

Mr. Spencer stated on behalf of Vester & Associates, he asked Watkins Glen Subdivision Phase IV part II be continued.

Commissioner Haan moved to continue to Watkins Glen Subdivision Phase IV part II, seconded by Commissioner Gentry. Motion carried.

#### APPROVAL OF MINUTES

Commissioner Haan moved to approve the Drainage Board minutes from September 4, 1996, regular meeting, seconded by Commissioner Gentry. Motion carried.

#### ARNETT CLINIC SOUTH

Todd Warrix, Schneider Engineering, asked for final approval of Arnett Clinic South. The proposed site consists of 3.00 acres located at the southwest corner of U.S. Highway 231 South and County Road 240 South in the Wea-Ton Subdivision. The development will include a medical facility which will accommodate an urgent care center and various medical offices. Mr. Warrix explained there is a proposed dry bottom detention basin along the east property line, between US231 and the proposed parking lot area. The emergency overflow that will not be held in the detention basin and any additional storm water not contained within the basin will be routed at the southeast corner of the property into the west roadside ditch of US231 South.

Mr. Spencer stated a study was done of the Wea-Ton area and an agreement was created concerning the development of the area. Wea-Ton agreed to design the drainage system for the area and now the City of Lafayette wants the design finished for this development. Mr. Spencer suggested the developer of this site meet with the Wea-Ton members and get a letter of commitment which states before any more construction can be done the drainage system must be implemented. After further discussion it was decided that Mr. Spencer will write the Wea-Ton members and let them know that the Drainage Board will not approve additional construction within the subdivision until the drainage system is constructed.

Mr. Warrix read the two conditions suggested by Christopher B. Burke Engineering.

- 1.) Orifice calculations or revised outlet detail must be provided which indicate that the pond will release flows at or below the allowable discharge rate of 1.64 cfs.
- 2.) Additional spot elevations must be added to the construction plans on the northern and northeast sides of the pond to verify that overflow from the pond will exit via the emergency overflow indicated at the southeast corner of the pond.

Mr. Spencer recommended final approval with the two conditions read by Mr. Warrix and the client must submit a copy of the permit from the State Highway approving the discharge into the US231 side ditch.

Commissioner Haan moved to grant final approval of Arnett Clinic South subject to the three conditions, seconded by Commissioner Gentry. Motion carried.

#### OTHER BUSINESS

##### Osco Drug Store

Commissioner Gentry referred to the Osco Drug Store located at the the northwest corner of US231 and Beck Lane, she stated she has received complaints of standing water on Beck Lane.

Commissioner Haan stated the Drainage Board needs to analyze the situation at Osco Drug Store before granting approval of that type of drainage system for any other development. The Commissioners asked the Surveyor to investigate the complaint and look into what can be done to correct the drainage system at Osco Drug Store.

##### Lighthouse Homes Center

Mr. Spencer referred to the Lighthouse Homes Center agreement with the Drainage Board on the Elliott Regional Retention Basin. They have a proposal to excavate the dirt they need for their development out of the area where the future regional basin is planned. There are questions in paragraph 7 of the proposal dated August 27, 1996 that need to be answered before entering into an agreement.

##### Paragraph 7

"Notwithstanding Paragraph 4 hereof, the Board grants to Light House the right to commence construction of the Regional Detention Basin and to remove dirt therefrom to Light House land and use. The excavation will be in compliance with the design and specifications of the Board. In the event Light House completes removal of dirt from the area of the Regional Detention Pond equal to 4.4 acre feet of storage, its share of the costs of the design and construction of such Regional Detention Pond shall be reduced in an amount equal to the costs of removal of such 4.4 acre feet of dirt, such amount to be determined by dividing the total costs of dirt removed for such facility divided by its capacity and the resulting number multiplied by the storage capacity of 4.4 acre feet."

Mr. Spencer stated the questions are:

1. How much dirt does Lighthouse Homes need?

2. Do they have an estimate of the cost of moving the amount of dirt which they need?
3. Does this volume of dirt equal 4.4 acre feet?

Mr. Spencer stated Mr. Hoffman wrote Light House Homes a letter asking these questions September 23, 1996. Per telephone conversation with Amy Moore of Butler Fairman & Suifert, representing Lighthouse Homes, she stated they will need seventy-five thousand yards of dirt, it will cost \$.75 per yard to move, and equal more volume of dirt than 4.4 acre feet.

Commissioner Gentry thought the proposal would not be rational because no time table has been determined for the start of the design on the Elliott Regional Retention Basin.

Mr. Spencer felt it not the County's responsibility to get the DNR permits needed for them to work within the floodplain. The design of the basin has not been discussed because of lack of funding, if Lighthouse Homes were to make a cash contribution it would allow the design of the basin to begin.

JN Kirkpatrick Ditch - reconstruction

Mr. Spencer asked to be placed on the Commissioners Meeting agenda to determine dates for the James N. Kirkpatrick Ditch pre-proposal meeting and submittal date for the proposals.

Mr. Spencer asked if October 15, 1996 would be an agreeable date for Woolpert to meet with the Commissioners for the "kick off" of the GIS pilot program?

Commissioner Gentry stated October 15th is available and Commissioner Haan stated he is available October 15th in the morning only.

Being no further business Commissioner Haan moved to adjourn until November 6, 1996 meeting, seconded by Commissioner Gentry. Meeting adjourned.

TIPPECANOE COUNTY DRAINAGE BOARD  
REGULAR MEETING  
NOVEMBER 6, 1996

The Tippecanoe County Drainage Board met Wednesday, November 6, 1996 in the Tippecanoe Room of the Tippecanoe County Office Building, Lafayette, Indiana.

Those present were: Tippecanoe County Commissioners Nola J. Gentry, Gene Jones and William D Haan; Tippecanoe County Surveyor Michael J. Spencer; Drainage Board Attorney pro-tem Thomas Busch; and Drainage Board Secretary pro-tem Anna Rumble.

The first item on the agenda was to approve the minutes from the last Drainage Board Meeting held October 2, 1996. Commissioner Haan moved to approve the minutes, seconded by Commissioner Jones. Motion carried.

BRINDON WOODS SUBDIVISION Phase I

Andy Slavens, Vester and Associates, introduced a new employee to Vesters, Tim Byer. Mr. Slavens requested final approval of Brindon Woods Subdivision located off US52 near McCormick Road and consists of 12.3 acres.

Mr. Eichelberger stated after the review the following comments were:

1. The hydrologic calculation submitted in support of the detention requirements.

a.) Time of concentration calculations received on October 10, 1996 indicate that sheet flow areas were grassed. The current submittal appears to indicate a cultivated soil, with residual cover less than 20%. The applicant should clarify the sheet flow land cover and verify the roughness coefficient.

b.) The applicant should provide a watershed map showing all off-site subareas, along with the flow paths assumed in the time of concentration calculations.

c.) The applicant does not appear to follow the required methodology for the shallow concentrated flow regime. As specified in the Ordinance, the applicant must use the methodology outlined in the TR-55 Manual. It should be noted that the applicant did use the correct TR-55 methodology for this flow regime in pervious submittals.

d.) The applicant has used three off-site subareas for the allowable release rate analysis, while only tow are used in the detention analysis. The hydrologic characteristics of all off-site subareas should remain constant between the tow models.

e.) The TR-20 analysis used a rating curve with maximum elevation 669.0. The provided detention analysis indicates a peak 100-year water surface elevation of 669.13 for the 4-hour event. The applicant should extend the proposed detention pond rating curve so that the calculated peak 100-year water surface elevation does not exceed the last point of the curve.

f.) The principal outlet for the pond is a 2-foot by 4-foot reinforced concrete box culvert and a 10-foot wide concrete weir. Based on the analysis supplies by the applicant, there would only be 0.17 feet of freeboard between the calculated peak 100-year water surface elevation and the berm

overtopping elevation. The applicant should increase the minimum berm elevation to provide at least 1.0 feet of freeboard.

2. A channel conveys off-site water through the site under existing conditions. The applicant proposes to convey this off-site runoff via a 36-inch ADS pipe placed at 0.5% slope. The following comments are related to the applicants proposed conveyance system.

a.) Any system intended to convey off-site water should be contained in an easement. This affects both the pipe network and proposed detention facility.

b.) The applicant states that the 36-inch ADS has capacity of 62.6 cfs, with a peak 100-year discharge , to the pipe, of 62. 5 cfs, as determined by the provided TR-20 analysis for the 54.6 acre off-site tributary area. The applicant should provide a hydraulic grade line analysis to demonstrate that the proposed 36" ADS mainline has capacity for the 100 year event. The analysis should be based on the RT-20 critical duration additions of the 10-year flows along the 36" ADS pipe for the on-site flows, based on rational method analysis. The beginning tailwater elevation should be no lower than the top of the pipe at the 36" outfall to the proposed detention facility. This analysis should account for losses at all manholes, losses due to change in alignment, exit losses, entrance losses, as well as frictional losses. It should also be noted that this analysis may be affected by the response to comment number 1.

3. The applicant should provide a detention pond safety ramp on the plans, as required by the ordinance.

Commissioner Haan moved to grant final approval of Brindon Woods Subdivision, Phase I, subject to the condition stated by Mr. Eichelberger, seconded by Commissioner Jones. Motion carried.

#### WATKINS GLEN SUBDIVISION, Phase IV, Part II

Mr. Slavens presented the Board with the proposed Watkins Glen Subdivision, Phase IV, Part II drainage plan located west of County Road 400 East and consist of approximately 6 acres. Mr. Slavens asked for final approval of the proposed drainage plan.

Mr. Spencer stated a memo was not written for this project because the submittal was received after the deadline. He recommended continuing Watkins Glen Subdivision, Phase IV, Part II until next month Drainage Board Meeting.

Commissioner Gentry asked Mr. Slavens why the Osco Drugs drainage system is not working adequately?

Mr. Slavens stated he is aware of the situation and has been in contact with Findly Drilling who will help to get the drainage system working properly.

#### MILESTONE

Bob Gross, R.W. Gross & Associates, introduced Kristine Horn an Engineering in Training. Mr. Gross asked the Board for final approval of the proposed

Milestone Contractors site located at the corner of County Road 350 South and 475 East. There is an existing branch of the Elliott Ditch that runs through the site and they propose to re-route the tile or direct it through the proposed detention pond.

Mr. Spencer recommended final approval with these conditions:

- 1.) The national wetland inventory map shows the south half of the property and the area where the borrow pit is located are wetland areas. The applicant must receive approval of construction in wetlands
- 2.) The applicant needs to show the proper outlet details, emergency spillway and overflow details on the construction plans.

Commissioner Haan moved to grant final approval of Milestone Contractors drainage plan subject to the condition stated by the Surveyor, seconded by Commissioner Jones. Motion carried.

#### BERLOWITZ DITCH WATERSHED STUDY

Tom Busch excused himself from the meeting.

Mr. Spencer mentioned a study that had been done four years ago on the Berlowitz watershed. Christopher B. Burke Engineering is looking at the original study and comparing the development since the first study to the development that has followed, and determining the existing drainage and what improvements can be done.

Mr. Stolz, Christopher B. Burke Engineering, stated the first item discussed was the runoff of water under Interstate 65 through a 33" X 49" pipe arch and review of the southeast area where the pond is for Saddlebrook, Bridlewood and Arlington Commons.

Mr. Spencer stated this is a good example of how the GIS system would help reduce the cost to the County for research done on drainage studies. There is not adequate topographical information in the area to do a complete study. The two foot contour maps which will be created with the GIS system will have more control, accuracy and be more accessible.

Mr. Spencer stated a meeting with the property owners within the watershed area should be the next step. Mr. Dick Shoemaker, manager of the Shaw Farms, stated he would like the meeting to be the week of December 16th because the Shaw's will be in town that week. Mr. Spencer stated having a meeting the week of December 16th is certainly possible and the landowners will be notified of the meeting when a date is confirmed.

#### OTHER BUSINESS

##### CUPPY MCCLURE UPDATE

Mr. Spencer stated the project is going well, the open ditch has been cleared and rough graded. The 48 inch pipe has been installed almost to the US52 right-of-way.

##### DRAINAGE BOARD SCHEDULE CHANGE

Commissioner Gentry stated the next month Drainage Board Meeting needs to be changed from December 4, 1996 to December 11, 1996 at 9:00 a.m. and notices sent to the papers of the change.

Being no further business, Commissioner Haan moved to adjourn until December 11, 1996, seconded by Commissioner Jones. Motion carried.

DRAINAGE BOARD MINUTES      NOVEMBER 6, 1996 REGULAR MEETING

TIPPECANOE COUNTY DRAINAGE BOARD  
REGULAR MEETING  
DECEMBER 11, 1996

The Tippecanoe County Drainage Board met Wednesday, December 11, 1996 in the Tippecanoe Room of the Tippecanoe County Office Building, Lafayette, Indiana.

Those present were: Tippecanoe County Commissioners Nola J. Gentry, Gene Jones and William D Haan; Tippecanoe County Surveyor Michael J. Spencer; Drainage Board Attorney J. Frederick Hoffman; Drainage Board Consultant David Eickelberger and Drainage Board Secretary Shelli Muller. William & Delores Kepner, 4120 N 300 W; Scott Kepner, 4116 N 300 W, also George and Ruby Tsao, 4200 N 300 W, Lafayette, Indiana.

The first item on the agenda was to approve the minutes from the last Drainage Board Meeting held November 6, 1996. Commissioner Haan moved to approve the minutes, seconded by Commissioner Jones. Motion carried.

STONEHENGE SUBDIVISION & PLANNED UNIT DEVELOPMENT PHASE I

Andy Slaven, Vester and Associates presented final drainage plans for Stonehenge Subdivision and Planned Unit Development, Phase I, located off County Road 375 West and County Road 450 North. The entire site consist of 134.6 acres, 401 lots, Phase I is centrally located within the site and consist of 53.4 acres. There is a retention pond designed to handle the runoff for the entire 134.6 acres. Currently the site is a farm field after development a storm sewer system will be installed to re-direct the majority of the current flow to the detention facility. There are two areas which will not be routed to the pond. The first is 8.6 acres at the back half of lots along the southern boundary. The second area includes 9.6 acres in the northeast corner of the site. Streets have been designed to carry emergency routing to the pond while maintaining a depth of 7" or less of ponding.

After discussion with the adjoining landowners, the Drainage Board Members and Andy Slavens it was decided the developer will need to address the following concerns of the landowners, before final drainage approval is granted.

Mr. Scott Kepner stated he was concerned about driveway washout and accessibility to his property, he felt the development of the pond will cause the creek that runs through the properties east of the development to go dry, also infiltration from the pond into his basement. A soil scientist was to evaluate the situation to determine if a curtain drain will need to be installed and nothing has been done.

Mr. Bill Kepner asked if a new culvert would be installed to handle the additional flow. He also, did not want the conditions of the creek to be altered and felt with the development the creek would start having erosion control problems due to the volume of water rushing through at a faster rate. He is also concerned with the creek drying out because of the pond holding water back that would normally flow.

Mr. George Tsao stated a portion of his land is wet and he wanted to be sure that the entire lot would not become wet.

Mr. Spencer asked if the street for the planned development area are going to be private streets? There is some concern on the gutterspread not having the 10 foot clear lane for emergency access causing the street to flood.

Commissioner Haan stated even if the streets are private, the Board would not approve a plan which would allow a significant amount of flooding in the streets.

Commissioner Haan moved to continue Stonehenge Subdivision and Planned Unit Development, Phase I until the Surveyor, the landowners and Vester and Associates meet to solve the concerns stated by the landowners, also the gutterspread distances need to be addressed, seconded by Commissioner Jones. Motion carried.

OSCO DRUG STORE - Beck Lane & US231 update

Andy Slavens stated Darrell Norton investigated the situation of the pond at Osco Drug Store located at Beck Lane and US231 South. The investigation showed that the casings drilled were not drilled to the depth required by the plans. The casing will be re-drilled to match the plans. The ditch has a hump in the flow line that needs to be re-addressed.

Commissioner Gentry asked what the legality of the Drainage Board is to get the drainage corrected at the Osco store?

Mr. Hoffman stated the Drainage Board could make the developer re-design the project because the decision of the Board was based on the assurance from the developer that this drainage system would work.

KOEHLER COMMERCIAL SUBDIVISION

Tim Balensiefer, Hawkins Environmental, asked the Board for final approval of Koehler Commercial Subdivision located on the west side of Creasy Lane between McCarty Lane and State Road 38. Mr. Balensiefer explained that the site currently sheet drains to the Wilson Branch of the Elliott Ditch. Post-development the site will direct release into the Wilson Branch through a storm drainage system with emergency routing via swales. Mr. Balensiefer also asked the Board for an easement reduction for the Wilson Branch, currently 75 feet reduced to 25 feet, based on the cross section after clean out. The developer is willing to create funding for the reconstruction of the Wilson Branch portion which borders this development.

Commissioner Haan moved to approve the Koehler Commercial Subdivision concept of allowing the developer to reduce the easement from 75 feet top of bank to 25 feet top of bank after the legal description for the reconstruction of the Wilson Branch is completed, also the concept of direct release into the Wilson Branch after an agreement is approved, seconded by Commissioner Jones. Motion carried.

OTHER BUSINESS

CUPPY MCCLURE - UPDATE

Mr. Spencer stated Atlas Excavating is finished with laying the pipe, there is still dirt work to finish, and final grading which will be complete in May 1997.

Commissioner Gentry suggested a study be done on the drainage for the Elston area. The area is developing fast and a drainage plan needs to be created for the future development.

Commissioner Haan moved to approve the 1997 Drainage Board schedule, seconded by Commissioner Jones. Motion carried.

Being no further business, Commissioner Haan moved to adjourn until January 8, 1997, seconded by Commissioner Jones. Motion carried.

DRAINAGE BOARD MINUTES      DECEMBER 11, 1996 REGULAR MEETING

TIPPECANOE COUNTY DRAINAGE BOARD  
REGULAR MEETING  
JANUARY 8, 1997

The Tippecanoe County Drainage Board met Wednesday January 8, 1997 in the Tippecanoe Room of the Tippecanoe County Office Building, Lafayette, Indiana with Commissioner Jones calling the meeting to order.

The first item on the agenda was to approve the minutes from the last meeting held December 11, 1996. Commissioner Jones moved to continue the approval of the minutes until the next meeting allowing time for review, seconded by Commissioner Hudson. Motion carried.

ELECTION OF OFFICERS

Mr. Cy Gerde opened the floor to nominations for President to the Drainage Board.

Commissioner Jones moved to nominate Commissioner Hudson for President to the Drainage Board, seconded by Commissioner Chase. Motion carried.

Commissioner Jones moved to nominate Commissioner Chase for Vice President, seconded by Commissioner Hudson. Motion carried.

Commissioner Jones turned the meeting over to the President.

APPOINTMENTS TO THE BOARD

The next item on the agenda was to appoint an attorney to the Drainage Board.

Commissioner Jones moved to appoint Cy Gerde as Drainage Board attorney, seconded by Commissioner Hudson. Motion carried.

Mr. Spencer presented the Board with a contract from Christopher B. Burke Engineering Limited, they have been the Engineering Consultant for the last eight years. Mr. Spencer submitted the contract to Mr. Gerde for his review and approval.

Commissioner Chase moved to appoint Christopher B. Burke Engineering Limited as Drainage Board Engineering Consultant, subject to the review and approval of the contract, seconded by Commissioner Jones. Motion carried.

Mr. Spencer stated for the last five years Shelli Muller has been the executive secretary to the Drainage Board.

Commissioner Jones moved to appoint Shelli Muller as executive secretary to the Drainage Board, seconded by Commissioner Chase. Motion carried.

Mr. Spencer asked for the reading of the active and inactive ditch list be continued until the February Drainage Board Meeting. The active ditch list are those County maintained ditches that have a maintenance fund below the four year assessment total and will be on the 1997 tax roll.

Commissioner Chase moved to continue the reading of the 1997 active and inactive ditch list until the February Drainage Board meeting, seconded Commissioner Jones. Motion carried.

STONEHENGE SUBDIVISION AND PLANNED UNIT DEVELOPMENT - Phase I

Andy Slavens, Vester and Associates, Inc., asked the Board for final approval of Stonehenge Subdivision and Planned Unit Development, Phase I. The proposed subdivision is located south of County Road 450 North and east of County Road 375 West. Mr. Slavens explained at the December 11, 1996 Drainage Board meeting the development was continued until this meeting due to some comments and concerns of various landowners to the east of the proposed subdivision. Per the request of the landowners and the Board a meeting was held at Vester and Associates to address the concerns of Mr. Bill Kepner, Mr. Scott Kepner and Mr and Mrs. Tsao. Dr. Darrell Norton, a professional soil scientist, was also in attendance to make recommendation such as to address the washout of the Kepner's driveway. The original 30 inch outlet pipe has been reduced to an 18 inch RCP in order to allow the culvert under the driveways to perform effectively in a ten year storm event. Subsurface drainage will be provided along the east property line of the development in order to curtail any possible leakage from the pond or potential for a high water table on the adjacent properties. The last change made to the development per request of the landowners was to install a stilling basin at the outlet of the detention basin. A stilling basin consist of digging out an area below the outfall pipe, putting in riprap and installing a hickenbottom riser pipe to tie into the existing 8 inch farm tile which daylight into the creek on the Kepner's property. The stilling basin will slow down the intensity of the water coming from the detention basin, help maintain the current conditions of the creek and help the erosion concerns of the adjacent property owners. With these three major changes to the proposed subdivision, it now complies with the County Drainage Ordinance and addresses the concerns of Kepners and Tsao. Mr. Slavens asked for final approval of Stonehenge Subdivision and Planned Unit Development.

Mr. Bill Kepner stated on behalf of himself, his son, and his daughter, they agree with the changes made and are comfortable with the Commissioner's approving the development.

Mr. and Mrs. George Tsao stated they are not convinced the changes will address their concern. Mr. Tsao felt the proposed detention basin will create more runoff to his land which will cause soil erosion and make part of his land inaccessible. They requested in writing that no additional amount of water than there is now be allowed to drain into their land. Also, they requested that Stonehenge Development be made to bear the responsibility of the potential damage to their land. They requested additional time before approving the drainage system so they can have a professional and legal evaluation of the drainage situation. (correspondence between Mr. and Mrs. Tsao, the Commissioners and Mr. Spencer are on file in the Stonehenge Subdivision file at the County Surveyor's Office).

Mr. Patrick Cunningham, Vester and Associates, Inc., stated the flow from the site currently goes to the Tsao's property. After development with the design of the detention basin and the stilling basin less flow will go across the Tsao's property in a ten year storm event.

Commissioner Hudson presented an agreement to Mr. Tsao titled "THE DEVELOPER'S CONTINUING RESPONSIBILITY" This agreement states at any time the subdivision is being developed and until every home is built, the landowners can inform the developer of their dissatisfaction of how their land is changing and the developer will be responsible to correct the problem.

Mrs. Tsao stated they have not had enough time to review all the information submitted to them and asked the subdivision not be approved.

Mr. Spencer stated he recommended final approval with two conditions. Stonehenge Subdivision and Planned Unit Development does meet the requirements of the County Drainage Ordinance. The two conditions are:

1. The applicant should add the minimum 10 foot base width requirement for proposed temporary swales.
2. The applicant should obtain an agreement with affected landowners for proposed off-site construction activities prior to any work performed on said properties.

Commissioner Jones moved to approve Stonehenge Subdivision and Planned Unit Development, Phase I subject to the two conditions, seconded by Commissioner Chase. Motion carried.

#### MILL CREEK SUBDIVISION - Phase II

Jennifer Bonner, Hawkins Environmental, presented the Board with plans for Mill Creek Subdivision, located on the east side of South Eighteenth Street and North of County Road 350 South. Ms. Bonner requested approval of the Mill Creek, Phase I, to have a direct discharge into the Elliott Ditch. The project consists of the regrading of an 8.61 acre section of the Elliott Ditch extending 2,500 feet to the east of South 18th Street, this will adjust the flood elevation and increase the capacity of the ditch allowing enough storage for direct release from the development to the ditch. Mill Creek is within the City limits and will meet the requirement of the City drainage ordinance. The development has received a waiver of storm drainage detention and the Department of Natural Resources has confirmed that the project will not increase the flood stage.

Mr. Spencer stated he recommended to approve the direct release into the Elliott Ditch subject to two conditions.

1. The IDNR permit must be obtained for the dry pond outfall structure.
2. No new residential construction can occur within the floodway of Elliott Ditch as shown on the current FIS FBFM (effective date March 16, 1991) without the LOMR from FEMA.

Commissioner Chase moved to approve the request for direct discharge into the Elliott Ditch with the two conditions, seconded by Commissioner Jones. Motion carried.

#### THE MEADOWS AT NORTHRIDGE

Pat Sheehan, Schneider Engineering, presented the Board with The Meadows at Northridge drainage plan consisting of twenty-three lots on 22.8 acres located south of County Road 200 North. The entrance to the subdivision is off the existing Foxmoore Lane located in the present Northridge Subdivision. The

original plan included two detention basins for this development, the first wet-bottom basin borders Lockwood Subdivision directly south of the project and the second, dry-bottom basin borders Northridge Subdivision east of the development. The developer asked for a variance for the first basin to be constructed without a fence, after review it was determined that it does not meet the cross section detail of a basin without fence.

Mr. Spencer explained the drainage ordinance was changed in 1994 to eliminate the constant requests for a variance from fencing detention basins. Many developers would ask for this variance because it required a six foot chain link fence to surround the basin which caused an eyesore to the surrounding landowners. The County reviewed the situation and came up with two different concepts. The detention basin with and without a fence shall meet the same requirement except for the cross-section. The basin with a fence should be surrounded by a nonclimbable fence and meet specified cross section. The safety and maintenance ledges are more narrow and have steeper slopes. The basin without a fence shall have wider safety and maintenance ledges with minimum side slope to meet the specified cross-section causing the surface area of the basin to be larger.

Mr. Sheehan stated the developer plans to keep the vegetation which lines the south side of the basin in tact, as much as possible, that is why the basin can not meet the cross-section of a basin without a fence. Mr Sheehan explained the second option is to make the wet bottom basin a dry bottom basin. The calculation are not complete for a dry bottom basin, but would like that to be a condition with the approval of this project.

Commissioner Chase moved to grant final approval of The Meadows at Northridge subject to the developer submitting new plans that meet the drainage ordinance requirements for a dry bottom detention basin or meet the drainage ordinance requirements for a wet bottom detention basin without a fence, seconded by Commissioner Jones. Motion carried.

#### OTHER BUSINESS

##### HIGH GAP ROAD DITCH AND ROMNEY STOCK FARM DITCH

Mr. Spencer informed the Board letters to various contractors have been sent asking for quotes on the cleanout of two drains, High Gap Road Ditch and Romney Stock Farm Ditch. The two drains were petitioned and approved to become County Regulated Ditches. Quotes are due 11:00 a.m. on February 5, 1997 in the County Auditor's Office.

##### FAITH PRESBYTERIAN CHURCH

Mr. Spencer stated he has been in contact with Ed Hemmer of Faith Presbyterian Church. Mr. Hemmer wrote a letter and included pictures which Mr. Spencer presented to the Board and are on file in the County Surveyor's Office.

{quote}

"Faith Presbyterian Church

December 19, 1996

Mr. Michael Spencer, County Surveyor  
20 N. Third Street  
Lafayette, IN 47901

Dear Mr. Spencer:

These pictures were taken December 15 showing the water problem we now have at Faith Church. I know you are aware of this, but the volume of water to be drained should be of interest since it relates directly to the size of ditch, swale, or storm sewer required for its removal.

Two points should be kept in mind: 1) the ground was not frozen, so maximum seepage has already occurred to saturate the ground, and 2) recent rains were not unusually heavy for this area and had stopped 3 days before the pictures were taken.

I may send similar pictures to Doug Schrader of Prairie Homes.

Sincerely,

Edgar H. Hemmer"

{end quote}

Mr. Spencer stated he wanted to make the Board aware of the situation and expect to be contacted concerning this. The developer is aware of the problem and will correct it within ten to fifteen days. Mr. Hemmer has been informed of the developers intent and to call if he is not satisfied.

Being no further business, Commissioner Chase moved to adjourn until February 5, 1997, seconded by Commissioner Jones. Meeting adjourned.

REGULAR MEETING     JANUARY 8, 1997 DRAINAGE BOARD MINUTES

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  
REGULAR MEETING  
MARCH 11, 1997

The Tippecanoe County Drainage Board met Wednesday March 11, 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 Ruth Shedd, Tippecanoe County Surveyor Michael J. Spencer, Tippecanoe County Drainage Board Attorney Cy Gerde, Engineering Consultant David Eichelberger, and Drainage Board Secretary Shelli Muller.

The first item on the agenda was to approve the minutes from the last meeting held February 5, 1997. Commissioner Shedd moved to approve the minutes, seconded by Commissioner Hudson, motion carried.

RIVER BLUFF SUBDIVISION, PART 2 AND 3, PHASE II

Tim Beyer, Vester & Associates, asked for final approval of River Bluff Subdivision, Part 3, Phase II. The site is located off Pretty Prairie Road and is in the east half of section 2 of Burnett's Reserve. The developer withdrew Part 2 of River Bluffs Subdivision because it is not included in an agreement signed by the down stream landowner allowing for drainage across the his land to Harrison Creek and the Wabash River. Part 3, Phase II is located in the southern portion of the Subdivision consisting of 21.8 acres.

Mr. Spencer explained this development was before the Board in 1986 requesting no onsite detention because of the proximity to the Wabash River. The Board approved the request, subject to the downstream landowner agreeing to allow the water across his land without detention. An agreement was made and has been recorded in the County Recorder's Office (Record Number 87-07673). The agreement is still valid, but it did not include Part 2 of River Bluffs Subdivision. Mr. Spencer recommended final approval of this development.

Commissioner Shedd moved to grant final approval of River Bluffs Subdivision, Part 3 Phase II, seconded by Commissioner Hudson. Motion carried.

WESTON WOODS SUBDIVISION, REPLAT OF LOTS 70-82 & 87-101

Paul Coutts, C & S Engineering, asked the Board to approve the replat of lots 70-82 and 87-101 of Weston Woods Subdivision. Weston Woods Subdivision is located east of Creasy Lane and south of McCarty Lane, the replat of lots 70-82 and 87-101 are in the southeast corner of the overall Weston Woods Subdivision. The revised plan eliminates detention storage by routing it through the existing Weston Woods Detention areas, the Treece Meadows Relief Drain and the Wilson Branch to the regional detention basin. Runoff along the southern portion of Sourgum Lane and adjacent backyard areas to the east will flow south and eventually be picked up with the development of the proposed Amelia Station.

Mr. Eichelberger stated final approval is recommended with four conditions.

1. The storm sewer line "G" pipe length shown in the Storm Pipe Table on sheet 6 of the construction plans does not match the length shown in the storm sewer profile also provided on sheet 6. The storm sewer sizing calculation were completed based on the 170 foot length shown in the profile. Therefore, the applicant should revise the storm sewer line "G" pipe length inthe Storm Pipe Table to match the length shown inthe storm sewer profile.

2. The proposed grading plan provided on Sheet 3 of the construction plans includes proposed elevation along the south and east property lines of the project. These proposed elevation appear to be several feet higher than the existing elevations along the property line. The applicant should provide additional information to show how the proposed elevation along the south and east boundaries of the property will tie-in to the existing contours, without impacting adjacent properties.

3. The proposed grading plan provided on Sheet 3 of the construction plans also includes a proposed swale along the east property line of the project. Based on the proposed elevations along the east and south property lines, it appears that this swale does not have an outlet. The applicant should provide additional information to show the location of the outlet for this swale.

4. The proposed pad elevations for lots 71 and 81 appear to be about 0.5 feet above the high point of the emergency overflow swales adjacent to these lots. The applicant should review the proposed grading plan increase the emergency overflow clearance, if possible.

Commissioner Shedd moved to grant final approval of Weston Woods Subdivision, replat of lots 70-82 & 87-101, subject to the four condition, seconded by Commissioner Hudson. Motion carried.

#### WATKINS GLEN SOUTH, PHASE V

Bob Gross, R.W. Gross & Associates, asked for final approval of Watkins Glen South, Phase V Subdivision located North of County Road 200 North and County Road 400 East.

Mr. Spencer stated there are two phases of Watkins Glen Subdivision currently being planned. Phase IV Part II is being designed by Vester & Associates, Inc. and Phase V is being designed by R.W. Gross & Associates, Inc. Mr. Spencer asked for clarification as to which development will be first, because Phase V will drain from four 24 inch pipe along the south and west boundary line of Phase IV, Part II. There is a concern as to when the offsite outlet structure will be built.

Andy Slavens, Vester & Associates, stated there will be an easement along the South and West boundary lines of Phase IV, Part II to the offsite outlet structure.

Mr. Spencer recommended final approval with five conditions from Christopher B. Burke Engineering memorandum of February 28, 1997:

1. The off-site watershed area, located south of pre-development watershed 1, appears to be tributary to the subject site and should be included in the existing and proposed condition analysis.

2. Final approval of the stormwater management plan will not be recommended until the ultimate outlet from the subject site has been approved by the Tippecanoe County Drainage Board and constructed.

3. Storm sewer profiles for each storm sewer line from the first inlet to the proposed outfall should be provided on the plans.

4. The construction plans should be revised so that the slopes and channel bottom elevations of the conveyance channels are more obvious.

5. The proposed condition TR-20 analysis should be revised so that the proper watersheds are routed through the proposed detention ponds.

Mr. Spencer explained that the fifth condition has been addressed and is no longer an issue.

Mr. Gross referred to condition number two of the memorandum dated February 28, 1997. Mr. Gross asked if the developer could submit a letter of credit.

Mr. Spencer stated the developer can make it part of the construction bond as an offsite item.

Mr. Gerde stated the issue on the construction bond will need to be added to the list of conditions.

Mr. Spencer suggested changing item number five of the memorandum dated February 28, 1997 from Christopher B. Burke Engineering to read: The developer must include the offsite outlet structure as part of the construction bond.

Commissioner Shedd moved to grant final approval of Watkins Glen South Subdivision Phase V, subject to the said conditions, seconded by Commissioner Hudson. Motion carried.

#### J.N. KIRKPATRICK DITCH PROPOSALS

Mr. Spencer asked for the discussion of the J.N. Kirkpatrick proposals be continued until the next Drainage Board Meeting held April 2, 1997.

#### HIGH GAP ROAD DITCH AND ROMNEY STOCK FARM DITCH QUOTES

Mr. Spencer read the quotes for cleanout of the High Gap Road Ditch and the Romney Stock Farm Ditch, which were due in the Auditor's Office March 10, 1997.

#### HIGH GAP ROAD DITCH

Birge Farm Drainage	7,923.00
F & K Construction	9,040.00
	5,775.00
R.W. Davis Contracting	9,924.30
Merkel Excavating	12,150.00

#### ROMNEY STOCK FARM DITCH

R.W. Davis Contracting	4,701.00
F & K Construction	

Commissioner Shedd moved to award Birge Farm Drainage the contract for cleanout of the High Gap Road Ditch, seconded by Commissioner Hudson. Motion carried.

Commissioner Shedd moved to award R.W. Davis Contracting the contract for cleanout of the Romney Stock Farm Ditch, seconded by Commissioner Hudson. Motion carried.

Being no further business Commissioner Hudson moved to adjourn until the next meeting of April 2, 1997, seconded by Commissioner Shedd. Meeting adjourned.

DRAINAGE BOARD MINUTES    MARCH 11, 1997 REGULAR MEETING

TIPPECANOE COUNTY DRAINAGE BOARD  
SPECIAL MEETING  
June 17, 1997

The Tippecanoe County Drainage Board met Tuesday June 17, 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, Ruth Shedd, John Knochel, Tippecanoe County Surveyor Michael J. Spencer, Tippecanoe County Drainage Board Attorney Cy Gerde, Engineering Consultant David Eichelberger, and Drainage Board Secretary Shelli Muller.

OLYMPIA INDUSTRIAL PARK SUBDIVISION

Paul Coutts, C & S Engineering, presented the Board with final drainage plans of Olympia Industrial Park Subdivision, located off Concord Road south of Brady Lane. Mr. Coutts stated he has received and submitted to the County and City a copy of the DNR approval to work within the floodplain of the Elliott Ditch. Mr. Coutts explained the proposed plan includes cutting out the existing dirt in the floodplain and use the dirt to extend the building areas of the lots. There will be two detention facilities located on the south side of the development which will collect runoff from approximately 41 acres of the 58.4 acres. The remaining acreage will discharge undetained to the Elliott Ditch. Mr. Coutts asked for final approval and a variance to exceed the maximum 4 feet requirement from the drainage ordinance for the proposed detention facilities.

Mr. Spencer asked when the annexation will be complete?

Dale Lehnig stated July 12, 1997 will be the end of annexation.

Dan Teder, Attorney for the development, stated the surrounding landowners are aware of the development. There are covenant and restrictions that run with the land which we have been included in Olympia Industrial Park Subdivision.

Commissioner Shedd moved to grant the variance to exceed the maximum 4 feet requirement and grant final approval of Olympia Industrial Park Subdivision, seconded by Commissioner Knochel. Motion approved.

WOODS EDGE II MOBILE HOME PARK

Mr. Spencer asked that Woods Edge II Mobile Home Park be continued until the next regularly scheduled meeting.

Being no further business, Commissioner Shedd moved to adjourn until July 2, 1997, seconded by Commissioner Knochel. Meeting adjourned.

DRAINAGE BOARD MINUTES     JUNE 17, 1997 SPECIAL MEETING

TIPPECANOE COUNTY DRAINAGE BOARD  
REGULAR MEETING  
SEPTEMBER 3, 1997

The Tippecanoe County Drainage Board met Wednesday, September 3, 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, Ruth Shedd, John Knochel, Tippecanoe County Surveyor Michael J. Spencer, Tippecanoe County Drainage Board Attorney Cy Gerde, Engineering Consultant David Eichelberger, and Drainage Board Secretary Shelli Muller.

The first item on the agenda was to approve the minutes from the last Drainage Board Meeting held August 12, 1997. Commissioner Hudson requested continuing the approval of minutes until the next regularly scheduled meeting.

**STERLING HEIGHTS SUBDIVISION**

Mr. Spencer stated on behalf of Hawkins Environmental, he asked for Sterling Heights Subdivision be continued.

Mr. Bob LaGuire, 105 East 375 South, approached the Board with concerns of the proposed Sterling Heights Subdivision. Mr. LaGuire submitted photographs from Brett & Nicole Sanders, 3848 South 25 East, which shows dumping of repulsive material on property north of County Road 400 South and east of County Road 25 East. The Sanders concern is with the dumping that occurred when Phase I Part 1, 350 South connection was made. The neighborhood is concerned with the material that was being dumped coming from an old city landfill and the possibility of the materials that were dumped ultimately contaminating the surrounding well water. Mr. LaGuire explained this has lead many of the neighbors to start buying drinking water. Mr. LaGuire also brought to the Board attention that cement trucks were going to the same dumping site and washing out the excess cement.

Mr. LaGuire stated the phase of 350 South that was going on the end of July caused a lot of extra ware and tare on County Road 375 South, they were running twelve trucks every half hour. Mr. LaGuire claimed the trucks yanked out the cables, power lines, they did not respond to complaints from the neighbor concerning the road conditions. Mr. LaGuire contacted the state, and the county, but no one would come out to the site so they could see that the road was not being taken care of. Mr. LaGuire provided a tape which shows the condition of the road, the dumping that occurred, and the condition of the surrounding neighborhood.

Commissioner Knochel suggest the neighborhood can get samples of their well water submit them to the County Health Department for testing of possible contaminates.

Mr. LaGuire explained the Sanders contacted the Health Department and showed the photographs to them, but there seemed to be no concern.

Mr. Kent Patterson, representing Clara Barnard of 255 East 400 South, explained he has been maintaining the property for the past twenty-seven years. The first problem arose when the Rolling Hills Subdivision was constructed, which flooded the area. Mr. Patterson stated he dug a channel to divert the water off the property. The landowners on the west side of County Road 25 East filled the ditches in that carried the water to the creek. If the area where the dumping has occurred continues the whole area will be a lake. Mr. Patterston noticed within the last months the ground has become spongy and the water table changing. Mr. Patterson is concerned with the corner of 400 South and 25 East because of the sharp turn, and not being able to see around the corner and the road being so narrow it has caused some accidents.

Mrs. Melinda Wilson, 261 East 400 South, stated her concerns are with the children that play in the area, the increase in water runoff, with the possibility of the water becoming contaminated andwith the depreciation of land value.

Mr. Dale Bradford, 257 East 400 South, stated his concern is with the construction of houses and streets and the impact that will have on the watershed. Mr. Bradford explained with the regrading of the proposed Sterling Heights, when a big ran comes it will flood the low lying area, because there is nothing to stop the water from rushing on through. Mr. Bradford stated he has had problems with the neighborhood kids picking Mr. Lahrman's corn, enticing his cattle with the corn then the cattle ending up in Mr. Lahrman's corn field. Mr. Bradford stated there has been times when the kids climb the fence and get into the field where there is a bull resulting in Mr. Bradford selling off his heard to eliminate the potential liability. The other concern of Mr. Bradford is with the possibility of the wells being contaminated, and the dumping situation. Mr. Bradford stated Ms. Barnard's well is a hand dug well that is only 10 feet deep, her well is the one which everyone is concerned about and in her situation she is disable and on social security, she can not afford to dig a new well. There is a wetland on the property where the subdivision is being proposed and no one seems to be concerned about it. Are wetland a federally protected area?

Mr. Spencer stated the wetland issue, the downstream landowner impact and the fact the County is not comfortable with the overall proposed subdivision as submitted are the reasons the developer asked for a continuance. The developer has been notified they are moving dirt on the site without approved construction plans and it is entirely at their own risk. It is not illegal to move dirt on your own land, but is generally not accepted to move dirt on a proposed developed site that is going to be accepted into the County or City. Mr. Spencer stated after the developers knew how the County felt about their submittal, we had a meeting to discuss another submittal

which eliminated using the wetland area as their detention. In that meeting the developer asked if they could continue moving dirt and the County told them no.

Dr. Martin Avolt, 3930 Old Romney Road, which is at the dead end on the north side of the Wea Creek. Dr. Avolt stated when 350 South connection between old US231 was made to the new US231 it was his understanding the material that was moved from the area to the back of the Purdy property was from the old City landfill. Dr. Avolt's question is how did Mr. Purdy get away with hauling the materials away when in most cases the federal governmental would have stepped in and placed a fence around the area. Mr. Avolt's stated the **Wea Creek** is one of the last two creeks in Indiana, designated by the Department of Natural resources, as a pristine creek. Dr. Avolt concern with the dumping is that it will contaminate the creek causing the creek to no longer be pure and clear.

Steve Murray, Tippecanoe County Highway Executive Director, stated with federal money involved in the 350 South project, there was an environmental impact statement done, there was soil borings done, and made aware through local reports that some of the wet areas had been dumped in over the years. The County, Federal people, Indiana Department of Environmental Management have looked at the reports. There has been archeologist studies done, the wetland areas have been checked into and the County bought an extra ten acres of ground to do a 5 to 1 wetland replacement on the northwest side of 350 South and Old Romney Road. Mr. Murray stated unsuitable soils came up in the pre-construction, it has come up a couple of time during construction, the contractor was concerned and has the right to have the material tested before they remove it. Mr. Murray stated to his knowledge nothing in the way of contaminates came up in any of the reports.

Mr. Murray stated he checked with Highway Garage on the maintenance of 375 South and they reported it had been a few weeks since it was graded, but it was not due to the fact that the contractor was hauling on it so much as the gentleman that generally does the maintenance for the road had a heart attack and the garage is short handed. Mr. Murray stated County should be out there later today or tomorrow to grade the road. Mr. Murray realizes it is an inconvenience for the landowners along the route, but explained when a project is three million dollars the contractor is going to find the nearest, cheapest route to take to get rid of the waste and to haul new materials in. It is a temporary route, and will be winding down when construction is complete. The contractor was told by the County to keep the road watered, but if they are not give the County a call and we will remind the contractor. The only way to stop the contractors from running on the road is to post signs which takes thirty to sixty days, but if the trucks do not take that route it cost the Contractor more money which in turn the County pays for.

#### **AMELIA STATION PLANNED DEVELOPMENT**

Paul Coutts, C & S Engineering, presented the Board with preliminary plans for Amelia Station Planned Development located on 21.34 acres south of the existing Weston Woods Subdivision. Mr. Coutts proposal includes two base storage ponds on the **Treeces Meadows Relief Drain**. Mr. Coutts pointed out that there is an existing branch of the Elliott Ditch located through the site. In the Crosspoint Subdivision the tile has already been relocated to the west of the power lines the same kind of relocation will be done for Amelia Station the existing 15 inch pipe is proposed to be increased to a 18 inch pipe.

Mr. Spencer stated he recommended preliminary approval. The applicant needs to obtain a permit from PSI allowing detention under a high voltage electrical line and most of the other comments on Christopher B. Burke's memo are construction plan items that will have to be meet before final approval is granted.

Commissioner Shedd moved to grant preliminary approval of Amelia Station Planned Development, seconded by Commissioner Knochel. Motion carried.

#### **GARDEN VIEW SUBDIVISION**

Tim Byer, Vester and Associates, presented the Board with final plans for Garden View Subdivision located on 13.1 acres east of County Road 400 East, between Eisenhower Road and County Road 200 North. Mr. Byer explained the majority of the site will be graded to drain to the proposed pond. At the preliminary meeting June 5, 1997 Mr. Kovich had some concerns. On June 19, 1997 Mr. Byer stated he met with Mr. Kovich and it was decided that a drainage tile will be provided to collect roof drainage from lots 3 and 4. Lot 5 will also be required to tie into the storm system through drainage tile or discharge roof drainage to the east side of the lot, to avoid drainage south through Camelot Subdivision. Mr. Byer asked for a variance to allow the 100 year post-develop runoff to exceed the 10 year pre-developed runoff rate. Mr. Byer asked for a second variance to allow storm water storage on lot 6.

Commissioner Knochel asked about condition number two of Christopher B. Burke memo dated August 28, 1997, which has to do with providing a trash rack at the upstream end of the pipe that is conveyed off-site.

Mr. Byer stated they are in the process of creating an erosion control plan which will provide erosion control for the inlet and outlet of the pipe.

Mr. Spencer stated in the final set of construction plans an erosion plan should be submitted showing the type of erosion control measure they will take.

Commissioner Knochel moved to grant final approval of Garden View Subdivision and to grant the two variances requested with conditions stated in the memo of August 28, 1997, seconded by Commissioner Shedd. Motion carried.

#### **OTHER BUSINESS**

#### DARRELL LUTES PETITION

Mr. Darrell Lutes, 11302 State Road 25 South, presented the Board with a petition asking them to remove an obstruction from a mutual drain. Mr. Lutes explained in the spring of this year they discovered an obstruction caused by Mr. Charles McCorkle, the adjoining landowner. The obstruction is located at the point where Mr. McCorkle's surface drain empties in to the **Big Shawnee Creek**. The obstruction forces the water to flow parallel to the creek onto Mr. Lutes property causing erosion along the south part of his property and crop damage. Mr. Lutes asked the Board to ask Mr. McCorkle to remove the obstruction.

Mr. Spencer asked Mr. Lutes if he prior to this meeting asked Mr. McCorkle to remove the obstruction in writing?

Mr. Lutes stated he did ask in writing, Mr. McCorkle to remove the obstruction, he submitted a copy of the letter along with the petition. Mr. Lutes reported no action was made from Mr. McCorkle to remove the obstruction.

Mr. Spencer asked Mr. McCorkle if he received the letter from Mr. Lutes.

Mr. McCorkle responded yes, he did receive the letter.

Mr. McCorkle, 12100 State Road 25 South, stated the reason for the obstruction was to re-create the land the way it was before they straightened the state highway. Mr. McCorkle stated he built the bank of the creek up so that the water would enter into the creek like it did before.

Commissioner Knochel asked Mr. McCorkle if he considered any rip-rap at the outlet of the waterway into the creek?

Mr. McCorkle stated that was his original plan, but could not afford to place rip-rap after regrading the waterway.

Mr. Spencer asked if the Soil and Water Conservation Office had been involved in the design of a rock schute?

Mr. McCorkle stated yes, the SCS office has been involved, but he never got any response from them.

Commissioner Knochel asked if there is any funding available from the SCS office for the installation of a rock schute.

Mr. Spencer stated to his knowledge there are still cost-share programs, he can check on that and get back to Mr. McCorkle. The County does not have any funds available unless the landowners in the watershed petition to make the **Big Shawnee Creek** a County Regulated Drain. If that was to occur rock schute, and outlet pipes are addressed in the maintenance of the ditch.

Commissioner Knochel moved to instruct Mr. McCorkle to remove the obstruction by December 15, 1997 and asked Mr. Spencer to check with the Soil and Water Conservation office on the possibility of helping divert the cost of installing a rock schute, seconded by Commissioner Shedd. Motion carried.

#### DAYTON RESOLUTION

Mr. Spencer stated he received a request from the Town of Dayton to review a submittal for a proposed subdivision within the Town of Dayton. Mr. Spencer stated Randy Williams of the Town of Dayton stated he has a resolution from 1994 that the County Drainage Board provide review, recommendations and approval of drainage plans for construction in the Town of Dayton. The resolution Mr. Williams faxed to Mr. Spencer was signed by the Town Council of Dayton, but not by the County Drainage Board. Mr. Spencer recommended tabling the request from the Town of Dayton until some issues are resolved. Mr. Spencer stated at the April 19, 1994 Drainage Board meeting it was discussed. Mr. Hoffman, Drainage Board Attorney at the time, requested the Town of Dayton adopt the County Drainage Ordinance and have the Drainage Board do the work for hire. Mr. Spencer did not know if that had been agreed to by the Town of Dayton.

Commissioner Knochel moved to table the resolution, seconded by Commissioner Shedd. Motion carried.

#### ANDREW AND MARY THOMAS DRAIN

Mr. Spencer asked the Board to appoint two Drainage Board member for a joint Drainage Board with Carroll County so they can call a meeting of the landowners within the watershed to reduce the rate of assessment.

Commissioner Hudson moved to nominate Commissioner Knochel and Commissioner Shedd to serve on the Joint Drainage Board with Carroll County regarding the Andrew and Mary Thomas Drain, seconded by Commissioner Knochel. Motion carried.

Being no further business, Commissioner Knochel moved to adjourn until the next regularly scheduled Drainage Board Meeting, October 1, 1997, seconded by Commissioner Shedd. Meeting adjourned.

**TIPPECANOE COUNTY DRAINAGE BOARD  
REGULAR MEETING  
OCTOBER 15, 1997**

**Those present were:**

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

The Tippecanoe County Drainage Board met Wednesday October 15, 1997, in the Tippecanoe Room of the Tippecanoe County Office Building, 20 North 3<sup>rd</sup> Street, Lafayette, Indiana with Commissioner Hudson calling the meeting to order.

The first item on the agenda was to approve the minutes from August 12, 1997 and September 3, 1997 regular Drainage Board meetings. Commissioner Shedd moved to approve the minutes from August 12<sup>th</sup> and September 3<sup>rd</sup> Drainage Board meetings, seconded by Commissioner Knochel. Motion carried.

**WOODS EDGE II MOBILE HOME PARK**

Roger Fine, president of John E. Fisher and Associates, asked the Board for final approval of the drainage plans for Woods Edge II Mobile Home Park. Mr. Fine introduced Doug Miller, a co-consultant of Douglas E. Miller Consulting-Engineering and Steve Duczynski of Schostak Brothers & Company. Mr. Fine turned the presentation over to Doug Miller.

Mr. Miller asked the Board for any questions and requested a variance from the Drainage Ordinance (section 14 (f) 2) which will allow for 13 feet of water to be attained under very severe storm conditions.

Mr. Spencer stated he did not see any reason deny to the request for a variance. The Ordinance does allow developers to use existing valley cross-sections for storage areas to prevent the removal of vegetation when there is a natural valley cross-section already created.

Mr. Spencer asked about the stage-storage values not agreeing with the grading plan submitted.

Mr. Eichelberger suggested the applicant revise the grading plan to provide the storage used in the TR-20 model or provide additional information to confirm the grading plan as submitted.

Mr. Miller stated he will look at the situation and check the calculations and grading plan.

Mr. Spencer stated he received a letter from Sun Communities stating they will maintain the dam and pond area on a regular scheduled basis. The maintenance will consist of mowing of grass and weeds on and around the dam and periodic inspections of the dam itself for structural integrity and rodent infestation.

Mr. Miller stated they received an approval letter from Doug Wolf of the Soil and Water Conservation office on the erosion control plan.

Mr. Eichelberger asked if the letter mentioned any type of erosion protection at the outfall pipes into the pond? The Board should require grouted rip-rap at the outfall structure do to the high velocities and discharges expected which will reduce the potential for excessive erosion.

Mr. Spencer recommended approval with the conditions stated in the memo from Christopher B. Burke Engineering, dated October 14, 1997.

Commissioner Shedd moved to grant the variance to allow 13 feet of water to be attained under a very severe storm conditions, seconded by Commissioner Knochel. Motion carried.

Commissioner Shedd moved to grant final approval of Woods Edge II Mobile Home Park with conditions, seconded by Commissioner Knochel. Motion carried.

**OTHER BUSINESS**

**Elliott Ditch Encroachment Request**

Mr. Spencer stated Tom and Susan Aschenberg, 4220 Newcastle Road, requested an easement reduction from 75 feet to 25 feet on the portion of the Elliott Ditch that runs through their back yard. They are going to construct a pole barn approximately 40 feet off the existing drain tile. Mr. Spencer stated he recommends the encroachment.

Commissioner Shedd moved to approve the encroachment of the pole barn into the Elliott Ditch easement, seconded by Commissioner Knochel. Motion carried.

**Otterbein Ditch**

Mr. Spencer asked on behalf of Tom Busch of Hoffman, Luhman and Busch, if they need to represent the Tippecanoe County Drainage Board at the Otterbein Ditch hearing on October 27, 1997.

Mr. Gerde stated the meeting on October 27, 1997 is going to be more of an organizational meeting and did not see any reason for Tom Busch to be present.

**Agreement James N. Kirkpatrick Reconstruction**

Mr. Spencer submitted an agreement to Mr. Gerde for his review, between Hawkins Environmental and Christopher B. Burke Engineering to be the consultants for the James N. Kirkpatrick reconstruction from County Road 350 South to Concord Road.

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

July 1, 1998

Regular Meeting

**Those present were:**

Tippecanoe County Commissioners Ruth Shedd, Kathleen Hudson 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, July 1, 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 June 3, 1998, regular Drainage Board meeting. Commissioner Hudson moved to approve the minutes, seconded by Commissioner Knochel. Motion carried.

**JESSE B. ANDERSON DITCH PETITION**

Mike Spencer presented John Gambs, representing Edward Nemeth the Town of Clarks Hill Attorney a petition for the reconstruction of the Jesse B. Anderson Ditch. Mr. Spencer explained signatures on the petition will need to make up more than 51% of the total acreage in the Jesse B. Anderson Ditch watershed. Mr. Spencer also presented Mr. Gambs with the Jesse B. Anderson Ditch list that includes the names, addresses, legal descriptions, and acres benefited in the watershed area and a map depicting the watershed area.

Joseph Carter, PO Box 139, 9521 Borrow Street, Clarks Hill, Indiana, approached the Board asking for financial help concerning the fuel bill that the town incurred while pumping floodwaters out of the town. The total of the invoices is \$1,680.00. (the Commissioners kept a copy of the invoices)

Commissioner Shedd asked if anyone from the town had heard from the Federal or State to know weather or not the town will get any assistance?

Mr. Carter replied there has not been any response from the Federal or State.

Commissioner Hudson asked if anyone from the town has spoken with the Township Trustee in regards to financial help for the fuel bill?

Mr. Carter stated yes, the town has asked the Trustee for help and he is supposedly going to help pay the bill, but the Trustee said it will be hard to determine how much he can help?

Mr. Gambs stated his firm has been representing the Town of Clarks Hill sense the 1970, and it seems that every seven to ten years the town has a flood. Mr. Gambs believes the Jesse B. Anderson is inadequate. Mr. Gambs mentioned an idea Mr. Spencer suggested to him, which is using Hudson Drive in the Town of Clarks Hill as a collector to route the water to the ditch. Also, constructing a grass swale along the farm fields to direct the water to the Jesse B. Anderson Ditch.

Mr. Spencer stated in the 1992 Drainage Board minutes indicated a situation similar to this one happened and a petition circulated, but never filed with the County Drainage Board.

Mr. Spencer stated he walked from the headwall along the route of the ditch to the south side of Clarks Hill and found seven tile holes, three north of State Road 28 and four in Mr. Stevenson's field. Mr. Spencer stated they have all occurred recently due to the tremendous back up pressure. Repair cost for the tile holes will be paid with the money that is in the Jesse B. Anderson Ditch maintenance fund. Another trouble spot is on the south side of the railroad, east of town there is a dam that is in the right-of-way fence causing it to restrict the flow through the railroad structure.

Michele Phebus, 1191 Division Street, Clarks Hill, explained her husband Tony Phebus, spent 18 hours working for the town, helping them with the floodwater. Since that time he has broken out with a chemical rash caused from the farm runoff and ponding in the town. Mrs. Phebus is asking the Board to help pay for his medical bills that were incurred trying to find out what caused the rash and the medicine being taken to treat the rash.

Commissioner Hudson asked if Mrs. Phebus had insurance to cover the expense.

Mrs. Phebus answered yes, but why should their insurance be responsible when her husband was out helping the town. Mrs. Phebus went on to explain the water has laid under her mobile home for several days and were advised to evacuate the property, but she had no where to go with four children, seven pets and four fish. Mr. Phebus stated her child is breaking out in the same kind of rash, which she is taking to the doctor to find out if it is caused by the chemicals or the fuel that is ponded in her yard. Mr. Phebus has had someone from Purdue and the County Board of Health test the water to find out what chemicals are in the water. Mrs. Phebus concluded by asking the Board for any type help they could provide.

Commissioner Shedd asked what the next step will be for the town to do with the petition?

Mr. Spencer stated the next step is for the town to designate someone to carry the petition and gather all the signature possible on the list of landowners in the watershed area.

Mr. Luhman, stated the Drainage Board has no other option to take, it is the responsibility of the landowners in the watershed area to carry the petition and file it with the Drainage Board. Then the Drainage Board can do the investigation into the cost benefit of the reconstruction.

Mrs. Phebus reported she spoke with Steve Wettschurack on the status of whether or not the state was going to offer any assistance. Mr. Wettschurack told her that the Governor was looking into the state of Indiana as being determined as a disasters area.

## **SADDLEBROOK ESTATES, PHASE 3 SUBDIVISION**

David Ayala and Mark Phillips of Hawkins Environmental, presented the Board with final drainage plans of Saddlebrook Estates, Phase 3 Subdivision located west of County Road 550 East and east of Saddlebrook Estates Subdivision. The entire site will drain to the regional retention facility for the Berlovitz Ditch.

Mr. Spencer stated the Berlovitz retention facility has been constructed and they do comply with the drainage ordinance.

Commissioner Hudson moved grant final approval of Saddlebrook Estates Subdivision, Phase 3, seconded by Commissioner Knochel. Motion carried.

### **QUALITY STORES, INC.**

Roger Fine of John E. Fisher and Associates, presented the board with drainage plans for the new Quality Store located at the same site as the existing Quality Store, 4841 State Road 38 East, west of I-65. Mr. Fine stated the existing building will continue to operate while the new building is being constructed and once it is finished the old building will be torn down and turned into parking space.

Mr. Eichelberger explained the site will drain to the Elliott Ditch regional retention facility that is currently under design. The developers that drain into the facility figure the amount of storage the site will need and pay into the construction fund for the Elliott regional retention facility.

Mr. Fine stated construction plans are in review with the County Highway Department, which include an additional truck entrance in back of the site.

Steve Murray, Executive Director of the County Highway Department, asked Mr. Fine to explain the increased discharge into the county road right-of-way and assure the runoff will not jeopardize the county road in any way.

Mr. Fine replied that with the 24 inch pipe in the county road right-of-way will drain effectively and not cause damage to the county road.

Mr. Eichelberger stated the reason for the comment in the memo regarding the county road right-of-way is so the Highway Department can determine the effect of the development on the county maintained road.

Mr. Murray asked Mr. Eichelberger to evaluate the effect, if any, on the county road.

Mr. Eichelberger stated he would evaluate the situation as if the entire area had been developed to see what the discharge could be and if the existing pipes could handle the runoff.

Mr. Spencer recommending granting preliminary approval until the capacity of the pipe can be evaluated.

Commissioner Hudson moved to grant preliminary approval of Quality Stores, Inc. with the conditions of the June 19, 1998 memorandum from Christopher B. Burke Engineering and with the concern the County Highway has in regards to the capacity of the pipe under the county road, seconded by Commissioner Knochel. Motion carried.

### **ATLAS EXCAVATING BUILDING SITE**

Craig Rodarmel of R.W. Gross & Associates, Inc., presented the Board with proposed drainage plans for Atlas Excavating building site. The site is located off Swisher Road north of the rail road and south of the I-65 crossing. Mr. Rodarmel state currently one 18 inch outlet pipe exist for the site, so the site is being designed to detain the onsite and let the offsite water release through the 18 inch pipe. A 12 inch pipe for the onsite detention will be installed to restrict the flow of water until after the offsite water has gone through.

Mr. Murray's concern is this project not increase the amount of water through the culvert in the road-right-of way.

Mr. Spencer recommended approval with the conditions stated in the memo from Christopher B. Burke Engineering, which includes approval from the Highway Department.

Commissioner Hudson moved to grant final approval of Atlas Excavating Building site with conditions, seconded by Commissioner Knochel. Motion carried.

### **TIPPECANOE COUNTY WORK RELEASE CENTER**

Craig Rodarmel of R.W. Gross & Associates, Inc. presented the Board with final drainage plans of Tippecanoe County Work Release Center located of North Ninth Street. Mr. Rodarmel stated the design of the drainage system was to utilize the existing drainage pond for the Trash Transfer facility. The runoff from the site will be captured in the parking lot and directed to the pond by grass swales.

Mr. Spencer stated the large detention facility was built as part of the Trash Transfer site with drainage board approval. The detention facility has the available storage for the County Work Release Center runoff. Mr. Spencer stated there are four conditions that need to be met. Number four of the memo from Christopher B. Burke Engineering dated June 25, 1998 was of most concern.

4. The applicant has provided a detailed study of the storm water runoff contribution from the subject site and the impact of this runoff to the existing detention basin at the Trash Transfer and Recycling Center. This study was conducted by utilizing previous analyses completed by a different consulting firm approximately 8 years ago. There are several questions/concerns regarding the previous analysis and the actual as-built conditions of the existing detention basin. CBBEL believes that these issues can be worked out with the applicant in the near future, by conducting a meeting and potential modeling revisions.

Mr. Eichelberger stated he believes the four conditions will be worked out in a future meeting. Talking with R.W. Gross they expressed the same concerns/difficulties working on this project. Mr. Eichelberger and Mr. Spencer agree the concept and the modeling they have used to evaluate the two projects together has worked out well.

Commissioner Hudson moved to grant final approval of the Tippecanoe County Work Release Center subject to the four conditions listed in Christopher B. Burke Engineering memo dated June 25, 1998, seconded by Commissioner Knochel. Motion carried.

### **HICKORY HILL SUBDIVISION, PHASE I**

Mr. Spencer stated on behalf of Hickory Hills Subdivision, Phase I, he asked for continuance until the next regularly scheduled meeting.

Commissioner Hudson moved to continue Hickory Hills Subdivision until the next Drainage Board Meeting, seconded by Commissioner Knochel. Motion carried.

**BENCYN SUBDIVISION**

Mr. Spencer stated on behalf of Bencyn Subdivision he asked for continuance until the next regularly scheduled meeting.

Commissioner Hudson moved to continue Bencyn Subdivision until the next Drainage Board meeting, seconded by Commissioner Knochel. Motion carried.

Being no further business, Commissioner Hudson moved to adjourn until August 5, 1998 at 9:00 a.m., seconded by Commissioner Knochel. Meeting adjourned.

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Ruth Shedd, President

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Kathleen Hudson, Vice  
President

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Shelli Muller, Secretary

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John Knochel, Member

# TIPPECANOE COUNTY DRAINAGE BOARD

August 5, 1998

Regular Meeting

## **Those present were:**

Tippecanoe County Commissioners Kathleen Hudson 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, August 5, 1998, in the Tippecanoe Room of the Tippecanoe County Office Building, 20 North 3<sup>rd</sup> Street, Lafayette, Indiana with Commissioner Hudson calling the meeting to order.

## **OTHER BUSINESS**

Mike Spencer up-dated the Board on the status of the J.B. Anderson Ditch located near Clarks Hill. Mr. Spencer reported he met with Tom Osborn of Lauramie Excavating to show him the location of the tile holes, Mr. Osborn has began repair of the tile. Mr. Spencer noted there is a meeting scheduled between himself, the County Attorney Dave Luhman and the Clarks Hill Attorney Ed Nemeth, on Friday, August 7, 1998, to discuss the drainage situation in Clarks Hill.

## **BENCYN INDUSTRIAL SUBDIVISION**

Paul Coutts of C & S Engineering presented the Board with final drainage plans for Bencyn Industrial Subdivision located off 460 East. Mr. Coutts explained Bencyn is building a new facility at County Road 350 South and County Road 460 East. As part of that project they bought a large piece of ground that they want to develop as a Subdivision. The storm water runoff for the site will be collected by swales and routed to an onsite detention storage facility. The storage facility will be a dry bottom detention basin with concrete gutter and outlet at the eastern end of the detention basin to a 30" corrugated metal pipe under County Road 350 South. The flow will continue northeasterly in the County Road side ditch to the southern end of the open Elliott Ditch.

Mr. Spencer stated the review of this subdivision was complete and final approval is recommended.

Commissioner Hudson asked if the runoff directed to the dry detention basin is going to be an open ditch?

Mr. Coutts explained it will be an open channel with an earth berm to help guide the water and a concrete gutter to help direct the flow to the detention basin.

Commissioner Knochel moved to grant final approval of Bencyn Industrial Subdivision, seconded by Commissioner Hudson. Motion carried.

## **KINGDOM HALL**

Mike Carson presented the Board with drainage plans for Kingdom Hall located off Soldiers Home Road between Soldiers Home and Schumann Landscaping business. Mr. Carson explained a portion of the site flows through a swale to the road side ditch and the rest of the site drains to the north onto an adjoining field to the river. A detention facility will be constructed to collect the runoff from the parking lot and the building. The detention facility will outlet into an existing swale and continue as it currently flows.

Mr. Spencer stated the only item of concern is the notification of the downstream landowner from the outlet to the river. Mr. Spencer understood after discussion this with Mr. Carson the downstream landowner has been notified via certified mail. Mr. Spencer asked for a copy of the returned receipt of the certified mailing.

Mr. Carson stated the downstream landowner, Mr. Henderson, received the letter two weeks prior to this hearing and has had no response from Mr. Henderson.

Mr. Spencer stated with the downstream landowner notification addressed, he recommended final approval.

Commissioner Knochel moved to grant final drainage approval of Kingdom Hall Church, seconded by Commissioner Hudson. Motion carried.

### **HEARTLAND CO-OP**

Brian Moench of Moench Engineering presented the Board with a drainage design for Heartland Co-op located south of Brady Lane and west of U.S. 52, on the existing Heartland Co-op site. The existing site drains from the Northwest to the Southeast collected into a road side culvert under U.S. 52. Mr. Moench stated an agreement with A.E. Staley to do some realignment to the drive to Staley is being discussed, along with constructing a convenience store, which will utilize the drive. The drainage pattern will stay the same, storm water will be collected in a dry bottom detention basin and an orifice will limit outflow into the existing 24 inch reinforced concrete pipe.

Mr. Spencer stated with discussions regarding this site for the past thirty day, the applicant has met the requirements of the drainage ordinance and he recommended final approval.

Commissioner Knochel moved to grant final drainage approval of Heartland Co-op site, seconded by Commissioner Hudson. Motion carried.

Being no further business, Commissioner Knochel moved to adjourn until September 2, 1998 at 9:00 a.m., seconded by Commissioner Hudson. Meeting adjourned.

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Ruth Shedd, President

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Kathleen Hudson, Vice President

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John Knochel, Member

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Shelli Muller, Secretary

# TIPPECANOE COUNTY DRAINAGE BOARD

October 14, 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, October 14, 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 September 2, 1998 Regular Drainage Board meeting. Commissioner Knochel moved to approve the minutes, seconded by Commissioner Shedd. Motion carried.

## **HAGGERTY POINTE**

Amy Moore with Butler, Fairman & Seufert, Inc. represented the Haggerty Pointe Subdivision, which is going to be developed in two phases. Ms. Moore explained their firm has submitted phase one, it was reviewed and they have received the review comments. Ms. Moore asked the Board for their opinion of an agreement to let Haggerty Pointe Subdivision stormwater design utilize the regional retention basin that is being designed for the Elliott Ditch know as the "F" Lake. The initial study showed the development would need 13.4 acre feet of storage in the "F" Lake, but that number has not been finalized. Ms. Moore asked the Board to proceed with the agreement and as part of the agreement the developer would be asking for the fill dirt to be used onsite.

Mr. Spencer referred to the agreement with Lighthouse Homes. In that agreement Lighthouse Homes gifted the County money and in return the development will get the fill dirt that equals the amount of storage the development needs. Mr. Spencer informed the Board there is an on going contract with Christopher B. Burke Engineering, Ltd. on the design of the "F" lake located east of Ivy Tech and south of Lighthouse Homes.

Ms. Moore also, asked the Board for a vacation of Branch 11 of the Elliott Ditch. Ms. Moore explained the development is on the upper end of branch 11 and will not be utilized with the construction of stormwater system. The stormwater system will be routed through a proposed pipe that will be replaced under State Road 38 then into an open side road ditch, which will carry the water to the regional retention facility.

Mr. Spencer stated he does not see a problem with vacating Branch 11 of Elliott Ditch and recommended the Board grant the vacation and approve the development continue with an agreement. Mr. Spencer asked Ms. Moore if the vacation had been asked for in writing?

Ms. Moore stated she included the vacation in the transmittal letter.

Commissioner Knochel moved to approve the vacation of Branch 11 of Elliott Ditch and conceptual approval of the development to continue with an agreement for the use of storage in the regional retention basin of Elliott Ditch known as the "F" Lake, seconded by Commissioner Shedd. Motions carried.

Do to the lack of representation, **Carrington Estates Subdivision Phase 2** and **Winding Creek Subdivision**, were not discussed.

## **OTHER BUSINESS**

### **Schroeder Wetland Easements**

Mr. Spencer presented easements for the Schroeder Wetland project. The proposed wetland is located on the Schroeder property south of Wea School west of County Road 200 East. The developer of the wetland has proposed to install new tile on the west side of the wetland to connect it to the existing outlet on the north property line. Mr. Edward Purdy, the adjoining landowner, has a copy of these easements and after his concerns are addressed, Mr. Spencer stated he will present this to the Board for final approval of the new easements and to vacate the existing easement.

### **Harold Klinkhamer**

Mr. Harold Klinkhamer came to discussed the same issue that was before Drainage Board on September 2, 1998. Mr. Klinkhamer began by stating he objects to what was said or eliminated from the minutes of September 2, 1998. Mr. Klinkhamer felt vital information was omitted from the minutes such as statements from Mr. Luhman and a statement made by Mr. Spencer that referred back to the 1973 Drainage Board minutes. Minutes referred to the ditch being a tile drain and there is nothing in the minutes to reflect Mr. Spencer's statement. Mr. Klinkhamer stated at the prior meeting Mr. Luhman gave Mr. Spencer instructions to do some investigation into where this ditch originated. Mr. Klinkhamer presented the Board with the actual court case from when the Andrew P. Brown ditch became a legal drain. Mr. Klinkhamer explained the 1906 petition depicts his property the petition calls for the tile drain to be put in where the open drain was already constructed. Mr. Klinkhamer read a portion of the petition that states the petitioners prayed for the tile to be put in so the drainage problem could be solved and a new drain connecting to an existing drain which then dumps into an open drain. Mr. Klinkhamer felt with the evidence of the original court document it does state the origin of the waterway therefore it should be maintained by the County. Mr. Klinkhamer asked the Board what the best solution is to get the silt out of the waterway.

Commissioner Shedd stated the Board agrees after reviewing the 1907 document understanding the tile is under the waterway which is suppose to be taking care of the situation. Commissioner Shedd stated the County has no jurisdiction over the waterway.

Mr. Klinkhamer stated the problem is with the surface water not with the tile. When the tile was installed it was connected to an existing 10 and 12 inch tile on the west side of the road, then prior to 1906 the water from the tile went under the road and through the ditch on Mr. Klinkhamer's property. Mr. Klinkhamer stated in 1907 when the tile was put in, it is Mr. Spencer's opinion the ditch no longer existed. Mr. Klinkhamer stated when the tile was put the tile helped only the pockets in White and Tippecanoe Counties and does not address the surface water that comes from farm fields on the west side of the road that is why the ditch on his property has never been farmed, which the county has proof of from 1936 aerials.

Mr. Spencer stated in 1907 the tile was put in and the open ditch done away with. Mr. Spencer explained there are many farmers that elected to maintain a grass waterway to prevent erosion, that was their decision. There is nothing in place that states the farmer had to leave the waterway in place and not farmed. The landowner to the east of Mr. Klinkhamer has farmed over the waterway, it is strictly the farmers decision.

Commissioner Knochel asked what the history is for flooding in the area that is being discussed?

Mr. Spencer stated prior to Mr. Klinkhamer's complaint the Surveyor's Office has not received any complaints of flooding.

Commissioner Knochel asked Mr. Murray, Executive Director of the County Highway Department, if his department had received any complaints prior to Mr. Klinkhamer's Citizens Complaint he filed with the Highway Department.

Mr. Murray stated not to his knowledge, his department had not received any complaints prior to Mr. Klinkhamer.

Mr. Knochel asked Mr. Klinkhamer why he had not complained of a flooding problem before now?

Mr. Klinkhamer explained that he does not farm his ground he rents it out.

Mr. Knochel asked Mr. Klinkhamer even if he rents the farm ground or however he has it arranged, why hasn't the person farming the ground complained of losing crops do to flooding?

Mr. Klinkhamer explained the flooding that exist is rapid and dissipates quickly once the rain stops the water is gone within an hour, but there was never a home near the flooding before. Mr. Klinkhamer stated the concern now when it floods is the well could get contaminated and the water could flood the crawl space.

Commissioner Shedd asked if the construction of the house could have changed the flow of the water?

Mr. Klinkhamer stated no, it just brought to his attention the problem. Mr. Klinkhamer explained the County Highway Department needs to dredge the county road side ditches to handle the water flow so the road wont flooded. Mr. Klinkhamer stated it is his understanding approximately 20 years ago a culvert, three times bigger than the one there before was replaced under county road 100 West in the same location the flooding occurs. This indicates to Mr. Klinkhamer the Highway Department utilizes the surface water drain and therefore the County needs to clean the ditch out to accommodate the water from the road. Mr. Klinkhamer does not think he should be responsible for water coming from the County Road or for the water coming from the farm field on the west side of 100 West. Mr. Klinkhamer suggested the County Highway Department dredge a new road side ditch on the west side of County Road 100 West, south to County Road 900 North.

Commissioner Knochel asked Mr. Murray to address the comment of Mr. Klinkhamer in regards to the culvert needing reconstructed and do some ditching.

Mr. Murray stated there are very few roads in the County that do not need ditching. Mr. Murray explained the best way to put the road side ditch in perspective is to look at the drainage as if the road was not there. Would the water flow through that point even if there was not a culvert. Mr. Murray has analyzed this situation and his conclusion is the water would still flow the way it does today. Mr. Murray stated it is common practice in a situation when you have a subsurface tile to install a surface culvert. One reason to install a surface culvert is so the water flow at the low point will have positive flow down stream. The second reason is in a situation where there is not positive drainage an equalizer is installed. The reason for an equalizer is it allows water to pond on either side of the road, rather than run over and wash out the road. Mr. Murray explained the Highway Department's objective is to carry vehicular traffic, not to operate as a drainage facility. Mr. Murray stated to cut a ditch a mile to the south would not only divert water onto other property owners, it would not be necessary for the road to function.

Mr. Klinkhamer referred to the Common Enemy Law. Mr. Klinkhamer stated according to that law it would allow him to build a dike to restrict the water from damaging his daughter's property. Mr. Klinkhamer asked for an explanation of what the purpose of the culvert is under 100 West. Mr. Klinkhamer stated that is the purpose of the ditch is to get rid of the water coming through the

culvert therefore it should be the county's responsibility to maintain the surface waterway. Mr. Klinkhamer stated if he builds a dike than the water will not be any relieve for the surface water and cause the road to flood. Mr. Klinkhamer asked the Board for a solution. Mr. Klinkhamer stated all previous documentation asked for the cheapest and easiest way to solve a drainage problem. Mr. Klinkhamer felt he provided the easiest way to solve the drainage problem and that is he is allowing the County to dredge the surface waterway so the water can stay within it banks like it has for 91 years, but if he was to cut the waterway off than the water will either have to go on down the road way or neighbor across the road will have to take care of their own water.

Commissioner Shedd asked if it is legal for Mr. Klinkhamer to shut the waterway off?

Mr. Luhman stated yes, he can shut the waterway off. He may experience some liability from his neighbor if he causes damage to the neighbors property, but that will be between them. There is another possibility the neighbor can ask the Board to take some action because Mr. Klinkhamer will have obstructed a natural waterway. Mr. Luhman stated there is a specific statue that allows landowners to petition the Board to remove an obstruction in a natural waterway. The petition process is designed in a way that the petitioner can complain to the Board about an obstruction on someone else's land and the reason for that is because the remedy is the Board can order the removal of the obstruction, but they have to assess the cost against the landowners. If it is just a landowner complaining about an obstruction in the waterway on his own land than the Board would be required to assess the cost against that landowner.

Commissioner Knochel suggested to Mr. Klinkhamer to petition the Board for a reconstruction of the Holwerda Branch of the Andrew P. Brown Ditch.

Mr. Luhman stated he has spoke to Mr. Huffer, Mr. Klinkhamer's attorney, concerning a reconstruction and the issue seems to be who is going to pay to recreate more of a channel through the grass waterway to get the water moving. Their question is can the maintenance fund for the Andrew P. Brown Ditch pay for the cost? Mr. Luhman stated he does not seem to think the use of the maintenance funds set up for the **Andrew P. Brown Ditch** can be used, those funds are to maintain the tile portion of the drain not the grass waterway above the tile. Mr. Luhman stated he has reviewed the 1906 to 1911 proceeding which initially petitioned to tile the open drains, his understanding is the final decision was to tile some and keep some open. In 1950 when the County took the drain over, there is no indication of an order to create a tile drain with a grass waterway above it. The specifications state in 1950 that all the tiles after they were installed the ground above be grated level with the surrounding ground, so that indicates the petitioners did not want a channel or ditch above the tiles. If there has been a grass waterway or channel above the tile it doesn't mean it is illegal, but it doesn't mean it is part of the County legal drain. It is legal for adjoining landowners to create a grass waterway within the easement as long as it does not interfere with the Drainage Board's right to maintain the tile drain. Is there anyway the maintenance fund for the Andrew P. Brown Ditch be used to do anything with the waterway? Mr. Luhman stated the only way would be from an engineering stand point there was something within the waterway that was preventing the tile drain to function properly than the County would have some kind of maintenance in making the drain functional, but there has not been anything in this case to indicate that is the situation. The only thing else is if the tile is not serving the function it was intending for which is to drain the watershed, than there is a reconstruction process that requires the Surveyor to determine what is going to have to be done to adequately drain the watershed. If the existing structure is not sufficient, what needs to be done to reconstruct it to make it drain the watershed.

Commissioner Knochel compared this situation to the Clarks Hill situation. The landowners in the Jesse B. Anderson Ditch watershed have to petition the Board for a portion of the ditch to be reconstructed. The same process could be for the Holwerda Branch of the Andrew P. Brown Ditch. Commissioner Knochel believes the County is only responsible for the tile portion of the drain that goes through Mr. Klinkhamer's property. Commissioner Knochel suggested to Mr.

Klinkhamer to get with his neighbors so they can petition the Board for a reconstruction of the **Holwerda Branch**. Along with the reconstruction is an assessment for the reconstruction cost that will be distributed among the people who benefit from the reconstruction.

Commissioner Shedd asked how many landowners are within the watershed.

Mr. Spencer stated there are approximately twelve landowners within the watershed. The landowners in the Andrew P. Brown Ditch watershed will continue paying for the maintenance assessment and those in the **Holwerda Branch** will also be assessed for the reconstruction cost.

Mr. Klinkhamer referred to the comment Mr. Luhman said regarding in 1950 the instruction was to cover these ditches. From records from 1939 and records of 1906 and current aerial photographs shows a grass waterway has never been covered to be level with the rest of the ground. Therefore Mr. Klinkhamer believes the waterway is part of the ditch and it should be cleaned with the maintenance funds he has been assessed for. Mr. Klinkhamer stated the tile that goes through his property has no function with the surface water problem. The tile that was installed per the request of the landowners in 1907 gave them a branch of tile they can tie into to tile the rest of their farmland, but it serves no purpose for the surface water problem that exist.

Commissioner Shedd stated it is her understanding the tile is functioning the way it is suppose to and the maintenance fund is to be used to maintain the tile not the waterway.

Mr. Klinkhamer stated that is for interpretation, he feels like the open drain has always been there and if he can not convince the majority of the Board of that, there is still a problem. Mr. Klinkhamer stated 15 to 20 years ago when the County replaced the culvert they dug out the open ditch for about 200 feet into his property. Within that time it has filled up two feet with corn stocks, silt etc. so there has to be a maintenance because when you create a pocket like that and do not extend the channel on back to the outlet than the pocket will fill up and need maintenance. Mr. Klinkhamer stated the attempt by the Highway Department to get rid of their problem, just pushed the problem onto his property. Mr. Klinkhamer stated he could shut the channel off and the Highway Department will have to find another way for the water to go.

Commissioner Shedd suggested a reconstruction. Mr. Klinkhamer can carry the petition to see how many signatures you can get for the reconstruction of the Holwerda Branch. Commissioner Shedd explained the process of reconstruction. A landowners in the watershed has to petition the Board for a reconstruction of the **Holwerda Branch of the Andrew P. Brown Ditch**.

Mr. Klinkhamer stated there are only two people who will benefit from the reconstruction, one being the German Farm and the other is the Highway Department.

Mr. Spencer asked Mr. Klinkhamer why he does not think he will benefit from the reconstruction?

Mr. Klinkhamer stated he can build a dike to prevent the water from coming close to his daughter's home.

Mr. Spencer stated then the German's will order the Board for a removal of an obstruction.

Mr. Klinkhamer stated than the German's will have to pay for the removal.

Mr. Spencer stated generally the person who put the obstruction in will incur the cost of removal.

Mr. Klinkhamer stated he has the right to protect his property. Mr. Klinkhamer felt the County needs to come up with a solution to the problem, this is the County's problem and always has been.

Commissioner Knochel stated Mr. Klinkhamer has asked the Board for a solution. The Board has given him the option to file a petition for reconstruction of the Holwerda Branch of the Andrew P. Brown Ditch. Commissioner Knochel stated Mr. Spencer will give Mr. Klinkhamer the procedure for reconstruction and will work with Mr. Klinkhamer to resolve this problem.

Mr. Luhman stated Mr. Klinkhamer needs 10% of the landowners in the watershed area of the Holwerda Branch to petition the Board for reconstruction. The cost recovery will be allocated based on the amount of acreage benefited by the reconstruction.

Mr. Klinkhamer stated hypothetically speaking if the German Farm has 30 acres of their 100 acre field is actually causing the problem or is in the watershed than if the assessment is only \$1.00 per acre then they will only be paying \$30.00.

Mr. Luhman stated that may be, but the process is, first to file the petition. The Board sends a notice of a hearing to the landowners in the watershed and the Board along with the landowners have to agree the drain is one in need of reconstruction. The Board refers the petition to the Surveyor to do an engineering study to determination what the best and most efficient way to drain the watershed. The Surveyor brings the study and prepares a schedule of damages and assessments, who is going to lose acreage by this construction, who is going to benefited by the better drainage and submits that to the Board. The Board holds a hearing and they have to approve the schedule of damages and assessments. The landowners some times have a disagreement with the schedule, be it with the amount of acres they are being assessed to the watershed or whatever the landowner can file a remonstrance. The Board makes the determination of what is the correct schedule of damages and assessments.

Mr. Klinkhamer stated his daughter has no purpose for the ditch. Other than to carry the water that comes from the road and the German Farm. How would the County assess the benefit for his daughter and his property?

Mr. Luhman stated if Mr. Klinkhamer's daughter has a problem with the drainage on her property by her home than she would benefit by improvement of the drain, so she would be assessed for the improvement of drainage on her land.

Mr. Klinkhamer stated it is an improvement only because it keeps the German Farm water from coming on over to the Klinkhamer property.

Mr. Luhman stated yes, the channel keeps the water from damaging Mr. Klinkhamer's daughter's house therefore she does benefit from the channel.

Mr. Klinkhamer stated if they build a dike to keep the water from damaging her house than that will solve the problem and it will still be the German Farm's problem. Mr. Klinkhamer asked what the time frame is for doing a reconstruction?

Mr. Spencer stated it all depends on how long it takes to get the petition back to the Board. After the petition is filed, hearings are held and it depends on how the hearings go.

Mr. Klinkhamer asked if landowners can dig out the road ditch?

Mr. Luhman stated he would have to get with the Highway Department to discuss that issue.

Commissioner Shedd stated the Board has run out of time and needs to move out of the meeting room. Commissioner Shedd moved to recess for five minutes, seconded by Commissioner Knochel. Meeting recessed.

## **Agreement with State**

Steve Murray, Executive Director of the Tippecanoe County Highway Department asked the Board to approve to approve the draft copy of an agreement with the State concerning the McCarty Lane project. Mr. Murray explained that a portion of the McCarty Lane project includes improvements to **the Berlovitz Drain**. This agreement is for the State to wave the permit to work in the interstate I-65 and State Road 26 right-of-way for the construction of the improvement.

Commissioner Knochel moved to pursue the agreement with the State regarding working in the right-of-way for drainage improvement of the Berlovitz Drain, seconded by Commissioner Shedd. Motion carried.

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Ruth Shedd, President

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Kathleen Hudson, Vice President

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John Knochel, Member

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Shelli Muller, Secretary

# TIPPECANOE COUNTY DRAINAGE BOARD

December 8, 1998

Regular Meeting

## **Those present were:**

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

The Tippecanoe County Drainage Board met Wednesday, December 8, 1998, in the Grand Prairie Room of the Tippecanoe County Office Building, 20 North 3<sup>rd</sup> Street, Lafayette, Indiana with Commissioner Shedd calling the meeting to order.

## **Mill Creek Subdivision** Outlet to Elliott Ditch

Chris Badger of The Schneider Corporation, presented the Board with drainage plans of Mill Creek Subdivision. Mr. Badger explained DNR is requiring a permit be obtained by the development for construction in a floodway. Mr. Badger stated a request from the County has been included in the final construction plans to smooth over the rip rap with concrete to enable vehicular use. Mr. Badger stated the City has approved these plans.

Mr. Spencer recommended granting final approval, subject to the project receiving DNR approval.

Commissioner Hudson moved to approve the outlet to the Elliott Ditch regarding the Mill Creek Subdivision, subject to the approval of construction in a floodway permit from DNR and the rip rap channels be constructed to carry vehicular traffic, seconded by Commissioner Knochel. Motion carried.

Mr. Badger asked the Board for a special session of the Drainage Board to be held to discuss, Coyote Crossings Golf Course and Winding Creek Subdivision. Mr. Badger stated a waterline easement will also need to be discussed at the meeting and is being reviewed by Steve Murray, Executive Director of the Tippecanoe County Highway Engineering Department.

The Drainage Board agreed to a special session for the following week. The date and time will be announced.

## **Other Business**

### **ASHTON WOOD PETITION**

Mr. Spencer presented the Board with a petition, prepared by Joseph Bumbleburg, asking the Board to be a party to a petition for their interest in county road right-of-way land. The petition is to establish a regulated drain for an area south of town to include Ashton Woods Subdivision, Coppergate Subdivision, Triple J Subdivision, Wea-Ton Subdivision, and Ross Stone Circle. As part of Ashton Woods Subdivision requirement for approval, a large channel was created, which goes under Old Romney Road and is picked up by a large tile that runs parallel with Old Romney Road, which Triple J utilizes. With the Coppergate Subdivision a tile was installed along 250 South and an open channel was constructed by the development. Mr. Spencer explained all the developments agree to be a part of the petition to establish the channels and tiles as a County Regulated Drain.

### **COUNTY ROAD 900 NORTH**

Mr. Spencer informed the Board he is meeting with Karen Kelly and others in the watershed area concerning the culverts under County Road 900 North where there is a problem with the road washing out. Mr. Kerkhoff, one of the affected landowners, as agreed to the installation of the culverts, under the assurance the water will not pond on his field and the channel has a positive flow.

### **ILGENFRITZ DITCH**

Mr. Spencer referred to a letter received by the Commissioners from Mr. Jack Lahrman concerning the Ilgenfritz Ditch. The Ilgenfritz Ditch is part of a larger watershed area, Dismal Creek, and has been in the process of clean out as funds become available for maintenance. The areas he mentioned in his letter are the next phase to be addressed.

### **HAROLD KLINKHAMER**

Mr. Klinkhamer came before the Board to discuss the waterway over the Andrew Brown Ditch. Mr. Klinkhamer referred to the petition that was filed by Mr. Luhman concerning not exhausting administrative remedies. The only way Mr. Klinkhamer feels this issue will be resolved is if one of the Drainage Board members changes their mind and agrees the maintenance fund should be used to clean out the waterway. Mr. Klinkhamer explained this is the only section of the ditch that has remained a grass waterway, west of the County Road 100 West the waterway has not been maintained causing his waterway to fill up with silt. The White County portion of the ditch has been totally destroyed by the farmers farming the ground. He agrees that reconstruction should occur on those type areas, but he feels maintenance funds should be used on his portion because he has not farmed through the waterway.

Commissioner Shedd asked Mr. Luhman if this issue has been filed in the court?

Mr. Luhman stated yes, there has been a matter filed in Circuit Court.

Mr. Spencer stated he has not changed his mind as to the issue of the maintenance funds being used for the cleanout of the waterway that runs through Mr. Klinkhamer's property. Waterways are most generally at the pleasure of the farmer as to whether or not they decide to farm the waterway. Unless the waterway is specifically made part of the maintenance fund, than it is the farmers responsibility to maintain them.

Mr. Klinkhamer asked if there are any other administrative remedies that could be used other than the judge?

Mr. Luhman stated the Board has made its decision, and unless there is a change in the future, than court will be the only way to resolve this issue.

Being no further business, Commissioner Hudson moved to adjourn until further notice, seconded by Commissioner Knochel. Meeting adjourned.

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Ruth Shedd, President

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Kathleen Hudson, Vice  
President

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Shelli Muller, Secretary

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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  John Toohey Sussane Walters  Franklin Yoe	Alexander Ross  Mary Southworth  John VanNatta McDill Waples  Jenkins  S.W. Elliott	John    Lena    Hadley
<b>Shawnee Creek</b>			
Buetler/Gosma Lake High Gap Rd	John McLaughlin  Romney Stock Farm		

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

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

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

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

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

**SEASONS FOUR SUBDIVISION, PHASE III**

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

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

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

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

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Ruth Shedd, President

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Shelli Muller, Secretary

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Kathleen Hudson, Vice President

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John Knochel, Member

**TIPPECANOE COUNTY DRAINAGE BOARD**  
**APRIL 7, 1999**  
Regular Meeting

**Those present were:**

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

The Tippecanoe County Drainage Board met Wednesday, April 7, 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.

Commission Shedd thanked Shelli Muller for being the Drainage Board Secretary for a number of years and commended her for doing a great job. Commission Shedd welcomed Doris Myers as new member.

The first item on the agenda is to approve the minutes from the February 3, 1999 Drainage Board Meeting. Commissioner Hudson moved to approve the minutes of February 3, 1999 Drainage Board Meeting, seconded by Commissioner Knochel. Motion carried.

**CATERPILLAR LOGISTICS SERVICES, INC**

Darrell Phillips with Weihe Engineers, Inc. representing Caterpillar Logistics Services, Inc. Mr. Phillips presented site plan and offsite drainage improvement. The site is along 500 E about 1500 feet south of McCarty Lane. 160,000 square foot warehouse, 65 parking spots, pond on site and a regulated tile drain on site is being relocated by the existing property owner in coordination with the County Surveyor.

At present storm water drainage goes through the legal drain tile. We will be rerouting the tile to the downstream regional storm water facility north of our site.

There will be two phases to the plan. First phase will direct these tile flows from the south west corner of our site north, along the east side of Co. Rd. 500 E, in a temporary storm drainage pipe system.

Phase two will be the installation of a major storm drainage pipe system that will handle our site runoff, the tile drain and approximately 70+ acres upstream of our site. Phase two is being designed by us, approval by the county and city will be forthcoming.

Construction is planned for this summer.

Commissioner Knochel asked Mike Spencer his comments on this project. Mike has been working with Ethan & Lauth and City of Lafayette and come to agreement for them to be a participant in the regional storage philosophy. They are participating in that regional storage philosophy. It all ties into an earlier study that the county commissioned with Burke several years ago on watershed areas around the city that are rapidly urbanizing.

Mike recommended approval of conceptual stormwater plan as submitted.

Commissioner Hudson moved to give approval to Caterpillar Logistic Services for the regional stormwater concept that they presented today, seconded by Commissioner Knochel. Motion carried.

Mike Spencer asked Dale Lehnig if she had anything to comment on behalf of City of Lafayette.

Have everything pretty well covered. City is working with sewer and water as well as with stormwater. Commissioner Knochel inquired about aggressive plan for construction. Dale Lehnig's comment was yes for the City of Lafayette. Caterpillar Logistic commented schedule is aggressive and time sensitive on

getting this facility up and operating. Pushing to get temporary drainage in place while City, Caterpillar and County are working on design of final storm sewer plans.

**PARK EAST MARKETPLACE**

They requested it be continued but Mike Spencer could bring the board up to date on project. Location of project St Rd 26 & I-65. The proposed development is in the Alexander Ross watershed area and there was a study done some years ago by county looking at the regional storage philosophy. Part of plan was set in motion when the Meijers store was built East of I-65. There is large retention area just west of meijer store near Steak & Shake. That was first phase. Also retention area was slated for West side of I-65 and as part of this plan they would be constructing a portion and developer setting aside an area for storage on the west side of I-65. These studies are approved now and developers are buying off the regional stormwater retention idea so every developer doesn't have their own pond. New pipe will be installed under I-65. This is good size development. They are following regional storage concepts that were put into place several years ago. Commissioner Knochel asked what kind of area Walmart will cover. Answer was 40 acres. Mike stated they would be coming to Drainage Board for approval next month. Hopefully they will have it ready for approval next month.

**OTHER BUSINESS**

Harold Kinkhamer asked Mr. Luhman if he received memo from Jim Huffer. Mr. Luhman did receive memo from Jim Huffer. Harold Kinkhamer asked Mr. Luhman if he listened to the tape and understands what he was saying. Mr. Luhman has not listened to the tape and doesn't intend to discuss the matter. Harold Kinkhamer asked if there had been any changes. Mr. Luhman commented there were no changes.

Being no further business, Commissioner Knochel moved to adjourn until May 5, 1999, at 10:00 a.m., seconded by Commissioner Hudson. Motion carried.

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Ruth Shedd, President

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Kathleen Hudson, Vice President

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John Knochel, Member

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Doris Myers, Secretary

# TIPPECANOE COUNTY DRAINAGE BOARD

September 9, 1999

Regular Meeting

## **Those present were:**

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

The Tippecanoe County Drainage Board met Thursday, September 9, 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 minutes from the August 11, 1999 Drainage Board Meeting. Commissioner Hudson moved to approve the minutes of August 11, 1999 Drainage Board Meeting, seconded by Commissioner Knochel. Motion carried.

## **CREASY AT THE CROSSING (BRANCH #13 ENCLOSURE)**

Chris Badger with Schneider Corporation gave presentation for final approval of Creasy at the Crossing (Branch #13 Enclosure). The project is located along Branch #13 of Elliott Ditch and extends approximately 600 feet south along Creasy Lane from SR 38. Chris Badger asked for final approval for twin 66" corrugated metal diameter pipes.

Mike Spencer recommended final approval with the condition that the developer get approval from City and State Highways Departments to attach this culvert to the existing culverts.

Commissioner Hudson moved to approve final approval of Creasy at the Crossing with condition of getting approval from City and State Highway Department to attach culvert to the existing culverts, seconded by Commissioner Knochel. Motion carried.

## **SOUTHRIDGE**

Chris Badger with Schneider Corporation gave presentation for approval of Lots 1 & 2 of Southridge. This project is located west of Old Romney Road across from St. Mary's Cemetery. They are the Industrial Lots. Final approval for the entire development will be contingent upon the next drainage board approval which will be lots 3,4 and 5 and the pond.

Commissioner Hudson commented the original pond was a dry pond. Has this changed?

Chris Badger stated the original pond was to be dry. Old owner wanted dry pond the new owners wanted an aesthetic view. This will be a regional detention pond that will handle water on other side of Beck Lane as well as Southridge Development.

Mike stated there would be no problem with final approval of Lots 1 & 2, Section 1 Southridge Subdivision.

Commissioner Hudson moved to approve final approval of Lots 1 & 2, Section 1 Southridge Subdivision, seconded by Commissioner Knochel. Motion carried.

## **WHITEHEAD SUBDIVISION**

Tim Beyer with Vester & Associates, Inc. gave presentation for preliminary drainage approval of Whitehead Subdivision. This project is located between old U.S. 231 and Old Romney Road, just south of Wea Creek. The applicant proposes to construct 17 lots and associated infrastructure on approximately 14.5 acres of the 27.5-acre site. The remaining 13 areas is located within the floodplain of Wea Creek and will not be developed as part of this project. The developer will but in new road for the Whitehead Subdivision. The developer is asking for a no onsite storage waiver. Summary of analysis done reports it

is a low-density development, soils are type A, which is granular and storm water drains into ground with very little becoming surface run off. There is very little run off now and the subdivision will only increase by a slight amount.

Mike Spencer recommended the drainage board grant the waiver on onsite storage and recommend preliminary approval of Whitehead Subdivision.

Commissioner Hudson moved to grant preliminary approval of Whitehead Subdivision and grant waiver for the onsite storage, seconded by Commissioner Knochel. Motion carried.

#### **AMELIA AVENUE EXTENSION OVER TREECE MEADOWS RELIEF DRAIN**

Jennifer Bonner with Hawkins Environmental gave presentation for final approval of Amelia Avenue Extension over Treece Meadows Relief Drain and also a variance for the location of a retention basin being under the power lines. This project is located east of Creasy Lane ¼ mile south of McCarty Lane. At present we are negotiating agreement with Cincery/PSI Energy. One of the proposed retention basins will be under the power lines. Developer needs approval from Cincery/PSI Energy to put retention basin in their easement. Cincery/PSI Energy have given approval before to developers with similar situations. Retention ponds are all inter connected to handle on site and off site drainage.

Commissioner Knochel asked who is responsible for fencing retention ponds.

Mike Spencer stated Tippecanoe County Ordinance gives developer and or engineers the choice of fence or no fence if they meet certain side slope requirements, safety ledges and maintenance ledges. A fence is required by developer if side slope and safety requirements are not met.

Commissioner Hudson moved to approve final approval of Amelia Avenue Extension over Treece Meadows Relief Drain with variance of power line easement contingent upon approval of Cincery/PSI Energy, seconded by Commissioner Knochel. Motion carried.

#### **OTHER BUSINESS**

##### **ENSINGER HEARING**

Mike Spencer received a petition from Adam Ensinger, P.O. Box 162, Stockwell, Indiana, requesting the Board order his neighbor to remove an obstruction on their property causing water to back up on Mr. Ensinger's property. Mike requested setting a hearing date to notify both parties to come before Drainage Board to settle this problem.

Ensinger Hearing date to be at next Drainage Board Meeting, Wednesday, October 6, 1999, at 10:00 A.M.

##### **DISSCUSSION OF DAYTON STORM WATER MASTER PLAN**

Jennifer Bonner with Hawkins Environmental represented the Town Board of Dayton. The Town of Dayton wanted Hawkins Environmental to present the Storm Water Master Plan to the Tippecanoe County Drainage Board since a lot of this area is not yet incorporated into the Town of Dayton. Jennifer has given these reports to Mike Spencer and Dave Eickleberger. Hopefully the Board can give a conceptual or preliminary approval of this plan. Anything outside of the Town of Dayton will have to come before the Drainage Board to get final approval.

The Town of Dayton has plans to put in a new road, Yost Road, to connect St Rd 38 with 200 S near CR 650 East. Town of Dayton has developed a land use plan and Hawkins is using that to determine drainage areas.

The plan will provide some drainage outlets. Piping and 3 ponds will need to be installed and tied together to carry storm water. Areas are 12 acres, 10 acres and 7 acres. This will benefit the Town of Dayton since they have no storm system in town or a way to drain roads, it will allow them to put in an interceptor sewer through town addressing in town problems as well as controlling new development.

Commissioner Knochel stated this area was rezoned and there were drainage problems at that time.

Jennifer stated that part of the challenge for the Town of Dayton will be how to implement this project. This will be very costly. Town of Dayton has instituted a storm water cost recovery fee for development of the areas.

Jennifer commented a question everyone has asked is why not take drainage through state highway drainage system. The State Highway drainage was developed for their road. The developer would have to totally reanalyze the State Highway system. The developer may save a pipe size, but still could not dump all storm water into that system.

Mike Spencer asked if the Town of Dayton had an annexation plan.

Jennifer thought as they provide utilities they will probably annex. The Town of Dayton buys bulk water from Lafayette.

Commissioner Knochel asked where The Town of Dayton was turning for seed money.

Jennifer stated The Town of Dayton will develop a cost recovery fee and apply for grants for the in town problems.

Mike Spencer commended the Town of Dayton for looking into the future.

Conceptual approval will be considered at the October 6, 1999 Drainage Board Meeting.

Being no further business, Commissioner Knochel moved to adjourn until October 6, 1999, seconded by Commissioner Hudson. Meeting adjourned.

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Ruth Shedd, President

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Doris Myers, 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

April 5, 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, April 5, 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 March 1, 2000, Regular Drainage Board Meeting. Commissioner Knochel moved to approve the minutes of March 1, 2000, Drainage Board Meeting, seconded by Commissioner Shedd. Motion carried.

**BREN BELLA SUBDIVISION PH I**

Tim Beyer with Vester & Associates gave presentation for Bren Brella Subdivision PH I requesting final approval. The project is part of an overall 440-acre development along County Road 450 East between County Roads 600 and 700 South. The entire site will eventually be developed into a golf course community with approximately 450 to 550 single-family lots and a 160 to 200 acre golf course. Phase One of the development includes 71 lots and portions of a proposed golf course, in the east and southeast portions of the overall site. There will also be six ponds for aesthetic purposes. They submitted plans for the overall 440 acres and detention ponds were not required for the site. Since these will be shallow ponds from 4 ½' to 10' at their deepest point they are requesting a variance from the Ordinance detention requirements. They are requesting to build ponds without safety or maintenance ledges. They are providing shallower slopes than are required on ponds. On the 10' pond will provide the safety ledge only. These ponds will be privately maintained.

Commissioner Hudson asked Dave Eichelberger for his comments on the memo he submitted regarding Bren Brella Subdivision PH I. There were a lot of comments and concerns with project.

Dave Eichelberger, Drainage Board Engineering Consultant, commented there is additional data needed to verify they do not need detention ponds on the site. If detention ponds are not required then the applicant should revise the proposed aesthetic ponds to include the safety and maintenance ledges required by the Ordinance. Historically if a pond is a wet bottom pond and holds water needs to have maintenance and safety ledges. Applicant argument is since the ponds are not being used for detention the ledges are not needed. A pond still needs ledges even used as detention, water feature or recreation purposes.

The applicant needs to provide a drainage easement for the Pond 2 outlet to protect the integrity of the outlet. It appears from the grading plans that portions of lots 22,23,69 and 70 will serve as the outlet for pond 2.

Dave stated he talked to previous County Survey about this matter of ledges to confirm his remembrances. Historically this is how this situation has been treated. The applicant has the right to request a variance but that is what the ordinance says.

Steve Murray, County Surveyor stated this is a liability issue and would like our county drainage board attorney to give us his opinion. Historically we have required ledges, maybe we could make an exception based on the depth of the pond, but the issue of a detention pond versus a recreational pond, and I don't see any less incurrence of liability.

Dave Luhman, County Drainage Board Attorney, stated the ledges are not installed to enhance or decrease the flow of water, they are there for safety and to insure the pond is maintained. If it is a pond holding

water then there are requirements under the Ordinance. In the past we have required the ledges and they should be there for the maintenance and safety factors.

Steve Murray is concerned about the outlet of this project. A section in the ordinance requires notification of the downstream property owner and/or concurrence from him in writing. The ordinance basically states where the out fall from storm water drainage system of any developer flows through real-estate owned by others then the developer prior to reaching a regulated drain or a natural waterway. Regulated drain is defined but a natural waterway is not. This basically runs out across a farm field to the North. The question is would that constitute a waterway.

Dave Luhman asked if it is currently carrying water.

Steve Murray stated intermittently, when there is enough rain. Understanding of a natural waterway is generally a ditch or stream. We may have a problem with granting final approval today until we are sure the property owner to the North is properly notified.

Tim Beyer stated right now the water is conveyed in a couple of channels or swells across the site. Basically they are proposing to discharge to the same points. They are not changing the discharge of the water from the property.

Steve Murray commented they may be lessening the impact, but the ordinance required the notice of consent.

Pat Cunningham with Vester & Associates pointed out that historically the way the board has treated this issue in the past is that for example: A new development were created and a new point release were created, where there had not been a point release before, and a well defined channel, then at that point in time the board would require a notification to the property owners. Where as nothing is being changed, as far as any new point release, then no notification was required. Pat Cunningham doesn't believe they are changing anything.

Steve Murray commented he had two requests for a special board meeting and would like to confirm with Mike Spencer & Dave Luhman on the ordinance of notification. Steve recommended continuing this project and after details is worked out put on the special meeting agenda.

Commissioner Shedd moved to continue until special meeting, seconded by Commissioner Knochel. Motion carried.

### **CREASY AT THE CROSSING**

Pat Sheehan with Schneider Corporation, representing Lighthouse Homes gave presentation of Creasy at the Crossing. This project is located along Branch #13 of Elliott Ditch and extends approximately 600 feet south along Creasy Lane from SR 38 and east along SR 38 from Creasy Lane. The applicant received drainage board approval for the enclosure of Branch #13 at the September 9, 1999 meeting. Four commercial lots are proposed for the subject site. They are proposing the improvements to the area including a connector road from SR 38 to Creasy Lane and a culdesac that would serve four commercial lots. Are not developing the four lots at this time. On this whole development they are proposing that no detention be required. All drainage from this area will be collected into pipes and discharging directly to Branch 13. They are requesting final approval with conditions and a variance from the storm water detention.

Commissioner Hudson asked for comments on this project.

Dave Eichelberger stated that most of the comments are minor related to grading. However not enough grading information has been provided to show how the stormwater runoff will actually be conveyed to the proposed beehive inlets as indicated by the drainage basin delineations. This should be a minor adjustment for the developer to make. Also some drainage area to the southeast appears to not be included as part of the drainage area to some of the inlets.

The applicant has proposed storm sewer stubs off inlets 101, 102, 103, and 105 for future inlets. Calculations were completed assuming these future inlets would be in place. Therefore, the storm sewer pipes are sized appropriately. However, until the future inlets are constructed, it appears that the stormwater runoff that will drain to these future inlets will drain to the proposed street inlets. These inlets have not been sized for this additional flow. The applicant should provide calculations showing that the proposed inlets are adequate for the additional interim flow. Dave would like to see the interim condition.

Dave Eichelberger stated they need a variance from the ordinance requirements for detention. Dave would recommend approval of the variance.

Commissioner Knochel moved to grant approval of the variance, seconded by Commissioner Shedd. Motion carried.

Commissioner Knochel moved to grant final approval to Creasy at the Crossing with conditions, seconded by Commissioner Shedd. Motion carried.

### **CROSS CREEK LAKES**

Pat Sheehan with Schneider Corporation gave presentation of Cross Creek Lakes. The site is located east of Creasy Lane and south of Amelia Avenue. The proposed development will be located adjacent to, and east of, the Treece Meadows Relief Drain. The applicant proposes to construct roads, parking and 22 buildings as part of a condominium development. This project is part of a larger area that has been worked on by several different developers. Cross Creek Lakes is proposing to accommodate for all that drainage but to reconfigure a pond so that comes through site and not just a long narrow pond. Wants to make pond fit the site a litter better. Proposing a pond on East Side with a connector creek about 1 foot deep to other pond with ultimate discharge into the Treece Meadows Drain. These ponds will have fountains in them for aesthetic. Currently there is no detention water for this site. Cross Creek Lakes are asking for final approval with conditions.

Pat Sheehan presented the Tippecanoe County Drainage Board with a letter from Mennen Builders, Inc and G & L Development, Inc. stating as follows: Dated April 4, 2000

Tippecanoe County Drainage Board  
Lafayette, Indiana

Re: Cross Creek Lakes Condominium, Lafayette, Indiana

Dear Board Members:

Please be advised that we, the undersigned are responsible and will complete the following items:

1. Excavation and completion of the ponds and connector for the Cross Creek Lakes Condominium Project. The ponds will be constructed in accordance to the Final Detail Construction Plans for the Cross Creek Lake project, once they are approved in full by Tippecanoe County. We will begin the excavation and construction of said ponds immediately upon final approval of said plans and should be completed within 60 days of the commencement of construction.
2. Construction of the two weirs as depicted on the Amelia Avenue Extension plans dated September 1999 done by Hawkins Engineering. The two weirs were previously approved by the Tippecanoe County Drainage Board. The construction of the weirs will begin upon full approval of the Final Detail Plans for Cross Creek Lakes Condominium Project and should be completed within 60 days of the commencement of construction.

Sincerely, Mennen Builders, Inc. and G & L Development, Inc.

Commissioner Hudson asked about the wrong time concentration and wrong rainfall intensity problem.

Pat Sheehan said these calculations have been taken care of and will be submitted to Dave Eichelberger.

Dave Eichelberger wanted to clarify the detention. This is a perfect example of what Mike Spencer had done when he was County Surveyor in getting the region detention ponds put in place. This will drain to Treece Meadows Relief drain, which ends up draining to the Wilson Branch reservoir. Therefore, this is why we recommend granting a variance for no detention.

Dave Eichelberger also commented that this is one of the last developments to be put in, but also one of the most important outlets for the entire area. The stormwater management plan for the Crosspointe development, located north of the northeast pond, shows stormwater runoff draining directly to the northeast pond. The Crosspointe plans show ground elevations at the common line between Crosspointe and Cross Creek Lakes of 648. However, the Cross Creek Lakes development plans show elevations at this same common line of 649 and 650. If this is the case, stormwater runoff from Crosspointe will not be able to drain as proposed. However, if provision is made to allow stormwater runoff from Crosspointe to drain to the northeast pond, then the 100-year frequency elevation of 649.0 from the northeast pond in Cross Creek Lakes will flood portions of the Crosspointe development. The applicant should provide additional information to show how this situation will be remedied with the Crosspointe development.

Pat Sheehan commented a representative from CJP, who is doing the development, stated they are in agreement to lower the elevation to the four points, to 648 plus or minus, to allow the stormwater to drain. Will provide some berms and landscaping in between to block off some of the area. The high water elevation is caused by the Treece Meadow Drain. There will be some water located in swales, which are in grassed areas between the parking lot.

Steve Murray states the main concern is have they worked out the details on how to accommodate the water into the pond from the property to the north.

Pat Sheehan commented yes. They are allowing the water to sheet drain through the site into the pond. One other issue needed may be to coordinate with trash control. The owners may need to coordinate this.

Steve Murray asked if owner or developer to the north was satisfied with plan.

Pat Sheehan said they are deciding per their approved plans. He is assuming the owner or developer to the north is satisfied with the plan.

Steve Murray stated he would recommend final approval subject to comments on review memo. Also need a variance for no detention.

Commissioner Knochel asked how do these ponds in this development differ from those in the Bren Brella Subdivision PH I regarding safety ledges.

Steve Murray commented they don't.

Commissioner Knochel asked if the ponds would be constructed with the proper ledges.

Pat Sheehan stated the ponds would be installed with the proper safety ledges.

Dan Teder stated Mr. Mennen, president and owner to the north, along with CJP both indicate they are in agreement with the drainage plan.

Dave Eichelberger commented maybe that drainage plan should be put on construction plans. As long as the agreement is in the drainage board minutes that should be OK also.

Commissioner Knochel moved to grant variance for detention to Cross Creek Lakes, seconded by Commissioner Shedd. Motion carried.

Commissioner Knochel moved to grant final approval with conditions to Cross Creek Lakes, seconded by Commissioner Shedd. Motion carried.

### **CROSSROADS CHRISTIAN CHURCH, PHASE II**

Dudley Senefeld with Senefeld & Associates, Architects, LLC., gave presentation for Crossroads Christian Church, Phase II. This existing church site is located just east of SR 43, approximately 700 feet south of the intersection of SR 43 and C.R. 650 North. Burnett Creek flows through the approximately 17-acre site. The original church and parking lot construction was approved in 1995.

As part of the original approval in 1995, it was indicated that the church property master plan included the ultimate development of up to 6 acres of the 17-acre site within 15-30 years of the 1995 submittal. Using this information, it was determined that only 0.4 acre-feet of detention storage would be required for the ultimate development of the site. Therefore, considering the relative size of the site to the upstream watershed of Burnett Creek, the proximity of the site to Burnett Creek and the minor detention requirements for ultimate development of the site, the applicant requested, and received, a waiver of the Ordinance detention requirements. They are asking for final approval for construction of a church addition and additional parking that will bring the total development acreage to about 2.7 acres.

Dave Eichelberger recommended final approval of the stormwater management plan with condition that the Drainage Board approves the detention waiver request.

Commissioner Knochel moved to grant variance for detention for Crossroads Christian Church, Phase II, seconded by Commissioner Shedd. Motion carried.

Commissioner Knochel moved to grant final approval with condition to Crossroads Christian Church, Phase II, seconded by Commissioner Shedd. Motion carried.

### **MUSEUMS AT PROPHETSTOWN**

Tim Beyer with Vester & Associates gave presentation for Museums At Prophetstown, Phase I, Bid Package One. This site is located southeast of Swisher road and southwest of SR 225. The entire property includes 319 acres, which will eventually be developed into a park with multiple amenities. This subject submittal is for Phase I, Bid Package One, which includes the construction of a living history farm and an entrance road. The applicant has proposed minor revisions to the general drainage patterns on the subject site, and has included several storm sewers to direct stormwater runoff from portions of the living history farm to the Wabash River, rather than to Swisher road. In addition, portions of the subject area will be planted with tall prairie grass, which should further reduce the impacts to the existing Swisher road culverts. Since they are reducing the runoff they are requesting a storage waiver for area that drains towards Swisher Road. They are requesting final approval of Museums at Prophetstown.

Dave Eichelberger wanted to point out that Vester & Associates has done nice job on this project. There is not much going on here as far as adding hard surface. Since there will be more phases of this project would recommend not giving final approval and waiver request from Ordinance detention requests to Museum at Prophetstown, but should name it Museums at Prophetstown, Phase I, Bid Package One. Things could change in the next steps of development.

The applicant should provide certified construction plans which include the additional storm sewer pipes that we noted in red pencil on the review copy received by Christopher B Burke Engineering.

The applicant must obtain approval from the Tippecanoe County Highway Department for all work proposed in the Swisher Road right of way.

The applicant has provided calculations indicating the capacity of the proposed entrance drive culvert. However, there does not appear to be any calculations to indicate the anticipated discharge tributary to this culvert. This information must be submitted to verify the proposed culvert sizing.

Commissioner Knochel moved to grant variance for detention to Museums at Prophetstown , Phase I, Bid Package One, seconded by Commissioner Shedd. Motion carried.

Commissioner Knochel moved to grant final approval with conditions to Museums at Prophetstown, Phase I, Bid Package One, seconded by Commissioner Shedd. Motion carried.

**MYSTIC WOODS, PHASE II**

Tim Beyer with Vester & Associates gave presentation of Mystic Woods, Phase II. This site is located on an approximately 69-acre parcel bounded by SR 43 on the west, SR 225 on the north, and Burnetts Creek on the south. The proposed overall development consists of 64 residential lots. Phase one of this development consists of 18 lots and was previously approved by the Drainage Board at the December 8, 1999 meeting. The detention pond to be used for the entire development was also approved as a part of Phase 1. This submittal is for Phase 2 of the development, consisting of 22 lots on approximately 19 acres. They are requesting final approval for Mystic Woods, Phase II.

Dave Eichelberger commented the applicant indicated in a cover letter dated March 24, 2000 that a revised copy of the curb inlet detail was attached. This detail apparently indicates the location for double inlets with the development. It does not appear that a copy of this detail was submitted to Christopher B. Burke Engineering. Therefore, the applicant should submit the double inlets with there final set of construction plans.

Commissioner Knochel moved to grant final approval with conditions to Mystic Woods, Phase II, seconded by Commissioner Shedd. Motion carried.

**OTHER BUSINESS**

**PETITION ENCROACHMENT ON UTILITY AND DRAINAGE EASEMENT RED OAKS SUBDIVISION LOT 63**

Steve Murray gave this presentation. This petition was brought before the drainage board at the February 9, 2000 meeting and was denied. Steve has been out to the site with the builder and has agreed they can encroach 3 feet into the easement instead of the 15 feet originally asked for. This brings it just a little over the top of the bank and allows them to put on a 10 to 12 foot deck. Steve recommended the commissioners approve the petition for encroachment.

Commissioner Knochel moved to grant approval for petition of encroachment on utility and drainage easement of 3 feet in Red Oaks Subdivision, Lot 63, 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**  
**MAY 3, 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, May 3, 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 April 5, 2000, Regular Drainage Board Meeting. Commissioner Knochel moved to approve the minutes of April 5, 2000, Drainage Board Meeting, seconded by Commissioner Shedd. Motion carried.

**52 SOUTH INDUSTRIAL SUBDIVISION**

Paul Coutts with C & S Engineering gave presentation for final approval with conditions for 52 South Industrial Subdivision. The site is located on an approximately 19.6 acre parcel bounded by U.S. Highway 52 on the southwest and Old County Road 350 South on the north. The proposed overall development consists of an industrial subdivision. There are 4 industrial lots.

Steve Murray recommended final approval with the condition applicant receive approval from the Indiana Department of Transportation for all work proposed within the U.S. 52 right-of-way.

Commissioner Knochel moved for final approval with conditions of 52 South Industrial Subdivision, seconded by Commissioner Shedd. Motion carried.

**AMELIA STATION PLANNED DEVELOPMENT**

Tim Beyer with Vester & Associates gave presentation for final approval of Amelia Station Planned Development. This 21.3-acre site is generally located south of McCarty Lane and east of Creasy Lane. More specifically, the project site is south of the existing Weston Woods Subdivision and east of the proposed Cross Creek Lakes Planned Development. The site has approximately 61 duplex lots.

Steve Murray recommended final approval with conditions. One condition is resolution of Elliott Branch #13 ½ of the Elliott Ditch Regulated Drain relocation along with necessary easement, vacations and creations.

Commissioner Shedd asked why they were relocating the drain.

Steve Murray commented the developer was relocating. Primarily because where the drain is located doesn't fit the development well. We certainly don't want an under building site. The burden falls on the developer to provide a new location in lieu of the existing location. Through the construction plan process review we will make sure that it is engineered and still function as it does today.

Commissioner Knochel moved for final approval with conditions of the Amelia Station Plan Development, seconded by Commissioner Shedd. Motion carried.

Steve Murray wanted to make clear that the Elliott Branch #13 tile relocation was in the above final approval with conditions.

**BREN BRELLA SUBDIVISION PHASE I**

Tim Beyer with Vester & Associates gave presentation for final approval of Bren Brella Subdivision Phase I. This site is part of an overall 440-acre development along County Road 450 East between County Roads

600 and 700 South. The entire site will eventually be developed into a golf course community with approximately 450 to 550 single-family lots and a 160 to 200-acre golf course. Phase One of the development includes 71 lots and portions of the proposed golf course, in the east and southeast portions of the overall site. This project was previously addressed in the April 5, 2000, Drainage Board Meeting and was moved to continue until another drainage board meeting. They are requesting final approval of the 71 lots with detailed storm sewer calculations and then also the conceptional drainage plan for the total 184.5-acre water shed basin. Since they are providing ponds for an aesthetic purpose only, they are also asking for a detention storage variance.

The applicant has provided proof the adjacent landowner has been notified of this proposal and the time and place of this Drainage Board hearing.

Commissioner Knochel moves to grant final approval with conditions for Bren Brella Subdivision Phase I, seconded by Commissioner Shedd. Motion carried.

Commissioner Knochel move to grant approval of the detention storage variance for Bren Brella Subdivision Phase I, seconded by Commissioner Shed. Motion carried.

### **WALMART-SUPER CENTER/PHASE I POND FOR PARK EAST MARKET PLACE**

Steve Murray, County Survey, gave presentation for the Walmart-Super Center/Phase I Pond for Park East Marketplace. This project involves the development of a 40-acre parcel into a Wal-Mart Super Center as part of the larger commercial subdivision, Park East Marketplace. The site is located just south of State Route 26 and just west of I-65. The area is located within the Alexander Ross Ditch watershed, which was the subject of a study completed by Christopher B. Burke Engineering in 1993. They are basically requesting as-built approval of the pond or detention facility. Christopher B. Burke Engineering has looked at these plans and is smaller than originally proposed. Materials excavated to create the detention pond were to be used as fill material for the Wal-Mart development. However, the amount of material needed for the Wal-Mart development was less than originally estimated. Therefore, the amount of material to be removed to create the detention pond was less than originally estimated, leading to a significantly smaller pond.

The water shed is another site issue. Received following letter from John P. Rutte, Project Manager, with JDN Development Company, Inc., dated April 25, 2000.

Mr. Steve Murray  
Lafayette County Surveyor  
20 N 3<sup>rd</sup> Street  
Lafayette, IN 47901

Re: Request for Approval of As-built Phase I Pond  
Park East Marketplace, Lafayette

Dear Steve:

I have received a copy of Dave Eichelberger's recommendation to approve the reconfigured Phase I pond (copy attached), which we greatly appreciate. The purpose of this letter is to request direction from your office as to how we should proceed in order to complete the work as soon as possible.

Also, while I was visiting the site earlier this week Milestone mad an observation and suggestion that I would like to pass along for you consideration.

Milestone noted that the regional detention pond will change shape one of more times in the future in response to the specific needs of future developments on both the north and south sides of the pond. In light of that, Milestone suggested that the concrete low flow itches be constructed in the drainage ways feeding into the pond, whose locations are not subject to change, but that they not be constructed through the pond itself (i.e. from the twin 60" RCP field crossing to the outfall structure). Milestone offered to

credit back the value of any ditch work deemed not necessary at this time. The value of the low flow ditch through the pond area is approximately \$30,000.

If your office agrees that this money might be better used for maintenance of the pond or to meet other county drainage needs, we could transfer this credit to the county through an amendment to the Utility service Agreement or similar means.

I would appreciate your timely consideration of this construction credit proposal, as well as formal approval of the Phase I pond configuration.

If you have any questions or comments, please contact me at (404) 504-6765.

Sincerely,  
John P. Rutte, P.E.  
Project Manager

Cc: Dave Eichelberger, CBB  
Bob McCann, HGA  
Larry Brooks, Milestone

Steve commented in lieu of building gutters they will give the county \$30,000.00 to use on maintenance or whatever we see fit. After talking with the City, Dave, and the Contractor this is a reasonable request per Steve Murray. Steve recommended approval of the construction of pond subject to giving the county \$30,000.00 to apply on this particular drain.

Commissioner Knochel moved to grant final approval of the Wal-Mart Super Center project and also approval for deletion of low flow ditch work in exchange for \$30,000.00., seconded by Commissioner Shedd. Motion carried.

#### **OTHER BUSINESS**

Gordon Hinkley, 2909 N 600 W, West Lafayette, IN, presented the drainage board with a drainage complaint. He had discussed this issue with former county surveyor, Mike Spencer, approximately 2 or 3 years ago and has been on going for a long time. Something needs to be done. The concern is the Erwin Ditch. Is concerned why he is now being told the Erwin Ditch stops at Jackson Highway. He thinks the tile continuing under Jackson Highway is also part of the Erwin Ditch owned by the county. Fifteen or Twenty years ago the 80 acres north of his property was sold and property owners bull dozed out trees and replanted trees under a government plan of some sort. He believes when they bull dozed out the trees they changed the lay of the land causing a ditch to wash through his land, which makes it impossible for him to farm a portion of his land, without going through his neighbors property. There was never an entrance to that 80 acres until they bull dozed the trees. They but in a sewer and tile that dumps water to the north. Over another 100 yards there is another ditch that has washed through neighbors field and now through his. He has talked to owners and got no satisfaction.

Commissioner Hudson asked who are the owners.

Gordon Hinkley stated Rutherford Farms owns the property.

Commissioner Shedd asked what is the name of ditch.

Gordon Hinkley commented the Erwin ditch.

Steve Murray stated based on his conversations with Mike, it appears the current regulated drain stops at Jackson Highway. The drain south of Jackson Highway could have been a legal drain at one time, but cannot find records per Gordon Hinkley's conversations with Mike Spencer. Will need to do more research on this project. Wanted Mr. Hinkley to get his drainage concern on the records.

Commissioner Knochel suggested taking a field trip to the site to visualize this problem. Steve Murray agreed with Commissioner Knochel suggestion.

Commissioner Shed asked if it is common for legal drains to stop at a State Road or intersection.

Steve Murray stated it is not uncommon for a tile to stop and dump out into a natural ditch or natural waterway. Usually when they stop they dump into a more defined stream.

Commissioner Hudson stated they need to take a field trip to site and do more research and get back with Mr. Hinkley.

Mr. Hinkley had another problem with Canadian Thistles, which are against the law to let go to seed. Canadian thistles are not being mowed along the roadside. The county highway mowed the Canadian Thistles along his road on December 6, 1998, after all the thistles had gone to seed. Last year the county highway mowed after October 1<sup>st</sup>. This is a highway department concern.

Commissioner Hudson asked for any comments.

Steve Murray stated generally as highway is notified they go out and mow these thistles. The question is do we always know where every Canadian thistle is in county road right-of-ways.

Commissioner Hudson asked if they were sprayed.

Steve Murray commented in that area he would have to talk to Joe Buntin.

Gordon Hinkley stated the Canadian Thistles being seeded into fields are a big concern of the farmers.

Commissioner Knochel also commented he has had problems and concerns with these Canadian Thistles in his own fields. Commissioner Knochel suggested Mr. Hinkley contact the Commissioners when he notices these Canadian Thistles and they would get someone out there to spray.

Gordon Hinkley commented the neighbor would take care of his Canadian Thistles when the state or county took care of theirs.

### **RETENTION FACILITIES**

Steve Murray had a quick question or concern over the retention facilities being constructed. Over the years as these retention facility have been constructed he is not sure if they are requiring any kind of a maintenance bond. About 6 or 8 years ago when a new subdivision was done they started including, as part of the maintenance bond posted with the highway department, the storm sewer system. Because obviously one of the main functions of the storm sewer system is to drain the county roads that we accept. I think we should be requiring some sort of maintenance bond on the actual pond facilities, if we are not already. The easiest way to maybe do that would be to have that amount added to the bond that is posted with the highway, making clear on the face of bond that it includes street improvements and drainage facilities. In the meantime he will investigate and discuss this with Dave Luhman, County Attorney, if there would be any advantage to have them posted separately.

Commissioner Hudson asked Dave Luhman if they needed a motion for this.

Dave Luhman, County Attorney, stated could do on a case to case basis as they come up for their highway approval and approval of the bond.

Steve Murray commented a good example of this is this Wal-Mart pond. We won't be accepting any streets there, because is in the city. But as he understands it Wal-Mart is under the impression that drainage board will maintain that pond. Steve thinks pond construction and street construction are similar in that there can be defects in the design and construction of it and the drainage board shouldn't have to go back in a year or two and fix erosion or structural problems. The drainage board is not overly blessed with money

in that department. Any burden we can put back on the developer for proper construction and design through a year or three-year period would be in the public's best interest.

Commissioner Shedd asked if they could set up a policy like they have with the roads.

Steve Murray stated they can, but this is something he wanted to discuss with Dave Luhman.

Dave Luhman said he would look into this concern.

Steve Murray also wanted to check with other counties.

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

July 5, 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 Consultants Dave Eichelberger and Kerry Davis and Drainage Board Secretary Doris Myers.

The Tippecanoe County Drainage Board met Wednesday, July 5, 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 June 14, 2000, Regular Drainage Board Meeting. Commissioner Knochel moved to approve the minutes of June 14, 2000, Drainage Board Meeting, seconded by Commissioner Shedd. Motion carried.

## **EASTSIDE ASSEMBLY OF GOD**

Allen Jacobsen with John E Fisher & Associates gave presentation for final approval of Eastside Assembly of God. This site contains approximately 24 acres located on the south side of C.R. 50 South, approximately one-half mile east of C.R. 550 East. The southwest border of the site is the future alignment of a road that will connect C.R. 50 South with the McCarty Lane extension. The proposed construction under review includes a new sanctuary building and parking area. About 9 acres are involved in this construction. The site is fairly flat. It is an agricultural area. There are no drainage improvements to speak of on the site. Drainage wise we propose to allow most of the run off that flows to the southeast to continue to do so, with the condition that the church plants the last years farm field with a grass surface to reduce the amount of run off. Most of the area that is subject to development will drain toward the west along the drainage ditch, which is on the south side of C.R. 50 South. Unfortunately the swale is very poorly defined at the site and for some distance west of the site. We propose to improve the channel in the off site area to allow positive drainage of the site itself, subject to development. We propose to detain storm water on site and regulate by use of a 12" outlet pipe and a 9" orifice plate.

Steve Murray asked where would the improvements along C.R. 50 South end up discharging.

Allen Jacobsen stated it would flow about ¾ mile to the west and into the Berlovitz ditch. The detention we are proposing is an interim solution, which will be eventually addressed by the overall drainage plan for the Eastland Development.

Dave Eichelberger commented Memo of June 23, 2000 had three concerns. Comment number three regarding the HY-9 analysis of the proposed detention outlet has been taken care of. Allen Jacobsen provided Dave with new info this morning for comments one and two. Dave recommended final approval with comments one and two being conditions pending final review.

Steve Murray stated they would need to get Highway Department approval for work to improve existing side ditch within the C.R. 50 South right-a-way.

Allen Jacobsen stated they have provided plans to the County Highway and have received a review letter from them.

Commissioner Knochel moved to grant final approval with conditions, seconded by Commissioner Shedd. Motion carried.

## **JEFFERSON COMMONS**

Eric Gleissner with Schneider Corporation gave presentation for preliminary approval of Jefferson Commons. The proposed project involves the redevelopment of an existing mobile home park into an

apartment complex. The nearly 20-acre site lies along the south side of U.S. 52, about 1,500 feet east of County Road 250 West, just west of the Cuppy-McClure Ditch. When completed the site will include 21 apartment buildings, a pool, clubhouse facility and parking areas. Stormwater from a majority of the site will be routed via storm sewers to a dry-bottom detention facility located along the eastern property line of the site.

Dave Eichelberger stated what they have from Schneider Corporation is request for preliminary approval. Have only received preliminary plans from Schneider Corporation on this project. Never received a final set of certified plans or calculations from Schneider Corporation on this project. We are prepared to recommend preliminary approval with conditions in the June 30, 2000, memo.

1. Questions regarding the outlet of the pond in general. Received analysis of the downstream system and we need more information.
2. The emergency overflow appears to drain onto another property owner before reaching the St. Rd. 52 Right-of-way ditch. Need to get approval from downstream landowner for proposed plan.
3. Need to get INDOT approval for all proposed work within the U.S. 52 Right-of-way.
4. Certified plans and calculations must be submitted for review before final approval of the project can be recommended.

Dave Eichelberger would recommend preliminary approval of this project. Once we get these conditions addressed then we can go forward to the final approval.

Commissioner Hudson asked if there were any problems or concerns from landowners with water in the Cuppy-McClure ditch last week with all the rain.

No one had heard of any problems or concerns from landowners.

Commissioner Shedd asked what are chances that INDOT would not approve and what would happen after that.

Steve Murray stated Jefferson Commons would not have an outlet. Without an outlet the project could not move forward unless they could find an alternate outlet. Typically INDOT will approve these kinds of requests. I wouldn't anticipate a problem with INDOT other than them doing their own review and satisfying themselves that the design is proper.

Commissioner Knochel moved for preliminary approval with conditions, seconded by Commissioner Shedd. Motion carried.

#### **ORTHOPEDIC INSTITUTE OF LAFAYETTE**

Eric Gleissner with Schneider Corporation gave presentation for final approval of Orthopedic Institute of Lafayette. The proposed project involves the development of a 25,064 square-foot building and 70,633 square-feet of parking and sidewalks on Lot 1 of the Crosspointe Commercial Subdivision. The 3.34-acre site lies along the East Side of Creasy Lane (County Road 350 East), south of Amelia Avenue, west of Amelia Court and along the north bank of the Treece Meadows Relief Drain. Eric Gleissner is asking for final approval with conditions in the June 29, 2000, memo.

1. Applicant provides verification that 100-year runoff coefficients were used in the storm sewer analysis.
2. Applicant receives Drainage board approval for the proposed parking area encroachment into the Treece Meadows Relief Drain easement.
3. Certified plans and calculations for the project be submitted.

Steve Murray commented they have answered all the consultants' questions. Item 2 is a request for encroachment into the Treece Meadows Relief Drain easement. We have asked them to leave a minimum of 15 to 20 feet from the curb to the top of the bank so we can maintain that drain in the future. Also we received a letter from the property owner requesting their ability to encroach into that easement with a parking lot. Historically we have allowed that in most cases with conditions. One condition being that the

Surveyor's Office or Drainage Board will not be responsible for any damage done to the parking lot if we need to maintain the drain. In the future, since we do get a lot of encroachment requests, we need to have an encroachment form filled out and executed by the board so we have it in the drainage board minutes.

Commissioner Knochel moved to have easement encroachment form drafted holding county not responsible for damages to any of their improvements, seconded by Commissioner Shedd. Motion carried.

Commissioner Knochel moved to grant final approval with conditions to Orthopedic Institute of Lafayette, seconded by Commissioner Shedd. Motion carried.

### **WABASH NATIONAL**

Steve Murray, Tippecanoe County Surveyor, stated that he has a meeting at 11:00 AM this morning with Tillett Engineering and some of the Wabash representatives. Weren't sure Wabash National would have everything to the board today. Put them on the agenda in case they had everything to the board by this morning. We are meeting with them after this drainage board meeting and look at some pacific items on their request.

### **OTHER BUSINESS**

#### **PETITION TO REMOVE OBSTRUCTION**

Ike Tarvin and Bonnie L. Tarvin property owners at 2121 Lindberg Rd, West Lafayette, IN, filed petition with Tippecanoe County Drainage Board to remove obstruction in mutual drain or mutual surface watercourse on property owned by Gregory and Caroline Grace at 2115 Lindberg Road, West Lafayette, IN.

Ike Tarvin gave presentation for removal of obstruction. Ike and Bonnie L. Tarvin purchased property at 2121 Lindberg Road over a year ago. This problem could be caused by a combination of situations. The property owned by Gregory and Caroline Grace at 2115 Lindberg Road have brought in dirt and back filled their back yard causing water to back up and stand in Ike and Bonnie L. Tarvin's front yard. It has killed the grass and covered Lindberg Road a couple of times. Ike stated he has spoken to the Grace's a couple times about the situation. We understand their problem but now they have created us a problem. We wrote them a letter, they responded with a letter and now we have filed a petition with the drainage board. We hope to get the problem settled through the drainage board. Today we have 6" to 8" of water standing in our front yard. It has killed most of our grass.

Commissioner Hudson commented she has gone out there lately and seen the situation. When Commissioner Hudson owned this property they did have water that came up, but it would drain and go back down. It never stood like it does now. This drainage problem was looked at in 1997 when she still lived there. The drainage is a natural waterway and we were never to cover that over. What I understand from the Building Commissioner, who issues permits, there was never a permit issued to haul in dirt and block that drain. I know that both sides now are experiencing problems with water.

Ike Tarvin stated he had spoke to Mike Spencer, former Tippecanoe County Surveyor, about a year ago and he came out and looked at situation. Mike told him that there definitely was a problem and should get with the county and every body involved and get the problem resolved. I have just put in a blacktop driveway. I am afraid the water will wash the packed rock away.

Commissioner Hudson asked the Tarvin's how they got a complaint form.

Steve Murray said the surveyor's office mailed them one.

Ike Tarvin mentioned the neighbors put in a new septic system in their back yard also. We need to get some help to solve the problem for all the property owners in this area.

Steve Murray stated there was a petition in 1997 from Gregory and Caroline Grace regarding the owner to the East obstructing, what appears to be, the same natural waterway. At that time Mike Spencer went out and profiled the waterway to the south east and there appears to be an old tile under the low ground. That

tile is breaking down and not draining properly. We discovered that several years ago when the Reifenberger's across the road had some problems with water ponding and there was a lawsuit. Mike and I were both involved in trying to research where the water went and how it drained out of the low spot. The profile shows water does have to run slightly uphill which is obviously the reason they are experiencing ponding in the yard area. It doesn't appear that anything was formally done on that request other than Mike saying the tile need repaired or ground needed re graded so it had a positive outlet. I have not seen the latest filling in of dirt and I will need to go out and investigate in more detail. I also ask the board to go along with me and also investigate. There are obviously two possible resolutions. One resolution is to repair the tile and put in new inlet or inlets. Second resolution would be to re grade the surface of the ground so that it does drain in a positive fashion. My recommendation would be to do more investigating and try to get all three parties involved to work together with this office.

Commissioner Knochel asked if this tile was county owned.

Steve Murray stated it was a private tile and appeared to be an old agriculture tile that was put in to drain the low ground along Lindberg Road. This gets into a complicated area with drainage laws, as Mr. Luhman, Tippecanoe County Attorney, knows, and we will just have to check the most recent things that have been done, visit the site and then rely on our attorney for drainage guidance.

Commissioner Knochel suggested setting up a date and go to the site.

Steve Murray stated ultimately if we can't get all parties to work together then our recourse or direction is based on the statue, would be to order those that are blocking the natural waterway to remove the blockage or improve the flow.

Commissioner Hudson wanted on the record that the only times she has been out to site is when she has been called by the Tarvin's to go out and look at the water that is standing because of the blockage. The owner on the East Side has also called her lately because of the Graces's putting in a new finger system and blocking off the East property and the Grace property. Now by being a County Commissioner I have to go out when I've been called to look at the properties. I have never gone out there without being called.

Commissioner Hudson and Commissioner Knochel both agreed to make an appointment after the meeting to go to the site. Commission Hudson told Ike and Bonnie Tarvin, we would let them know when they would be out.

Steve Murray commented they maybe could have a resolution to this problem by the next drainage board meeting.

Commissioner Knochel asked if any of the neighbors were here.

Ike Tarvin stated no.

#### **WATER PROBLEM - FLOODING**

Eugene R. Kopf, Jr. residing at 4130 Old Romney Road, Lafayette, IN, gave presentation regarding flooding of his property with moderate or heavy rainfalls. On June 24, 2000 the ditch in front of his residence flooded causing water to get within 15 feet of his house. He believes the problem is coming from the subdivision to the south of their property. He showed a video of the water on June 24, 2000, and the flooding it caused. I believe the surveyor has received a letter from Miles Biery, a neighbor, on this flooding problem also. We need something done because it is tearing up the ditch and also the front yard. We have lived at this residence for 10-11 years. Have seen water and flooding a couple other times in the last 2 years, but not as bad as this time. Seems like it is getting worse since the subdivisions have been built. We turned off all the power and left the house. We went to the neighbors because we thought the house was going to flood. Water was flooding from the Buckingham Estates Subdivision through a 4x7' tile. The 42" tile on 400 South is also flooded. This tile was put in about 3 or 4 years ago. There is a lot of debris in this area. There is a lot of water backing up trying to get to Wea Creek.

Steve Murray commented he is going to tell us what happened in the past. I don't have an opinion of why it is happening or what we can do from here. I wasn't involved with drainage board at the time, but certainly was involved with the highway department. Most of the improvements were done as part of Buckingham Estates Subdivision. There are also a couple upstream subdivisions that drain this way as well. They did go through full drainage board approval.

Dave Eichelberger stated there was already flooding calculated 20 years ago on the analysis. We need to look at this situation. Are we really reducing discharges in this direct? Is the flooding already occurring? Any flooding that is happening right now really due to discharge created from upstream or from downstream restrictions. Is something clogged or failed in the downstream system. In the last shot of the video shows a lot of ponding trying to get through the 42" pipe. The ponding could be caused to natural low ground. Before taking for face value that there are all sorts of flooding problems, you have to evaluate where that flooding is coming from. If there is a problem, what is causing the problem?

Commissioner Hudson asked about connecting larger pipes to smaller pipes for drainage.

Steve Murray commented it isn't wrong to connect larger pipes to smaller pipes.

Dave Eichelberger commented in this case they were trying to get the 100-year under the drive with out it over topping, so had to put a large structure in. When you get to the system then it is there responsibility to up size an existing pipe that is an existing ditch which is actually reducing the discharge to that pipe.

Commissioner Hudson asked if they are really reducing discharge.

Dave Eichelberger commented it did look like it was being reduced in 1996 analysis.

Commissioner Hudson stated there are now individuals living in this area that are now experiencing flooding that they have never seen earlier. They had some flooding but not like they are having now since the subdivisions have been built.

Dave Eichelberger commented he would like to see the rain gauge data that has been here lately. What type rain fall and how intense was it. These analyses are made on the assumptions of some much rainfall in a certain amount of time. Did we get something that exceeded the design capabilities that they had to meet for the ordinance? Also are there obstructions along the ditch. There are a lot of different issues in this matter.

Steve Murray stated that the developer went through the proper design and got the proper approvals. Hydraulics is a difficult field. It is hard to say if what is happening was suppose to happen or the design is not performing the way it should perform. At this point all I know to do is have our engineering consultants take a re-look at this. It may be the original design is correct and we may still have this problem. I do not know the solution. Once again, in the developers defense, they did go through proper channels, they submitted the proper information, complied with the ordinance, and by design and calculation should be in compliance with the ordinance and were granted approval from drainage board. We do live in the real world and water doesn't fall on paper, it falls on the ground and some times the calculations and designs really don't work out the way they were suppose to.

Commissioner Knochel asked if Dave Eichelberger re-looked at this could you tell whether or not the water that was suppose to be diverted, actually is being diverted.

Dave Eichelberger said if he could get the as-built survey from the subdivisions they could take a look and see if things actually got built according to plans.

Steve Murray commented he suspects it was all built as submitted. It should be able to be confirmed through as-builts and site investigation. If everything is built properly, but just not performing properly, then at that point, I don't know where we go.

Dave Eichelberger stated we can look at the as-builts and see if got built correctly, re-look at the analysis and re-look at any assumptions that were made. Make sure that those assumptions still seem true. Maybe we can take a look at the site ourselves and see if we think those assumptions are still true. If they are not true then we could plug in what we think is more appropriate and re-look at the analysis for Hawkins Environmental. The general accepted standard practices that are followed, I think were followed in this case. We also need to look at the rain gauge data.

Steve Murray commented at the time this was being reviewed the Highway Department did have some concerns with using this as an outlet. Primarily because of these kind of problems. Regardless of whether that water use to run out of the banks and across those drives, there is always a perception that when a new development goes in upstream, that that development caused the problem. We were involved in reviewing the design and felt it was adequate at the time. Our concern was that this amount of water coming this way could potentially cause a problem in the future. This side ditch is adjacent to Old Romney Road and part of that facility.

Commissioner Knochel asked if we need a motion to have Dave Eichelberger re-look at this problem.

Steve Murray stated No. I think we have a responsibility and an obligation to take a look at this problem. I don't know if that will prove anything other than what was submitted was adequate and meets the ordinance. We still may have the same problem when they get finished with their review.

Commissioner Hudson asked Mr. Kopf if he understood everything that was said.

Mr. Kopf stated yes. It is scary living with all the water coming through the front yard. This water is not right. Something needs to be done to get the water past the house.

Commissioner Hudson stated we would be in touch with Mr. Kopf after reviewing this problem.

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**  
**OCTOBER 16, 2000**  
Regular Meeting

**Those present were:**

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

The Tippecanoe County Drainage Board met Monday, October 16, 2000, at 10:00 AM 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 September 6, 2000, Regular Drainage Board Meeting and minutes from the September 21, 2000 Special Drainage Board Meeting. Commissioner Knochel moved to approve the minutes of September 6, 2000, Regular Drainage Board Meeting and minutes of September 21, 2000 Special Drainage Board Meeting, seconded by Commissioner Hudson. Motion carried.

**PROPHETS VIEW SUBDIVISION**

Paul Coats with C & S Engineering gave presentation for final approval of Prophets View Subdivision. The site is located northeast of the Town of Battle Ground along the south side of Pretty Prairie Road and adjacent to the west boundary of the Battle Ground Cemetery. The project is divided into two sections and contains approximately 13.4 acres. The two sections are not connected, but are separated by an exception area. The western section will consist of four (4) 1-acre lots with two common drives, each serving two lots. The eastern section will consist of nine (9) lots and includes the construction of a new cul-de-sac to serve these lots. All lots are to be served by septic fields and city water. The developer is proposing not to provide onsite detention due to the change from cultivated fields to lawns and lots averaging 0.70 acres in size.

Steve Murray stated he wanted to make a condition for the approval that on the final plat they show adequate drainage easements for repair and replacement of the storm sewer system and for the route from the out fall to the property line. There is a requirement of notifying downstream owners. They have notified the state through DNR. That notification for the last meeting, but no one showed up. I personally don't see a problem. They have certainly had notice of what is going on. They are not changing drainage patterns, they are collecting it and doing a point discharge and it is on their own property.

Paul Coats stated no one has contacted him on this matter.

Steve Murray stated he is prepared to recommend final approval subject to conditions in last review memo as well as the showing of the properties on the final plat.

Commissioner Knochel moved for final approval of Prophets View Subdivision with conditions stated by Steve Murray, seconded by Commissioner Hudson. Motion carried.

**SUNRISE CHRISTIAN REFORM CHURCH**

Bob Gross with R. W. Gross & Associates gave presentation for final approval of Sunrise Christian Reform Church. The project involves the development of a new church building and associated parking and sidewalks on approximately 6.0-acres of a 12.0-acre site. The site is located at the southwest corner of County Roads 500 South and 100 east in Wea Township. Runoff from the site will be routed via sheet flow and swales into a detention basin at the northwest corner of the site. Discharge will be controlled with an orifice structure in the detention basin, with the outlet being the side ditch of County Road 500 South and an existing 24-inch diameter culvert.

Steve Murray stated they are on the technical side complying with the ordinance except for handling the off site water that flows through this site currently. We have talked to the property owners to the south and they have agreed to diverting this water. Need to have in a legally binding format of some type only because the property to the south could change hands. We are prepared to recommend final approval subject to them working out some kind of agreement to make sure this gets handled in a reasonable time frame and no later than when they would want final occupancy on their church. What we want is for that water to physically be diverted and not for that promise to be hanging out there for an indefinite period of time. The agreement has to include the fact that the physical diversion of that water needs to be in place and occurring before they get their final occupancy. We need to have a legal binding agreement between the two parties that we can go back and make them live up to or have the problem out of the way.

Commissioner Knochel moved for final approval with conditions, seconded by Commissioner Hudson. Motion carried.

#### **UNITY MEDICAL CENTER**

Mike Wylie with Schneider Corporation gave presentation for final approval with of Unity Medical Center. This project involves the development of a 26,900 square-foot building and approximately 106,000 square-feet of parking and sidewalks on Lot 16 of the Crosspointe Commercial Subdivision. The 4.62-acre site lies along the east side of Amelia Court and along the west bank of the Treece Meadows Relief Drain. Runoff from the majority of the site will be routed via storm sewers and discharge into the Treece Meadows Relief Drain. A portion of the parking lot and building will discharge to an existing storm sewer system constructed along Amelia Court, which discharges into the Treece Meadows Relief Drain.

Commissioner Knochel moved for final approval with conditions, seconded by Commissioner Hudson. Motion carried.

#### **PETITION FOR ENCROACHMENT—MEDSBURG PROPERTIES, LLC—CROSSPOINTE COMMERCIAL SUBDIVISION LOT #16**

Steve Murray gave presentation for encroachment. These encroachments are granted with conditions. The conditions are as follow:

1. Any disturbed areas within the legal drain easement are to be re-graded and re-seeded with an approved mixture (except parking lot)
2. The owner must maintain their drainage facilities and improvements within the easement if applicable.
3. The owner must remove or spray busy growth (willows, bushes, etc.) and mow legal drain easement as needed.
4. Tippecanoe County will not be responsible for damage to the property owners improvements within regulated drain easement.
5. All work to be completed as detailed on the approved construction plans.

The undersigned, Medsburg Properties, who owns 1345 Amelia Court, does hereby request permission of the Tippecanoe County Commissioners and the Tippecanoe County Drainage Board to encroach 33 feet into the utility and drainage easement at the eastside of their home on Lot 16, Crosspointe Commercial Subdivision, Fairfield Township, Tippecanoe County, Indiana.

Steve stated he has no problem with the encroachment except he would like to have at least 20 feet from top of the bank to the ditch face of the curb. We need this room for maintenance equipment. This will make six (6) standard conditions for encroachment petitions.

Mike Wylie commented they would agree to the 20 feet from top of the bank to the ditch face of the curb.

Steve Murray recommend approval subject to the five (5) standard conditions and sixth one being we have a minimum of 20 feet from top of the bank to the ditch face of the curb.

Commissioner Knochel moved for approval of petition for encroachment with six (6) conditions, seconded by Commissioner Hudson. Motion carried.

**PETITION TO VACATE JAMES N KIRKPATRICK DITCH BRANCH #8 ORDER**

Steve Murray gave presentation for this order. The Tippecanoe County Drainage Board approved the vacation in the special meeting dated September 21, 2000. The Tippecanoe County Attorney has prepared an order and I am requesting that the Commissioners sign this order today.

Commissioner Knochel moved to approve the order to vacate portion of James N. Kirkpatrick Ditch Branch #8, seconded by Commissioner Hudson. Motion carried.

**GENERAL DISCUSSION – ENGINEERING FEES REDUCTION OF REVIEW HOURS**

Steve Murray gave this presentation. At the last few Council meetings the subject has come up about reducing or eliminating the 10 hours of free review time as well as looking into establishing some applications and review fees. I need to know what the board feels before I go putting this all together. I have checked with about 5 or 6 other counties and found out that some counties do not give any free review time and charge application fees to cover the surveyor’s office and there drainage consultant, if they have one, for their time for reviewing these projects. Ultimately that will be a drainage ordinance that the drainage board has to approve. I am asking for the record, what is the drainage board’s feeling on this. This would also allow the drainage board to establish a fee for receiving and reviewing the obstruction petitions. These petitions can be time consuming for the surveyor’s office, drainage board and county attorney.

Commissioner Knochel stated we should investigate dropping the review time and establishing a set of fees.

Dave Luhman commented when this was established in 1994 we realized that we had some petitioners that come here with engineering that was sloppy. The feeling of the drainage board was to provide a service to protect the citizens of the county. The 10 hours was picked as an average amount of engineering review we would expect to have that would be reasonable. If someone asked us to do more than 10 hours, they were expected to pay for that review cost. It would make sense to look at this 10 hours rate again. The other thought that I have is on those petitions to remove obstructions. I would be concerned if you would set an application fee for that that was too high. You do not want to discourage people from coming in if they have an effected property right that has been damaged because somebody has harmed them.

Steve Murray stated they can also get satisfaction through the courts, which what worked for years before the statute was passed. I agree with Dave Luhman that we do not want to unduly charge the public. There are also the neighborhood disputes to consider.

Commissioner Hudson stated she would like for Steve to look into this.

Being no further business, Commissioner Knochel moved to adjourn meeting, seconded by Commissioner Hudson. 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 (Absent)

# TIPPECANOE COUNTY DRAINAGE BOARD

January 4, 2001

Regular Meeting

## **Those present were:**

Tippecanoe County Commissioners Ruth Shedd, John Knochel, and KD Benson, County Surveyor Steve Murray, Drainage Board Attorney Doug Masson, an associate with the Hoffman Luhman & Busch Law Firm, Drainage Board Engineering Consultant Dave Eichelberger and Drainage Board Acting Secretary Janet Handy.

The Tippecanoe County Drainage Board met Thursday, January 4, 2001, in the Tippecanoe Room of the Tippecanoe County Office Building, 20 North 3<sup>rd</sup> Street, Lafayette, Indiana with Commissioner/Vice-President of the Drainage Board, John Knochel calling the meeting to order.

John Knochel turned the meeting over to Attorney Doug Masson for Election of Officers for 2001.

Mr. Masson stated he would take nominations for President of the Drainage Board. Commissioner Ruth Shedd moved that John Knochel be nominated for President for 2001. KD Benson 2<sup>nd</sup> the nomination. Motion carried. At this point, Mr. Masson turned the meeting over to newly elected President, John Knochel.

President Knochel asked for nominations for Vice-President. Ruth Shedd moved KD Benson be nominated for Vice-President. John Knochel 2<sup>nd</sup> the nomination.

Hearing no other nominations, President Knochel announced that nominations were closed. Motion carried.

The second item on the agenda is to approve the meeting dates for the Drainage Board for 2001. Please note today's meeting time is 11:00 A.M. and the September 5, 2001, meeting will be at 11:00 A.M. The remaining meetings will be at 10:00 A.M. John also noted that any of the meeting dates are subject to change. Ruth Shedd moved the schedule of meeting dates be adopted, KD Benson 2<sup>nd</sup> motion. Motion carried.

## **THE RESERVE AT RAINEYBROOK**

Mr. Bill Davis, Hawkins Environmental, introduced Tori Thornburg. He stated Tori has done most of the technical work on this project so if there are any technical questions, please direct them to Tori.

Mr. Davis asked to take a minute to tell the history of the drainage. Raineybrook started in 1961 and they have used a regional concept. Those properties shown encompass the whole drainage basin and as Raineybrook has been developed, the drainage plan has also been further developed around and over the Little Wea Creek. Again, this is where The Reserve is today. We are continuing on with the development of this watershed. Each report is tied together. so there is a track to bring all these up to date. All the input is based on as-built data from previous submittals and we are asking for approval on The Reserve.

Commissioner Benson asked if a particular area was a pond, and does it exist now?

Mr. Davis responded with yes it is a pond and we have a core permit and we will do some improvements and enhancements in the wetlands such as walking trails and some other things.

Mr. Knochel asked for comments from Steve. Steve stated no further comments as Mr. Davis has stated it well and it has been an on-going project. This is just another phase, Burke has reviewed the project and you have a copy of the memo and I recommend final approval, with conditions and I would concur with that recommendation. They have met condition one (1) already and I also would like to add the standard conditions that they provide the Surveyor's Office with satisfactory restrictive covenants and payment of review fees in excess of the standard of ten (10) hours.

Commissioner Shedd asked if that information was on the papers she has, and Steve said no, that is why he stated the conditions. Ruth Shedd moved final approval be given, with conditions, for The Reserve at Raineybrook. KD Benson 2<sup>nd</sup>. Motion carried.

Mr. Davis thanked the Drainage Board.

President Knochel commented that we need to back up, as he got a little ahead of himself, and approve the minutes of the December 6, 2000 meeting. Ruth Shedd moved the minutes be approved, KD Benson 2<sup>nd</sup>. Motion carried.

#### **MENARDS AT US 52 AND CREASY LANE**

Jeff Weaver, of DLZ, spoke regarding the preparation of the site design plans for the Menards project. He referred to a map that shows the drainage pattern on site. The majority of the site now sheds to the Southwest and we think there is another structure that restricts the flow and the remainder of the site generally flows to Creasy and drains to Wilson Branch Reservoir. We have with our design, tried to perpetuate that drainage pattern and the majority of the site is coming back and collecting in the storm sewers and then being released into the Wilson Branch Ditch, with the exception of these lots out on Creasy, they collect in the storm sewer along Creasy Lane which connects into the existing structure and will release directly into the Wilson Branch Reservoir. I believe, if I remember correctly, the reservoir was designed to accommodate any future development in this area and it is my understanding our engineers designed the drainage plan in conformance with the design for the basin.

John Knochel asked the number of acres in this area. Steve Murray answered 28 acres. Steve also added, as Mr. Weaver stated, the ponds were sized to handle this site, which is part of the old Ivy Tech property and G. D Hammond property. Steve talked with Mike Spencer, the former County Surveyor, this morning. Mike stated that all this was discussed and negotiated at the time those land transfers were done. Commissioner KD Benson asked where is 52. Steve replied 52 is to the Southwest side, the Mall would be to your left and Ivy Tech to your right and Creasy Lane cuts through.

Steve stated our consultant, Burke, has reviewed the application and we're prepared to recommend final approval, with conditions as stated on the December 21, 2000, memo.

KD Benson moved the Board grant final approval to the Menards Project, with the conditions as stated on the December 21, 2000, memo. Ruth Shedd 2<sup>nd</sup>. Motion carried.

Mr. Weaver thanked the Board.

President Knochel announced that the Wyndham Project will be continued. KD Benson asked if it would be on the February Agenda. Steve Murray stated would be dependent on the consultant having their information submitted on time. I would assume they will.

Mr. Knochel asked Steve Murray to present the proposal for professional engineering services for 2001.

Steve stated it is a proposal between Christopher B. Burke Engineering and Tippecanoe County Drainage Board. It is the standard format as used in the past, the only change was I did ask them to make was to create a "not to exceed" amount of \$35,000 which is the amount we have budgeted. Steve thought it would be a good idea for the consulting firm to be on notice as to what had been budgeted. The Surveyor's Office and the consultant should do a little better job on keeping track when we are reaching our appropriated amount because as you also know, last year we had two additional appropriations for drainage fees and at least one for Attorney Fees as well, because of the amount of projects which we had to review this past year, which were nearly doubled from what we had done in previous years.

KD Benson asked is this basically the same contract as in past years. Steve said yes and he had talked with Attorney Tom Busch yesterday and he had reviewed the contract. Steve recommends the Drainage Board execute the contract, please.

KD Benson moved the Drainage Board accept and execute the contract between the Christopher B. Burke Engineering LTD and TIPPECANOE COUNTY DRAINAGE BOARD. Ruth Shedd 2<sup>nd</sup>. Motion carried.

Mr. Dave Eichelburger thanked the Board.

Steve Murray stated for the record, Christopher B. Burke Engineering LTD does do excellent work and sometimes does work for Tippecanoe County that they don't charge for. We do get our money's worth from them as well as from our Attorneys.

John Knochel thanked Janet Handy for filling in a Secretary for the Drainage Board.

There was discussion regarding the Attorneys – does the Drainage Board fall under the County umbrella as far as using the Firm for legal opinions. Hoffman Luhman and Busch, Attorneys, contract was renewed for 2001, at the Commissioner's meeting this week. Since there is some uncertainty regarding this matter, Steve Murray suggested the Board appoint Hoffman Luhman and Busch as Drainage Board Attorneys. KD Benson so moved. Ruth Shedd 2<sup>nd</sup>. Motion carried.

Attorney Doug Masson thanked the Board on behalf of Hoffman Luhman and Busch.

**OTHER BUSINESS**

Steve Murray announced to the Board that there will be an updated list of Active/Inactive Ditches for them at the February meeting.

Also, there will be an update on the Kirkpatrick Ditch

As the Board knows, the date of February 2, 2001, was set for the letting with construction to begin no later than May 1, 2001, and we may well roll a few weeks by the February 1, 2001, letting date, but the representatives from Hawkins Environmental that are working on the project have a meeting with Cedar Run. Next week they are going to double check with Morgan Heath to see if that is not a problem. The time frame for the project is really in the hands of the two consultants developing various parts of the project. They have been working diligently at it, but probably wouldn't have right-of-way clearance to start construction for a few more months. It is moving along and this morning we discussed a letting in the middle of February.

There being no further business, Ruth Shedd moved the meeting be adjourned. KD Benson 2<sup>nd</sup>. Motion carried.

Meeting adjourned.

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John Knochel, President

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KD Benson, Vice-president

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Janet Handy, Acting Secretary

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Ruth E. Shedd, Member

**Tippecanoe County Drainage Board**  
**March 7, 2001**  
**Regular Meeting**

**Those present were:**

Tippecanoe County Commissioners Ruth Shedd, John Knochel, and KD Benson, County Surveyor Steve Murray, Drainage Board Attorney Dave Luhman, Drainage Board Secretary Margaret Shields, Dave Ialo representing Bill Davis and Pat Sheehan representing Schneider Corporation.

The Tippecanoe County Drainage Board met Wednesday March 7, 2001 in the Grand Prairie Room of the Tippecanoe County Office Building, 20 North 3<sup>rd</sup> Street, Lafayette, Indiana with Commissioner/President of the Drainage Board, John Knochel, calling the meeting to order.

**Approval of February 7, 2001 Minutes**

John Knochel made a motion to approve the minutes from the February 7, 2001 regular Drainage Board Meeting. Ruth Shedd seconds the motion and hearing no opposition, the motion carried.

**CR50 S**

Dave Ialo, representing Hawkins, came to present the CR50 S- Stable Drive project. Mr. Ialo began with a brief overview of the project. Originally, when the project was first submitted it was for the construction of the remainder of Stable Dr. and the reconstruction of CR50 and part of another drive for Lexington Farms. As the project progressed, there was some reconstruction involved with the **Berlowitz Ditch**, so the project has been phased into two pieces. The first phase of that piece is what they are seeking approval for today, which is the remainder of Stable Drive west of 550 East. The remainder of it will be submitted upon completion of the bridge plans and such with the **Berlowitz Ditch Reconstruction**.

Steve questioned Mr. Ialo as to where is the East End of the submittal today. Mr. Ialo answered that the East End will end right in front of the intersection on this side (pointing to his visual aid) of the drawing. There will be some temporary pavement put in to match the existing intersection. They are tying into the storm drainage system. It is actually designed to intercept the water that will be for the drainage for the remainder of this part of Stable Drive. Basically, all we have done is tie it into the existing drainage system, which is currently discharged into the **Berlowitz** basin, which is already existing.

Mr. Murray spoke up to say that part of the reason the section east was dropped was that Burke is doing design for the reconstruction on the **Berlowitz**. There is a structure that will have to go East of 550 east. The larger structure needs to go under 50S so it was a little premature for them to design that until all the hydraulic and design work is done by Burke.

The recommendation is for final approval with the standard conditions of review fees and a copy of the restrictive covenants. Ruth moves for final approval for CR50 S-Stable Drive Reconstruction Phase I as submitted. John seconds the motion. Hearing no further discussion the motion carries.

**Petition for Encroachment**

Mr. Murray presents this petition from Cyril E. and Lois J. Holladay on lot 32 Fink Meadows, part 1 section 2. Mr. Knochel asks where exactly is Fink Meadows? Steve explains that it is West of South 18<sup>th</sup> at Ortman Lane and 300S, south west actually, both sides of the **Elliot Ditch**. Right by the little cemetery. This is the encroachment obviously, he says pointing to a map. The gentleman had a concrete slab, which he tore out several years ago, put in a new slab and then put a roof over it. Mr. Murray could not recall if it is enclosed or not. Regardless, he is getting ready to sell the property and it showed up on a location report and wanted to make sure he had all the proper approvals. It has gone to the City Engineers office, they're O.K. with it and are prepared to give him a building permit for this structure contingent on our approval for the encroachment. He has letters from Verizon, Cinergy, and Insight stating they do not object. As, he was trying to explain earlier, there is a 90-foot utility drainage easement from the center of **Elliot Ditch**. Typically, in the city the City would approve the encroachments into utility and drain easements. Elliot also has a drainage easement associated with it that is 75-foot from top of bank. We did some estimation and the 75-foot line would fall within the 90-foot utility easement line, but never the less, looks like it clips the corner. Even though the petition states seven foot it is probably more realistically approximately three to four foot so something less than seven foot. Regardless, that does not impair our ability to get in there and work on the Elliot. I think it was an honest mistake so in the past the board has generally granted permission to encroach into the regulated drain easement. Steve apologizes for the form because the form we have is for the utility and drain easement and what we have been doing is modifying the wordage and using the same form, although, we probably should come up with a form that is specific to encroachment into regulated drains. Any way, those corrections haven't been made,

but we'll make those on this petition for encroachment, but I feel more than comfortable recommending that the commissioners or drainage board grant the petition to encroach.

Ruth asks if those letters from the companies were the only utilities that would be going through there that would need a clearance. Steve answers that the only others he can think of would be city utilities and they are prepared to issue a building permit so he is sure that they have looked at it. Their concerns are usually cable TV, phone, gas, and electric, but he would be surprised if gas is in that area.

Dave notices that the report shows ninety feet from he presumes the centerline. Steve confirms that it is the centerline and that was part of the plat and is a drainage and utility easement it just overlays on top of the regulated drain easement. Dave mentions that it sounded as if Steve had said that the 75 feet came within three feet. Steve says, yes three to four feet into it as opposed to seven feet into it. Dave then says as opposed to 90 feet and 75 feet would be 15 feet. Steve clarifies that the easement is from top of bank and they both estimated and it was an estimate that the width of the creek at that point was 20 feet. Therefore, we scaled over ten then came back 75 so then you can be 85 foot from the centerline, so roughly the regulated drain easement is five foot within the drainage easement. Never the less, I don't see any problem with this. We've allowed people to encroach almost to top of bank with parking lots and what not.

KD interjects that part of the agreement is that he would tear it out if we ever needed it. Steve states that although this is correct he is not sure that Mr. Holladay is aware of that and the chances of us needing to do that are slim. Steve says that basically we have 65 feet and that he guarantees that if you walk the banks of the **Elliot** there are things such as fences, trees, and landscaping, so once again with him being clear at the back of the easement he sees no problem with it and the city is satisfied to the point they are willing to issue him a building permit. KD mentions that she understands, but if at some point we need to drive a backhoe over his patio or something...technically, we wouldn't be responsible.

KD moves that they grant the petition for encroachment. Ruth seconds the motion. Hearing no further discussion the motion carries.

#### **Active/Inactive Ditch List**

Steve presents on this also, stating that at the special meeting he mentioned that inadvertently, because we didn't understand the situation, we left off the **Darby Wetherill Reconstruction #111 drain**. For the record we've since notified our auditor and treasurer that it is active and we wanted to update that. If you want an explanation I can give it to you. There is a standard maintenance fund on #110 and a reconstruction on #111.

Ruth asks if there are any questions for Steve. Hearing none, she asks the attorney if we need a motion. The attorney states that they need a motion to approve the list as amended. KD moves to approve the active/inactive ditch list as amended. Ruth seconds the motion. Hearing no further discussion, the motion carries.

#### **Other Business**

##### **Unity Medical Cancer Center Building D**

Mr. Pat Sheehan presents as a representative of Schneider Corporation. Pat states that he is here to discuss a change to a previously approved plan on lot two of Unity Medical. Pointing to the map he shows the commissioners that this is Crosspointe Community Commerce Subdivision off of Creasy Lane and Amelia Drive. Previously, this was approved as lot one with this building and this was all additional parking and now what we are trying to do is go through here and place a cancer center, a new building, here (showing them with his visual aids). So it does not change the amount of impervious area, but it does reduce the amount of parking. What we are asking is for approval on this modification for the plans that we have.

Ruth asks if there is enough parking if you make this modification. Mr. Sheehan answers yes and goes on to explain that there plan is to use lot four for parking since they don't plan to build on that lot for several years and they will use that as overflow parking. Mr. Sheehan believes that they have ample parking.

KD questions if it will change the drainage plan. Steve answers that it changes the drainage plan to some extent as far as the location of storm sewers and what not, but there is also an existing regulated tile that is affected by this project and would need to be relocated, which I would like to address when Mr. Sheehan is done with his portion of the presentation. It is not a substantial change, but never the less it is a change from what was previously approved. Typically, we have had them come back to the board because the regulated tile is involved. The Lafayette City Engineer's Office is satisfied with their plans for the overall development and the most recent change. We've had a review memo from Burke, which has four conditions plus

standard ones, the fees and restricted covenants, stated within it. Steve asks Pat if he happens to have the drawing that shows the regulated drains. Mr. Shehan asks if he is referring to the As-Builts. Steve says yes, the As-Builts and the proposed drain relocation. Steve states that it is the same tile that is affected by the Amelia Station Planned Development, Vester and Associates is working on to the East. This tile has been relocated once already with the Amelia Avenue Extension and it runs roughly parallel to the **Treece Meadow Drain** south of Amelia Drive and currently runs through the site, as you can see is going to be under the proposed building, under Creasy, taps into a box structure on the west side of Creasy that actually carries the old original **Treece Meadow Drain**. They are going to ask to relocate this. Basically, they are going to tie in, upgrade, and relocate this to the north of this building, then bring it over, and tie into an existing manhole (part of the problem is we have to get final plans and approve it all) west of Creasy. A more pertinent point this morning because we will require them to get final construction plans approved for this relocation is that because it is a regulated drain they will need to vacate the existing easement, relocate, and dedicate a new easement. Dave and I have talked about this regarding the PD at the east end, there is a section in the drainage code, I believe it is 52-5, where if this is all being done on one piece of property and at the property owners expense they can go through a somewhat abbreviated process to vacate and dedicate and will require board action at a meeting next month, but the board can basically after I've said its O.K. and the plans are O.K. and it won't affect anyone else which it shouldn't and I've doubled checked with Mike Spencer as well and he doesn't believe it should affect any of the farm drainage east of Amelia Station the board can then do an order that vacates the old and basically, accepts the new. The minimum width per code is thirty-foot, it currently has twenty foot shown, but I've asked them to revise that to the statutory minimum for an urban drain tile. So, I think we are prepared to recommend final approval with the conditions stated on the review memo dated March 7<sup>th</sup> from Burke as well as the condition that they provide us with satisfactory construction plans and follow through with the proper statutory process to vacate and relocated.

KD asks how are they going to get under Creasy. Steve states that there are some structures that already go across. Pat adds that they are going to tie into them before Creasy.

KD motions for final approval with the conditions listed plus a fifth condition recommended by Surveyor Murray stipulating that the Surveyor's Office be provided with the construction plans for the relocation of the drain and following through with the statutory process to relocated the regulated drain that was in question. Ruth seconds the motion. Before passing the motion Steve clarifies that the extra condition also requires them to vacate, relocate, and dedicating the drain. John states that the minutes should reflect the clarification on the fifth condition. Hearing no further comments the motion carries.

John asks for further business before the board. Hearing none, KD motions for adjournment and Ruth seconds. The motion carries.

The meeting is adjourned.

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John Knochel, President

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KD Benson, Vice President

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Robert Evans, Acting Secretary

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Ruth E. Shedd, Member

**Tippecanoe County Drainage Board**  
**July 3, 2001**  
**Regular Meeting**

**Those present were:**

Tippecanoe County Commissioners Ruth Shedd, John Knochel, and KD Benson, County Surveyor Steve Murray, Drainage Board Attorney Dave Luhman, Drainage Board Engineering Consultants Dave Eichelberger and Kerry Daily, Drainage Board Executive Secretary Robert Evans.

The Tippecanoe County Drainage Board met Tuesday July 3, 2001 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, John Knochel, calling the meeting to order.

**Approval of June 7<sup>th</sup> 2001 Minutes**

KD Benson made a motion to approve the minutes from the June 7<sup>th</sup> regular Drainage Board Meeting. Ruth Shedd seconded the motion and hearing no opposition, the motion carried.

**Shawnee Ridge Subdivision Phase II**

Tim Beyer of Vester and Associates appeared before the Board to request final drainage approval for Shawnee Subdivision Phase II. He displayed a map of the site of the project and the surrounding area, including County Road 600 North, State Road 43, Hawk's Nest Subdivision, and the entire Shawnee Ridge property including Phase I, the proposed Phase II, and the pond that was constructed with Phase I, sized to handle capture runoff from everything to the south of the pond including virtually all of the runoff from Phase II.

On a larger scale map of Phase II, he showed the proposed storm sewer that captures the runoff and either ties into the Phase I storm sewer, or extends the Phase I storm sewer and outlets into a ravine at the north end. The water then travels to the pond as detailed on the first map.

Steve Murray asked at what stage construction was on the Phase I pond. Tim replied that they were finishing it up, the pond having been 80% completed during Phase I.

KD made a motion to grant final approval as requested with the standard conditions, (specified on the June 28<sup>th</sup> Burke Engineering memo). Ruth Shedd seconded and there being no further discussion, the motion carried.

**Schroeder Property**

Tim Balensiefer of T-Bird Design began with an overview of the Schroeder Property. He displayed a map that showed its location on State Road 38 next to the existing Quality Farm and Fleet store, and further away the locations of Subaru Isuzu, the proposed F Lake, and IvyTech.

The Schroeder property is a 3-acre tract. The proposal is to develop a commercial center on it, a strip center with parking on the majority of the site, the building with some sidewalk out front, and some greenspace around with some landscaping. There's a small area offsite that drains through the site in the present condition, and they have taken that into consideration. Runoff will drain into the State Road 38 drainage ditch, including water from the roof that passes through a catch basin. The water will eventually run from the ditch into the proposed F Lake.

The request Tim brought before the Board is that the onsite detention be stored in the future **F Lake**, with the understanding that there will be fees for such storage.

Steve Murray apologized for the Board not having the latest review memo available, and referenced a Burke memo dated June 28<sup>th</sup> 2001, which recommended preliminary approval. He reported that the Surveyor's Office concurred with that. He stated agreement that, as has been the case in this area, we have allowed direct discharge to go down to **F Lake**, and the developer would need to compensate the Drainage Board for storage in the F lake. He added that the last figure the Board had was \$15,000.00 per acre/foot.

Steve said that could all be decided as they continued to develop their plan, and that they wanted to know conceptually on a preliminary basis that the Board agreed with their plans.

In response to a question from KD, Dave Eichelberger explained that in the County's continuing effort to provide regional detention instead of having individual detention ponds scattered throughout all the different developments, the County is trying to put in the regional detention concept throughout various watersheds that are seeing a lot of development. He referenced the **Berlowitz Ditch and the Wilson Branch one**.

Steve added that the Board has a study on the entire **Elliott Ditch** watershed, which was updated in 2000 by Burke. As part of that, regional ponds were planned. One is complete and is located at the Tippecanoe Mall across from the County Extension Office, and another has been started and is partially designed. It will be east of Old Ross Road and east of IvyTech and is what has been referred to as **F Lake**. Property to the east and some to the north will drain to that.

Dave continued that they had determined a certain amount of area around there that could be drained directly to **Elliott Ditch**, and its storage could be taken care of by that **F Lake basin**. The Schroeder property is within that area.

Steve stated then that the request before the Board was in conformance with that study and the direction that the Drainage Board and Surveyor's Office have taken in the past, and repeated the recommendation for preliminary approval.

KD made the motion to grant preliminary approval to the Schroeder property, seconded by Ruth. There being no further discussion, the motion carried.

#### **First Church of the Nazarene**

Pat Sheehan of the Schneider Corporation presented the proposal for the development. The site is located east of County Road 500 East, and just south of State Road 26 East. It's just east of the Meijer's development and is also surrounded by other developments. To the north and east is Brookfield Farms, and to the south is Saddlebrook Estates. He continued that this is the last piece, it's twelve acres of farm field, and everything around it is developed.

They examined the existing drainage basin, and there are four different areas where this drains off site. It drains to the north into Brookfield Farms in two locations, to the south into Saddlebrook Subdivision, and there is a drainage area that goes to the County Road 500 East ditch and some ultimately goes off to the east.

The proposal was approximately a 35,000 square foot building structure and about 1.7 acres of parking. The drainage basins and the way they intend to drain the proposed area is to split it up so that about 80% of the area drains to the north into a dry detention pond. That pond will connect to an existing tile that crosses under C.R. 500 East and goes into the Meijer development, ultimately to the **Alexander Ross** drain.

The last portion of the development drains to another dry basin that ultimately discharges into the C.R. 500 East ditch, which drains to the south. They requested final approval based upon the condition in the Burke memo of June 28<sup>th</sup> 2001.

Steve commented that Pat and he had discussed doing direct release to the C.R. 500 East ditch, and gave the board a little history. Unfortunately, while the designs for the development surrounding this site were being done, the County didn't have access to the G.I.S. contouring data. Because of that, this site was ignored as far as their offsite water being accommodated into the surrounding developments. This made the site difficult to design for, and he suggested that Pat be able to do whatever was best for his client, given the amount of time they had spent on this design, and the fact that they were strapped with some design considerations that really weren't their fault. Steve recommended that the Board approve this design, or if Pat thought it was better for his client to look at direct release and free up that area as developable area, to go that route as well.

Pat stated that approval of direct release would enable a better development for his client. Trying to restrict so much in some of these smaller areas ends up causing areas that remain wet. They're hard to restrict and the restrictor is small and gets clogged. Ultimately, the impact to the C.R. 500 ditch is very minor. Direct release would create a better development, without small mosquito (producing) ponds.

KD asked if there were houses right up against there. Pat replied that there are some in Saddlebrook Estates Subdivision, but that the drainage will not be going in that direction, instead being captured and taken to the west into the C.R. 500 East ditch. In response to questions from Steve and KD, Pat stated that changing to direct release would involve removing a pipe and restrictor. The water would still collect in the same area with a discharge of 2.5 cubic feet per second as opposed to 1.2 cfs.

Steve added that to the north where they're discharging into the existing tile, once again that is probably not a desirable situation but they have absolutely no other choice. The tile picks up the backyard runoff from Brookfield Farms, and this

development will put a restrictor plate on their outlet to meter that water out to the point that the tile can accommodate the water. This addressed KD's question about drainage through backyards in Saddlebrook Estates. This water will go into a drainage easement there as it was intended to, and had always gone in that general direction. It just wasn't recognized and accommodated as they were doing their design on that phase of Saddlebrook. But once again, this property owner has no other choice, so the Board has to let them go that route. He added that it's been designed properly and will be metered out. Pat added that the water would be detained in the basin area.

KD asked if there was no choice but to have a wet area. Pat said that it would be dry except immediately after rainfall. Steve added that the in rear yard swale in the existing subdivision the effect really should be nominal, but that even under current conditions in certain rainfall events he was sure water stands until it can get out through the fairly small tile. Steve then recommended final approval with the conditions as stated on the June 28<sup>th</sup> memo.

KD moved to grant final approval with the conditions so specified, Ruth seconded, and there being no further discussion, the motion carried.

### **The Commons at Valley Lakes**

Jerry Withered representing Cedar Run Limited, owner of The Commons at Valley Lakes, referenced a request sent to the Drainage Board to approve reconstruction of a portion of **Branch 7 and all of Branch 8 of the Kirkpatrick Ditch**, rather than going through the vacation process. This was suggested by Steve Murray and Dave Luhman per section 52.5 of the County Drainage Ordinance which states that the Drainage Board is permitted to authorize the reconstruction rather than the vacation of a legal drain on various conditions: First, that the project is on property all owned by the petitioner, which is true in this case; Second, that the specifications have been approved by the County Surveyor, which is also believed to be true in this case; Third, that the project will be completed under the supervision of the County Surveyor, and they are happy to have that supervision; Fourth, that as in this case, the petitioner will pay all costs of the reconstruction; Fifth, that the County Surveyor has investigated whether this reconstruction will adversely affect any of the landowners upstream, which has been done; Last, that the Drainage Board makes a finding that no landowner upstream is going to be adversely affected. Jerry summarized by saying all his client is doing is reconstructing and putting in a large drainage tile where formerly there had been a ditch. He then introduced civil engineer Alan Jacobson from Fisher and Associates to show the specifics of the proposal.

Alan gave some background with aid of a map showing South 18<sup>th</sup> Street, the direction of County Road 350 South and Valley Lakes Plaza, the location of Concorde Road, County Road 430 South, Wea Ridge Elementary School, and the site for Wea Ridge Middle School. He pointed out The Landing at Valley Lakes, Phases I and II. Phase I has been constructed, with only a few empty lots left in the subdivision. Phase II was accepted on the morning of July 3<sup>rd</sup> by the Lafayette Board of Works, and construction was to begin by the end of the week.

He then pointed out the site for The Commons at Valley Lakes, a 40-acre site that adjoins South 18<sup>th</sup> Street, the north line of it being roughly the main branch of the **James Kirkpatrick Drain**. When they did the development for The Landing Phase I, they created a retention pond to deal with the stormwater management issue. Currently there is a pipe that runs north from the pond some distance before ending. A temporary open channel has been cut through the high ground. The water is managed on site because there was no choice at that time due to the size of the development and the fact that the downstream facilities had limited capacity. When they did The Landing Phase II, the water originally drained through a low area via a temporary channel to a natural depression that currently exists on the site. It's quite a large depression, an old pothole swamp with lots of black dirt. This plan was approved by the Drainage Board.

The philosophy they took for The Commons was under the assumption that **the Kirkpatrick Drain** was to be improved in a significant manner, sized to accept water from developed areas on these properties and also to the east and north of the 18<sup>th</sup> Street crossing. He then cited three new culvert bridges planned. Their philosophy was then; that there would be no need for onsite stormwater detention, that the capacity of this newly reconstructed Kirkpatrick Drain would accept the water from the site.

Moving to a discussion of the current conditions of the drain, he detailed a 30-inch tile for the main branch. Branch 5 is a small branch that goes to the north. Across the Cedar Run Properties, Branch 7 runs to their southeast corner, and Branch 8 joins the north line at The Landing at Valley Lakes. This tile line has diameters of 10, 12, and 15 inches along its length.

In response to a question from KD about the current condition of the tile, Alan explained that the tile did continue further than it currently does before The Landing At Valley Lakes Phase II was developed. They obtained Drainage Board approval to vacate a small portion, and they intercepted three tiles from Mr. Yount's property on their south line, one from a pond and

the other two being field tiles. The water from them was directed through the storm drainage system for The Landing At Valley Lakes Phase II. That currently discharges through a 36-inch pipe just west of the existing tile. The creation of the temporary channel to the low area was so that its discharge could be regulated as opposed to letting it run off by its natural course down into the low area that runs along the **Kirkpatrick Drain**.

What they were proposing to do is extend the existing outlet pipe for the retention pond for Phase I of The Landing down through the proposed subdivision to exit into the improved or reconstructed **Kirkpatrick Drain**. This would be a 36-inch storm drain all the way down, and it would accept other water from the proposed developments, both current phases and future phases, and has been sized accordingly.

At the point where they discharge from The Landing At Valley Lakes Phase II, that storm line will also be continued across the open space which will eventually be developed, and then through the Commons. This would be a 42-inch storm drain increasing in size to a 60 inch before reaching the **Kirkpatrick Drain**, due to grade considerations. He then referred to a third series of storm drains proposed that will also outlet into the **Kirkpatrick**. These will accept water primarily from future phases of development, although some of the lots in the current development will actually drain through that pipe system.

The total proposal is for three outfall locations into the reconstructed Kirkpatrick Drain. The water that was originally detained in the low area for The Landing At Valley Lakes Phase II will now run completely through the pipe system, and therefore not be detained in that low area as soon as the construction is complete.

Alan then discussed the existing field tiles. No changes are proposed for Branch 5 on the other side of the ditch. Branch 7 will be left partially in place, connected to the 42-inch storm drain at the south line of their current phase. Branch 8 will be partially removed as the new storm drain is laid, the remainder continuing to drain to Branch 7. The portion of Branch 7 which will be left in place will be in a section that is proposed as a park and recreation area with no building activity proposed over it.

In response to a question from Ruth Shedd, Alan verified that not all of the tiles of Branches 7 and 8 would be replaced at this time, though he did confirm that future development on the 200 plus acres will bring requests to relocate upstream areas, and their design takes that into consideration. They will intercept on their east line, routing the water down through the site in the proposed storm sewer system. He then restated that the current proposal features intercepts at the south line of the phase, routing through a new, larger storm pipe out to the **Kirkpatrick Drain**.

Ruth then asked if approval is given for reconstruction on the branches but not all of it will be done now, whose responsibility and at what time will that approval be requested? Or, she continued, is the Board being asked to approve later reconstruction now? Steve Murray answered that at this time, the Board is being asked to grant approval for relocation of that portion of those branches within Phase I. As they develop on the south and east, he assumed they would follow the same procedure in seeking approval. One of the requirements is that they have construction plans approved, and generally they don't generate those plans until they are closer to getting ready to build that phase or section. He concluded that the board can grant approval incrementally with no problem, and there's really no need to act on future relocations at this time because the easement will exist for those branches until such time as they develop the plans for that phase or section.

Steve also added that this process is easier compared to in 2000 when they vacated that small portion to the south with the hearing and notice process. This is cleaner and easier, and for all intents and purposes they always have to pick up that water that comes overland or through the tile and run it through their storm sewer system anyway. The net result is leaving a 30-foot drain easement that follows the new storm sewer. KD asked if the Surveyor had to approve it. Steve confirmed that, and added for the record that this is in the City of Lafayette, so the Board's approval will be contingent on the City's approval. All the Board needed to do at this time compared to other developments is to look at the effect on the regulated drain which is soon to be the **Kirkpatrick open ditch**, and the two laterals that were referred to earlier.

KD asked Steve to confirm that they will all be part of the Regulated Drain when completed and he did so, adding that he wanted to distinguish the individual portions. Steve then asked Alan about the temporary storage issue, referring to a worst-case scenario in which the construction is complete but The Board has been unable to start on the **Kirkpatrick project**. Alan responded that given the uncertainty of the construction timetable for the excavation portion of the **Kirkpatrick Drain** reconstruction project, several discussions had been conducted between them and the City of Lafayette and also the County Surveyor's Office. Regarding providing interim storage in the event that their schedule gets ahead of the reconstruction schedule, one viable option is to partially excavate along the alignment of **the Kirkpatrick Drain channel**. In other words, they will have pipes in the ground below the existing grade at these three outlet locations. They propose to create an excavation in the vicinity of these outflow pipes. This isn't intended to be a full excavation to the actual depth and cross

section of the final ditch alignment, but a partial excavation that would provide enough volume in the interim to satisfy the requirements of the release rate in the ordinance. He responded to a question from Steve by replying that his client was willing to do that in the event it became necessary.

KD asked if that was the eventual park location. It is not, but rather in the proposed ditch channel alignment area. Steve reiterated that this is referring to a worst-case scenario, and that hopefully the Board will get its permit from the Indiana Department of Environmental Management and will be able to begin construction within the next month or so. Alan did a quick estimate on volume based on developed area. The schedules will determine whether they have to come back to the Board with an interim detention plan for a partial excavation within the **Kirkpatrick Legal Drain**.

KD asked Steve if he and the consultants were comfortable with the plans proposed, and Steve responded that they were.

Jerry Withered clarified that they needed two things: First, the final approval of the drainage plan for Phase I of the Commons at Valley Lakes; Second, the approval for reconstruction rather than vacating **Branches 7 and 8 of the Kirkpatrick Ditch**. Dave Luhman added that the second issue first required a finding by the Board that no landowner upstream would be adversely affected by the project. He continued that a condition of that finding might be that the temporary detention would have to be constructed if their plans got ahead of the Kirkpatrick, since it seemed that there might otherwise be some adverse effect on landowners.

Dave suggested a motion to find, subject to the condition that they include the temporary detention pond as part of the project, that no landowners would be adversely affected. Following that would be a motion to approve reconstruction. Steve commented that the first act should be on their drainage submittal, indicating that the Surveyor's Office and Drainage Board engineering consultants would recommend that the Board give final approval to The Commons at Valley Lakes Phase I subject to the conditions stated on the June 27<sup>th</sup> review memo, stating for the record that condition number one on the memo did discuss the temporary detention situation if in fact the **Kirkpatrick Drain** hasn't been reconstructed, and that it's all subject to the City of Lafayette's approval.

KD Benson so moved, Ruth Shedd seconded, and there being no further discussion, the motion carried.

Steve stated an area of concern on the second item, that he hadn't seen a final set of construction plans on the relocation of the **Kirkpatrick Laterals, Branches 7 and 8**. 52.5 does require approval of the Surveyor. Alan said that the City was reviewing internal storm drains, sanitary sewers and water. A few minor changes were yet to be made, and he expected to provide the Surveyor's Office with a final set of plans by July 9<sup>th</sup>. Steve added that he was satisfied that through the normal construction plan review process the Board would get what it needs; to accommodate those two tiles into their new storm sewer system along with a 30 foot new regulated drain easement to follow the new storm sewer route. With that he deferred to Mr. Luhman as to how to follow through on their request for the reconstruction.

Dave Luhman suggested first that there be a finding of no adverse effect on adjoining landowners based on the review and recommendations of the Surveyor's Office and the Drainage Board engineering consultants. Steve said; assuming as expected that a good set of plans that accommodates the flow of those tiles through a new route, it will not have an adverse effect on any upstream landowners. He continued that Branch 7 does cross onto property owned by another individual, which was partially why he suggested that they go this safer and easier route. Even with the worst-case scenario on the reconstruction of the **Kirkpatrick** they will provide temporary detention in the proposed easement for the new channel. That would be submitted for review if it were needed, so there would be an opportunity to review and make sure that nobody upstream would be adversely affected.

Ruth asked if the Board is just concerned with one other landowner there. Steve's response was that's primarily true, but this process is the safest way to do it and provides protection to upstream landowners, which is why he could report a finding that no upstream landowners would be adversely affected.

KD then made a motion that the Board find that no adjoining landowners would be adversely affected by this reconstruction. Ruth seconded, and there being no further discussion, the motion carried.

KD then made a motion to grant approval for reconstruction of **Branches 7 and 8** assuming final construction plans arrive. Ruth seconded, and there being no further discussion, the motion carried.

President Knochel asked Mr. Murray for a report on where the Board was with the reconstruction of the **Kirkpatrick**. Steve reported that the Board was still awaiting approval from IDEM and also awaiting offer letters for the right-of-way which

needs to be acquired, most of which is west or downstream of South 9<sup>th</sup> Street. He also verified that a bid had been accepted from a contractor who is ready to start. IDEM was insisting that a concrete bottom could not be included, and Steve stated that conceding that was likely to be required to move the project forward.

### **Petition For Partial Vacation Of The Vanderkleed Drain**

Joe Bumbleburg referenced a petition given to Board members for the partial vacation of the Vanderkleed Drain. Included in it are: The legal descriptions required; the land over which it should run; and averments of the appropriate statutory requirements – that the abandonment will not be detrimental; and that the reconstruction of the drain would cost more than the benefits.

Joe stated that this was essentially a tying up of a loose end in that the proposed drainage plan for the Lindberg Village subdivision had been approved, and that the subdivision had received primary approval of the Area Plan Commission. Therefore, the only question to be decided before Board action would be the question of persons affected by this vacation. He references a very old drawing that suggests the area being drained by this drain is all on this site, and when they put in the drainage system for the subdivision, they will be taking care of everything within their own property that is subject to the drain as it currently existed. Since there are essentially no other persons affected by this, it would simply require the finding of no adverse effects as in the previous item on the Board's agenda. Then the Board would be able to decide the question of vacation.

Steve Murray commented that the Surveyor's Office would concur with the vacation as requested on this site, with his only concern be that the Board follow the statutory requirements. He added that he thought the petitioners had exercised due diligence in talking to adjoining landowners, but felt that anyone within the watershed to the north needed to be contacted and given a chance to respond.

Bill Davis of Hawkins Environmental came forward to demonstrate with the aid of the map that there are no other landowners upstream in the watershed in question. After discussion between Bill and Steve, it was agreed that this was the case.

KD made a motion to find that no other upstream property owners would be adversely affected by the vacation of the Vanderkleed Drain. Ruth Shedd seconded, and there being no further discussion, the motion carried.

KD then moved to approve the petition to vacate that portion of the Vanderkleed Drain. Ruth Shedd seconded, and that motion likewise carried.

### **Engineering Review Fees Ordinance**

Steve Murray stated that he had placed the Engineering Review Fees Ordinance on the agenda primarily to make certain that the Drainage Board members and attorney were comfortable with the process that was followed to pass that ordinance. Dave Luhman stated that since the last Drainage Board meeting, the Tippecanoe County Board of Commissioners had adopted the ordinance on first and second reading so that all necessary action had been taken. The ordinance was scheduled to have taken effect on July 1<sup>st</sup> 2001, so with petitions now filed it would apply, and developers would be required to pay the cost of the engineering review fees for anything submitted on or after that date.

### **Cuppy McClure Regulated Drain - Assessment**

Steve stated that this had also been discussed before. The Cuppy McClure was one of three branches of the Hadley Lake Drain. The outfall runs north and east of Hadley Lake. It was constructed and accepted, and an assessment was started on the acreage in that watershed. The Baker Dempsey was reconstructed as well, and an assessment started on it. Cuppy McClure was the last of these three drains, and has been completed and accepted, but an assessment was not started. Steve found this when he was researching the file when there was some blockage and stoppage on the Cuppy McClure tile as it runs through the Great Lakes Chemical property. He stated a belief that based on everything he found and Mr. Luhman's review that the Board should have that assessment start now.

KD referred to the earlier discussion having included the issue of mailing notification to landowners in that watershed. Steve stated that was correct. KD then made a motion to recognize that the construction was complete, and for the Board to move ahead with starting the assessment process. Ruth Shedd seconded, and there being no further discussion, the motion carried.

### **Other Business**

Joe Bumbleburg rose to address the Board on behalf of another client, Kenneth Puller and his Foxfire development on Haggerty Lane. He wanted to address the issue of escrowing the funds for drainage improvements. This development is

contributory to the F lake, and they were seeking permission to put money into the **F lake** escrow fund against the time that it would be needed. He stated he understood from Dave Luhman that there was a form of agreement that had been used previously by the Drainage Board that would be provided to him, but the signal they sought from the Board was that they would authorize them to pay the monies into that escrow fund against the time that it would be needed by the Drainage Board for work on the F lake.

KD asked if this was to be in lieu of actually making road improvements. Joe responded that the road improvements are under the jurisdiction of the Board of Commissioners, but that he was essentially talking about the same thing for the offsite drainage improvements. John Knochel asked when the Commissioners had last heard proceedings on Foxfire, and Joe responded that they had heard two versions of this with the Area Plan Commission on the actual subdivision process, and once early in 2000 on a rezoning as well as on a tax abatement.

KD stated that she would like the Surveyor to review the request and make recommendations before she would feel comfortable making a motion. Dave Luhman commented that he had suggested using something similar to what the Board had used with the **Alexander Ross Drain** on Park 65. The initial developer knew they were going to have to build a large detention pond and weren't going to construct the whole thing, but there was an agreement that future developers who would participate in that would pay for the value of their usage. He stated that if the Board hadn't yet got a mechanism set up like that for F lake, the Board should probably look at it because there had been two projects impacting F lake at this meeting, and there would be more.

Joe asked if there was a current fund existing on the **F lake**. Steve replied that there are some funds, probably a nominal amount, adding that the city generally collects those funds for the Drainage Board. The last time it came up a few months ago, there still wasn't enough to finish the design let alone to construct the facilities. He added that as developments are occurring in the area, obviously the Board is getting closer to that.

Joe asked if whatever they put into this fund would facilitate the design of the lake, at least at this point. He then stated that all he was asking was for the Board's approval to use that vehicle, whatever that fund might be. Steve stated that the Board hadn't finished the review, that the site had a three-year Drainage Board history, and that he wasn't prepared to recommend the Board take the step requested by Mr. Bumbleburg. He added that former Surveyor Mike Spencer had been involved, that it was a very thick file, and he needed to finish the review and check the intent underlying previous reviews.

Ruth Shedd asked if the Board could have a standard resolution for something like this. Dave Luhman replied that the Board could, once the review was completed and there was a determination on what the costs were going to be and how to appropriately share those. Ruth added that this was obviously going to come up more than once. Steve agreed, mentioning that it had in the past, then adding that generally with these regional concepts, they're within the city's utility service area, and they've handled the cost recovery through their normal utility cost recovery system. On **Elliott**, he said, the money for water that goes to the Mall pond the city collects and holds, and water that goes to **F lake** where money is given in lieu of onsite detention, that money goes to the County.

Ruth asked if the petitioner could hold off for another month. Joe responded that a month would present a problem. Mr. Puller rose to speak, representing 'Faces', which is the sponsor for Foxfire. He stated that the problem they had was that their option was running out that they have to get financing on this, and that they had to get it approved through FHA just for the enhancement. The dollars were originally estimated at \$50,000.00. Their engineers now put that figure at \$66,000.00 that they have to put in at the time of closing.

Steve stated that the problem with this site is that it did not have an outlet currently, and so there were some proposed improvements that were supposed to be put in place in order to provide a positive outlet. Because of that, he didn't know that agreeing to escrow the money would ever result in the Surveyor's Office making a recommendation to approve their drainage plan. Ken stated that they were there to discuss the 66-inch offsite storm sewer line. In the drainage plan they proposed to put a permanent holding pond in the project.

Steve and KD stated their beliefs that this request was premature without engineering review and recommendations. Joe asked if assuming the plan gets approval, would the Board allow the developers to put the money into escrow. Steve restated that he was not prepared to recommend that at the present time, that he wasn't certain that the Surveyor's Office and engineering consultants would ever get to the point of recommending escrowing the improvements as opposed to putting them in. Joe drew a distinction between what he saw as Steve's position that he didn't know if the plan would be approved, and Joe's request for their financial planning purposes for an understanding that if the plan was approved, that the money would be accepted into escrow. Steve pointed out that part of the plan is the improvements.

Joe reiterated that he was only discussing the event that the plan was approved. If the plan were not approved, the money would not be needed and would not be given. He again requested an understanding from the board that if the plan was approved, that the Board would allow monies to be escrowed as requested. Steve stated that as long as the petitioners understood that part of the plan approval process may be that the improvements are required to go in and the monies not be escrowed, he could recommend agreement. He then clarified for KD that the improvements in question would be to convey water from the site to the F lake. Joe added that he understood that some of the money might need to be spent rather than escrowed.

Dave Luhman clarified that the money in question was the share of money to design and develop the F lake, not the money to design and build offsite improvements to outlet water from the site to the lake. KD asked if there was a reason the Board wouldn't want to escrow the money. Dave replied that if the Board weren't ready to complete the construction of the **F lake**, and has been able to determine what their share of the **F lake** cost would be and the developers agreed, the Board could accept those monies and put them in escrow. That's separate from approving the drainage plans.

Joe suggested that if the Board was having trouble raising the funds for the design of **F lake**, it should want contributors so that progress could be made, and reiterated that all he sought was an indication that the money would be accepted into escrow if the drainage plan was approved.

John Knochel indicated that he could personally give conceptual approval to that request. Ruth Shedd agreed, stipulating an understanding of the difference of the monies, who was going to use it, and where it was going to be used. KD also expressed agreement on that basis. Joe thanked the Board, then asked Dave Luhman to provide him a copy of the earlier agreement on the Alexander Ross Ditch, and Dave agreed.

There being no further business, KD moved to adjourn the meeting. Ruth Shedd seconded, and the motion for adjournment carried.

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John Knochel, President

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KD Benson, Vice President

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Robert Evans, Secretary

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Ruth E. Shedd, Member

**Tippecanoe County Drainage Board**  
**Minutes**  
**December 4, 2001**  
**Regular Meeting**

**Those present were:**

Tippecanoe County Commissioners Ruth Shedd, John Knochel, and KD Benson, County Surveyor Steve Murray, Drainage Board Attorney Dave Luhman, Drainage Board Engineering Consultant Dave Eichelberger from Christopher B. Burke Engineering Limited, and Drainage Board Executive Secretary Robert Evans.

The Tippecanoe County Drainage Board met Tuesday December 4<sup>th</sup>, 2001 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, John Knochel, calling the meeting to order.

**Approval of November 7<sup>th</sup> Minutes**

KD Benson made a motion to approve the minutes from the November 7<sup>th</sup> regular Drainage Board Meeting. Ruth Shedd seconded the motion and hearing no opposition, the motion carried.

**Brenneco Facility**

Tim Balensiefer from T-Bird Design appeared before the Board representing Brenneco Incorporated. Using a drawing, he summarized their plan for the site. It is located just east of the Caterpillar Logistics site. He showed the location of the old Halsemer Airport runway and also of County Road 500 East and the Subaru Isuzu plant.

The proposed building is to replace their existing facility, which they have outgrown. It mainly consists of warehouse and office space in a building surrounded by parking area. He stated that they had addressed the concerns and comments from Burke Engineering. The plan is for the site to discharge stormwater to the northeast into a planned detention basin, part of the Berlovitz Ditch system which is not yet constructed.

KD Benson asked about vacation of a County Regulated Drain. Tim replied that they would be working with County Surveyor Steve Murray on that, and added that the Drain had been vacated through the Cat Logistics site. Steve asked Bill Davis who was in attendance, how the drainage was continued to allow the vacation of that earlier portion. Bill replied that the tile was laid north and south along County Road 500 East, and a temporary tile discharges down to the new McCarty Lane. The City of Lafayette will be installing stormwater sewers which will replace the temporary tile.

KD made a motion to grant final approval with the conditions listed on the November 19<sup>th</sup> Burke review memo. Ruth Shedd seconded, and there being no further comment, the motion carried.

**Canam Steel**

Pat Sheehan from the Schneider Corporation appeared on behalf of Canam Steel. The project is proposed for a site just over 34 acres in size which is located on County Road 200 South. Using a drawing, Pat showed the location of the building, associated parking areas, and gravel areas. He also mentioned that plans call for a future roofed area for gravel storage.

Current drainage conditions show some stormwater draining north to 200 South, and the remainder draining to the southeast, ultimately into Elliott Ditch. The Drainage Ordinance requires that there be onsite stormwater detention until the proposed F Lake regional detention facility is in place. Their plans call for detention in various locations onsite. Upon completion of F Lake, the orifice plates which restrict the flow of water would be removed from these onsite facilities, and stormwater would then flow to the F Lake detention facility without onsite detention.

KD asked about plans for a big ditch passing through this property. Steve Murray added that it would be passing through the Rowe Property as well. Pat replied that T-Bird Design had done the work on that ditch design. Pat added that comment number 4 on the Burke memo of November 28<sup>th</sup> be dropped, since approval of the Indiana Department of Natural Resources is no longer required. Steve indicated that that wouldn't be a problem.

Steve asked whether there would be any need for fill in their plans for the site. Pat did not know, but Steve indicated that there had been some talk on the part of other developers regarding the removal of dirt from the F Lake site in lieu of onsite temporary storage. Steve also added that while it wasn't on the review memo, it should be stated as a condition that they would be required to pay for detention storage in F Lake.

Pat replied that in the short term, they probably wouldn't need fill on the site due to the planned detention areas. Steve then stated that a condition should state that they would pay an acre/foot price for detention storage. To KD's question, he replied that the acre/foot price last agreed and voted upon by the Board had been \$15,000.00 acre/foot.

Acting on the recommendation of the Surveyor's Office and the Engineering Consultant, KD made a motion to give approval subject to the conditions on the November 28<sup>th</sup> review memo, and the added condition of payment for detention storage at F Lake. KD seconded, and there being no further discussion, the motion carried.

### **Fairway Co-op**

Pat also presented on behalf of Fairway Co-op proposed for a site in 'The Acres', an area near Purdue University with sorority and fraternity buildings. This site is a two-acre piece with quite a bit of fall, drainage flowing from southeast to northwest. The site was designed by the Purdue Research Foundation with no onsite detention, the pipes being sized to handle the stormwater, with detention being done elsewhere. The proposed project involves drainage coming up along the south edge of the property, most of the piece sheet draining and being picked up for just a short run of pipe that ties into the existing sewer. The remainder is sheet drained in another direction and ties into an existing catch basin. There is also one other small catch basin that takes a little bit of flow.

He concluded that there was very little underground sewer onsite; that everything else sheet drains; that they had met the requirements preset for the amount of hard surface; and that detention was not required. He then requested final Drainage Board approval with the conditions stated in the November 29<sup>th</sup> Burke review memo.

KD made a motion to give final approval with the conditions specified. Ruth seconded, and there being no further comment, the motion carried.

### **Snowbear Frozen Custard; U.S. 52 West and Morehouse Road**

Pat spoke on behalf of the developers of Snowbear Frozen Custard; U.S. 52 West and Morehouse Road. Again using a drawing, he showed the site and location. Existing drainage travels under U.S. 52 via an 18-inch pipe. They proposed sheet drainage to a swale, the rest of the site draining to the southwest to a detention basin with a restrictor on it, and ultimately discharging to that 18-inch pipe. Their plan was designed to keep drainage at or under existing conditions, so he asked for Board approval with the conditions listed on the Burke review memo of November 29<sup>th</sup>.

Steve Murray asked where the 18-inch pipe ultimately went. Pat replied that it stayed within the right-of-way of U.S. 52. Steve then asked who maintains Old U.S. 52. Pat replied that the Indiana Department of Transportation maintains most of it, and that is where their approvals came from. Steve asked if INDOT's approval was one of the conditions listed for Drainage Board approval. Pat answered that they had submitted the entire drainage plan had been submitted to them for review and approval, and that generally if a plan earns Drainage Board approval, it is also approved by INDOT.

Steve remarked that this site had been looked at in the past and there had been controversy over drainage and access. KD asked if that was based on neighbors' concerns. Pat replied that area residents were excited to see it going in.

KD then moved to grant approval with the conditions on the November 29<sup>th</sup> memo. Ruth seconded, and there being no further comment, the motion carried.

### **Stones Crossing Sec. 1**

Eric Gleissner with Roger Ward Engineering appeared to present Stones Crossing Section 1. It is a proposed residential subdivision located on the west side of Concord Road, just south of County Road 350 South. The overall project will involve approximately 125 acres, but section 1 will be 128 lots on about 45 acres. He added that the proposed relocation of the Kirkpatrick Ditch would be along the north side of the property. When it is completed, onsite detention will not be required. In the interim, they propose two retention/sediment basins to reduce the runoff to less than what is currently being discharged. One will be along the west of the property and there will be a diversion swale intercepting offsite runoff from the south and running it to that basin. The other basin will be located where the ditch is proposed to go. He concluded by asking for final approval with the conditions listed on the November 30<sup>th</sup> Burke memo.

Steve recommended final approval with the conditions specified. KD asked how often the Board would see a development of this size proposed without permanent onsite detention. Steve answered that historically, the Board has allowed direct release if the development was close to a major ditch when the development's runoff would pass through the channel before peak flow was reached. He predicted that the Board would see even less of that now due to the Phase II requirements. Developers

might not have to do much storage, but they would need a pond and system to separate the trash, sediment, and chemicals. He summed it up by saying that direct discharge as the Board has known it will be changed somewhat.

KD asked about the infrastructure to move the water to the ditch. Eric stated that there were about 80 storm structures and subsurface pipes that route to a couple of outlets in between two lots and into the ditch. She asked if there was erosion control in the plan. He cited an approval letter from Tippecanoe County Soil and Water Conservation for their erosion control plan.

KD moved to give final approval with the conditions from the November 30<sup>th</sup> Burke memo. Ruth seconded, and there being no further discussion, the motion carried.

### **Blackthorne Subdivision Phase 1, and Blackthorne Planned Unit Development**

Tim Beyer from Vester and Associates presented these to the Board. With a drawing, he showed the location of the site relative to Klondike Road, Indian Creek Subdivision, Indian Creek, and Lafayette Venetian Blind. The site is about 89 acres, and Phase 1 is 43 lots on 17 acres of that. The Planned Development is a 140 unit condominium complex. The area on the south of the site is intended for future subdivision, and the area to the east for either commercial development or apartments.

In addition to looking at the details of the storm sewer for the current proposals, they looked at a conceptual drainage plan for the entire site. Located in the Planned Development is a wet bottomed pond. That pond would capture runoff from the two projects currently before the Board. He showed the location for a future pond to handle drainage from future subdivision development to the south, and the area to the east would sheet drain and then after development use storm sewers to directly outlet into Indian Creek. This is proposed because they had provided additional compensatory storage in the two detention ponds proposed in their conceptual drainage plan. Due to the elevations of the area, it would be impractical to provide onsite detention for that area without a large amount of fill.

He requested final approval subject to the conditions on the November 27<sup>th</sup> Burke memo. KD so moved, Ruth seconded on the Planned Unit Development and Subdivision Phase 1, and the motions carried.

### **Other Business**

Bill Davis referenced items on the agenda for this meeting which involved work with the Kirkpatrick, Elliott, and Berlovitz ditches. He spoke to encourage the Board to set up a mechanism to fund some of these major improvements, at least on the Berlovitz and F Lake. He suggested the Board look at bonding and institution of a cost-recovery program to pay off the bonds over a period of time so that work could get started. He predicted that development would get pretty heavy in these two locations, and he wanted to encourage the Board to move forward. He referenced such an infrastructure investment and cost-recovery program initiated by the City of Lafayette which was working well. He stated that without seed money, there could be no such program, and voiced support for working towards that. He estimated that \$1 million might be required to start, since anything less than that might be insufficient. That's why he thought that bonding might be the way to go. He offered any assistance to the Board he could provide in moving forward with this.

KD asked if this could be done like the revolving fund for engineering review fees. County Attorney Dave Luhman said that it could, and that it was something that the Surveyor's Office had been working on for years. He referenced former County Surveyor Mike Spencer's request for \$2 million to do this very thing. KD asked what came of it, and she was told that the County Council gave him \$200,000.00. Steve added that there were several funding mechanisms that could be used. He said the long delayed projects were important, and that the Board needed to find some way to move them forward. Dave said that Phase II stormwater requirements were going to bump into the same problem.

Steve's only other business to bring before the Board was to request that the dates be set for Drainage Board meetings in 2002. Board members agreed to check their schedules for any conflicts, but that the first Wednesday of every month would be the date of Drainage Board meetings, with changes made as necessary.

There being no further business, the meeting adjourned.

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John Knochel, President

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KD Benson, Vice President

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Ruth E. Shedd, Member

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Robert Evans, Secretary

**Tippecanoe County Drainage Board**  
**Minutes**  
**January 16<sup>th</sup> 2002**  
**Regular Meeting**

**Those present were:**

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

The Tippecanoe County Drainage Board met January 16<sup>th</sup> at 10:00 am 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, John Knochel, calling the meeting to order. President Knochel stated that the first item on the agenda was the election of officers, and he turned the meeting over to Dave Luhman, the Drainage Board attorney.

**Election of Officers**

Mr. Luhman asked for nominations for the office of President of the Tippecanoe County Drainage Board. Ruth Shedd nominated KD Benson, and John Knochel seconded this. There being no other nominations made, Ruth Shedd moved that the nominations for President be closed. With John Knochel's second, the nominations were closed. KD Benson was then unanimously elected President of the Drainage Board.

Mr. Luhman offered his congratulations to President Benson, then solicited nominations for the office of Vice President of the Tippecanoe County Drainage Board. John Knochel nominated Ruth Shedd with Ruth Shedd seconding. There being no further nominations, John Knochel moved that the nominations be closed, with Ruth again seconding. Ruth Shedd was then unanimously elected Vice President of the Board. Mr. Luhman offered her his congratulations, and then turned the meeting over to President Benson.

**Approval of December 4<sup>th</sup> 2001 Minutes**

Ruth Shedd moved to approve the minutes as written, with John Knochel seconding. The motion carried.

**Set Drainage Board Meeting Dates for 2002**

The first Wednesday of every month was proposed for Drainage Board meeting dates, the time being 10:00 am and the location being set for the Tippecanoe Room. Ruth Shedd so moved, and John Knochel seconded. The motion carried, and the meeting dates were set for 2002. Meetings will be at 10:00 am in the Tippecanoe Room of the Tippecanoe County Office Building on February 6<sup>th</sup>, March 6<sup>th</sup>, April 3<sup>rd</sup>, May 1<sup>st</sup>, June 5<sup>th</sup>, July 3<sup>rd</sup>, August 7<sup>th</sup>, September 4<sup>th</sup>, October 2<sup>nd</sup>, November 6<sup>th</sup>, and December 4<sup>th</sup>.

**Copper Beech Town Homes – Vester and Associates**

Tim Beyer from Vester and Associates appeared to request conceptual approval for the drainage plan for Copper Beech Town Homes. With a drawing, he showed the location of the proposed development in relation to Point West, Klondike Road, and McCormick Road.

About 200 town home units are proposed for 13 acres. A detention pond is proposed for the northeast corner of the site. The reason they requested conceptual approval is that it's an unusual site. It is basically in a depressional area where stormwater runoff tends to pond on the site. They proposed running a storm sewer outlet pipe along the north line of the adjoining property, thence along the west side of the right-of-way of McCormick Road, tying into the ditch which passes through a culvert underneath an access drive to a home site. This ditch drains into a future phase of Wakerobin Estates Subdivision.

They proposed a very small 2.7 cfs release rate for their site. Modeling shows that this rate would have a negligible effect on the Wakerobin pond and any downstream watersheds. He added that a sanitary sewer is proposed to run alongside the stormwater pipe. Tim noted that the adjoining landowner was in attendance. He then responded to a question from KD by stating that a drainage plan would be designed according to any conceptual approval and submitted for Drainage Board approval.

Dave Luhman asked County Surveyor Steve Murray if the runoff from Wakerobin passes through the Tarvin area or have any impact on it. Steve replied that it did not. KD asked Mr. Swanson if he wanted to speak or to ask any questions at this point. Ed Swanson, the owner of the field that the proposed storm sewer would pass through came forward. Tim Beyer showed him the location of the wetland to be used for the proposed Wakerobin pond.

Mr. Swanson commented that he had a field in the area that had begun flooding after a 12-inch tile was cut in the past. He expressed concerns regarding the effect on his field of further water being moved through it. Steve Murray asked who cut the tile, and Mr. Swanson did not know.

Steve suggested that a positive outlet for this field could be provided as part of the design of the conceptual proposal before the Board. Mr. Swanson then mentioned that another field owned by a Richard Meyer had drainage issues as well. Steve then stated that he had had a conversation with Mr. Beyer in which he suggested that regrading the side ditch for McCormick Road be made part of any drainage plan to resolve the drainage problems in the immediate vicinity.

During further discussion, Steve stated that the wetland to be used for detention would be under the review of the Department of Natural Resources. He added that we are learning more about the benefits of wetlands, and that the IDNR watches effects of development on wetlands very closely.

Steve told the Board that asking for conceptual approval and working with adjacent and downstream landowners was a good approach. He stated that the Surveyor's office could support this conceptual plan, contingent on agreement with downstream landowners and agreement on the part of the developers to resolve some of the current drainage issues along McCormick Road as part of their design. He continued by stating that the Drainage Board needs to investigate the cut tile problem, that it would be inappropriate to ask the Wakerobin developers to straighten out a problem they did not create. Specifically, he thought that a problem with a driveway along McCormick Road which floods could be solved by regrading within the easement and perhaps providing an inlet to drain roadside water into the proposed storm sewer.

Ron Gatehouse from Copper Beech requested clarification as to the measures being contemplated by the Board which it might request or require the developers to take. Steve specified that there were other improvements that might be made during the next stage of Wakerobin which the Board should not ask Copper Beech to undertake as part of their development.

Ruth Shedd moved that the Board grant conceptual approval to this project, pending agreement with downstream landowners, and John Knochel seconded. There being no further discussion, the motion carried.

#### **Woodfield Village – Schneider Corp.**

This project was continued until the February 6<sup>th</sup> meeting.

#### **Prophet's Ridge – Congdon Engineering Associates**

Brian Sullivan from Congdon appeared to request Drainage Board approval for Prophet's Ridge Subdivision. He described the location as being approximately 1100 feet south of County Road 500 North, on the west side of County Road 75 East. It is a 47.8 acre site, on which they proposed to construct 183 lots. There are several offsite drainage basins that they are accepting onto their property and routing through their detention facilities as a part of their plan. Most of these come from the south and the east. They proposed three detention facilities on site to provide the detention required by Ordinance.

Their discharge was to be out of a multi-staged weir outfall on the westernmost detention pond. Off of that outlet, they proposed building some energy dissipation blocks. Because there is no legal drain directly on the site, they were dissipating the discharge so that when the water reached their property line it would be moving in sheet flow, which matches the existing conditions on the site.

KD asked if notification to downstream property owners had been made as required by Ordinance. Mr. Sullivan indicated that it had not been, but that they were aware of the requirement and would be fulfilling it. He then added that a prior development by a different developer on the site had not been completed due to inability to reach an amicable agreement with downstream landowners for offsite improvements designed to convey stormwater to a Regulated Drain. Steve Murray stated that he was aware of earlier attempts to develop the land in question, and that it was one reason he had for concern, and that the Drainage Board Engineering Consultant and the Surveyor's Office position was that no recommendation for approval could be made without the opportunity for participation of downstream landowners.

He therefore recommended that Prophet's Ridge Subdivision be continued by the Board until the February 6<sup>th</sup> meeting. Ruth Shedd so moved, John Knochel seconded, and there being no further discussion, the motion carried.

#### **Ivy Tech, Ross Building – Fink, Roberts, and Petrie**

Brian Waltz from Fink, Roberts, and Petrie appeared to request final approval for the expansion of the Ross Building and the adjacent parking lot. The proposal would add only two tenths of an acre of impervious ground to the site, so they were not

proposing any additional detention on site. He referred to a letter from Burke Engineering that recommended approval on that basis.

With a drawing, he then showed the current drainage system, along with the extensions proposed concurrent to the building and parking lot additions. Building drainage would come off at basement level and be picked up in an area that was currently sheet flow drainage. The existing outlet would still be utilized under the proposed plan.

Steve Murray stated that since the location is inside the city, the Board's task was to review and approve any impact on the Elliott Ditch. He stated that the Surveyor's Office was prepared to recommend approval with the conditions listed on the Burke memo of January 2<sup>nd</sup> 2002. He added for the record that an additional condition that the developer consult with and receive approval from the City of Lafayette be added.

Ruth Shedd moved that approval be granted with the conditions as specified, John Knochel seconded, and there being no further discussion, the motion carried.

#### **Active/Inactive Ditch List**

A list was provided to the Board showing all the Regulated Drains and Ditches, along with their recommended status as active or inactive for 2002. Several of these are Joint Ditches or Drains, whose Tax assessments from Tippecanoe County acreage are collected by us and sent to the other County which administers the Drain or Ditch in question. The Surveyor's Office had not yet received notification of the status of five of these from the administering County.

Ruth asked whether changes in the assessments were done individually for each Ditch, and the answer was yes. Steve discussed the details of the processes by which assessments are enacted or changed.

Ruth then moved to accept the active/inactive ditch list as recommended. KD expressed appreciation of the level of detail provided in the summary of Ditches, accepted John Knochel's second of the motion on the floor, and there being no further comment, the motion carried.

#### **Burke – Proposal for Engineering Review Contract.**

Steve Murray commented that there is no \$35,000.00 limit included this year due to the elimination of the 10 free hours of engineering review, and the formation of a revolving fund for engineering reviews to be handled from. Drainage Board Attorney Dave Luhman indicated that the contract was acceptable, and stated that the Auditor had only to set up the fund as authorized by the County Commission and Council. Steve then recommended approval of the proposed contract for professional engineering services to be provided to the Board by Christopher B. Burke Engineering Limited. He noted a modest increase in the rates charged for services, which he fully supported.

Ruth moved that the contract be approved, John Knochel seconded, and the motion carried.

#### **Burke – Proposal for NPDES Phase II Stormwater Work.**

Steve reviewed the status of NPDES Phase II work, including the agreement between Purdue University, Lafayette, West Lafayette, and Tippecanoe County to share costs and coordinate a countywide plan. The total fee is \$150,000.00. The County's share in the proposal is \$55,000.00, or 36.667%. Purdue and Lafayette had forwarded written approval, West Lafayette was due to sign, and Steve summarized this as a great cooperative effort. He recommended signing the proposed contract by the Board.

Ruth moved that the contract be approved, John Knochel seconded, and the motion carried.

#### **Burke – Proposal for Engineering Services; "F" Lake Regional Detention Basin Design.**

Steve reviewed this long ongoing project, and the need for the drainage basin to be designed and built on for the land owned by the County and intended for this purpose. He stated that upstream developers would be charged the current rate for detention storage, currently \$15,000.00 per acre/foot, to recoup the costs of design and eventual construction. A fee was negotiated with Burke for this in the amount of \$59,700.00. Given the estimated cost of construction, Steve found this to be a reasonable fee, and he recommended that the Board accept this proposal to move the project forward.

Ruth moved that the contract be approved, John Knochel seconded, and the motion carried.

#### **Hoffman, Luhman, and Busch – Proposal for Drainage Board Attorney services contract.**

Steve recommended approval of the proposed contract.

Ruth moved that the contract be approved, John Knochel seconded, and the motion carried.

**Steve Murray, Miscellaneous Items**

Checking on reports from property owners, Steve found that the original assessment for Hoffman Ditch number 101 was \$10.00 per acre, a very high rate. Mr. Spencer intended for that rate to run only for about three years. It has run for about ten years, so he recommended that the Board look at going through the proper procedures to reduce that no later than March. He stated that the relevant statute seems to indicate that the rate may be reduced without a public hearing process. He requested Board approval to contact the other two Counties to arrange a joint Drainage Board meeting. He would bring them up to date on the history, provide a summary of income and expenditures, and on that basis to decide on an appropriate lower rate. He added that Clinton and Carroll Counties owe back taxes, that the Surveyor's Office had tried to resolve this by contacting them directly, but that this hadn't succeeded so it had been turned over to Mr. Luhman to pursue. He predicted that the Ditch would be inactive for several years, but that we would keep the other Counties active until their payments were up to date.

Ruth moved that the Board direct Mr. Murray to set up the tri-County Drainage Board meeting, John Knochel seconded, and the motion carried.

Steve then remarked on the financial state of some of the Ditches, and reviewed some of the research and prep work he has put into the issue of getting all regulated Drains on solid financial footing. As an example, he referred to the Huntington County Drainage Board where they do increase the assessments by 25% as allowed by law without hearings, using a notification letter. He stated his intent to prepare a report on the financial and physical condition of the Regulated Ditches and Drains, and also a report summarizing the petitions currently before the Board to organize new Regulated Drains or Ditches. He recommended that the Board work through these in an orderly fashion.

Steve then reviewed the process prescribed for acting on these petitions or for changing assessments. This includes notification of landowners, and the holding of public meetings.

He then informed the Board that the State raised the minimum assessment rate for ditch assessments, and his office was looking into whether we needed to raise the minimum to comply with that statute. He then strongly recommended that the Board look towards a comprehensive process of reviewing and adjusting as needed the current ditch assessments.

Ruth Shedd indicated that she would like the Surveyor's Office and the Drainage Board move forward on these projects.

**Other Business**

Ruth moved that the Board adjourn, John Knochel seconded, and the motion carried.

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KD Benson, President

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Ruth E. Shedd, Vice President

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Robert Evans, Secretary

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John Knochel, Member

**Tippecanoe County Drainage Board**  
**May 8th 2002**  
**Regular Meeting**

**Those present were:**

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

The Tippecanoe County Drainage Board met May 8, 2002 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, KD Benson, calling the meeting to order.

**Approval of April 3<sup>rd</sup> Minutes**

Ruth Shedd made a motion to approve the April 3<sup>rd</sup> minutes, with John Knochel seconding. There being no objection, the motion carried and the minutes were approved.

**Ivy Tech Technology Building**

Brian Waltz of Fink, Roberts and Petrie of Indianapolis, appeared before the Board seeking approval of drainage for the approximately 27000 square foot expansion to the Technology building on the Ivy Tech Campus. Also in attendance were Steve Ford and Tom Yee of the Scholer Corp.

The proposal called for sheet flow into the Elliott Ditch for the south portion of the project. The north portion would flow through the mall area to an existing storm drainage system which also outlets into the Elliott Ditch. In addition to the overall drainage approval, he was seeking approval of an encroachment into the Elliott Drain regulated drain easement. An application had been submitted for the encroachment. The building expansion's roof drains would be connected to a conduit system outletting to the ditch. The parking lot drained via surface flow to the ditch.

Tippecanoe County Surveyor Steve Murray commented that this is upstream from the "mall pond". He then stated the Drainage Board Engineering Consultant and Surveyor's Office was prepared to recommend approval on the drainage submittal.

Ruth made a motion to waive the standard detention storage requirements with John Knochel seconding, and the motion was passed.

Steve then noted this lies within the city limits of Lafayette, and the Board's review was to look at the effect on the Elliott Ditch only.

Ruth made a motion to approve the Ivy Tech project with conditions 1 and 2 on the May 3<sup>rd</sup> Burke memo. John Knochel seconded, and the motion carried.

Discussion was held concerning the petition to encroach on the existing regulated drain easement. The Surveyor had made a site visit and stated there was ample room for maintenance as needed. Ruth Shedd made a motion to approve the petition to encroach with John Knochel seconding, and the motion was passed.

**Kyger Bakery**

Paul Coats of C&S Engineering appeared before the Board seeking reduction of the Elliott Ditch regulated drain easement at the present site of the bakery. The building was located within the 75-foot easement, with the corner being at the top of the bank. The proposal called for an 11,600 square foot addition to the building and the tearing down of the old Walker Fish building. The request was for reduction of the 75-foot easement to 25 feet at the parking lot and driveway along the west side. This would provide better access to the ditch for maintenance. On the opposite side of the ditch is the new Payless Superstore. Discussion was held concerning access to the ditch from the Payless site and State Road 38.

The Surveyor visited the site and informed the Board the proposal would be an improvement, as the current building blocks any access at all on that side. Historically, a minimum of 25 feet to 30 feet had been kept. The Surveyor's Office recommended the Board grant the reduction of 75 feet to 25 feet from the top of the bank. Paul provided a description of

metes and bounds description for the record. Ruth Shedd made a motion to reduce the easement for Kyger Bakery as requested, and John Knochel seconded. The motion passed.

### **Bickford Cottage**

Steve spoke in order to clarify for the record that the Board had granted a waiver of onsite detention for Bickford Cottage along with the waiver for Regal Valley Drive at the April 3<sup>rd</sup>, 2002 meeting. Subsequent development immediately to the west of Regal Drive will be closely reviewed when submitted.

### **Other Business**

Due to a number of landowners in attendance, Steve informed the Board of the proposal for Wabash Valley Feed and Storage. Notices had been sent to downstream landowners that it would be on the agenda for this meeting. As the engineering consultant did not have time to review the plans, it wasn't presented. However, the Surveyor felt the Board should be informed why the landowners attended.

The site was on the east side of Klondike Road, North of Lindberg Road, and just south of the railroad tracks. Lindberg Village was on the west side. A private tile cut through the site. The tile traveled under Klondike Road, and ran south, outletting near Lindberg Rd. Surface flow also follows the same general route.

A drainage plan was submitted with a detention pond to outlet into the private tile. Upon receipt of the plan, the Surveyor informed Mr. Coulson that historically, discharge of detention facilities was not allowed into private tiles. Due to several landowners attending this meeting, KD invited those in attendance to address the Board.

Mr. Andy Kennedy of Pristine Lake & Watershed Services representing the landowners asked to reserve comments until the issue was on the agenda and brought before the Board for approval. Mr. Larry Sturgeon, 2270 Klondike Rd. owner of a tract located between Lindberg Village and Klondike Storage spoke to the Board. He has 2 acres across from Klondike Storage between the railroad tracks and Lindberg Rd. He expressed his concern with the drainage problem he had dealt with since the development of Lindberg Village began and the build up of Mr. Coulson's property with fill.

The Surveyor looked at the site and those issues would be addressed at the time of the proposal to Board. Steve stated that a stop order had been put on any building of storage facilities until this was addressed.

Steve then informed the Board of a meeting scheduled with Vester & Associates on the Creekside Development project later in the day. Storm water quality structures such as sediment traps were to be discussed at that time to make certain discharge to the Wildcat Creek was as clean as possible.

### **Ordinance Issues**

Discussion was held on the changes and additions to the Drainage Ordinance, which was being updated at this time. One technical difference noted was the request for a staged discharge, regarding a two-year and ten-year versus a ten and hundred-year plan. Outlet structures would be required to accommodate both release rates. This would lessen the impact on downstream owners. Engineering consultant Dave Eichelberger addressed the issue of the present design for the hundred-year storms. The increases in runoff rate during more frequent storms (2,5,10-year) weren't being controlled by compliance with the present ordinance.

There being no further business, KD Benson asked for a motion for adjournment and the motion carried.

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KD Benson, President

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Ruth E Shedd, Vice-President

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Brenda Garrison, Secretary

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John Knochel, Member

**Tippecanoe County Drainage Board**  
**Minutes**  
**August 7, 2002**  
**Regular Meeting**

**Those present were:**

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

**Approval of July 3 Minutes**

Ruth Shedd made the motion to approve the July 3, 2002 minutes, with John Knochel seconding. The being no objections, the motion carried and the minutes were approved.

**Butler Meadows Subdivision**

Mr. Robert Gross with Gross & Associates appeared before the Board to present Butler Meadows Subdivision for final approval with conditions. The site consisted of approximately 35 acres and was located on the south side of County Road 500 South, approximately 0.25 mile east of the intersection of old US 231 and County Road 500 South in Wea Township. Existing drainage from the site discharged in several directions. The majority drained to an existing 30-inch diameter CMP under County Road 500 South, then followed an established drainage pattern and outlet into the Little Wea Creek. Drainage would be collected in swales and storm sewers routed to a detention basin south of the culvert under County Road 500 South. The plans showed a wetland in the southeastern portion of the site which drained a small portion and would be routed through an outlet to a detention pond. The headwall of a private drain would be lowered in order to allow for drainage of the detention pond. Grading and new culverts for the ditch along County Road 500 South were planned. The majority of the ditch slopes would be 6 to 1; while in the County Road Right Of Way the slopes would be 3 to 1. City utilities would be installed in phases. The Surveyor recommended final approval with conditions as stated on the August 2, 2002 Burke memo.

Ruth Shedd moved to grant final approval with conditions listed on the August 2, 2002 Burke memo. John Knochel seconded and the motion carried.

**Lexington Farms - Phase 3**

Pat Sheehan with Schneider Corporation presented the Board with plans for the Lexington Farms Phase 3 project. The proposed development was located east of County Road 500 East and north of 50 South. Phases 1 and 2 of Lexington Farms had previously been constructed. There was temporary detention on the site for the two developments. Phase 3 consisted of 82 lots on approximately 15.14 acres of the 61.8 acre overall development. Stormwater would be discharged directly into the Berlovitz Regulated Drain. As part of this development, the Berlovitz Drain would be reconstructed from County Road 550 South for the extent of the property, approximately 1000 feet. Along with the request for approval and due to the reconstruction of the Drain, he requested a waiver of the standard stormwater detention for Phase 3. This would allow direct discharge into the Drain. The Surveyor recommended to the Board waiving of the stormwater detention requirements.

Ruth Shedd made the motion to waive the standard stormwater detention requirements and John Knochel seconded the motion. With no objections stated, the motion carried.

At that time the Surveyor clarified condition one of the August 2, 2002 Burke memo. The statement "The location of the reconstructed open channel should be closely coordinated with the Tippecanoe County Surveyor and revised plans submitted for review", should read, " The location of the reconstructed open channel must be approved by the Tippecanoe County Surveyor and revised plans submitted for review". Therefore the Surveyor recommended approval with conditions as stated on the August 2, 2002 memo, which included the amendment noted.

Ruth Shedd moved to grant final approval for Lexington Farms Phase 3 with conditions stated on the August 2, 2002 Burke memo with the amendment of condition one. John Knochel seconded the motion and the motion carried.

**Raineybrook Subdivision - Part 2**

Mr. Bill Davis with T-Bird Design presented the Board with plans for Raineybrook Subdivision Part 2, located north of County Road 500 South and west of US 231 in Wea Township. Part 2 of the development was located west of Raineybrook Estates and The Reserve at Raineybrook and was approximately 76 acres. He requested conceptual approval of the discharge

system. The site area drained was approximately 163 acres, however after diverting approximately 45 acres from other watersheds, the total area drained through this development would be approximately 200 acres. After completion of the development, the discharge rate to the Little Wea Creek would be approximately the same amount as currently being discharged. The 36-inch pipes located in the bottom or near the bottom of the swales would carry the low flow. The swales were designed to carry the 100-year storm event directly through the subdivision to the Little Wea Creek. Stormwater emergency routing was also included in the plans. All direct discharge would be routed through a sump catch basin before outletting into the Creek. Modelling information showed drainage for each phase individually and compiled to provide a better study. Mr. Davis referred to the system as a "Piggyback" system, which was the combination of swales and pipes. He informed the Board he had discussed the system with County Highway Engineer Tim Wells. Mr. Davis stated the homeowners association would maintain the offsite system, other than those portions in the Right of Way. As part of the conceptual approval, he requested a waiver of the standard stormwater detention requirement.

Tim Wells addressed the Board regarding the drainage plan. He began by formally thanking the Surveyor for keeping his office informed of projects submitted. He stated the "Piggyback" system used in the design was acceptable to his office.

Steve stated for the record the ordinance did not prevent the use of the combination of swales and storm sewer systems. Also the planned swales were well defined and large enough that he felt future landowners would not fill them in. He stated Raineybrook had one of the best homeowner associations in regard to resolving drainage issues. Steve discussed the provision of easements in strategic locations in order to facilitate the future Phase II Stormwater Quality measures if required. This would be addressed in the final plans.

Ruth Shedd moved for conceptual approval with conditions stated on the July 23, 2002 Burke memo for Raineybrook Subdivision Part 2. John Knochel seconded the motion. There being no objections, the motion carried.

### **Raintree Apartments Subdivision - Phase 1**

Pat Jarboe with T-Bird Design appeared before the Board and requested final approval for Raintree Apartments Subdivision Phase 1. As the project would be constructed in phases, Pat was requesting approval for phase 1 only. The site was located on a 47.5-acre tract on the north side of County Road 200 South, just east of Windemere Drive.

The site's watershed was designed to outlet into the proposed F-Lake detention area. Portions of the site were located within the Berlovitz Regulated Drain and the Elliott Ditch watersheds. However, due to broken or plugged tiles it could not be determined that existing surface water flowed into the Berlovitz Drain tile. The capacity of the tile system design allowed for pass-through of surface water from any future offsite development. The proposed culvert and tile system directed the offsite surface water into the Berlovitz drain. Calculations of the system allowed for the 100-year condition. A 12-inch tile in the northern portion of the site outletted into the Elliott Ditch and would be dedicated for offsite drainage only.

Due to the site location, the Surveyor reviewed the modeling of the site. As stated previously, the site was located within two watershed areas, which contributed to complications with the design process. Steve stated he was prepared to recommend final approval with conditions as stated in the August 2, 2002 Burke memo. He also stated a waiver for the stormwater detention requirements would be necessary. In regard to condition two of the August 2, 2002 Burke memo, the Surveyor stated he would negotiate a fee to be paid to the County for use of storage in F-Lake. Condition three, concerning the relocation or vacation of Branch 13 would be addressed. A format for a written agreement regarding the fee (or compensation) had been worked up.

Ruth Shedd moved for a waiver of the stormwater detention requirements and John Knochel seconded. There being no objections, the motion carried. Ruth then moved for final approval on Raintree Apartments Subdivision Phase 1 with the exceptions of the conditions as stated by the Surveyor and in the August 2 Burke memo. John Knochel seconded the motion and the motion carried.

### **American Freightways**

Tim Beyer of Vester & Associates appeared before the Board and requested final approval with conditions for American Freightways. The site was located along the east side of Concord Road and north of Brady Lane within the City of Lafayette. The Surveyor while the project was located within the city limits of Lafayette, the Board's review was for the effect on the Elliott Ditch. This was a small trucking facility and the request regarded paving an existing gravel parking lot surrounding the building. A drainage analysis plan of the site was prepared for review. At the direction of the City of Lafayette, the runoff was directed to an existing roadside ditch along Concord Road and drained south into Elliott Ditch. Tim requested final approval with a waiver of detention requirements for American Freightways. The Surveyor stated he had conferred with the City Engineer's office and the effect on the Elliott Ditch was nominal. The Surveyor was prepared to recommend a

waiver of stormwater detention requirements. KD asked if this would require Phase II, Steve stated this was mentioned in the memo. Tim stated there was an existing 30-foot Right of Way at the site.

Ruth Shedd moved to waive the stormwater detention requirements for American Freightways, and John Knochel seconded the motion. Ruth Shedd made the motion for final approval with the conditions listed on the July 31, 2002 Burke memo, and John Knochel seconded. As there were no objections, the motion carried.

### **General Drainage Ordinance #2002-24-CM**

Steve conferred with the Drainage Board Attorney regarding a maintenance bond amendment to the Ordinance. Due to the fact the amendment had been added at the last minute, the attorney thought it prudent for the Board to acknowledge it at this time and approve the Ordinance as amended.

Ruth Shedd made the motion to approve the amendment to the Drainage Ordinance as written. John Knochel seconded the motion. Let it be known the Drainage board has approved the amended Drainage Ordinance #2002-24-CM as written.

### **Petitions for Encroachment**

Paramount Development LLC for Paramount Lakeshore Subdivision presented the Surveyor with a Petition for Encroachment. The site was located on State Road 52 West of Morehouse Road. The Drainage Plan for the site was approved at the July meeting. The site crossed the Cuppy-McClure's 48 inch reinforced concrete tile. Steve stated the Petitioner was requesting an encroachment within the regulated drain easement. Regardless of a grant of encroachment, it was understood the County had the overall right of easement. However, the petition form itself would be edited for precise wording to that effect. The Surveyor would confer with the Drainage Board Attorney on this issue. In stating this, the Surveyor recommended the Board approve the Petition for Encroachment submitted by Paramount Development LLC. Ruth Shedd moved to grant approval of the Petition for Encroachment from Paramount Development LLC, and John Knochel seconded the motion. The motion carried.

RBT Development LLC for Paramount Lakeshore Subdivision also presented a Petition for Encroachment to the Surveyor. The petition was submitted for the installation of a 12-inch storm sewer and manhole structure which would drain the east pond of the subdivision. The Surveyor recommended the Board approve the Petition. Ruth Shedd moved to grant the Petition for Encroachment submitted by RBT Development LLC and John Knochel seconded the motion. There being no objections stated, the motion carried.

Colony Pines LLC for Sagamore Point Subdivision presented the Surveyor with a Petition for Encroachment. The site consisted of 24 acres and was located on Morehouse Road. The petition was to cross the 50 and 75-foot utility and drainage easement as well as a 50-foot Dempsey-Baker Regulated Drain Easement near Lot 58. American Suburban Utilities would install the sanitary sewer in the easement. Steve stated A.S.U. understood if during the reconstruction or maintenance of the Dempsey-Baker Regulated Drain it was necessary for their facilities to be moved or the ditch rebuilt to the previous condition, it would be at their expense. This was also stated in the Colony Pines LLC petition presented to the Surveyor. Due to the location of the sanitary sewer at roughly ten feet below the bottom of the ditch, the Surveyor felt it probably would not be an issue. With this stated, the Surveyor recommended the Board approve the Petition for Encroachment as presented. Ruth Shedd moved to approve the Petition for Encroachment by Colony Pines LLC, and John Knochel seconded the motion. The motion carried.

### **Other Business**

#### **Kirkpatrick Ditch Regional Detention Pond**

Steve reviewed a proposal for professional Engineering Services from Christopher Burke Engineering for the Kirkpatrick Ditch Regional Detention Pond and Channel Extension. The estimated fee was \$20,000.00. This amount was largely due to the fact the engineering company did the design and the hydraulic studies previously on the ditch. This proposal was for a conceptual design on the channel reconstruction upstream of Concord Road, as well as determining the most productive site for the pond which serves the L.U.R. (Lafayette Union Railway) site and the area slated for industrial development. The Surveyor recommended the execution of the contract for services stated. He added there was a business which had looked at an eighty-acre site for development, and he felt there should be a plan in place for the future. KD stated she would encourage action to be taken at this meeting regarding the contract. In response to a question from Ruth Shedd regarding the contract, Steve stated the contract was in a standard format. The engineering firm would charge hourly and, the estimated fee was not to exceed \$20,000.00. Due to the hourly charge, the fee could come to less than the \$20,000.00 stated. He stated the monies were available from the Edit fund previously allocated for this project.

Ruth Shedd made the motion to approve the contract from Christopher Burke Engineering for the Kirkpatrick Ditch Regional Drainage upstream of Concord Road, not to exceed \$20,000.00. John Knochel seconded the motion, and the motion carried.

**J.B. Anderson**

This drain served the stormwater drainage of Clarks Hill. The Surveyor received a contract for a project scope by Christopher Burke Engineering. He encouraged the Board to review copies which he gave them at that time. The contract covered the history and overall problem associated with the ditch. This ditch was put in on the EDIT request. The Surveyor stated he would encourage and hoped to see participation with the study from the Town of Clarks Hill.

At that time KD asked for any public comments. As there were no comments, Ruth Shedd made the motion to adjourn. John Knochel seconded the motion and the meeting was adjourned.

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KD Benson, President

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Ruth E. Shedd, Vice President

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Brenda Garrison, Secretary

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John Knochel, Member

**Tippecanoe County Drainage Board**  
**Minutes**  
**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**  
**October 1, 2003**  
**Regular Meeting**

**Those present were:**

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

**Approval of September 10, 2003 Minutes**

John Knochel made the motion to approve the September 10, 2003 minutes. KD Benson seconded the motion and the September 10, 2003 minutes were approved as written.

**The Commons At Valley Lakes Phase 3**

Mr. Alan Jacobson of Fisher and Associates appeared before the Board to present The Commons at Valley Lakes Phase 3 for final approval. As a continued phase of the overall development The Commons at Valley Lakes, Phase 3 included 35 single-family lots on 11 acres just east of Phase 2. The location was immediately east of County Road 150 East (South 18<sup>th</sup> Street) approximately ¼ mile south of County Road 350 South in the City of Lafayette, Wea Township.

Existing Storm sewers within the Commons at Valley Lakes Phase 1 will be extended south to accept Stormwater from Phase 3 as well as a portion of Branch No. 7 of the **J.N. Kirkpatrick Regulated Drain**. The storm sewers eventually discharged into the J.N. Kirkpatrick drain located just north of Phase 1. The J.N. Kirkpatrick drain is presently under reconstruction from **Elliott Ditch** upstream to County Road 250 East (Concord Road). Branches 7 and 8 of the drain crossed the proposed Phase 3 site. Branch 7 consisted of a 12-inch tile and crossed the site from northwest to southeast diagonally. The developer proposed to route Branch 7 through the proposed storm sewer system and vacate the legal drain easements of both branch 7 and 8 drain tiles.

Alan stated the city of Lafayette had approved and signed the plans and approval from Area Plan was anticipated within the week. Alan requested approval of reconstruction of that portion of Branch 7 which falls within the limits of Phase 3 and approval of direct discharge of the stormwater runoff from Phase 3 into the J.N. Kirkpatrick Regulated Drain.

The Surveyor stated the minimum width of the Easement of Branch 7 must be 30 feet by statute and noted on the plans. He also requested a drawing of the previous and the reconstructed route of Branches 7 and 8 of the J.N. Kirkpatrick Regulated Drain for future reference. Alan stated he would provide the Surveyor's office with a preferred digital master exhibit of the area's development noting the routes of the drain within the area.

The Surveyor recommended approval for direct release to the J. N. Kirkpatrick Drain, the reconstruction and relocation of a portion of Branch 7 and removal of a small portion of Branch 8. John Knochel moved for approval of the direct release to the J.N. Kirkpatrick drain as requested. KD Benson seconded the motion. Direct Release was granted for The Commons At Valley Lakes Phase 3. John Knochel motioned for the approval of the reconstruction of Branch 7 and removal of a portion of Branch 8 within the Commons at Valley Lakes Phase 3. KD Benson then seconded the motion and the motion carried.

The Surveyor then recommended final approval with the conditions as stated on the September 23, 2003 Burke memo and the Easement requirement as noted. John Knochel made the motion for final approval with conditions as stated on the September 23, 2003 Burke memo and those noted by the Surveyor. KD Benson seconded that motion and final approval with conditions for The Commons at Valley Lakes Phase 3 was granted.

## **Haggerty Hollow Subdivision**

Mr. Paul Coates of C & S Engineering approached the Board and represented Frank Spain the developer to request the final approval as well as a waiver for Haggerty Hollow Subdivision. He provided the Board with 8x11 site drawings for their convenience.

The site was a proposed Rural Estates Subdivision and located at County Road 200 South (Haggerty Lane) and County Road 800 East. There would be 12 residential lots on approximately 27 acres. A private access drive would be constructed from County Road 800 East to all the lots.

The drainage of the site was primarily westward into the floodplain of the South Fork of Wildcat Creek. The runoff route crossed over a small tract of land owned by Frank Shultz and ETAL who were notified by certified mail as required. The proposed routing of the stormwater runoff was into two detention basins. The pond outlet was to discharge into the floodplain of the South Fork of Wildcat Creek. The proposed detention basins would be located on portions of Parcels 2 & 4 and Lot 8. A small portion of the site would discharge into the right-of-way of County Road 800 East. As stated previously the owner of Parcel 2 & 4 was notified by certified mail of the meeting. Spain Court would be constructed off of 800 East to be utilized as a private access drive to the proposed lots.

A waiver regarding condition 2 of the September 23, 2003 Burke memo was requested. Condition 2 read as follows: “ The proposed detention basins will be constructed on portions of Parcels 2 – 4 and Lot 8. The applicant has indicated that the same person owns all of the land within the project site (Lots 1-12) and Parcels 2-4. Since the Drainage Ordinance does not allow stormwater detention on subdivision lots, the applicant should clarify the status of Parcels 2 –4. A waiver from Section 14.f.13. of the Drainage Ordinance may be necessary to allow construction of the detention basins on Lot 8 and Parcels 2 – 4. Mr. Coates stated the intention was to obtain a drainage easement from Mr. Spain, the owner of Parcels 2 – 4, then record it with the final plat. Paul stated he would provide clarification on the plans as required by the remaining conditions in the September 23, 2003 Burke memo.

The Surveyor discussed the previous stated Section 14.f.13. of the Drainage Ordinance regarding stormwater detention on subdivision lots. Typically detention ponds are on outlots. While he understood the desire to have the ponds on lots for maintenance purposes, the original intent of this section was liability. He felt the waiver should not be consistently granted.

The Surveyor noted additional conditions as follows: Drainage Easements around both ponds and swales must be obtained. Swale grading and elevations must be noted for future reference as well as the outfall paths for the detention ponds. Paul stated in the future he would confer with the Surveyor at the very early stage of the rural estate subdivision plan process regarding the drainage plans.

KD Benson asked about Ordinance requirements for developers when adjoining landowners are involved in some way. The Surveyor stated a certified notice was the requirement. The intent of the Ordinance was to allow adjoining landowners to voice their concerns at the scheduled hearing. The Surveyor stated a review of that particular portion of the Ordinance might be warranted. In response to John Knochel’s inquiry, Tim Wells County Highway Engineer stated the proposed drainage plans would not have a significant impact on the drainage at 200 South and 800 East. He stated Mr. Coates had conferred with the Highway Dept. and Tim felt there would be a positive improvement for that area.

The Surveyor then recommended the approval of the waiver from Section 14.f.13 of the Drainage Ordinance that stated detention ponds couldn’t be located on individual lots. John Knochel made the motion to approve the waiver from Section 14. f. 13. of the Drainage Ordinance for Haggerty Hollow Subdivision. KD Benson seconded that motion and the waiver for Haggerty Hollow Subdivision was granted.

The Surveyor recommended final approval with conditions stated on the September 23, 2003 Burke memo as well as the conditions he had previously stated. John Knochel motioned for the final approval with conditions as stated on the September 23, 2003 Burke Memo as well as those noted by the Surveyor. KD Benson seconded the motion and final approval for Haggerty Hollow Subdivision was granted.

## **Steve Murray**

The Surveyor presented a Declaration and Grant of Off-site Storm Drainage Easement for signature approval. He stated the Drainage Board Attorney had reviewed the Easement. This covered an Easement between the outfall for the Storm sewer system to the existing pond on Coyote Crossing as well as an Easement around the pond at Coyote Crossing. The Surveyor recommended accepting the Easement and recording it. John Knochel moved to approve the Easement as recommended. KD Benson seconded the motion and the Easement was approved.

## **Maintenance Bond #5459211 / Lindberg Village Phase 3- Cushing Drive/ Fairfield Contractors Letter of Credit #51004886 / Hickory Hills 3<sup>rd</sup> Subdivision Phase 1 Section 2 /Eagles Nest Incorporated**

The Surveyor presented Maintenance Bond # 5459211 from Fairfield Contractors for Lindberg Village Phase 3 - Cushing Drive in the amount of \$6200.00. He then presented Letter of Credit #51004886 from Eagles Nest Incorporated for Hickory Hills 3<sup>rd</sup> Subdivision Phase 1 Section 2 in the amount of \$2307.00. Steve recommended both items for acceptance by the Board.

John Knochel made the motion to accept Maintenance Bond# 5459211 from Fairfield Contractors for Lindberg Village Phase 3 - Cushing Drive in the amount of \$6200.00 as presented. KD Benson seconded his motion. Maintenance Bond #5459211 amount \$6200.00 for Lindberg Village Phase 3- Cushing Drive was accepted by the Board.

John Knochel then recommended acceptance for Letter of Credit #51004886 from Eagles Nest Incorporated for Hickory Hills 3<sup>rd</sup> Subdivision Phase 1 Section 2 in the amount of \$2307.00. KD Benson seconded his motion. Letter of Credit #51004886 from Eagles Nest Incorporated for Hickory Hills 3<sup>rd</sup> Subdivision Phase 1 Section 2 in the amount of \$2307.00 was accepted by the Board.

## **Private Tile Update Klondike Road and Lindberg Road**

The Surveyor and Mr. Zach Beasley Project Manager for the Surveyor Office met with Mr. Swanson landowner of a tract South of Lindberg Road. They walked the route of a tile from Lindberg to Mr. Swanson's south line. There was a minimum of 6 – 8 tile holes along the route. The outlet was partially submerged and appeared to be caused by natural breakdown and erosion. The Surveyor stated there was a fair amount of fall. The Surveyor stated the area was about a quarter of a mile at most. The private tile was in bad condition and in need of general repair. There was a section just north of Mr. Swanson's south line where the tile appeared to outlet. He stated Mr. Swanson gave the history of the tile. Mr. Swanson stated he felt the outfall for the storm sewer of **Lindberg Village** that comes out on the south side of culvert underneath Lindberg Road was dumping more water on him and aggravating the situation.

## **Homer Schaffer/ Anson Drain**

At that time Steve informed the Board he had received a letter from Joe Bumbleburg inquiring the status of Mr. Homer Schaffer's drainage problem. The area in question was located on the Southwest corner of 850 North and 100 West. A large wetland exists just across Mr. Schaffer's property line. A branch of the Anson Drain runs through the wetland. The Anson Drain was listed on the Annual Surveyor's Report presented to the Board in February under "Drains in need of Reconstruction".

The Surveyor and Shelli Muller GIS Technician presented an overview of the area. Mr. Schaffer's concern was the growth of the wetland and the proximity to his home. The tile was found to be plugged through the woods to the east of CR 100W and most likely through the wetland also. The Surveyor noted the law stated when a regulated tile drain ran through a wetland, the County had the right to maintain it. For the branch to function properly, the Surveyor estimated two-three thousand feet of tile repair was needed at the cost of \$14.00 - \$16.00 per foot which totaled approximately \$32,000.00 - \$50,000.00. The Anson drain is a fairly large tile system and watershed. The Surveyor felt the watershed landowners would most likely not agree on reconstruction, as the per acre cost would be raised from the present \$1.25 to approximately \$5.00 - \$8.00 for the needed repair. In conclusion, there were two options: vacation of the tile, or a maintenance and/ or reconstruction hearing for the landowners involved. He also stated further investigation; a report and notification were required before a hearing could be held. The status of the tile and receipt of the letter from Mr. Bumbleburg regarding the tile was noted.

John Knochel moved for adjournment. KD Benson seconded the motion and 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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KD Benson, Member

**Tippecanoe County Drainage Board**  
**Minutes**  
**April 7, 2004**  
**Regular Meeting**

**Those present were:**

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

**Approval of March 3, 2004 Minutes**

KD Benson motioned to approve the minutes of the March 3, 2004 regular meeting and minutes of the March 3, 2004 Obstruction Hearing as written. Ruth Shedd seconded the motion and the minutes of the March 3, 2004 regular meeting and the Obstruction Hearing minutes were approved as written.

**Tippecanoe Shoppes Subdivision Lot 1**

Steve Murray stated this was a new lot in the Meijer area inside the city of Lafayette's limits. The concern was it discharged into a pond, which was part of the Alexander Ross Regulated Drain. While the submitted plan was reviewed by the Surveyor's office, the intent was not to present it to the Drainage Board. The pond was designed originally to handle future development and based upon the submittal, the original drainage plan for the Meijer property was followed. KD Benson made a motion to withdrawal Tippecanoe Shoppes from the agenda. Ruth Shedd seconded the motion. The motion was granted.

**Avalon Bluffs Section 1**

Brandon Fulk from the Schneider Corporation appeared before the Board to request a variance on the post-developed release rates and final approval for Avalon Bluffs Subdivision Section 1. This section was a part of the overall Avalon Bluffs Development. In addition to Section 1, a conceptual plan was submitted for the overall development.

The project was located on the south end of the County, east of County Road 250 East (Concord Road) between County Roads 450 South and 500 South. Benjamin Crossing Development was located directly north of this site. Brandon stated there were five (5) separate off-site release points for the overall development. The northern portion of the site drained to the Kirkpatrick Regulated Drain watershed and the southern portion of the site drained to the Kenny Ditch, which was a part of the Wea Creek Watershed. Brandon pointed out that a private tile in the northwest corner of the site would not be used for discharge. The proposed site would have three discharge points. Section 1 and Section 2 discharge point was located in the northeast corner with a minimal of direct discharge and utilized a detention pond. The outlet ran parallel to and conveyed under County Road 450 South and continued approximately 350 feet (350') east to Benjamin Crossing Development's site. Section 3 was in the conceptual stage at this point, and would drain to the south. Brandon stated the developer was aware of the surrounding landowner's concerns regarding the existing pond and ecosystem south of 500 South. The developer had directed Schneider to be proactive in meeting those concerns. All downstream owners would be contacted when they were closer to developing that portion of the site. A meeting would be held with the landowners for review of the plans.

Brandon stated they conferred with the conditions on the April 2, 2004 Burke memo, but did need to clarify #4 regarding the variance for the post development runoff deviation. When Benjamin Crossing Development was analyzed, basins W1 and W2 were one basin. That basin was split in two and the methodology was revised. A model of the total system to include the Benjamin Crossing site would be documented to show no adverse impact on the adjoining landowners by the decision to split the basin. He stated the Surveyor's office request for signage and boat ramp accessibility would be provided.

The Surveyor recommended granting a variance for the direct discharge into the Benjamin Crossing storm system. The discharge would not be on a downstream landowner. The developer had control of the property, which would receive the discharge, and the storm system was designed to handle it. Dave Eichelberger informed the Board; the increase occurred when you compared the ten-year post developed to the two-year pre developed which was the first stage and the second stage was one hundred year to the ten year.

Steve felt it would be prudent to grant the variance subject to the Surveyor's office final review. KD Benson motioned to grant the variance request subject to the condition as stated by the Surveyor. Ruth Shedd seconded the motion and the variance was granted. Steve stated he was prepared to recommend final approval with the conditions as stated on the April 2, 2004 Burke memo as well as the rerouting the Kirkpatrick Regulated Drain around the detention pond at the northeast side of the Benjamin Crossing development, including the installation of two ten inch (10") pipes for outlets and correction of the erosion and sediment problems at the conspan located at Concord Road and Kirkpatrick Ditch. Brandon stated they concurred with that. KD Benson motioned to grant final approval with the conditions noted on the April 2, 2004 Burke memo in addition to those noted by the Surveyor. Ruth Shedd seconded the motion. Avalon Bluffs Section 1 was granted a direct discharge variance and final approval with conditions. Those conditions were noted on the April 2, 2004 Burke memo, as well as rerouting the Kirkpatrick Regulated drain, installation of two ten inch (10") outlets for the pond in the northeast corner of the Benjamin Crossing development and erosion and sediment correction.

### **Boothe Farms Subdivision**

Robert Gross of R.W. Gross and Associates represented Greg Sutter and appeared before the Board to request a variance of the standard stormwater detention requirements and final approval for the Boothe Farms Subdivision project. The site consisted of ten and one tenth (10.1) acres located on the north side of County Road 700 North about one fourth (1/4) mile east of County Road 775 East in Washington Township and would contain five (5) residential lots. Wentworth Lane, a twenty-foot (20') wide paved road, would provide access from County Road 700 North. Most of the site discharged to an existing open ravine at the northwest corner of the property, then approximately three fourths (3/4) of a mile north to the Wabash River. A 24" culvert conveyed runoff from the northeastern portion of the site to the west side of Wentworth Lane and eventually discharged into the ravine through a stormwater swale. Due to the amount of runoff from the site, a variance was requested. When modeling the project small changes were noted on the existing conditions to the proposed conditions. The runoff would increase slightly. The two-year runoff was increased from 21 cfs to 23 cfs, ten-year from 42 cfs to 46 cfs, and the 100-year from 71 cfs to 80 cfs. A rock dam to minimize erosion would be installed at the most upstream portion of the open ravine.

The Surveyor recommended granting the variance subject to the installation of riprap to help stabilize the ravine in addition to a covenant to restrict the amount of impervious area. KD Benson made a motion to grant the waiver subject to the Surveyor's conditions. Ruth Shedd seconded the motion and the variance was granted. The Surveyor recommended final approval with conditions as stated on the April 2, 2004 Burke memo. KD Benson motioned to grant final approval with the conditions stated on the April 2, 2004 Burke memo. Ruth Shedd seconded the motion. Boothe Farms Subdivision was granted final approval with the conditions stated on the April 2, 2004 Burke memo.

### **OTHER BUSINESS**

#### **Revised NPDES Phase II Stormwater Quality Management Plan and Permit Contract**

The Surveyor presented to the Board a revised NPDES Phase II Stormwater Quality Management Plan and Permit contract with Christopher B. Burke Engineering for additional fees. The cost was shared between Tippecanoe County, City of Lafayette, City of West Lafayette and Purdue University. When the original contract was executed approximately two years ago, Rule 13 was not finished and deadlines were moved back. The NPDES project team had reviewed the revision to the contract. The cost covered additional meeting attendance, technical guidance through the process, development assistance of the Phase II website (program requirement), as well as reformatting the individual ordinances into one comprehensive ordinance. Tippecanoe County's portion of the revised contract amount would be \$22,000.00, City of Lafayette's \$16,000.00, City of West Lafayette's \$12,000.00, and Purdue University's portion would be \$10,000.00. The two cities and the University were in the process of executing the revision at the present time. As the monies were available, the Surveyor recommended granting the increase in the contract for Phase II with Christopher B. Burke Engineering. KD Benson motioned to approve the contract revision with Christopher B. Burke Engineering and Ruth Shedd seconded the motion.

**Winding Creek Section 1/Reduction of Drainage Easement/ County Farm Regulated Drain**

A request to modify the Legal Drain Easement of the County Farm Regulated Drain had been received by the Surveyor’s office for a part of Lots 45 and 46 of Winding Creek Section 1 Subdivision. The request involved the reduction of the current seventy-five feet (75’) Easement to fifteen feet from the centerline of the tile across lots 45 and 46 in Winding Creek Section 1 Subdivision. Dave Luhman had reviewed the request and stated since the parties had not signed it, the Board should approve the form itself. Once the parties submitted a signed request the Board could then sign it. KD Benson moved to approve the form and authorize the signing of the Easement once received with proper signatures. Ruth Shedd seconded the motion and the modification of the Legal Drain Easement was granted once the proper signatures were obtained.

**Boland Heights/ Reduction of Easement/ Branch 1 of Branch 4 of S.W. Elliott Regulated Drain**

The Surveyor presented a request to modify the Regulated Drain Easement for a portion of Branch 1 of Branch 4 of the S.W. Elliott Regulated Drain located in Boland Heights Subdivision. The requested modification was to reduce the existing seventy-five feet (75’) from the tile’s centerline to fifteen feet (15’) each side of the centerline of the tile for a total of a thirty-foot (30’) overall Easement. The portion of the Branch in question was located in Section 17, Township 22 North and Range 3 West and also a part of tract fourteen (14) and nineteen (19), as shown on the Plat of Survey recorded Document Number 98-06220.

KD Benson motioned to grant the Easement Reduction as presented by the Surveyor. Ruth Shedd seconded the motion and an Easement Reduction for a portion of Branch one (1) of Branch four (4) of the S.W. Elliott Regulated Drain was granted as presented to the Board by the Surveyor.

As there was no other business before the Board, KD Benson motioned to adjourn. 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**  
**August 4, 2004**  
**Regular Meeting**

**Those present were:**

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

**Approval of July 7, 2004 Minutes**

KD Benson made the motion to approve the July 7, 2004 Drainage Board minutes and Ruth Shedd seconded the motion. The July 7, 2004 Drainage Board Minutes were approved.

**Elliott Ditch/Richard & Marilyn Smith**

Mrs. Marilyn Smith 4340 Newcastle Road Lafayette Indiana approached the Board to express her concerns with the Elliott Ditch. Mr. Richard Smith was also in attendance. Mrs. Smith stated as owners of the Black Walnut Farm on Newcastle Road they had been involved with drainage for a number of years. She stated the following:  
Quote "The Elliott tile portion from our farm which is the beginning of the tile portion up to 400 South was replaced in 1993. It was replaced with a vinyl nylon covered tile the purpose of which was to keep soil and other things from getting into the tile so that the water would flow freely. The tile system was not meant to be a sewer system and by the installation of a drain across the road at Boland Heights, they put in a storm drain. I watched on June 11<sup>th</sup> when we had so much rain, much gravel and dirt went into that drain. I feel that it is plugged up at that point. Our low land did not drain and it is still wet. Across the road what is farmed by John Rice, the water is still standing and it should have been drained a long time ago. We had an unusual amount of water at that time as you know and we do realize that the contour of the land around our area is such that water is going to find its way to our low land. However it has drained quite well since 1993 until this year. I do feel that this storm drain, which I have pictures to show you shows dirt around the storm drain these were taken this week. They have dug a ditch and funneled the water into this tile drain and made it into a storm sewer and it should never have been done in this manner. We would like action to take this up and clean out the tile, which I think is plugged at this point, partially plugged, and return it to the tile system it was intended to be. We have other problems with this drainage system. The water from the Dismal Ditch, formally Ilgenfritz Ditch also finds its way to our pond, our low land. In 1982, Alvin Pealot dug away the levy so that the water from that watershed would come down into our low land. The County at this time didn't want to make him unhappy nor did they want to make Mrs. Shrock unhappy by cleaning out that ditch so that the water would go down the Dismal ditch, as it was suppose to do. We have been unhappy because of this but it didn't make any difference us being unhappy. They didn't want to cross Alvin Pealot and Mrs. Shrock. So this is another area that needs attention. That ditch needs to be cleaned out so that the water that goes down the proper channel. There are many problems associated with our drainage problems. Those are the two major ones. We would appreciate your attention to this matter. Thank you." Unquote

At that time John Knochel referred to the Surveyor. The Surveyor stated he had received both of their letters. He had intended to respond after he investigated all the points that were brought up. The office had checked some of them already. There was a little bit of dirt at the bottom of the tile at Boland Heights and that would be cleaned out. He stated he had asked them to seed that and they had not. He had made several visits to that location since the rain a month ago. The office was still investigating. He has also spoke with Mike Peabody who farms the Pealot ground now. As soon as the crops were out, he would go back in with Mr. Peabody and take a look at that concern. The outlet at the railroad tracks at S.R. 38 was surveyed just last week and it appeared that it was partially obstructed. When Mike Spencer replaced that stretch of the Elliott, Steve was Highway Director and so was familiar with the drainage problem. He was onsite last week and spoke with one of the tenant farmers that farm with Jack Lahrman. Every standpipe and inlet found from the outlet to the Smith's property had been checked repeatedly. At this point a *major* obstruction had not been found. Assuming the shots prove true on the partially obstructed outlet, he would try to get it cleaned out this fall. As of last week the tile was running about half full and flowing well. While the water was standing in the Smith's low area, the water was backed up in standpipes 3-5 feet. This led him to believe there could be a blockage somewhere. Presently since the water is down it seemed to be running well. Steve noted as soon as the crops were out- the tile would be checked for breakdowns or blowouts. Also he would look at the situation between Ilgenfritz and Elliott. He would respond to each and every one of Mr. & Mrs. Smith's questions and concerns. He stated he would meet with Mr. & Mrs. Smith on site to review his findings. John Knochel thanked Mr. & Mrs. Smith for their attendance and comments.

### **Lindberg Village G.B. Land**

Tim Beyer with Vester & Associates appeared before the Board to present Lindberg Village General Business land and request conceptual approval. The developer, Derrin Sorenson, was in attendance as well. The site was located on 13.23 acres at the southeast corner of Lindberg Village Subdivision west of County Road 300 West (Klondike Road) between County Road 200 North (Lindberg Road) and County Road 250 North.

Tim presented an overall view of the Lindberg Village development for the Board. He stated the drainage plan was approved in March 2001. In the original drainage report there were approximately 4.4 acres in the southeast corner of the site that ran directly into the storm sewer and outlet into the drainage channel downstream of the site. An additional 2.25 acres in the southeast corner could outlet into the existing storm sewer while staying within the previously approved release rates from the pond to include the downstream channel runoff rates. The G.B. area outlet into the storm sewers on the north side of Lindberg Road then crossed the road (West of Klondike) to the south side and eventually to the drainage channel downstream. Tim stated the 2.25 acres was originally designed to go to the pond and based on the analysis there was no change to the previously approved release rates.

The Surveyor agreed the analysis was within the ordinance, however the Board had been inundated with complaints from a couple landowners in that area. He felt the drainage for the overall area was probably improved; however the outlet to the west of the development was an old regulated drain not under maintenance. The tile southeast of the site was also private with several breakdowns and outlet approximately 800 to 1000 feet south of Lindberg Road. The problem was with the old tile system and although the volume of water had not increased, the same amount of water for a longer period of time would complicate and increase the problem to the tile system. This tile was the major problem for Frances Gaylord to the north and east of the intersection. In response to K.D.'s inquiry Dave Eichelberger stated there would be no change in the volume or peak runoff. The Surveyor has had previous discussions with the developer and the project's engineers of intercepting the water in the ditch located on the west side of the ditch along Klondike and incorporating it into their system. Steve noted there were at least one-maybe two culverts under Klondike Road. The Developer stated a substantial swale had been constructed to keep water off of the Sturgeon property. Tim Wells noted there was a catch basin at the southeast corner of the Sturgeon property.

After the discussion, K.D. Benson made the motion to grant conceptual approval for the Lindberg Village General Business land and Ruth Shedd seconded the motion. Lindberg Village General Business land was granted conceptual approval.

### **Tipmont REMC Concord Station**

Alan Jacobson with Fisher & Associates appeared before the Board to present Tipmont REMC Concord Station and request final approval. The project was located on 1.183 acres on the south side of County Road 800 South and east of County Road 350 East (Concord Road) in Lauramie Township. (Previously the site was platted as Outlot 1 in McCool Minor Subdivision.) Access to the electrical distribution substation would be from County Road 800 South and a 12-inch metal culvert would be installed under the drive. An on site detention pond was proposed. The existing drainage flowed downhill through a natural channel, passed under a culvert at the intersection of Concord Road and 800 South and ultimately discharged into Wea Creek. Two transmission bays would be constructed however only the South Bay would be built at this time. Due to the path of the runoff this project was brought in front of the Drainage Board. Steve stated as a standard rule and due to the increased amount of drainage calls/ complaints, the documentation of downstream drainage would be required for approval of projects. Alan stated although a visual inspection had been done the written documentation was pending. Notification to the downstream owner was completed.

The Surveyor recommended final approval with conditions as stated on the July 29<sup>th</sup>, 2004 Burke memo, as well as revision of the word "should" to "shall" in Condition 1. KD Benson made the motion to grant final approval with conditions as stated by the Surveyor. Tipmont REMC Concord Substation was granted final approval with the conditions as stated on the July 29<sup>th</sup> Burke memo as well as the revision stated by the Surveyor.

### **Mason's Ridge**

Pat Jarboe with T-Bird Designs appeared before the Board to present Mason's Ridge and request a waiver of the Standard Stormwater requirements as well as final approval. The site was located on 64 acres across from the new Wea ball fields and immediately northeast of the intersection of County Road 150 East (South 18<sup>th</sup> Street) and Wea School Road. It would provide 90 single residential lots. The watershed of approximately 240 acres was involved with this project. An existing channel south of the subdivision site between Wea School Road and County Road 150 East would be cleaned and regraded. Hickory Ridge Subdivision lies to the east and Crestwood Subdivision Part Two to the north. The project would incorporate stormwater discharges from these developments into the proposed storm sewer drainage system. Pat stated due to the direct release to Wea Creek and location of the site within the Wea Creek watershed a waiver was warranted. Pat stated the

floodway of the Wea Creek was substantially outside and to the south of Wea School Road. The plan was to remove the lower portions of the subdivision out of the flood plain entirely and the conveyance would travel through the remaining portion of the flood plain. Pat stated the flood plain certification was presently pending at APC. The Surveyor noted the project could not move forward without the certification. Pat stated that a Drainage Easement would be recorded and obtained from the downstream owner John Decker. The Surveyor recommended granting the waiver of the Standard Stormwater requirements. KD Benson motioned to grant a waiver of the Standard Stormwater requirements. Ruth Shedd seconded the motion and a waiver for the Standard Stormwater requirements was granted. The Surveyor then recommended final approval with the conditions on the July 29, 2004 Burke memo also a condition for the requirement of a Public Drainage Easement for the area of Wea School Road and South 18<sup>th</sup> Street- the John Decker property. Also condition number four to include independent testing and certification by a professional engineer. Ruth Shedd seconded the motion. Mason's Ridge was granted final approval with conditions listed on the July 29<sup>th</sup>, 2004 Burke memo as well as the recorded drainage easement from the downstream owner and the addition of required independent testing certification to condition four of the aforementioned Burke memo.

#### **Shawnee Ridge Phase 4**

Tim Beyer with Vester & Associates appeared before the Board to present Shawnee Ridge Phase 4 and request a waiver from the Standard Stormwater requirements as well as final approval.

The site was located on 52.2 acres north of County Road 600 North and east of State Road 43 in Tippecanoe Township and would provide 79 single-family lots. Twelve (12) acres of the site lie within the flood plain of Burnett Creek. The site was north of the previous phases and east of Hawks Nest Subdivision. The runoff would be collected and routed to either an existing dry bottom detention pond constructed previously during Phase 1 or a wet bottom detention pond to the north end of the site. Also a portion of the site would drain to an existing ravine on the east side and eventually to Burnett Creek.

As the developer was reluctant to remove the natural vegetation at that location, in a 100-year storm a very small portion of the pond would encroach onto the lots. Tim requested a waiver for the wet bottom detention pond to be located on residential lots (Outlot B). Tim stated the backup would amount to approximately a foot of water in a 100-year condition. Therefore to leave the vegetation in its natural state a request for a waiver of the Standard Stormwater requirements was warranted. He then requested final drainage approval for Shawnee Ridge Phase 4. With the condition of a satisfactory covenant protecting the vegetation aforementioned, the Surveyor stated he was prepared to recommend a waiver for the Standard Stormwater requirements for the Shawnee Ridge Phase 4. At that time John Knochel asked for any public comments.

Vicki Gossen of 6319 Gallegos Drive Lafayette Indiana otherwise known as lot 39 of Hawks Nest Subdivision Phase 3 approached the Board. She expressed her concern for the drainage conditions of the previous phase and in particular the west side of the project site or Outlot A. The drainage of Outlot A had caused severe erosion of the ravine that meandered through Hawks Nest. She stated erosion maintenance had been done on the ravine, however the continued erosion presented a real and present concern for the lot owners involved. She had spoke at the March Area Plan meeting and at that time was encouraged to attend this meeting. With the rain events to date the erosion had worsened. The footers underneath her retaining wall were exposed carrying away up to a foot of dirt during the June rainfall event. After the June rainfall a culvert on the upstream side of the ditch was completely under water and shooting water at the outlet. She noted the pond had drained within four (4) hours. This caused huge boulders on the Oliveras property (installed to protect the bank) to fall away from the bank. Vicki stated since the riprap at the outlet was replaced and cement added, what did slow the runoff down somewhat now released it at a much faster rate. The Surveyor, local DNR Soil & Water representative Sue Gerlach, regional DNR Urban Water representative Chuck Westfall made a site visit after the rainfall. Mr. Westfall stated he would speak with the developer and try to reach a solution. Vicki requested immediate action for the following safety concerns: Two (2) 15-inch drains had no covering and an abandoned "well or culvert" had an open grate covering. She then presented the Board with a review of Phase 4 Drainage Study from Sue Gerlach DNR Soil & Water Representative containing several bullet points and pictures of the area in question. Margaret Olivares of 5331 Gallegos Drive Lafayette Indiana also known as lot 42 Hawks Nest Subdivision Phase 3 then approached the Board. She stated they have sustained extensive damage to their yard due to the condition of the ditch. In five years she had witnessed a much faster flow of water not an increased amount of water. She also expressed the need of a solution to this problem.

The Surveyor stated he had made several site visits to both the Shawnee Ridge development site as well as the Hawks Nest subdivision site. He had walked the ravine system from Shawnee Ridge Pond to the Hawks Nest Pond on two occasions. In addition, he had walked from the Shawnee Ridge pond to a couple lots past the Gossen property on many occasions. He stated there was definitely an erosion problem. It was obvious the water was moving very fast when the black plastic temporary outlet pipe blew the all the way down to the Hawks Nest pond and caused erosion of the ditch. The pond had topped three times and each time it was repaired. The last time the depth of the riprap was increased and grouted. He had not

made a site visit since that was done a couple weeks ago. He felt with some maintenance work the channel could be reinforced and realigned. He stated however, the developer was within the conditions of the ordinance. He then discussed with the developer Mr. Brian Keene suggestions made by Mr. Westfall of DNR. Mr. Keene stated he was meeting with Mrs. Olivares after the meeting to discuss ways of stabilizing the bank. Regardless of the development the Surveyor stated it was a ravine and erosion could be expected after heavy rains. However it was his opinion over the last three or four years, the topping of the dam and the blowing out of the temporary dam had accelerated the erosion of the ravine. He felt it would be fair for the developer to offer some remedy that would assist in the expense of the maintenance needed. The Surveyor then asked Tim Beyer if he had revisited the calculations since the blowout of the temporary structure. Tim stated to date he had not, but would review those again.

The Surveyor then noted other concerns with this project were the grading plan and the building pad elevations. He expected Mr. Beyer to work out those issues with him to insure the preservation of as many trees as possible. He believed easements were warranted. Vicki Gossen asked if the bullet points from Sue Gerlach would be considered as well. She felt bullet point # 4 specifically should be implemented. The Surveyor would review and give the points due consideration. He felt there were good comments, but some were outside of the County Ordinance.

K.D. Benson suggested a special Drainage Board meeting in the next couple of weeks to give the parties a chance to iron out their problems. Tim noted that they were required to submit plans to Sue Gerlach for approval and any comments she may have. The Surveyor then gave permission to the Developer to begin construction of the North Pond. Vicki stated she did not have a problem with that. KD Benson made the motion to grant a waiver for the Standard Stormwater requirements and Ruth Shedd seconded the motion. A waiver for the Standard Stormwater requirements for Shawnee Ridge Subdivision Phase 4 was granted. KD Benson then made the motion to continue Shawnee Ridge Subdivision Phase 4 project until August 17, 2004 at 1 p.m. Ruth Shedd seconded the motion and Shawnee Ridge Subdivision Phase 4 project was continued until August 17, 2004 at 1 p.m. KD Benson thanked the developer Brian Keene and Tim Beyer for their willingness to work together to find a solution to the problems at this site.

**Steve Murray**  
**Carrington Estates/ Swales**

KD asked the Surveyor if he had a chance to review the complaints by Patti Mason in regards to swales at Carrington Estates. Steve stated he had sent his project manager out this morning to the site to take pictures and had not had a chance to review. KD requested the Carrington Estates/Swale issue be added to the agenda for the August 17<sup>th</sup> meeting at 1 p.m. John Knochel instructed the secretary to add the Carrington Estates/swale issue to the agenda for the August 17<sup>th</sup> meeting at 1 p.m.

As there were no more public comments, KD Benson motioned to adjourn the meeting. 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**  
**Regular Meeting**  
**October 13, 2004**

**Those present were:**

Tippecanoe County Drainage Board President John Knochel, Vice President KD Benson, member Ruth Shedd, 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 September 1, 2004 Regular Meeting Minutes**  
**Approval of September 27, 2004 Special Meeting Minutes**

KD Benson made a motion to approve the September 1, 2004 Drainage Board Regular Meeting minutes as well as the September 27, 2004 Special Meeting minutes. Ruth Shedd seconded the motion. The Regular Meeting minutes as well as the Special Meeting minutes were approved as written.

**Shangri La Estates Subdivision**

Robert Grove P.E. represented George and Ruby Tsao and appeared before the Board to request final approval for Shangri La Estates Subdivision. The site consisted of approximately forty-six (46) acres located at the southwest corner of the intersection of County Roads 450 North and 300 West. An open channel portion of the E.W. Andrews Ditch existed at the site from the northwest corner to the southwest corner. The open channel at this site was not part of the regulated portion of said drain. Three (3) in-channel detention ponds would be constructed along the open channel. Since an existing detention basin with Stonehenge Development outletted onto the project site, the outflow would be diverted down the west line across to the south line and into the existing channel. An approximately two hundred (200) acre watershed upstream would be conveyed through the detention ponds.

Mr. Grove stated that the Project's Manager Mr. Glen Stockment and he had met with Mr. & Mrs. Bill Kepner downstream landowners concerning the open channel. They reached an agreement whereby the developer would straighten the open channel at the northeast quarter of Mr. Kepner's tract as well as install riprap at the northeast corner of Scott & Teresa Kepner's property line, and the northwest corner of Julia Kepner's property line. For future reference, the developer would provide letters of agreement from each of the landowners. John Knochel then asked for public comment. Bill Kepner of 4120 North 300 West approached the Board and stated his property as well as his son and daughter's property bordered the full length of the southern part of the site. He then reminded the Board he had attended the Special Drainage Board meeting on September 24<sup>th</sup> 2004, and 100% of the site's drainage crossed their land. He confirmed the developer agreed to straighten out the "creek" on his property line with the outlet, fill in the old creek bed to minimize damage to his front yard, and level the outlet with the old creek bed. They also agreed the runoff, which entered his son's property, would be at the same level and in line with his son's creek, and to installing riprap as needed to reduce damage. He then stated they had agreed the ditch along Scott Kepner's property line would be at least five feet from the line to save the existing hickory and oak trees at that location. The stated agreements satisfied the Kepner's concerns regarding Shangri La Estates' drainage upon their tracts of land. He thanked the Board for their time. John Knochel asked if Scott or Julia Kepner were in attendance. Mr. Bill Kepner stated they were not, however they did agree with his statements.

The Surveyor recommended final approval for Shangri La Estates with conditions as stated on the September 17, 2004 Burke memo as well as the additional condition of required agreement letters from downstream owners Bill Kepner, Scott Kepner & Julia Kepner. KD added the condition of an acknowledgment letter from Ed & Martha Cox and Marjie Sheese be provided for the record as well. KD then made the motion to grant final approval for Shangri La Estates Subdivision with the conditions stated on the September 17, 2004 Burke memo as well as a condition for the provision of agreement letters from Bill Kepner, Scott Kepner, Julia Kepner and acknowledgment letters from Ed & Martha Cox and Marjie Sheese. Ruth Shedd seconded the motion. Shangri La Estates was granted final approval with conditions as stated on the September 17, 2004 Burke memo as well as a condition for the provision of agreement letters from Bill Kepner, Scott Kepner, Julia Kepner and acknowledgment letters from Ed & Martha Cox and Marjie Sheese.

## **Stoddard Development Warehouses**

Brandon Fulk of Schneider Engineering Corporation appeared before the Board to request final approval for Stoddard Development Warehouses. The site, immediately south of the Norfolk and Western Railroad and located along the north side of County Road 350 South between U.S. 52 and County Road 500 East, consisted of approximately 37 acres adjacent to the Bencyn Industrial Subdivision. The runoff from the project site passed through a large depressional storage area, then north to the railroad right-of-way. Special characteristics to the site were Regulated Drain Branches 2 and 12 of the Elliott Ditch and the F-Lake Detention Facility to the east. The size of the warehouse would be four hundred thousand square feet. Future development would be an addition of one hundred square feet. Brandon noted the clay culvert under the railroad tracks was "suspect", therefore onsite detention was proposed. On the east side of the development would be an elongated pond. On the south side a more traditional oval pond was part of the plans. Brandon stated since the ponds were oversized they would provide a regional effect. While onsite detention was planned, Brandon noted due to the site being a tributary to F-lake, the client had agreed to pay any fees associated with F-Lake. Brandon then requested final approval for the Stoddard Development Warehouses.

The Surveyor confirmed the site was tributary to F-lake and would be assessed the associated fees. The Surveyor noted a \$15000.00 per acre/foot would be assessed for the F-Lake Storage fees. (He noted the F-Lake Storage Facility project was planned for early next year, dependent on the availability of EDIT funds and cost associated with the Berlowitz project.) It was not unusual to look at temporary storage, and he noted this had been done in the past. Once F-Lake and the conveyance system to F-lake were in place, the site's ponds could be eliminated. The Surveyor then clarified condition two (2) of the October 8, 2004 Burke memo stating the Drainage Board, in accordance with Indiana Code, was also required to approve any relocations or vacations of the drainage tiles. Brandon stated his client did anticipate returning to the Board concerning the onsite tile relocations and/or vacations. The Surveyor stated the locations of those tiles would be field-verified. Responding to John Knochel's request the Surveyor, utilizing GIS, reviewed the site for the Board.

The Surveyor then recommended final approval for Stoddard Development Warehouses with conditions listed on the October 8, 2004 Burke memo while noting the clarification of Condition two (2) and an additional condition of the required assessed fees associated with the F-Lake storage facility. In response to KD's inquiry, Brandon Fulk stated his client anticipated a future request to the Board regarding any planned relocations or vacations of the aforementioned drainage tiles. KD Benson made the motion to grant final approval for Stoddard Development Warehouses with conditions as stated on the October 8, 2004 Burke memo, as well as clarification of condition two (2) as stated by the Surveyor and the condition of required storage fees associated with the F-Lake storage facility. Ruth Shedd seconded the motion. Stoddard Development Warehouses was granted final approval with conditions as stated.

## **Blackthorne Subdivision Phase 2**

Tim Beyer of Vester & Associates appeared before the Board to request final approval for the Blackthorne Subdivision Phase 2 development. The site was located southwest of the intersection of U.S. 52 and Klondike Road. Indian Creek Subdivision was located to the west of the development. The project consisted of ninety-eight (98) single-family residential lots on approximately twenty-nine (29) acres of the Planned Development's site.

Tim stated Phase 2 drainage and detention requirements were previously reviewed as part of the overall development's drainage plan. On and off-site watersheds would be routed through the Phase 2 detention pond, then downstream to the existing Phase 1 north pond before entering Indian Creek. Indian Creek ran north of the site. He noted the only revision was the pond's size increase of approximately twenty-five percent (25%). Phase One (1) of the Blackthorne Planned Development was granted final approval in December 2001. Tim requested final approval for Blackthorne Subdivision Phase 2. The Surveyor recommended final approval with the conditions as stated on the September 29, 2004 Burke memo. KD Benson made the motion to grant final approval for Blackthorne Subdivision Phase 2 with conditions as stated on the September 29, 2004 Burke memo. Ruth Shedd seconded the motion. Blackthorne Subdivision Phase 2 was granted final approval with the conditions as stated.

**OTHER BUSINESS**

The Surveyor presented a three-year Maintenance Bond for acceptance from Fairfield Contractors through Great American Insurance Company numbered 4175872 for Lindberg Village Part 5 in the amount of \$12, 200.00. KD Benson made a motion to accept the Maintenance Bond. Ruth Shedd seconded the motion. Maintenance Bond #4175872 for Lindberg Village Part 5 was accepted as presented.

**Brookfield Farms/Brookfield Heights Drain Update**

The Surveyor stated he had met with the Brookfield Farms / Brookfield Heights Homeowners Association on October 12, 2004. The Association determined to continue with the county regulated drain assessment process. He stated he would confer with the Board at a later date regarding a specific time and date for the hearing.

**Carrington Estates**

Melinda Adams of 3063 Stratus Drive West Lafayette, Indiana approached the Board. She stated she had read an article in the Journal & Courier newspaper, which stated Brian Keene of Gunstra Builders appeared before the Board at the September Drainage Board Meeting. She asked if anything had been resolved regarding the drainage issue at her location. The Surveyor stated elevation shots had been taken by his office. However he was not ready at this time discuss the issue with the Board and / or make any recommendations. At her request the Surveyor stated she would be notified when the issue was presented to the Board again.

**Clay Tiles under Railroads**

KD Benson asked the Surveyor how old clay tiles were maintained under railroads. The Surveyor stated there was a specific process to follow per Indiana Code and noted the process proved to be difficult at best.

John Knochel asked for public comment. As there was no public comment, KD Benson made a motion to adjourn. Ruth Shedd seconded the motion. 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  
December 8, 2004  
Regular Meeting**

**Those present were:**

Tippecanoe County Drainage Board President John Knochel, Vice President KD Benson, member Ruth Shedd, 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 Shelli Muller GIS Technician – as acting Secretary, Drainage Board Secretary Brenda Garrison was absent

**Approval of minutes**

KD Benson made a motion to approve the October 13, 2004 Drainage Board minutes. Ruth Shedd seconded the motion. As there were no objections, the motion carried and the October 13, 2004 minutes were approved as written.

**Dollar General**

Dave Eichelberger from Christopher Burke Engineering presented Dollar General to the Board in lieu of the absence of a representative from Myers Engineering. The project site consisted of approximately two and a half (2.5) acres and was located south of U.S. 52 on the east side of County Road 300 West (Klondike Road) north of County Road 250 North.

Stormwater would be temporarily stored within two detention swales on the site. One swale would be located at the south side of the parking area, and one located at the northwest corner of the parking area. Both swales would outlet into the ditch along County Road 300 West (Klondike Road). An existing pipe would carry the flow north of the project site. Runoff from the site eventually discharged to Indian Creek.

The Surveyor recommended final approval for Dollar General with the conditions as stated on the December 2, 2004 Burke memo. In response to KD's inquiry, the Surveyor stated the project would also be subject to the County Highway's approval. At that time, KD made a motion to grant approval to Dollar General with the conditions as stated on the December 2, 2004 Burke memo, as well as approval from the County Highway department. Ruth Shedd seconded the motion. Ruth Shedd stated she was unhappy a representative from the Engineering firm for the project was not present at today's meeting.

Dollar General was granted final approval with the conditions as stated on the December 2, 2004 Burke memo and the added condition of approval from the County Highway Department. The Surveyor also requested the Highway Department conduct a review of the side ditch. He stated historically there had been problems with it in front of the fire station.

**Love Tree Farms**

Randy Peterson from Fisher and Associates appeared before the Board to request a waiver of the Standard Stormwater requirements, as well as final approval for Love Tree Farms Planned Development. The site consisted of approximately ten (10) acres and was located south of the intersection of County Roads 100 North and 775 East.

As the site was situated on steeply wooded ground, Randy stated the intent of the developer was to maintain the natural surroundings. An existing twelve foot (12') private drive would provide egress and ingress to the five (5) residential lots. He stated covenants for the subdivision limited the clearing of each building lot to the minimal extent. The Surveyor informed Randy an actual percentage of clearance would be required in the covenants. Randy then stated improvements would be made to the existing drive as well as acceleration and decelerations in the right-of-way improvements along County Road 100 North. Off-site and roadway runoff would be conveyed in newly constructed roadside drainage swales to an outlet swale extending from the end of the drive to Wildcat Creek. The outlet swale would include a French drain to provide control of stagnant water and sedimentation. Due to the minimal discharge from the site, a waiver of the Standard Stormwater Detention requirements was requested. Easements were in place for access and maintenance of the swales.

The Surveyor noted the December 2, 2004 Burke memo stated South Fork of the Wildcat Creek incorrectly, as it was the Middle Fork of the Wildcat Creek. With that said, he stated he thought the design was the best use of the project site. The Surveyor then inquired if the drainage easements had been revised as requested. Randy stated they were revised from ten feet (10') to twenty feet (20'). The Surveyor also inquired if the drainage easement had been extended to the bank of the Middle fork of Wildcat Creek. Randy stated while platted as an outlot, the existing conservation and drainage easement would also provide the required access up to the Creek.

The Surveyor recommended granting a waiver for the Standard Stormwater Detention requirements. Randy then reviewed the natural drainage and the flood plain for KD. She made a motion to grant a waiver of Stormwater Detention requirements for Love Tree Farms Planned Development. The Surveyor then recommended final approval with conditions as stated on the December 2, 2004 Burke memo, as well as conditions related to the width of the drainage easement and its extending to the Wildcat Creek bank. KD made a motion to grant final approval to Love Tree Farms Planned Development with the conditions as stated on the December 2, 2004 Burke memo, along with the additional conditions. The Surveyor then reiterated the added condition for the clearing of each building lot reflect a percent impervious to each lot in the covenants rather than a general statement in the covenants. Ruth Shedd seconded the motion including the added condition stated by the Surveyor. Love Tree Farms Planned Development was granted a waiver for the Standard Stormwater Detention Requirements along with final approval with conditions as stated.

#### **Winding Creek Section 1 Lot 140 Easement Vacation**

The Surveyor presented a request from C& S Engineering regarding a vacation of the Drainage and Utility Easement on Lot 140 in the Winding Creek Section 1 Subdivision. Dave Luhman stated the Commissioners had previously granted a waiver for the utility part of the easement, therefore only the drainage easement vacation was the issue at hand. This request was due to the replatting of Winding Creek Subdivision. The Surveyor recommended granting the drainage easement vacation for Lot 140 of Winding Creek Section 1. KD made a motion to grant a drainage easement vacation for Lot 140 of Winding Creek Section 1. Ruth Shedd seconded the motion and the vacation was granted.

#### **Stones Crossing Commercial Subdivision**

##### **J.N. Kirkpatrick Regulated Drain Branch #5**

Dan Teder Attorney represented G&L Development and appeared before the Board to request a relocation of the J.N. Kirkpatrick Drain Branch #5 in Stones Crossing Commercial Subdivision. The Board reviewed a copy of the plat provided with the request. The Surveyor stated per Indiana Drainage Code, an individual was allowed to relocate a regulated drain on their property at their own expense. He stated adequate engineering drawings were provided to the Surveyor's office.

The Surveyor recommended granting the request for relocation of a portion of Branch #5 of the J. N. Kirkpatrick regulated drain as shown in exhibit "B" at their own expense. KD made a motion to approve the relocation request for a portion of Branch #5 of the J. N. Kirkpatrick Regulated Drain. Ruth Shedd seconded the motion and the relocation request was approved.

Dan Teder then requested a partial vacation of Branch # 5 of the J.N. Kirkpatrick Regulated Drain. Exhibit "B" of the petition showed the location of the request. Dan stated in April of 2003 the Drainage Board approved a reduction of the drainage easement (from 75' to 25') for Foxfire Development with the indication that it would be done for this project as well. The Surveyor explained to the Board originally that particular easement was obtained as a part of the 350 South project. It was the outlet for the side ditches of 350 South. He stated that former County Surveyor Mike Spencer and he had worked out an agreement to buy the easement, run it down, dissipate it to sheet flow across the ground reaching the James N. Kirkpatrick Branch #5 Regulated Drain. With new development in the area, a new ditch had been constructed and the easement width was no longer needed. He went on to state the Board of Commissioners purchased the original drainage easement with the ability to assign the easement to the Drainage Board. He recommended granting partial vacation of the drainage easement. He reiterated the Commissioners purchased the drainage easement in question for the County Road 350 South project.

The Surveyor then stated since Branch # 5 had been intercepted upstream and downstream, a partial vacation of Branch #5 of the James N. Kirkpatrick was warranted as it was no longer needed. KD Benson made a motion to vacate a portion of Branch #5 of the J.N. Kirkpatrick Regulated Drain as shown on Exhibit "A" and Exhibit "B". Ruth Shedd seconded the motion and the partial vacation was granted as presented.

#### **Stoddard Warehouses**

##### **S.W. Elliott Regulated Drain Branch # 2 & #12**

Brandon Fulk of Schneider Corporation represented Stoddard Development and appeared before the Board to request the relocation of Branch #2 of Branch #12 and Branch #12 at the Stoddard Development Warehouse site. The project site was located immediately south of the Norfolk and Western Railroad, and located along the north side of County Road 350 South between U.S. 52 and County Road 500 East, adjacent to the Bencyn Industrial Subdivision. The tiles were excavated with a representative of the Surveyor's office on site and found to be active. Brandon requested the approval for the relocation of Branch # 12 of the S.W. Elliott Regulated Drain along the site's east boundary. He also requested approval for relocation of

Branch #2 of Branch #12 of the S.W. Elliott Regulated Drain along the site's west boundary. In addition, he requested a reduction of the rerouted tiles to a thirty-foot (30') wide drainage easement as well as the vacation of a portion of Branch #12 and Branch #2 of Branch #12 of the Elliott Regulated Drain that traversed the site and would be replaced with the rerouted tiles.

The Surveyor stated this request was a condition of the approval given in October for Stoddard Warehouse. He then recommended granting the relocation of the branches at their own expense as requested. In addition to the relocation, he recommended the reduction of the drainage easement to thirty feet (30') along with the vacation of Branch #2 of Branch #12 and Branch #12 as requested and presented to the Board.

KD Benson made a motion to grant approval for the relocation request for Branch #2 of Branch #12 and Branch #12 of the S.W. Elliott Regulated Drain as shown on the construction plans. Ruth Shedd seconded the motion and the relocation of Branch #2 of Branch #12 and Branch #12 of the S.W. Elliott Regulated Drain was granted. KD Benson then moved to vacate the easement portions of Branch #2 of #12 and Branch #12 which were no longer necessary due to the relocation granted. KD Benson made a motion to grant the reduction of drainage easement for Branch #2 of #12 and Branch #12 of the S.W. Elliott Regulated Drain as requested to thirty feet (30'). Ruth Shedd seconded the motion. The drainage easement for a portion of Branch #2 of #12 and Branch #12 of the S.W. Elliott Drain was granted.

### **River Bluffs Subdivision**

Maintenance Bond # 400TC6898 in the amount of \$7646.40 submitted by Atlas Excavating for River Bluffs Subdivision was presented by the Surveyor. The Surveyor recommended the acceptance of the Bond as submitted. KD Benson made a motion to accept Maintenance Bond #400TC6898 in the amount of \$7646.40 from Atlas Excavating for River Bluffs Subdivision. Ruth Shedd seconded the motion. Maintenance Bond #400TC6898 in the amount of \$7646.40 from Atlas Excavating for River Bluffs Subdivision was accepted as presented.

### **Butler Meadows Subdivision**

#### **Lynn Synesec**

Mr. Lynn Senesac of 450 East 500 South Lafayette Indiana 47909 appeared before the Board to discuss effects of the Butler Meadows Subdivision located south of Mr. Senesac on 500 South. Mr. Senesac lived directly north of the retention pond. He stated the pond drained into a thirty-inch (30") tile, which ran under County Road 500 South and outlet into a drainage swale on his property. He stated the swale was not a drainage easement and the runoff was routed east to Greg Sutter's property. His concern from the beginning was erosion problems. Due to a history of erosion problems, the previous owner of his home and the U.S. Agriculture Department designed a "dam" on the east edge of his property and installed it in 1981. From 1986, when Mr. Senesac purchased the property, to the time of the Butler Meadows Subdivision construction, the "dam" worked perfectly. He stated the retention pond was creating a "giant funnel" with an increasing amount of runoff to the "dam". At that time he presented pictures to the Board for their review. Referring to a photo, he stated while the drainage report for the Subdivision stated runoff would outlet to Wea creek, the photo showed runoff fanning out through the woods on Greg Sutter's property.

While there had been history of standing water in that area, he stated the runoff had increased drastically. There was an ATV trail in that area. Recently the fire hydrants of the new subdivision were drained and caused the whole width of the trail to erode. He stated he figured he lost approximately twenty (20) cubic feet of dirt out of the swale in his front yard. The amount of water that presently drained through his property would compare to a five (5) or six (6) inch rainfall prior to the construction of the subdivision. The fact that he was required to maintain the swale, as it was not a drainage easement, was a concern. He felt once the homes were built in the subdivision the problem would increase. He stated at the zoning meeting he was told he would be notified when the project was presented to the Drainage Board for approval. He stated he or Gregg Sutter were never notified of the meeting, thus the project was presented and approved without their input. While the developer had installed riprap into his swale, he felt it was only a "Band-Aid". He did not feel the drainage route was the most efficient for the project, as he felt there were alternatives that should have been utilized. He requested the Board's assistance with this problem.

The Surveyor gave the Board a review of his site visits to the area at Mr. Senesac's request. He stated the project was approved several years ago. Butler Meadows was approved and designed by the ordinance of that time. He did not believe Mr. Senesac had received notice and felt he should have. At this time the Drainage Board required photographs of downstream conveyances to indicate route and effect if any on downstream owners. He stated he had spoken with Mr. Cochran the developer of Butler Meadows. It appeared Mr. Cochran was willing to do some work where the old SCS (Soil Conservation Service) structure was located. The Surveyor felt that this was fair and reasonable.

In this particular situation, when the design was presented with a defined drainage pattern and a drop structure, the consultant assumed as the Surveyor did that it ran down into the ravine and followed the path to the Wea Creek. In fact it did not. It was not a defined runoff pattern as thought, which was why the Board did not rely solely on the topographical maps anymore, and an example of why the Drainage Ordinance now required more extensive documentation such as walking and photographing a proposed drainage route. He then stated the development had caused Mr. Senesac and Gregg Sutter some harm.

While he noted the issue could not be resolved today, he did feel Mr. Senesac had a legitimate problem. He stated with a flat site it was possible to interpret the contours and water going to a discharge point incorrectly. Therefore, he would ask Christopher Burke Engineering to review Phase One (1) and Phase Two (2), and double check that it was done correctly. In response to John Knochel's inquiry, the Surveyor stated more phases were planned for the development and it would be possible to address the problem at that time. The Surveyor questioned once a development was approved, what authority or obligation does the Board have to protect a downstream owner, and if a drainage report and plans were proven to be wrong how would the Board deal with it? KD made a motion to authorize the Surveyor to investigate the problem and report back to the Board. Ruth Shedd seconded the motion. The motion was granted. The Surveyor stated he would report back to the Board once he had completed the investigation. Mr. Senesac thanked the Board for their time and looked forward to the investigation results.

### **Brookfield Heights/Brookfield Farms**

The Surveyor stated he had met with the Brookfield Heights and Brookfield Farms Homeowners Associations. He had received a letter in favor of the petition to make the storm sewers and drainage systems within the two (2) subdivisions a Regulated Drain. Per I.C. 36-9-27-55 the Surveyor supplied the Board with a preliminary report regarding the aforementioned petition. The report would be included in the official minutes. Brookfield Heights consisted of three hundred thirty two (332) residential lots and three (3) outlots, Brookfield Farms consisted of ninety two (92) residential lots and two (2) outlots. He then stated the next order of business would be to schedule a hearing date for the petition. The Board took it under advisement and would review their schedules to determine a date and time.

### **Kerr Ditch**

The Kerr Ditch located just west of Newtown continued upstream to the Fountain-Tippecanoe-Montgomery County lines. Fountain County Commissioner David Zeigler wrote a letter to the Tippecanoe County Drainage Board requesting agreement that the Fountain County Drainage Board could operate as the Drainage Board for the Kerr Ditch. Commissioner Zeigler indicated in the request letter Fountain County landowners were in favor of reclassifying the ditch to a County Regulated Drain. The Surveyor recommended granting the request. KD Benson made a motion to waive Tippecanoe County's right to be represented on a joint board, and for the Board of Fountain County to be the Board for future proceedings. Ruth Shedd seconded the motion. Notification to Fountain County Commissioners would be sent by the Surveyor's office.

The Surveyor then requested the first Wednesday in January to be the next meeting date. The Board agreed to the next meeting date of January 5<sup>th</sup>, 2005 at 10 a.m. At the January meeting, the 2005 meeting dates would be set.

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John Knochel, President

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KD Benson, Vice President

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Ruth Shedd, Member

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Brenda Garrison, Secretary

# Tippecanoe County Drainage Board

## Minutes

January 5, 2005

Regular Meeting

### Those present were:

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

### Nominations of Officers

Dave Luhman opened the Drainage Board Meeting and requested nominations for Drainage Board President. KD Benson made a motion to nominate Ruth Shedd as President of the Drainage Board for 2005. As there were no objections, the motion carried and Ruth Shedd was elected President of the Drainage Board for 2005. Dave Luhman then requested nominations for Drainage Board Vice President. Ruth Shedd made the motion to nominate John Knochel as Vice President. As there were no objections, the motion carried and John Knochel was elected Vice President of the Drainage Board for 2005. KD Benson then made the motion to appoint Brenda Garrison as the Drainage Board recording secretary for 2005. As there were no objections, the motion carried and Brenda Garrison was appointed as secretary of the Drainage Board for 2005.

### Approval of the December 8<sup>th</sup>, 2004 Minutes

KD Benson made a motion to approve the December 8, 2004 Drainage Board minutes. Ruth Shedd seconded the motion. The December 8, 2004 Drainage Board minutes were approved as written.

### Avalon Bluff Sec 2

Brandon Fulk of Schneider Engineering Corporation appeared before the Board to request final approval for Avalon Bluffs Section 2 Subdivision. (Section 1 was approved in April of 2004) The project site was located east of County Road 250 East (Concord Road) between County Roads 450 South and 500 South. The project would be completed in three phases and would contain 247 residential lots. Section 2 lay within the northern half of the overall development. The majority of Section 2's runoff would be directed to an existing detention pond constructed with Section 1. Brandon stated this project was a continuation, as the downstream infrastructure was set in place during the previous construction of Section 1, and was completed with Section 2 in mind. In response to the Drainage Board consultant's previous concern, Brandon stated a pond downstream on the Greg Bush property would not be affected.

The Surveyor asked Brandon if the offsite easement, which conveyed runoff to the Benjamin Crossing area, was finalized and recorded at this time. Brandon stated it was at final review stage and would be provided to the Surveyor when completed. In response to Steve's inquiry, Brandon also stated the construction of Section 1 had not been started at that time. The Surveyor stated it would be a condition of today's final approval of Section 2. The Surveyor informed the Board that the development lay on the watershed lines of the J.N. Kirkpatrick Regulated Drain and the S.W. Elliott Regulated Drain. He stated he appreciated that the lot breakout between the watersheds of the regulated drains were shown on the Drainage Report as well as the plans. (He added a consultant needed to delineate which drain each lot was benefited by, as the Auditor would need to know the appropriate drain for billing purposes. This also included street right-of-ways.) Both Phase 1 and Phase 2 would require an offsite easement, which would take the runoff through a culvert under 350 South and eventually drain to the Benjamin Crossing system. The Surveyor stated he had read the language of the required easement, and the Drainage Board would have all rights as required by law. The Surveyor stated he was prepared to recommend final approval with the conditions as stated on the December 30, 2005 Burke memo as well as the additional condition of the offsite easement as was required for Section 1. He also directed Brandon to double-check that street right-of-ways were included along with the breakout of the lots. KD Benson made the motion to grant final approval for Avalon Bluffs Section 2 with conditions as stated on the December 30, 2005 Burke memo, as well as the additional conditions of offsite easement, proof of recording, and the identification of the street right-of-way benefited by the J. N. Kirkpatrick drain. Ruth Shedd seconded the motion. Avalon Bluff Section 2 was granted final approval with conditions as stated on the December 30, 2005 Burke memo, as well as additional conditions specified herein.

**Other Business**

The Surveyor inquired when the Drainage Board and Commissioners should schedule the new Stormwater Quality Ordinance, required for Phase II, for readings. Dave Luhman stated the Ordinance could be heard at the next Drainage Board meeting and the Commissioners could act on it at their February 7<sup>th</sup>, 2005 meeting. Steve then asked if there was a required period between readings. Dave stated there was not. Dave suggested the Ordinance be introduced to the Drainage Board on the 2<sup>nd</sup> of February for first reading and Commissioners on the 7<sup>th</sup> of February, and introduced for second reading on the 22<sup>nd</sup> of February's Commissioners meeting followed by a Special Drainage Board meeting for the same. All agreed that this would be the schedule for the required readings.

**Private Laterals hooking into County Regulated Drains**

Discussion was held regarding the act of hooking private lateral tiles into County Regulated Drains. The Surveyor stated at this time landowners were encouraged to inform his office of any hookups. He stated he was in the process of notifying all local contractors that approval from the County Surveyor to do such was required. Hamilton County presently has an ordinance that addressed this situation. While providing good farm drainage was certainly the objective, an Ordinance in place would assure this was done. He stated discussion and dialog was needed regarding possible fees and permits for these situations. Dave Luhman stated Indiana Code required permission from the Surveyor's office for hooking into a County Regulated Drain at the present time. While the statute did not require fees, when a tile was over twelve (12) inches, plans were required to be submitted for approval. Dave stated an ordinance would certainly allow recourse for the Surveyor's office when a violation was found. The Surveyor stated he had no recommendation of fees at this time and added this was one more way to manage and track infrastructure. He stated an informational letter would be sent to all contractors who provide lateral tile work in this area. The Surveyor reiterated at this time he only wanted to discuss the issue and would be looking at implementing an ordinance in the future. KD requested a few more counties be contacted regarding any requirements they may have in place before going forward with the issue. The Surveyor agreed and stated he would contact counties with an existing ordinance requiring permits and fees for lateral hookups to County Regulated Drains. In response to Developer Brian Keene's question, the Surveyor stated he would review the present Storm Drainage and Sediment Control Ordinance before implementation to insure no double fees were required.

**Phase II/Comprehensive Stormwater Management Ordinance**

In response to Developer Brian Keene's question, the Surveyor stated there was no fee schedule for Phase II Stormwater at this time. The fee schedule would follow after the Ordinance was passed.

**Maintenance Bonds**

**Fiddlesticks Phase 1**

**Winding Creek Section 2**

The Surveyor presented Maintenance Bond #4392265 from Fairfield Contractors for Fiddlesticks Phase 1 Subdivision regarding drainage improvements outside the County Highway Right of Way in the amount of \$44,960.00 for acceptance. He also presented Bond #4392258 from Fairfield Contractors regarding drainage improvements outside the County Highway Right of Way in the amount of \$20435.00 for Winding Creek Section 2 Subdivision for acceptance. He added the Surveyor's office was working diligently to catch up on final inspections of pending subdivisions. KD Benson made the motion to approve the Maintenance Bond amounts as presented for Fiddlesticks Phase 1 and Winding Creek Section 2 Subdivisions. Ruth Shedd seconded the motion. Fiddlesticks Phase 1 Subdivision Maintenance Bond #4392265 in the amount of \$44960.00 was approved. Winding Creek Section 2 Subdivision Maintenance Bond #4392258 in the amount of \$20435.00 was approved.

**2005 Drainage Board Meeting Dates**

Drainage Board meeting dates would be held on the first Wed. of each month in 2005 as presented. KD Benson made the motion to approve the Drainage Board meeting dates as listed. Ruth Shedd seconded the motion. Ruth Shedd made a motion for adjournment. As there were no objections, the meeting adjourned.

Absent

John Knochel, President

KD Benson, Vice President

Brenda Garrison, Secretary

Ruth Shedd, Member

**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**  
**March 2, 2005**  
**Regular Meeting**

**Those present were:**

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

**Approval of February 6, 2005 Minutes**

John Knochel made the motion to approve the February 2, 2005 Drainage Board minutes as written. Ruth Shedd seconded the motion. The February 2, 2005 Drainage Board minutes were approved as written.

**Cascada Business Park**

Pat Jarboe with T-Bird Designs appeared before the Board to present Cascada Business Park and request conceptual approval for the entire site. The project was located within the City of Lafayette, south of the Super Wal-Mart location on approximately 125 acres immediately east of Treece Meadows and on the north side of McCarty Lane. The Treece Meadows Relief drain (also know as the Layden Ditch) was located along the west property line.

Pat stated the purpose today was to receive approval for the release rates into three (3) separate watersheds. Pat then reviewed the three watershed locations for the Board. The site's western portion (approximately 92.5 acres) released to the Wilson Branch of the S.W. Elliott Regulated Drain. The northeast portion (approximately 10 acres) released to the Alexander Ross Regulated Drain. The southeast (remaining 21.5 acres) released to the Berlowitz Regulated Drain through the storm system along McCarty Lane. A 2000 Drainage Study by Christopher B. Burke LTD, which focused on the TR3 modeling was followed for the drainage calculations of this study. The current design was used based on the aforementioned study. The site's portion known as phase 1 lay entirely within the Wilson Branch watershed. Construction plans would be submitted for this Phase once conceptual approval was granted. Phase 1 would include a boulevard along the Wilson Branch watershed. He noted two (2) detention basins would be included in the construction of this phase and sufficient for the entire site. Pat then showed the Board the overall conceptual plan was to construct a main road from McCarty to connect with the Super Wal-Mart road. The Surveyor pointed out this site was part of the thoroughfare plan, which would extend down to SR 38. Responding to the Surveyor's inquiry Pat stated Ron Whistler was the official developer of the site.

Surveyor recommended conceptual approval subject to the conditions on the February 22, 2005 Christopher B. Burke memo. He reiterated he was only prepared to recommend conceptual approval for Phase 1 at this time. Pat stated a final approval for Phase 1 and a conceptual approval for the entire site would be requested at the April meeting. John Knochel made a motion to grant conceptual approval of Cascada Business Park Phase 1 with the conditions listed on the February 22, 2005 Christopher B. Burke memo. Ruth Shedd seconded the motion. Cascada Business Park Phase 1 was granted conceptual approval by the Board.

#### **Winding Creek Sec 4**

Paul Coutts with C&S Engineering appeared before the Board to request final approval for Winding Creek Section 4. The site consisted of approximately 42 acres located on the south side of County Road 600N between County Roads 50W and 75E, and part of the overall Winding Creek/Coyote Crossing Development. Steve Connors from Winding Creek Development was also in attendance for the meeting. At Mr. Connor's request, this section's initial site plan was revised to retain several large trees and the natural topography of the area. Accordingly, approximately 24 lots would not be disturbed. A temporary road entrance to the golf course would be replaced by Augusta Boulevard with a sixty-foot (60') right of way and a forty-foot (40') pavement width. A waterway in the northwest corner drained approximately 118 offsite acres and would be improved upon. There would also be two (2) detention ponds constructed during the phase. Outlot C would contain a dry detention basin and would be located near the aforementioned waterway. A wet detention facility would be located further south on Outlot D. Most of the runoff collected would be released into the wet facility. Paul stated the conditions stated on the February 25, 2005 Christopher B. Burke memo would be met and requested final approval at that time. The Surveyor confirmed with Mr. Coutts that certified notification was sent to landowners surrounding this phase. Paul confirmed that an existing stream which ran to Burnett Creek had been photographed and was a part of the original file. The Surveyor requested existing condition photographs of conveyance at and off site of Outlot C and the discharge points located at the northeast and southeast portion of the section's site for the possible future reference.

The Surveyor stated he was prepared to recommend final approval with the conditions as stated on the February 25, 2005 Christopher B. Burke memo to include the added conditions stated of photographs and catch basins. John Knochel made the motion to grant Winding Creek Section Four (4) final approval with conditions as stated on the February 25, 2005 Christopher B. Burke memo as well as those stated by the Surveyor. Ruth Shedd seconded the motion. Winding Creek Section Four (4) was granted final approval with conditions as stated on the February 25, 2005 Christopher B. Burke memo in addition to the provisions of photographs of current conveyance at and off site of Outlot C and discharge points located at the northeast and southeast portion of the site for the possible future reference.

#### **The Commons At Valley Lakes Phase 4**

Pat Jarboe and Meredith Byer with TBIRD Designs appeared before the Board to request conceptual approval for Section Four of The Commons At Valley Lakes. The project site was located south of County Road 350S, east of County Road 150E (South 18<sup>th</sup> Street) and consisted of 37 acres within the City of Lafayette. The J.N. Kirkpatrick Regulated Drain Branch 7 (10 inch tile) crossed the southern portion of the site. The Commons at Valley Lakes Phases 1 and 3 were located west and The Landings at Valley Lakes Phase 4 south of the project site. The proposed storm sewers would extend south through the site. Meredith noted the direct discharge to the J.N. Kirkpatrick Regulated Drain was previously approved. A detention pond along the northern portion of the site would reduce peak discharges to the drain. In addition, a portion of the J.N. Kirkpatrick Regulated Drain Branch 7 would be relocated. A thirty-foot (30') easement would be requested through the site for said drain. Meredith requested conceptual approval of the drainage plan for The Commons At Valley Lakes Phase 4 at this time while stating final approval would be requested at the April meeting. The Surveyor stated the Board has approved the various phases of The Commons at Valley Lakes. This phase was in line with the overall project submittals. He stated the discharge release rate was within the model rates and he did not anticipate any problems with the relocation of Branch 7 as shown. He recommended conceptual approval for Phase Four (4) of the Commons at Valley Lakes with conditions as stated on the February 25<sup>th</sup>, 2005 Christopher B. Burke review memo. John Knochel made the motion to grant conceptual approval of The Commons at Valley Lakes Phase Four (4) with the conditions as stated on the February 25, 2005 Christopher B. Burke memo.

### **Petition to Remove An Obstruction/Joseph Mackey vs. Frederick Whaley Trust**

Mr. Joseph Mackey 8511 State Road 26 West, West Lafayette Indiana, submitted a Petition to Remove An Obstruction to the Drainage Board. The Surveyor informed the Board he had made a site visit and previously walked the private tile's route from State Road 26 to the outlet on Pine Creek. Historical aeriels were brought to the meeting for Board review. The Surveyor stated he spoke with Mr. Norman Bennett who had farmed the Whaley ground for many years and was a child when the tile was installed. Over the years the tile had broken down with numerous tile holes and obstructions on the Frederick Whaley tract north of SR26 from lack of maintenance. To complicate the situation the tile route was through what were existing wetlands. Aerials from the 1940's through 1960's did not indicate wetlands at that time. In conducting research, he stated he also spoke with Mark Eastman from SWCD/NRCS office. The Surveyor then noted, not only was Mr. Mackey unable to access his property, Mr. and Mrs. Alan Haas had been wading through water to access their home. A GIS photograph presentation of the area in question was presented to the Board for review. The wetland had grown in size and wrapped around a "knob" to the east then returned to SR 26W at another location. Mr. Mackey pointed out a man made berm at the Haas Residence location, which had been constructed years ago and he felt was contributed to the lack of drainage of the area. The Surveyor stated at the time of his site visit he was unable to view the berm as the water level was too high. The Surveyor stated the tiles could be repaired and replaced with the same tile type and size. The Board reviewed a 1938 aerial, which did not indicate a wetland in that area. There was no standing water whatsoever. The Surveyor stated the area was dry and drained through the 1970's. He stated the wetland area has grown through the years since then and felt the lack of tile maintenance contributed to the problem. He stated the petition was in order and requested a hearing be set within the next thirty days. He would submit a formal report to the Board at that time. Responding to the Attorney's inquiry, the Surveyor stated the tile was a mutual drain. John Knochel made a motion to authorize the Surveyor to call a special meeting to formally hear the Petition to Remove an Obstruction submitted by Mr. Mackey. A March 10, 2005 at 1:30 p.m. date and time was set for the Hearing. Ruth Shedd seconded the motion. March 10, 2005 at 1:30 pm. was set to hear the obstruction petition. Mr. Mackey thanked the Board for their time.

### **2005-04-CM /Tippecanoe County Comprehensive Stormwater Management Ordinance**

The Attorney stated he had reviewed the draft and also spoke with the City of Lafayette's attorney concerning their ordinance. The Attorney then proposed an amendment to the Ordinance No. 2005-04-CM as previously written. The amendment dealt with the enforcement section of the ordinance and would be consistent with the City of Lafayette's as well. The amendment removed the stop work language that suggested a violation would result in imprisonment. It would replace the imprisonment language with "a fine of not less than \$500.00 for the first offense and not less than \$1000.00 for subsequent offenses." Definitions were also added. Under the corrective action reference the following should be added, "that a landowner of any land where violation occurred was required as well as their contractor to take corrective action". The attorney stated this would make it clear the Board had jurisdiction. The Surveyor noted one more amendment to Chapter Three, Page Ten, Paragraph b: "the current FIRM (Flood Insurance Rate Map) or best available to be determined by the County Surveyor" should be inserted in the place of "FEMA maps". John Knochel made a motion to adopt Ordinance No. 2005-04-CM Tippecanoe County Comprehensive Stormwater Management as amended. Ruth Shedd seconded the motion. The 2005-04-CM Tippecanoe County Comprehensive Stormwater Management was adopted as amended. Roll Call was as follows:

Ruth Shedd-yes, John Knochel-yes, member KD Benson was absent.

### **Resolution 2005-02-DB/Tippecanoe County Stormwater Technical Standards Manual**

The Attorney presented Resolution 2005-02-DB adopting Tippecanoe County Stormwater Technical Standards Manual by the Board. Mr. John Knochel made a motion to adopt the 2005-02-DB Tippecanoe County Stormwater Technical Standards Manual Resolution as written by the Attorney. Ruth Shedd seconded the motion. The 2005-02-DB Resolution was adopted as written.

The Surveyor noted Mr. Mike Wylie postponed his Water Safety presentation to the Board until next month. As there was no other business before the Board, 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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KD Benson, member

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Brenda Garrison, Executive Secretary

**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**  
**June 1, 2005**  
**Regular Meeting**

**Those present were:**

Tippecanoe County Drainage Board Vice President John Knochel, member KD Benson, County Surveyor Steve Murray, Doug Masson for Dave Luhman Drainage Board Attorney, 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 also in attendance. Drainage Board President Ruth Shedd was absent.

**Approval of Minutes**

KD Benson made a motion to approve the April 6<sup>th</sup>, 2005 Regular Meeting as well as the April 11<sup>th</sup>, 2005 Special Drain Meeting minutes as written. John Knochel seconded the motion. The aforementioned minutes were approved as written.

**Creasy at the Crossing/Easement Reduction**

Mr. Matt McQuen appeared before the Board to request a drainage easement reduction of the S.W. Elliott Branch #13 Regulated Drain, located within the Creasy at the Crossing Subdivision. The existing drainage easement was established along the western portion of the subdivision in 1999. Mr. McQuen proposed a reduction of the existing easement to 75 feet. The easterly line of the proposed easement would be located approximately 30 feet east from the outside diameter of the existing two twin 66" pipes. Due to the existing State Road 38- 110 feet permanent easement, Mr. McQuen informed the Board a request was also made to INDOT and their acceptance of the reduction of the permanent easement was pending today's Board action.

The Surveyor recommended approval of the proposed easement pending review of the plat by the Board Attorney. KD Benson made the motion to approve the proposed drainage easement to 75 feet. John Knochel seconded the motion and the reduction of the drainage easement within Creasy at the Crossing was approved. At the suggestion of the Attorney, Mr. McQuen stated he would present the request at the June 6<sup>th</sup>, 2005 Commissioners meeting.

**J.N. KIRKPATRICK Regulated Drain /Branch #5**

Mr. Mike Wylie of Schneider Corporation appeared before the Board to request a portion of the JN Kirkpatrick Regulated Drain be vacated. A portion of Branch #5 existing 150 feet drainage easement crossed through the Wal-Mart Center in the northern portion of the site. The drain continued west, then southwest and intersected with the new improvements of the Promenade Parkways storm infrastructure. The developer and contractor for Stones Crossing Subdivision previously confirmed the tile was tied into storm system. Mr. Wylie stated that vacated portion of the tile was investigated to insure no existing flow at that location. The tile was excavated at five locations and showed no evidence of flow. It was then traced back to a manhole located at the southwest corner of the Concord Road and Co. Rd. 350. The manhole and entry point of the tile showed no evidence of flow. Mr. Wylie then requested approval for the vacation of the existing portion of Branch #5 of the SW Elliott Regulated Drain located at the Wal-Mart Center, as well as the existing 150 feet drainage easement. As a result of the reduction and vacation, a 30 feet drainage easement would be platted for Concord Plaza. Mr. Murray recommended the aforementioned portion of Branch #5 of the SW Elliott Drain vacation.

KD Benson made a motion to grant conceptual approval of the partial vacation request of Branch #5 of the JN Kirkpatrick Regulated drain as presented. The approval was pending the submittal of plans showing the vacation location with the Surveyor office. John Knochel seconded the motion and the JN Kirkpatrick Regulated Drain Branch # 5 was granted the vacation as requested, pending submittal of the location plans.

**Huntington Farms Subdivision Phase 3 Section 2 and South ½ of Phase 4**

As there was no representative to present the project to the board, KD Benson made the motion to continue the presentation to the July meeting. John Knochel seconded the motion and a continuance was granted.

### **Darby Wetherill Widmer Extension**

The Surveyor presented a waiver request from the Benton County Drainage Board regarding the Widmer Extension of the Darby Wetherill Regulated Joint Drain. As a major portion of the benefited acres lied within Benton County, the Benton County Board requested a waiver for a joint board. 2400 feet of tile along the East side of CR 900 West in Shelby Township, extending approximately 80 feet East of the West section line of Section 11 Township 24N and Range 5W and 2400 feet South of the existing Darby Wetherill ditch. Mr. Murray recommended the waiver as requested. KD Benson made a motion to grant a waiver of a Joint Drainage Board for the Widmer Extension of the Darby Wetherill Drain to Benton County. John Knochel seconded the motion and a Joint Drainage Board waiver for the Widmer Extension of the Darby Wetherill Drain to Benton County was granted.

### **Delphine Anson Regulated Drain**

The Surveyor updated the Board on the status of the Delphine Anson Regulated Drain future reconstruction and maintenance. He stated he was presently working on the Reconstruction and Maintenance Report for the Regulated Drain. He planned on requesting a landowner meeting date at the July Drainage Board meeting.

### **August Drainage Board Meeting Date Change**

As a result of a conflicting schedule, the Surveyor requested a change of the August 3 2005 meeting date. A tentative date was August 2, 2005, however it was decided to set the date at the July Drainage Board meeting.

### **SWCD**

Mrs. Remley thanked the Board for their time. She began by stating she did not recall ever formally meeting the Board to discuss ways of improving the relationship between the two offices in order to create efficient landowner service. Partners to the Indiana State Department of Agriculture Division of Soil Conservation and the USDA Natural Resources Conservation Service, she stated they are the local clearinghouse for natural resource information. Their plans encompassed the agricultural and urban communities, as well as soil and water resources. She stated the vision of the Department was to ensure healthy forests, productive water resources, sustainable communities as well as clean water and stable soils. As a result the office focused on water quality issues not quantity. They receive many drainage issue calls and try to assist whenever possible. She concluded by assuring the Board with open communication between their office and the Drainage Board while stating she looked forward to working together in the future. At that time she introduced Sue Gerlach resource specialist, formerly of the SWCD division and now with the newly formed Indiana State Department of Agriculture.

Sue appeared before the Board and thanked them for their time. Her agency was in the process of developing a mission statement and an organizational structure. She would be able to assist the SWCD/ Drainage Board and community through the Federal Farm Bill related programs and State projects, such as the Lake and River Enhancement Watershed Land Treatment Program. She stated historically her position had assisted the SWCD office with Rule-5 reviews and other urban conservation related concerns. Due to her new position, the SWCD district would be left short of being able to assist all the other non-related questions and concerns from the public. She expressed concern for the issues which she felt would "slip through the cracks" due to the department change. At that time she thanked the Board for their time and stated she had worked well with the Surveyor in the past and hoped this would continue. She then introduced Mr. Marc Eastman.

Mr. Marc Eastman of the Soil, Water, Conservation District appeared before the Board to give a brief description of the duties of his office as well as promote unity between the two entities. Mr. Eastman defined the drainage role of the SWCD and reviewed their wetland policy. He stated the landowner held responsibility of obtaining proper permits through IDEM and DNR as well as the notification of surrounding landowners. At the surveyor's inquiry, Mr. Eastman stated the SWCD office drainage and aerial records would be available for the Surveyor office to scan and copy.

At that time the Surveyor thanked the SWCD members for their presentations to the Board and stated historically they had a good working relationship. He thanked the SWCD office for their agreement of sharing their drainage records with the Board for the purpose of scanning and copying. This would insure a more efficient Drainage Records Library for all involved. He also felt the landowners of the County would benefit from open communication between the entities involved.

**Water Safety Presentation/Mike Wylie**

Mr. Mike Wylie appeared before the Board to present a Water Safety Power Point presentation. He stated recommendations contained in the report were in hopes of improving an ever-increasing concern. One out of every four unintentional injuries for children ages one to four years involved drowning. Education for public awareness was a priority and the safety of children in particular. Adopting standards for smart development was a focus of the committee. Retention pond design changes should be monitored and vandalism was also a concern. The new Tippecanoe County Stormwater Ordinance incorporated some of the committee’s concerns. A copy of the presentation was provided to the Surveyor Office in hard and digital format. He thanked the Board for their time and this Board and several individuals, developers within the community took stated water safety seriously. The Surveyor and the Board thanked Mr. Wylie for his presentation and the time he spent with the issue.

**Valley Ridge PD/Maintenance Bond # 104478499**

The Surveyor presented and recommended the acceptance of Maintenance Bond # 104478499 submitted to his office by Milestone Contractors dated March 21, 2005 in the amount of \$650.00 for Earthwork, Erosion Control and Storm sewer outside the Public Right of Way. KD Benson made a motion to accept Maintenance Bond # 104478499 as presented by the Surveyor. John Knochel seconded the motion. The Board accepted maintenance Bond # 104478499 dated March 21, 2005 in the amount of \$650.00 for Valley Ridge Planned Development.

**The Orchard Phase 2 Section 1/ Maintenance Bond ## 1104456650**

The Surveyor presented and recommended the acceptance of Maintenance Bond # 1104456650 submitted by Milestone Contractors dated March 21, 2005 in the amount of \$1547.00 for Earthwork, Erosion Control and Storm sewer outside the Public Right of Way. KD Benson made a motion to accept Maintenance Bond # 104456650 as presented by the Surveyor. John Knochel seconded the motion. The Board accepted Maintenance Bond # 104456650 dated March 21, 2005 in the amount of \$1547.00 for The Orchard Phase 2 Section 1.

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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**  
**July 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, 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 June 1, 2005 Drainage Board Meeting minutes as written. KD Benson seconded the motion. The June 1, 2005 Drainage Board minutes were approved as written.

**JN Kirkpatrick Regulated Drain/Drainage Impact Area**

The Surveyor stated the JN Kirkpatrick Regulated Drain had been reconstructed from roughly 350 South to Concord Road and modeled for most development's direct release in the area, excluding commercial and industrial. At the request of several property owners east of Concord Road, a preliminary draft design for a regional detention facility was completed several years ago. The regulated drain was previously classified as an Urban Drain, meaning by statute it was in need of reconstruction. Generally, as an agricultural drain, it was inadequate and incapable of handling the increased flows resulting from the area development and did not have a positive outlet. Indiana Drainage Code Classification and the Tippecanoe County Drainage Ordinance allow for the drain to be declared a Drainage Impact Area. Based on the amount of development in the watershed area, the Surveyor recommended the Board declare the JN Kirkpatrick Regulated Drain watershed east of Concord Road a "Drainage Impact Area". The JN Kirkpatrick Regulated Drain was adequately reconstructed west of Concord Road. The impact area would be east of Concord Road just south of Co. Rd. 450 South, to Co. Rd. 350 South and extended east of Co. Rd. 450 East and a small area east of US52. (Approximately 1200 acres) KD asked what exactly would declaring the area a Drainage Impact Area mean? Attorney Dave Luhman stated general conditions of development could be established. Such as all Stormwater Drainage Control Systems in that area could be required to participate in the regional detention basin, as well as the requirement for a positive outlet to the JN Kirkpatrick Regulated Drain. Also generally the Board could require a developer to establish control systems within their developments - such as establishing their internal drainage facilities as regulated drains - as a condition of drainage approval. This was done on portions of the Elliott such as the Treece Meadows Relief Drain. Historically this was the only way to ensure adequate drainage for the property within the watershed was still used for agricultural purposes. The Surveyor stated portions of Co. Rd. 450 South, Co. Rd. 450 East and several depressional areas used as farm ground were under water for several weeks after the 2004 flood. Obviously, this area could not handle additional pressure from urban, commercial and industrial development. JN Knochel made a motion to declare the JN Kirkpatrick Regulated Drain a "Drainage Impact Area", and authorize the Attorney to prepare a formal Resolution with boundary map for the August 2, 2005 Drainage Board meeting. KD Benson seconded the motion and the JN Kirkpatrick Regulated Drain watershed east of Concord Road would be declared a "Drainage Impact Area" once the Resolution was presented to the Board during the August meeting. The Surveyor hoped to accomplish the reconstruction utilizing a combination of detention storage fees, possible EDIT money for Urban Drain Reconstruction as well as benefited landowners reconstruction assessment monies.

**JN Kirkpatrick Regulated Drain Branch #5/ Petition for Partial Vacation and Relocation**

Dan Teder, Attorney with Reiling, Teder and Schrier representing DF Properties appeared before the Board to present a Petition for Partial Vacation and Relocation of the JN Kirkpatrick Regulated Drain. Dan Kuester from Woolpert LLP as well as Mike Wylie from Schneider Corporation were in attendance and available for questions from the Board. The portion of Branch #5 of said drain in question was the 150 feet Drainage Easement and located within Section 10 Township 22 North and Range 4 West at the Wal Mart project site. Located in the northern portion of the site the regulated drain intersected with the Promenade Parkway's storm infrastructure. The tile was then routed through a previously approved 30 feet drainage easement within Stones Crossing Commercial Subdivision. KD noted this was discussed last month and granted conceptual approval at that time. The Surveyor stated said Branch had been located onsite and found to be routed to the southwest corner of Co. Rd. 350 South and Concord Road. The drain was previously replaced in part under the intersection of Concord Road

and Co. Rd. 350South. It had previously been intercepted just east of Lot 1 and 2 in Stones Crossing Commercial Subdivision and relocated around the east right of way of Promenade Parkway. The Drainage Code stated a condition for approval for said request was the land on both sides of a regulated drain must be owned by one and the same. The County Surveyor must approve the specifications for the project and any costs would be the sole responsibility of the petitioner. The Surveyor had investigated whether a landowner within the watershed would be adversely affected. The Surveyor stated he did not believe that was the case. Dave Eichelberger, Board Engineer Consultant, stated he had not seen sufficient plans to date. Dan Kuester stated he could provide those plans within the week. Dan responded he would provide the calculations and plans as required and submit said plans within the week. Ruth Shedd then asked what was the construction time frame. Dan Kuester replied it was the developer's intent to start construction in the fall. Final design plans were being wrapped up and they would respond to any concerns. John Knochel made a motion to approve the relocation and the proceeding vacation of Branch #5 of the JN Kirkpatrick Legal Drain contingent upon the Surveyor's approval of the forthcoming plans and specifications. KD Benson seconded the motion. Branch #5 of the JN Kirkpatrick Regulated Drain relocation and vacation was approved contingent upon the Surveyor's approval of said specifications and plans.

### **Retreat At Hickory Ridge Lots 198 and 199/Petition to Vacate Drainage Easement**

Dan Teder, Attorney with Reiling, Teder and Schrier representing South 18<sup>th</sup> LLC- Brian Keene President, appeared before the Board to present a Petition to Vacate a Drainage Easement on lots 198,199 in the Retreat at Hickory Ridge Subdivision for approval. Attorney Teder provided Exhibit B to the Board which indicated the location of easements. The Surveyor recommended approval for the Petition to Vacate a Drainage Easement on lots 198,199 in the Retreat at Hickory Ridge Subdivision as submitted. Dan stated a new site plan would be submitted. John Knochel made a motion to approve the Petition to Vacate a Drainage Easements on lots 198,199 in the Retreat at Hickory Ridge Subdivision as submitted. KD Benson seconded the motion. The Petition to Vacate a Drainage Easements on lots 198,199 in the Retreat at Hickory Ridge Subdivision was granted.

### **Lafayette Pavilions Phase 1**

Dan Kuester with Woolpert Inc. appeared before the Board to request final approval for Lafayette Pavilions Phase1. The overall site consisted of fifty-one acres and was located at the southwest corner of State Road 26 and Creasy Lane in the City of Lafayette. Phase one consisted of thirty-one acres. Two access drives would be constructed from Creasy Lane and one from State Road 26. Most of the site drained to the southeast routed through a public storm network and a portion west to an existing ditch. A storm sewer network to collect onsite runoff would be located along the west property line. Dan stated he was working closely with the Lafayette City Engineers Office. The Surveyor noted while the project was located within the City, the Board's concern was runoff release to Treece Meadow Relief Drain (Layden Drain). He stated the plans indicated the rates as satisfactory. He recommended final approval for Lafayette Pavilions Phase 1 with the conditions as stated on the June 15, 2005 Burke memo to the Board. John Knochel made a motion to grant final approval with conditions as stated on the June 15, 2005 Burke memo for Lafayette Pavilions Phase 1. KD Benson seconded the motion. Lafayette Pavilions Phase 1 was granted final approval with conditions as stated on the June 15, 2005 Burke memo.

### **Huntington Farms Phase 3 Section 2 and South Half of Section Four**

Doug Mark with Congdon Engineering Associates (CEA) appeared before the Board to request final approval for Huntington Farms Phase 3 Section 2 and South Half of Section Four. This phase was a continuation of previously approved Huntington Farms Subdivision Phases. The site was located along State Road 26 northwest of County Road 300 West (Klondike Road) and consisted of approximately fourteen acres. An existing pond was located in the southwest corner of the development. A storm system would be constructed and drain the proposed area to the pond at three separate locations. Previously approved Drainage Reports described the construction of a detention pond in the southwest portion of the site. Mr. Mark requested final approval for Huntington Farms Phase 3 Section 2 and the South Half of Section Four. The Surveyor stated he would recommend final approval with conditions as stated on the May 27, 2005 Burke memo as well as the added condition of covenants indicating proof of establishment of a Homeowners Association with covenants covering the homeowner's responsibility for the drainage system outside of the County Right of Way to include estimates of costs for such maintenance. John Knochel made a motion to grant final approval for Huntington Farms Phase 3 Section 2 and the South Half of Section Four with conditions as stated on the May 27, 2005 Burke memo as well as the added condition of covenants indicating proof of the establishment of a Homeowners Association and specific covenants covering a homeowner's responsibility for the drainage system outside of the County Right of Way including estimates of costs for such maintenance. KD Benson seconded the motion. Huntington Farms Phase 3 Section 2 and the South Half of Section Four was granted final approval with said conditions.

## **Park 350 Subdivision**

Brandon Fulk with Schneider Corporation appeared before the Board to present Park 350 Subdivision for final approval with a waiver of onsite storage. The site was located approximately 1500 feet due west of intersection of US 52 and County Road 350 South and consisted of approximately 125 acres. The North half of the site drained north to the County Road 350 South roadside ditch. The remaining portion of the site would drain south to the planned JN Kirkpatrick Regulated Drain Regional Detention Facility. A proposed interim design was completed for storm infrastructure use until said detention facility is operable. The interim design would drain runoff to the County Road 350 South roadside ditch. Once the regional facility was constructed the Stormwater system would be modified to drain into said facility. Brandon then requested final approval for Park 350 Subdivision. Only the subdivision plan's lot configurations were general at this time and would be detailed at a later date. Brandon stated they were working closely with the City of Lafayette and the County Highway department. Brandon then requested final approval for Park 350 Subdivision. In response to John Knochel's inquiry, the Surveyor stated a structure would have to be in place at the abandoned railway bed or a cut made through it. It was noted the railroad still had control of the right of way at this time. Brandon stated a more in depth report of the site's drainage would be submitted in the near future. The Surveyor stated a variance would be required from the detention pond requirements. John Knochel then noted condition four of the June 30, 2005 Burke memo did not mention a safety ledge. The Surveyor stated if a 6:1 slope was used the maintenance ledge was required, however the slope was not 6:1. KD stated she felt a fence was warranted in this situation. She then asked the Surveyor what the time line was for the planned regional detention facility construction. The Surveyor stated it a date was not set at this time.

John noted he was willing to grant the variance with a safety fence placed around the perimeter of the ponds. He then made a motion to grant a variance with the condition of fencing the onsite ponds. KD Benson seconded the motion. The variance was granted with the condition of a safety fence constructed around the onsite ponds. The Surveyor then stated he was prepared to recommend final approval with the conditions on the June 30, 2005 Burke memo. He noted the condition of the required contribution to the planned regional detention facility. John Knochel then made a motion to grant final approval with the conditions as stated on the June 30, 2005 Burke memo. KD Benson seconded the motion. Park 350 Subdivision was granted a variance as well as final approval with the said conditions.

## **Menards**

Brandon Fulk from Schneider Engineering appeared before the Board to request final approval for the Menards development project. The site was located on the northwest corner of US 52 and County Road 300 West and consisted of approximately 54 acres. Brandon stated the site was located within a dual watershed area. The northern portion of the site drained northeast to Hadley Lake and the remaining portion of the site, with offsite tributaries through the project site, drained to an existing culvert beneath 300 West. In addition US 52 had a culvert that would be incorporated into the design. Brandon discussed the varied elevations throughout the project site and noted the data was included within their reports. With respect to Indian Creek, the site was delineated and submitted to DNR for review. A DNR letter of concurrence of the floodway line was expected. KD asked the attendees in the audience if they were attending due to this project submittal, they answered affirmative. Brandon then addressed their questions concerning specific elevations within and surrounding the site. He stated anything above 654.3 would be considered outside of the flood plain according to DNR's published values for this site. He informed them determination of elevations for downstream properties would require a request of verifications to DNR. He stated the highest base flood elevation published with the Indiana Creek Study was less than 654. He noted whether it was Indian Creek or Hadley Lake's back waters, in the low frequency high storm events, you would theoretically see a topping of the County Road. The bridge elevation was at 657, four feet higher than the sag in County Road 300 West and three feet higher than the base flood elevation. A proposed berm elevation, located at the existing culvert, would be 652.5. This would shut the culvert off to some degree and would not allow release associated with the project itself. Brandon stated due to the conditions, the culvert would be left open as a "relief valve" for the possibility of backwater from Indian Creek and/or Hadley Lake. The Surveyor then stated the new County Stormwater Ordinance did not allow any net loss in flood plains on construction projects. (Commercial, residential or industrial) IDNR generally was not concerned about anything other than what was in the floodway, which was where there was perceptible movement of current. They have left the decision to local officials of whether the flood plain fringe may be filled in. Brandon stated the project met the release rate allowable by the current Stormwater Ordinance. Brandon stated the release rate was far less than what was in the existing condition.

KD asked Brandon to review the proposed detention pond and berm for the Board the interested attendees. Brandon stated the location of the berm would be on the east side of the culvert under 300West to insure runoff and the offsite tributaries drain north to Indian Creek avoiding the said culvert. The proposed detention facility would be located in the northeastern portion of the site and accommodate Menards as well as any future outlot development of the site.

At that time Ruth Shedd asked for public comments. Mr. Jim Bower of 3750 North 300W West Lafayette Indiana 47906 stated he felt the development of this site and also the future Meijer's store site would cause adverse drainage to his property. He stated to date he had spent \$80,000.00 due to area flooding. His property was located adjacent to the culvert under 300West. He stated he understood about the 100, 200 year flood data, however he was concerned. He believed the problem of flooding in that area would be greater due to the development of the site. The Surveyor stated the flooding would not go away until the railroad upsized their culvert. He stated the Meijer project would have to go through the same drainage process. He stated the current Stormwater Ordinance did it's best to protect landowners upstream and downstream. He did state one would see less water at any one period of time, but one would see it over a longer period of time. After the flooding last year the Surveyor noted he had been at that location several times. He had walked the portion of Indiana Creek East of Co. Rd. 300W on Mr. King's property traced the path of water etc. He stated the rainfall had hit Hadley Lake as hard as Indian Creek and the water obviously overflowed Indian Creek and traveled to Hadley Lake. He agreed it was very complicated and felt there were events when Hadley Lake overflowed to Indian Creek as well. The area was located within a watershed subject to periodic flooding. He understood Mr. Bower's concern, and stated he was insistent for an outlet to Indian Creek and not the culvert under Co. Rd. 300W. He noted the project drainage plans provided more flood plain storage than required by the current Stormwater Ordinance. Dave Eichelberger stated one couldn't control flooding one can only manage it. The Surveyor reiterated they had met the technical standards by the current Ordinance as required. Floyd Oaks 3608 North 300 West, West Lafayette Indiana 47906 approached the Board and asked if the peak flow increased, would this cause his property as well as others to be included within the flood plain. The Surveyor stated it would not.

KD asked if the berm in front of the culvert directed the average rain to the detention pond and not to the culvert would not the landowners see less runoff. Dave Eichelberger noted it would depend on the distribution, depth and duration of a rainfall event. However, the design presented showed the project site and tributaries to their site drainage would go directly to Indian Creek and not to the west. The Surveyor stated water could still bottleneck at the railroad culvert (bridge) location in the event of a flooding due to the undersized culvert. Dave Eichelberger then added depending on the flood event that occurred and in certain events where water would normally drain to the culvert it would now drain directly to Indian Creek. Ruth Shedd then asked for additional comments. KD asked Mike Spencer, Highway Supervisor to investigate a possible tree in the said culvert at Co. Rd. 300West. The Surveyor stated based on the Tippecanoe County Stormwater Ordinance he recommended final approval with the conditions on the June 29, 2005 Burke memo, subject to DNR approval before site work begins and the installation of the berm as a second item in sequence of post construction. At the Attorney's suggestion, the Surveyor explained construction sequence to the attendees. He stated as part of the new Phase II Clean Water Act requirements, the local entities including the County were now responsible for what was once known as Rule 5 (erosion control). This included a provision for post construction sequence operation (water treatment devices), which would be submitted to his office and monitored closely. He stated good sequencing for this project would include constructing the outlet to Indian Creek first and installing the berm before any erosion construction began. John Knochel then made a motion to grant final approval with conditions as listed on the June 29<sup>th</sup> Burke memo and subject to DNR approval prior to any site construction work and the installation of the berm as a second item in the sequence of post construction.

### **Stonehenge Planned Development Drainage Easement**

The Surveyor stated he agreed to handle the request for Mr. Tim Beyers of Vester and Associates. He was in receipt of a certified letter requesting release of a drainage and utility easement. John Knochel made a motion to grant the drainage easement release request for Stonehenge Planned Development as requested by Vester and Associates submitted to the Surveyor. KD Benson seconded the motion. The drainage easement release for Stonehenge Planned Development was approved.

**Appleridge at the Orchard Phase 2/Maintenance Bond**

The Surveyor presented Maintenance Bond #104456650 submitted by Milestone Contractors, written by St. Paul Insurance Company in the amount of \$1547.00, dated March 21, 2005 to the Board and recommended acceptance. John Knochel made a motion to accept Maintenance Bond #104456650 in the amount of \$1547.00, dated March 21, 2005 for Appleridge at the Orchard Subdivision Phase 2. KD Benson seconded the motion. Appleridge At the Orchard Phase 2 Maintenance Bond #104456650 was accepted as presented by the Surveyor.

**Public Comment**

As there was no public comment, 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**  
**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**  
**October 5, 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 from Christopher B. Burke Engineering Limited, Drainage Board Secretary Brenda Garrison and GIS Technician Shelli Muller. Member KD Benson arrived late due to a scheduling conflict. County Highway Supervisor Mike Spencer was in attendance also.

**Approval of Minutes**

John Knochel made a motion to approve the following; the September 7, 2005 Regular Meeting Minutes, the August 29, 2005 Lewis Jakes #40 Regulated Drain Hearing Minutes and the August 29, 2005 Delphine Anson #4 Regulated Drain Hearing minutes. Ruth Shedd seconded the motion. The aforementioned minutes were approved as written.

**Faith Baptist Church Phase 1**

Steve Marsh with Titan Construction appeared before the Board to request final approval for Faith Baptist Church. The existing site was located at the northeast corner of C.R. 500 East and S.R. 26. The proposed construction would include a parking lot expansion, a new detention basin, athletic fields, community center, and ministry housing along with additional roads. The existing dry bottom detention basin would be replaced with a wet bottom detention basin in the northeast corner of the site. The existing outlet for the basin would be utilized for the proposed wet bottom basin as well. With the exception of a small area on the northeast corner of property, the site's runoff would be directed to the wet bottom pond.

The Surveyor recommended final approval with the conditions as stated on the September 29, 2005 Burke review memo. John Knochel made a motion to grant final approval for Faith Baptist Church Phase 1 with the conditions as stated. Ruth Shedd seconded the motion. Faith Baptist Church Phase 1 was granted final approval with the conditions on the September 29, 2005 Burke memo.

**Haggerty Pointe Phase 1**

Amy Moore with Butler, Fairman and Seufert appeared before the Board to present Haggerty Pointe Phase 1 for final approval. The 50-acre site was located north of S.R. 38 and east of the intersection of C.R. 200 South and S.R. 38 and was located within the City Limits of Lafayette. The Board, for the effects of the regulated drain only, reviewed the project, as the site existed within the watershed boundaries of the S.W. Elliott Regulated Drain. Phase 1 would be constructed on 28 acres of the 50-acre site. A wet bottom detention basin would be constructed on Outlet A to allow the Phase 1 construction. The Phase would utilize the existing 36" culvert under S.R. 38 as the final outlet until reconstruction of Branch 11 of the S.W. Elliott Ditch Regulated Drain to F-Lake has been completed. Development of the remaining portion of the site for Phase 2 would proceed upon completion of the reconstruction of said tile Branch. An October 1998 Drainage Board approved vacation of a portion of Branch #11 would be recorded with a copy of the recorded document supplied to the Surveyor Office. Amy distributed a plat of the project site to the Board while noting the Park East Boulevard as well as the utility and drainage easements were indicated on the plat although no interior lot lines were platted at this time.

The Surveyor reminded the Board of his recommendation of Reconstruction of Branch #11 Elliott Regulated Drain earlier this year. A portion of the said branch on the present site had been vacated in 1998, the remainder of said Branch as it continued south to F-Lake needed to be converted from an existing agricultural drain - as well as installation of new pipes under S.R.38. He had spoke with the owners and the Shroeders (landowners to north and south) and they were in agreement of a Reconstruction of Branch #11. He noted the Department of Transportation would be responsible for the placement of the new pipes under S.R. 38. This would significantly reduce the cost to the property owners as well as developers within the area. The landowners would have to agree to waive objections to the future reconstruction - as an added condition of final approval. He informed the Board that a very small part of the northern portion of the site was located within the J. Berlowitz Regulated Drain watershed as well. When C.R. 200 South was reconstructed, the terminus of said Berlowitz tile was replaced under C.R. 200 South. The terminus would need to be located and tapped due to the majority of the runoff routed south to F-Lake. The side ditch along 200South would provide adequate drainage for the remainder of the runoff. The Surveyor stated he was not aware that the said Berlowitz tile served any other property however the developer would need to confirm it. He

informed Amy, the location of the tile would be shown on the as built of C.R. 200 South and could be obtained at the County Highway Department. He stated eventually the watersheds for the J. Berlowitz and the S.W. Elliott Regulated Drain would be revised to reflect any changes. He noted the expected fees for the detention storage in F-Lake as condition #3 in the September 29, 2005 Burke memo. The wet detention basin within Phase 1 would be onsite during the second Phase of the project. The Surveyor noted credit would not be given for this detention basin. Also noted was the site was within the City Limits, the Board's concern dealt only with the effect of the two regulated drains within the area. He stated he was prepared to recommend final approval with the conditions as stated on the September 29, 2005 Burke memo along with the added conditions of the waiver of any objections concerning the reconstruction of Branch #11 of the S.W. Elliott Regulated Drain and the confirmed location of the terminus of the J. Berlowitz Regulated Drain.

Amy stated she agreed with the conditions. To comply with condition #11 of the September 29, 2005 Burke memo, she attempted to record the previously approved said vacation. The Auditor's office indicated the documents were not in compliance with a recent memo from the County Attorney regarding recording of documents. At that time the Attorney reviewed document requirements for recording vacations and easements. Amy would record the documents as soon as possible. The documents she would record would be a certified copy of the Drainage Board 1998 minute, and a description of the meets and bounds of the vacated portion of Branch #11 of the S.W. Elliott Regulated Drain. The Surveyor stated in order to convey the outlet to their detention facility to the side ditch at S.R. 38; surface work within the legal drain easement on the Schroeder property would be necessary. Mr. Schroeder had given his permission and a document indicating his approval would be obtained for the records. Amy indicated she agreed with all conditions stated today.

John Knochel made a motion to grant final approval with conditions as stated on the September 29, 2005 Burke memo in addition to the added condition of a waiver of any objections in reference to the future reconstruction of Branch #11 of the S.W. Elliott Regulated Drain and terminus location confirmation of the J. Berlowitz Regulated Drain. Also written permission from Mr. Schroeder for the aforementioned surface work was required as an additional condition. KD Benson seconded the motion. Haggerty Point Phase 1 was granted final approval with the conditions as stated on the September 29, 2005 Burke memo in addition to the added conditions of an objection waiver in reference to the future reconstruction of Branch #11 of the S.W. Elliott Regulated Drain and terminus location confirmation of the J. Berlowitz Regulated Drain along with the written permission from Mr. Schroeder for the aforementioned surface work.

## **Cascada Business Park Phase 2**

Pat Jarboe with TBIRD Design Services appeared before the Board to request final approval for Cascada Business Park Phase 2. The site was located on the north side of McCarty Lane east of Creasy Lane within the City of Lafayette and would involve 70 acres of the 120-acre site. Phase 1 was previously granted final approval on April 6, 2005. The Treece Meadows Relief Drain (formally the Layden Regulated Drain) was located along the site's the west property line. The runoff from the site discharged to three separate outlets. Those outlets were: the Treece Meadows Relief Drain to the west (tributary to Wilson Branch), the Alexander Ross Regulated Drain to the northeast, and the J. Berlowitz Regulated Drain to the southeast via storm sewer systems and drainage swales. A portion of the project would drain directly to the detention facility located to the west within the Phase 1 location. At the far eastern end of Phase 2 small portions of the A. Ross Regulated drain branches were scaled off the original plat of the A. Ross Regulated Drain however the location of those was not confirmed. A vacation of any portions of those tiles was also requested. Park East Boulevard would be extended from the Wal-Mart site to McCarty Lane and coordinated with the City of Lafayette. Pat then requested the vacations of the branch portions of the Alexander Ross Regulated Drain as well as final approval for Phase 2. He concurred with the conditions as stated on the September 29, 2005 Burke memo. The Surveyor clarified condition #1 on the Burke memo. Runoff storage fees within the Wilson Branch only would be coordinated with the City of Lafayette. The A. Ross and Berlowitz regional detention facility fees would be coordinated with the County. Regarding the vacations, the Surveyor recommended the A. Ross tile branches vacation- however he conferred to the County Attorney regarding the appropriate process. The Attorney stated as long as they are located entirely within the site, did not serve any other property owners, the Board may vote to approval the vacation. The Surveyor stated he was positive the aforementioned branches did not serve any other property owners. A legal description of the vacated portions and a certified copy of today's Drainage Board minutes indicating the Board's approval would be adequate for recording the vacations. At that time the Surveyor recommended the vacations of the aforementioned tiled branches and final approval with conditions as stated on the September 29, 2005 Burke memo. In response to John's question, the Attorney stated the vacations could be granted today, and the Surveyor noted his office would not give the full approval for the subdivision until all conditions were met. John Knochel made a motion to grant the three vacations of the A. Ross three tiled branches. KD Benson seconded the motion. The vacations were granted as requested. John Knochel then made a motion to grant final approval with conditions as stated on the September 29, 2005 Burke memo. KD Benson seconded the motion. Final approval for Cascada Business Park Phase 2 was granted with the conditions as stated on the

September 29, 2005 Burke memo and proof of the documentation of the vacated branches of the A. Ross Regulated Drain which were located solely within Phase 2 of Cascada Business Park.

### **The Commons At Valley Lakes Replat of Phases 4 & 5**

Meredith Buyers with TBIRD Design Services appeared before the Board to request final approval for the Commons At Valley Lakes Replat of Phases 4 & 5. The site was located east of C.R. 150 East (South 18<sup>th</sup> Street) and south of C.R. 350 South within the City of Lafayette. The Board previously approved the project's Phase 4 & 5 in April 2005. Due to the soil conditions in the northeast corner of the property the layout had to be revised. The main drainage changes involved changing the wet bottom detention facility to a dry bottom detention facility. Modifications of the storm pipe locations were also warranted. Located at the northeast corner of the property; one outlet would accommodate the offsite runoff and the J.N. Kirkpatrick Regulated Drain. An outlet located at the center of the north property line would accommodate onsite drainage of discharge from the dry bottom detention facility. The relocation of a portion of Branch #7 of the JN Kirkpatrick Regulated Drain was modified to run along the east property line. The Surveyor noted this was an improved relocation of said Branch. At that time Meredith requested final approval stating they concurred with the conditions as stated on the September 30, 2005 Burke memo.

The Surveyor recommended relocation of Branch #7 of the JN Kirkpatrick Regulated Drain. He stated the design presented today was improved compared to the previously Board approved relocation. John Knochel made a motion to approve the relocation of Branch #7 of the JN Kirkpatrick Regulated Drain. KD Benson seconded the motion. The relocation of Branch #7 of the JN Kirkpatrick Regulated Drain was approved as shown on the replat of phases 4 & 5. The Surveyor then recommended granting approval for the Commons at Valley Lakes Replat of Phases 4 & 5 with conditions as stated on the September 30, 2005 Burke memo. John Knochel made a motion to grant final approval with conditions for the Commons at Valley Lakes Replat of Phases 4 & 5. KD Benson seconded the motion. The Commons at Valley Lakes Replat of Phases 4 & 5 was granted final approval with conditions stated on the September 30, 2005 Burke memo.

### **Riverwood Minor Subdivisions 1 & 2**

Tim Byers with Vesters & Associates appeared before the Board to request the final approval for Riverwood Minor Subdivision 1 & 2. The site consisted of 107 acres and located on the south side of Division Road at the intersection of Division and Kerber Roads. Tim stated the project at hand was two Minor Subdivisions located within the overall Planned Development. The site consisted of seventeen tracts with ten-acre tracts as part of the overall development. He stated the ten-acre tracts would be eligible for division through the Rural Estate Subdivision process, but was not proposed at this time. Phase 1 Minor would consist of four lots and Phase 2 Minor would consist of 3 lots. A twenty feet wide roadway would connect both phases. Runoff from both phases would be collected in the new side ditches of said roadway. The northern portion of the site drained toward Division Road then east to Indian Creek and the southern portion to Wabash River. Tim requested a waiver of the Stormwater detention requirements for the project. He noted a need for detention exemption requirements stated in the County Stormwater Comprehensive Ordinance, since runoff after development due to the large lot sizes was decreasing. He felt they would be able to meet the Stormwater Quality measures as well as the remaining conditions on the Oct. 4, 2005 Burke memo. At that time he requested final approval for Riverwood Minor Phase 1 & 2. The Surveyor asked Tim if they would stand by the letter the Surveyor had previously signed involving erosion stabilization regarding walkout basements. Tim stated yes they were prepared to take the appropriate measures for said stabilization to technically (per Area Plan Commission (APC) Staff Report) the seven lots of the Riverwood Minor Subdivision. Steve stated as far as the Drainage Ordinance was concerned the ten acre tracts would be included as it was the total land disturbance activity which determined whether a project fell under Rule 5 provisions in post construction etc. Also the Surveyor noted there was quite a bit of sediment which reached the side ditch on the south side of Division Road due to the natural erosion along the ridge to the north. He would require a sediment basin such as a sediment trap at the very northeast corner of the property as a part of erosion control. The County Highway Department has cleaned out the ditch numerous times after large rainfalls before the sediment reached Indian Creek. Tim confirmed the trap would be located within the ravine/ditch. The Surveyor noted the area went back and forth from a ravine to a side ditch and felt an adequate sediment basin/trap could be located along the east side of Indian Hill or Division Road. The Surveyor clarified that on any residential building site which would be over the top of a ridge would be subject to a site plan prepared by a registered surveyor or engineer to ensure the erosion control provisions were in place.

The Surveyor recommended granting the variance for the Stormwater Detention in addition to final approval with the conditions as stated on the October 4, 2005 Burke memo, APC approval, and construction of a sediment basin on the east side of Indian Hill or Division Road. John Knochel made a motion to approve the variance for Stormwater Detention to Riverwood Minor Subdivision Phase 1 and 2. KD Benson seconded the motion. The variance was granted as requested.

John Knochel made a motion to grant final approval with the conditions stated in the October 4, 2005 Burke memo, in addition to APC approval, and construction of a sediment basin on the east side of Indian Hill or Division Road. Final Approval with the conditions as stated was granted to Riverwood Minor Subdivisions Phase 1 and 2.

### **Hunters Crest Section 1 and 2**

Brandon Fulk appeared before the Board and requested final approval for Hunters Crest Subdivision Sections 1 and 2. The site was located on the south side of Co. Rd. 450 South east of Co. Rd. 250 East (Concord Road). The northern portion of the site drained to the side ditch of Co. Rd. 450 South, eventually to the JN Kirkpatrick Regulated Drain. The southern portion of the site drained to the side ditch of Co. Rd. 500 South and eventually to the Kenny Ditch/ Wea Creek watershed. Due to the project site's location within the JN Kirkpatrick Drainage Impact area; participation in the regional detention basin would apply. The site contained two depressional areas, one within the center and one along the east line. Brandon stated these areas were delineated as wetlands, and the intent was to preserve these areas throughout the development of the site. The southeast corner of the site would not be developed at this time. Two detention ponds would be located onsite. Brandon noted the initial detention pond located at the northwest corner outlet to a 24" culvert under Co. Rd. 450 South. There would be adjustments to the natural grade in the northeast corner so runoff would drain to the 24" culvert. (This area was not in the floodplain) He stated the excess dirt from construction of the ponds and streets would be used for that purpose. He then requested final approval for Hunters Crest Subdivision Sections 1 and 2.

The Surveyor recommended final approval for Hunters Crest Section 1 and 2 with the conditions as stated on the October 4, 2005 Burke memo to include a revision to number 5 on said memo. The revision was as follows: The Homeowners Association covenants must include a clause which stated lot owners waive any objections to an increase in the regulated drain assessment regarding reconstruction or maintenance. Brandon stated he would confer with the client on the added condition, but noted the client was aware the area was located within the drainage impact area and drainage fees would be involved in the development of the project. John Knochel made a motion to grant final approval to Hunters Crest Section 1 and 2 with the conditions stated on the Burke memo as well as the aforementioned added revision to item number 5 on said memo. KD Benson seconded the motion. Hunters Crest Subdivision Sections 1 and 2 was granted final approval with conditions stated on the Oct. 5, 2005 Burke memo in addition to the revision of item number 5 on said memo indicating the Homeowners covenants include a clause which stated the lot owners would waive their objections to any increase in the regulated drain assessment regarding reconstruction or maintenance.

### **Public Comment**

As there were no public comments, 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**  
**February 2, 2006**  
**Regular Meeting**

**Those present were:**

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

**Approval of Minutes**

John Knochel made a motion to approve the January 11, 2006 Drainage Board minutes with the change of year's date from 2005 to 2006. Ruth Shedd seconded the motion. The January 11, 2006 Drainage Board minutes were approved with the change as aforementioned.

**Avalon Bluff Section 3**

Brandon Fulk appeared before the Board to request final approval for Avalon Bluff Section 3. The site consisted of thirty-five acres with approximately 105 lots and located at County Road 500 South and County Road 250 East (Concord Road). Section Three was located in the southern part of the overall development. Brandon stated letters were received from downstream landowners and their concerns had been addressed in the overall design. (The downstream landowners desired to maintain the quantity and quality of water discharging to their pond systems.) Observation was completed and documented (at the request of the Surveyor's office) concerning the pond discharge south of CR 500 South and downstream through the agricultural fields via Kenny ditch to Wea Creek as well as the flow through Concord Place and the Miehler property. The detention facility was roughly twice the required size as the historical overtopping of Concord Road was considered in their plan. A chamber system was designed for maintenance at the pond outfall. Brandon stated they concurred with the January 25, 2006 Burke memo and requested final approval. KD asked for public comment.

Russ Tarter 5729 South 200 East Lafayette Indiana 47909 presented pictures of flooding from a large rainfall event in 2004. Robert Miehler 1915 Wea School Road Lafayette Indiana 47909 approached the Board. He stated he did not have a "happy history" with the County regarding drainage. He had granted the county permission to cut through his "only large field" to straighten Wea School Road. Subsequently the gravel road became part of his property. Old ceramic broken down tile was located where the drainage ditch outlet into Wea Creek. There was a six to eight foot drop at that location and the tile fell in. He stated the twelve inch culvert was never adequate for the drainage as water historically overflowed Wea School Road. Approximately twenty years ago, the County cleared out the trees and vegetation between Wea School Road and Wea Creek without informing him. Within a year the ditch had eroded to Wea School Road. He contacted the County and was told it was his property and responsibility. Mr. Miehler stated the School Road was paved in approximately the 1960's and the clearing approximately 1985. Dave Eichelberger stated according to the ordinance, they could have released approx. 15 cfs which would have been a reduction of the existing condition. Since the 12 inch culvert under Concord Road could not handle that, they reduced the flow to 3.6 cfs. This resulted in the larger pond size. The anticipation was a lower flow rate in the ditch and should improve the drainage in that area. Ted Reihle 2214 Aberdeen Way Lafayette Indiana 47909 approached the Board and asked if drainage would be affected at his location. Mr. Reihle's property would not be affected by this plan. He felt the drainage system would not handle any additional drainage. GIS was utilized to review the area in question. Brandon stated at times when notifying downstream landowners they may stretch the notification. The Surveyor stated the Engineer Review memos were now on the website so landowners notified could review the memos before the meeting. Brandon stated that the project site did not drain to the JN Kirkpatrick Regulated Drain. KD asked if the pond owner was present and in agreement with the plan. Greg Boesch 4500 East 700 South Lafayette Indiana 47909 stated it was his understanding the drainage plan as designed would not add to or take from the existing downstream pond. The Surveyor noted there would be a slight decrease in water quantity due to the Hunters Crest Project's drainage which the Schneider Corporation was presently working on. Dave Eichelberger stated the reduction to the pond was approximately three or four percent less than the current amount of water to the pond. The larger impact to the pond would be Hunters Crest project as it consisted of approx. eighty percent of the watershed and the project at hand represented about twenty percent of the watershed. Dave Eichelberger stated the Schneider Corporation was aware of Mr. Boesch's concerns and looking at the water quantity and quality. While the release rate was above the allowable amount and less than the existing rate technically a variance was required. Brandon

agreed and requested a variance based on the tables within the ordinance for allowable release rate on the proposed conditions utilizing the existing flows as a maximum perimeter. The Surveyor recommended a variance of the release rate in the southeast corner of the subject development. John Knochel made a motion to grant the variance of the release rate for Avalon Bluffs Section Three relating to the southeast corner of the property. Ruth Shedd seconded the motion. The variance was granted as recommended. The Surveyor recommended final approval with the conditions as stated on the January 25, 2006 Burke memo. John Knochel made a motion to grant final approval with the conditions as stated on the January 25, 2006 Burke memo. Ruth Shedd seconded the motion. Avalon Bluffs Section Three was granted final approval with the conditions as stated on the January 25, 2006 Burke memo.

### **Concord Plaza Lot 2 LOT 1 AS OF JUNE 2006 CHANGED BY APC**

Brandon Fulk of Schneider Engineering Corporation appeared before the Board to request final approval of Concord Plaza Lot 2. The site was located at the southwest corner of County Road 350 South and County Road 250 East (Concord Road) and consisted of 6.5 acres within the Wal Mart Super Center master plan west of Wal Mart Supercenter. The project was designed to adhere to the drainage plan submitted for the Super Center site. Brandon stated water quantity and quality was taken into account for this portion of the site as well. He requested final approval at that time. The Surveyor noted Promenade Parkway was platted and designed as part of Stones Crossing Commercial Subdivision. At that time Branch #5 of the JN Kirkpatrick Regulated Drain cut across that area. The branch was intercepted within the thirty foot easement and reconstructed on their property at their own expense at that location while providing a route for the new storm sewer which served the roadway. A stretch of the branch was vacated by Wal Mart and taken in along the east side into their storm sewer system. In addition, Branch #5 of the JN Kirkpatrick Regulated Drain had been intercepted further upstream and relocated. The vacated portion of the Branch #5 JN Kirkpatrick Regulated drain was technically a still considered a Regulated Drain, however did not serve as a regulated drain any longer. Formal steps were warranted to remove it as a regulated drain from the record; however it does serve the roadway. The road has a sixty- foot road right of way and a thirty foot drainage (regulated drain) easement. Some of the parking area would be within the thirty-foot easement. The Surveyor stated his office as well as the highway department did not object to the said use of the easement. He wanted the Board to be aware of the anomaly as he thought the developer of Stones Crossing would be required to request a vacation of that portion of Branch #5 of the JN Kirkpatrick Regulated Drain. Board Attorney Dave Luhman stated either the landowner could request the vacation or the Surveyor could include the recommendation with his annual classification report to the Board. The Surveyor stated his recommendation would be to remove the regulated drain status and let it exist as a storm sewer within a platted drainage easement due the service to the public road. The Surveyor then recommended final approval with the conditions as stated on the January 30th, 2006 Burke memo. John Knochel made a motion to grant final approval with the conditions as listed on the January 30<sup>th</sup>, 2006 Burke memo. Ruth Shedd seconded the motion. Concord Plaza Lot 2 was granted final approval with conditions as stated. The vacated portion of Branch #5 would be addressed at a later date.

### **Lafayette Pavilions Phase 2**

Ryan McCroskey with Woolpert Inc. appeared before the Board to request final approval for Lafayette Pavilions Phase 2. The site consisted of approximately twenty-one acres and was located at the southwest corner of State Road 26 and Creasy Lane within the City of Lafayette. The Surveyor noted this project outlet to the Wilson Branch (aka Treece Meadow Relief Drain) of the S.W. Elliott Regulated Drain via a culvert under Creasy Lane and the Board would be looking at the impact to the regulated drain only. The master drainage plan was previously approved on July 6, 2005 by the Board. The phase was remodeled at the engineer consultant's request. The revised release rate was less than originally approved. The configuration of the storm and model was 17 cfs which was less than the allowable 24 cfs. Ryan requested final approval. The Surveyor recommended final approval for the Lafayette Pavilions Phase 2 with the conditions as stated on the January 27, 2006 Burke memo. While the project was inside the city, he stressed the importance of erosion control. He was concerned silt would not migrate through the Wilson Branch of the SW Elliott Regulated Drain. John Knochel made a motion to grant final approval with the conditions as stated on the January 27, 2005 Burke memo. Ruth Shedd seconded the motion. Lafayette Pavilions Phase 2 was granted final approval with the conditions as stated.

## **New North Middle School (AKA Battleground Middle School)**

Pat Jarboe of TBIRD Designs Inc. appeared before the Board to request final approval for the New North Middle School. The site consisted of fifty acres and was located on the northwest corner of County Road 50 West and County Road 600 North. Pat stated this project was initially brought before the Board at the January meeting. The challenge of this project was the existing watershed to the north as well as future development of the area. Concerns pertaining to the Fred Haffner Regulated Drain had been reviewed and studied. He stated the site layout had not changed since last month's presentation. There were three inline ponds, as every square foot that could be accommodated for storage was utilized to minimize downstream impact. The emergency flow characteristics onsite were now in the existing emergency routing channels. (What went to the east prior to this project would continue to go the east. What went to the south prior to the project would go the south.) What was within the Fred Haffner Regulated Drain watershed would stay in the said watershed even during emergency routing conditions. Pat stated in none clogged conditions the site would contain up to a five hundred year storm event onsite, before emergency routes were utilized, and was an improvement over existing conditions. Regarding the Fred Haffner Regulated Drain there were several improvements; one of which was the inline pond system. He thought this would be relocation or a reconstruction of the legal drain with the said inline ponds becoming a part of the drain. Improvements on the Hal and Barb Webster's property were planned. Note: Hal & Barb Webster were in attendance at the January meeting, however absent at the present meeting. Pat stated they agreed with the conditions on the January 30, 2006 Burke memo as well as a letter from the County Highway department and were addressing those comments. The variances requested were as follows: 1. Dry detention ponds onsite depth- variance to exceed depth requirement by approximately a foot (Approaching five feet during hundred year storm event) 2. Release rate from the site during hundred year event under County Road 600 North (within Fred Haffner Regulated Drain) -variance for increased release rate 3. Overflow rate for emergency routing (hundred year storm event) - variance for increased overflow rate 4. Existing Flow restrictions (Fred Haffner Regulated Drain – 24 inch culvert modification required under County Road 600 North) – variance for increased flow 5. Pipe openings size - variance for larger grate opening for entire site (potential for clogging due to agricultural watershed) 6. Pond D Quality issue (total sediment removal requirement-80%) - variance for the total percentage-72% of sediment removal: for this area only. Pat added he also requested the relocation of the Fred Haffner Regulated Drain- onsite only. Pat stated Variance # 3 and #4 could be combined to one request, which would make a total of 5 variances requested. He then requested final approval pending the approval of the requested variances.

KD asked if there was a signed document from the Websters stating they had no objections to this plan. Mark Deyoung, Attorney for Tippecanoe School Corporation approached the Board. He stated the Websters were presently in Australia and were satisfied with the proposed improvements through their property and the Board's discussion held last month. He stated a document had not been prepared as he felt it was not required under the circumstances. Another meeting with the Websters would be held before construction started. Any required signatures would be obtained at that time; he stated the Websters had been very cooperative throughout the process. The School Corporation believed the proposed improvements were within the area legally authorized for said improvements. The Board's Attorney stated while the board was not required to obtain the consent of a downstream landowner; they did have to insure the landowners were notified and had the opportunity to object. KD then noted the Websters were present at the January meeting. Pat stated he concurred with Mark Deyoung as the Websters were anxious to have the improvements done on their property. The engineer consultants requested data from TBIRD showing results if the drain was in a clogged condition. The drainage plan's design indicated there would be no water running through their property up to a five hundred year event. It would be through the underground pipe which outlet at the existing headwall. The Websters should not see any water on their property with this design unless the pipe was in a clogged state. Clogged condition criteria were requested. A barrier was added to the design at the north end of the property to catch some of the debris before entering the site lessening the amount of debris through the site.

The Surveyor stated he felt it best to discuss the Resolution to declare the Fred Haffner Regulated Drain an Impact Area. He stated he had discussed this with the Board Attorney and was not prepared for the resolution to be passed today however felt it prudent to bring it to the Board's attention. Declaring the Fred Haffner Regulated Drain Watershed an Impact area allowed for increased requirements within that area. As that area was developed, the School Corporation could possibly recoup some of their investment as the improvements would not solely serve the School Corporation. The cost of improvements would be substantial and there was no guarantee other than goodwill they would be shared by developers within that area. GIS was utilized at that time to review the drain watershed area. He stated there were a couple of options in this instance. He could declare it an Urban Drain meaning it was in need of reconstruction, Declare the area an Impact area and he felt this was the best option. The School Corporation were the first developers north of County Road 600 North to have to deal with the fact the Fred Haffner tile and the culvert under County Road 600 North were not adequate to convey water from that area. The Attorney noted declaring it a Drainage Impact Area allowed more flexibility in requirements which might be imposed on developers within the watershed. An example would be the required participation in regional detention pond storage fees.

The Surveyor noted if this was declared an impact area it would not increase the School Corporation's responsibilities over and above what was agreed to today. In response to KD Benson's inquiry, the Surveyor stated everything above County Road 600 North would be included in the impact area and possibly extend to its terminus. The Surveyor noted he wanted to discuss this in principle and did not expect a ruling today.

The Surveyor stated with the exception of the five foot depth pond variance, the site had dictated granting of the variances. He stated there were instances where the designer had done everything reasonably possible to meet the ordinance sediment removal percentage requirements. He felt they had provisions in place which would substantially improve the water quality. After a meeting held with TBIRD and Dave Eichelberger it was determined they could not meet the eighty percent sediment removal requirement. He noted at the corner of the parking lot runoff sheet flowed to the pond. A vegetative strip would be placed in that area. The site's overall percentage of sediment removal was close to ninety which exceeded the ordinance requirement. In response to KD Benson's concern of the variance, Pat stated his focus was to allow no impact greater than point one foot (a tenth of a foot) on the downstream portion of the Haffner drain. This dictated pushing up the depth of the dry bottom pond. The edge of the pond would have a five to one side as the five foot depth would be close to the middle of the pond.

The Surveyor stated he was prepared to recommend granting the variances listed as numbers 1,3 and 6 in the January 30, 2006 Burke memo as well as the pond depth variance. Mark Young asked if there was an inconsistency between the four listed and the 6 requested. The Surveyor noted there was not. The Board Attorney then stated the variances should be granted separately for clarification. John Knochel then made a motion to allow the 5 foot maximum dry pond depth on the southwest corner as requested. Ruth Shedd seconded the motion. John Knochel made a motion to grant a variance for larger openings on the ponds A, B, D and addressed in the memo and condition #3. Ruth Shedd seconded the motion. John Knochel made a motion to grant a variance concerning the release rates and addressed as condition #1 on said memo as well as the requested flow restriction variance. Ruth Shedd seconded the motion. John Knochel made a motion to grant a variance addressed as condition #6 in the said memo. Ruth Shedd seconded the motion. Dave Eichelberger noted the emergency routing plan was addressed in the overall plan and would not need a variance. The variances were granted as requested. The Surveyor then stated as the regulated drain would be relocated through the ponds the developer was aware of the maintenance responsibility of the relocated drain on their property. As it was the Tippecanoe School Corporation's property and time was crucial for costs etc. there were still details to be worked out but was confident it would be done. John Knochel made a motion to approve the relocation of the Haffner Regulated Drain through the applicant's site subject to the Surveyor's approval of the final plans as well as the reconstruction through the Webster's property south of County Road 600 North. Ruth Shedd seconded the motion. The relocation was granted as requested. The Surveyor then recommended final approval with the conditions as stated on the January 30, 2006 memo for Battleground Middle School (aka New North Middle School). John Knochel made a motion to grant final approval with the conditions as stated on the January 30, 2006 memo for Battleground Middle School (aka New North Middle School). Ruth Shedd seconded the motion. The Battleground Middle School (aka New North Middle School) was granted final approval with conditions as stated.

### **Other Business**

The Surveyor presented a Petition to Encroach on a County Regulated Drain Easement with a private drive crossing and culvert on the Delphine Anson Regulated Drain west of County Road 100West submitted to his office by Ernest Agee. He recommended granting the Petition as presented. John Knochel made a motion to approve the Petition as presented by the Surveyor. Ruth Shedd seconded the motion. The Petition to Encroach on a County Regulated Drain Easement with a private drive crossing and culvert on the Delphine Anson Regulated Drain west of County Road 100West submitted by Ernest Agee was approved.

### **2006 Contracts**

#### **Legal Services Contract and Engineering Consultation Services**

The Surveyor recommended the Board approve the 2006 Legal Services Contract as presented. John Knochel made a motion to approve the contract with the legal firm of Hoffman, Luhman and Masson. Ruth Shedd seconded the motion. The contract was approved. The Surveyor presented the 2006 contract for Engineer Consultation fees with Christopher B. Burke Engineering and recommended approval. John Knochel made a motion to approve the contract as presented. Ruth Shedd seconded the motion. The contract for professional engineering consultation with Christopher B. Burke was approved as presented.

**2006 Drain Regulated Drain Status List**

The Surveyor presented the 2006 Regulated Drain active/inactive list and recommended its acceptance by the Board. John Knochel made a motion to approve the 2006 Regulated Drain active/inactive list as presented. Ruth Shedd seconded the motion. The 2006 Regulated Drain Active and Inactive list as presented by the Surveyor was approved. The list would be included in the official minutes book immediately following the official minutes of this meeting.

**Steve Murray  
Drain Classification Report**

The Surveyor informed the Board he would be submitting his Drain Classification Report at the next meeting depending on the number of items on the Agenda. He noted last year a special meeting was held for the report. March 8, 2006 would be the next meeting.

KD Benson asked for public comment. As there was no other business before 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**  
**March 8, 2006**  
**Regular Meeting**

**Those present were:**

Tippecanoe County Drainage Board President KD Benson, Vice President John Knochel, member Ruth Shedd, County Surveyor Steve Murray, Drainage Board Attorney Dave Luhman, Drainage Board Engineering Consultant Dave Eichelberger from Christopher B. Burke Engineering Limited, Project Manager Zachariah Beasley (Drainage Board Secretary Brenda Garrison was absent).

**Approval of Minutes**

John Knochel made a motion to approve the February 2, 2006 Drainage Board minutes. Ruth Shedd seconded the motion. The February 2, 2006 Drainage Board minutes were approved as written.

**Hunters Crest Section 3**

Brandon Fulk of Schneider Engineering appeared before the Board to request final approval for Hunters Crest Section 3. The site was located on the south side of County Road 450 South just east of County Road 250 East (Concord Road). Brandon stated this section consisted of 22.5 acres of the overall development's 143 acre site. Section 1 and 2 were granted approval by the Board in the fall of 2005 and construction was underway. A system of swales and storm sewers routed to a new detention pond and outlet to a 24" culvert under County Road 450 South flowing north to the JN Kirkpatrick Regulated Drain was designed for a majority of Section 3. The remaining portion of Section 3 would drain into an existing wetland along the eastern boundary of the site. The project was located within the JN Kirkpatrick Regulated Drain watershed. Brandon stated utilizing the pond system as a treatment train; point discharges with stormceptors were designed to assist in the Stormwater quality discharge. Brandon stated the developer concurred with the March 2, 2006 Burke review memo and requested final approval for Section 3. After concurring with the Board's attorney, the Surveyor stated the project was subject to the Revised JN Kirkpatrick Regulated Drain Impact Area. The revised resolution would be presented to the Board at the present meeting. The Surveyor stated the present phase did not drain to the south. He then recommended final approval with conditions as listed on the March 2, 2006 Burke memo as well as subject to the Revised JN Kirkpatrick Regulated Drain Impact Area Resolution.

John Knochel made a motion to grant final approval with conditions listed on the March 2, 2006 Burke memo as well as subject to the Revised JN Kirkpatrick Regulated Drain Impact Area Resolution. Ruth Shedd seconded the motion. Hunters Crest Section 3 was granted final approval with conditions listed on the March 2, 2006 Burke memo and subject to the Revised JN Kirkpatrick Regulated Drain Impact Area Resolution.

**TSC South Elementary School**

Meredith Beyer from T-Bird Designs appeared before the Board to request preliminary approval for the TSC South Elementary School project. The site was located on the north side of County Road 450 South just east of County Road 250 East (Concord Road). The Upper JN Kirkpatrick Regular Drain Reconstruction would adjoin the north side of the project and serve as the final outlet for the site. Two temporary detention basins would be utilized until reconstruction project was completed. Meredith stated the offsite drainage would be addressed at a later date and requested preliminary approval of the proposed plan at that time. Responding to KD's inquiry, Meredith confirmed both dry detention bases could be utilized at a later date for other purposes.

The Surveyor had met with the landowners in the Upper J.N. Kirkpatrick Regulated Drain watershed and stated they were interested in constructing an open ditch in lieu of the agricultural tile. He stated he hoped to start construction this fall on the project. Right of Entries would be required and he stated the landowners present were agreeable. He then recommended granting preliminary approval for the TSC South Elementary School. As this project was located in the Upper JN Kirkpatrick Regulated Drain Impact Area, they would be subject to the Revised Upper JN Kirkpatrick Regulated Drain Impact Area Resolution.

John Knochel made a motion to grant preliminary approval for TSC South Elementary School subject to conditions listed on the February 24, 2006 Burke memo and the Revised Upper JN Kirkpatrick Regulated Drain Impact Area Resolution as stated by the Surveyor. Ruth Shedd seconded the motion. TSC South Elementary School was granted preliminary approval with conditions as listed on the February 24, 2006 Burke memo and subject to the Revised Upper JN Kirkpatrick Regulated Drain Impact Area Resolution.

#### **Other Business**

##### **Assignment of Fortune Park Easement to City of Lafayette**

The Surveyor presented an Assignment of Fortune Park Easement to City of Lafayette for the Boards approval. He noted this concerned the Treece Meadows Relief Drain/Wilson Branch of the S.W. Elliott Ditch. The last sentence of the first paragraph stated "This assignment is made subject to the reservation unto the assignors of the proceeds of all assessments related to the *drainage systems and facilities* served by such Drainage Easement, assumption by assignee of all responsibility for maintenance of the Drainage Easement, and assumption by assignee of all other obligations of assignors under the terms of the Drainage Easement accruing after the effective date of this assignment" and should be amended to read "This assignment is made subject to the reservation unto the assignors of the proceeds of all assessments related to the *drainage systems, facilities and watershed* served by such Drainage Easement, assumption by assignee of all responsibility for maintenance of the Drainage Easement, and assumption by assignee of all other obligations of assignors under the terms of the Drainage Easement accruing after the effective date of this assignment."

The Attorney explained this document related to the drainage easement granted to the County in 1991 with the development of Wal-Mart site south of Sam's Club. This was granted at that time with the understanding in the future it could be granted to the City of Lafayette. The City of Lafayette requested the easement at this time as they planned to construct sewer facilities within it. The rights under said easement would be assigned to the City. The County would retain the drainage assessments with respect to the easement within the watershed in order to maintain funding of the Regulated Drain.

John Knochel made a motion to approve the Assignment of Fortune Park Easement to City of Lafayette. Ruth Shedd seconded the motion. The Assignment of Fortune Park Easement to the City of Lafayette was approved with the revision as stated by the Surveyor. The Attorney noted he would make the revision on the document and obtain the additional signatures as required.

#### **Steve Murray**

##### **Petition to Establish a New Regulated Drain/Sec 13, 14 23N 3W**

The Surveyor noted his office received a Petition to Establish a New Regulated Drain in Section's 13 and 14 Township 23North and Range 3West and located at 1025 East and 100 North, North of Pettit on State Road 26 from Todd Welch. Based on the preliminary analysis of the watershed, approximately 49 percent of the benefited landowners had signed the petition. He recommended the petition be referred to him for a report. The Attorney stated he had reviewed the petition and it met the basic requirements of the statute.

John Knochel made a motion to refer the petition back to the Surveyor for a report. Ruth Shedd seconded the motion. In response to KD's inquiry, the Surveyor estimated it would be at a minimum of six month time frame for his investigation and report to the Board. The Petition to Establish a New Regulated Drain in Sections 13 and 14 Township 23North and Range 3West was referred to the Surveyor for a report.

##### **Revised Resolution #2006-01-DB/Upper JN Kirkpatrick Drainage Impact Area**

The Surveyor presented a Revised Resolution of the Upper JN Kirkpatrick Drainage Impact Area for approval. He stated he had met with most of the major property owners within the watershed last October. As a result of that meeting, he asked Dave Eichelberger of Christopher Burke Engineering to prepare technical language to the existing JN Kirkpatrick Drainage Impact Area Resolution#2005-05-DB. The original regional detention concept would cost in excess of 6 million dollars which proved to be too costly. He had agreed to utilize some EDIT monies in developing a new outlet (open ditch) and the developers would provide their own regional detention. He stated this would also reduce the release rates. The Attorney stated this document supplemented the initial resolution which established the impact area and quantified the discharge rates for the Upper JN Kirkpatrick Drain. The post developed discharge rate had to be limited to 233 cfs. This meant each development in the watershed must utilize the release rate of .13cfs per acre to meet the resolution requirements. The remaining 2005 resolution restrictions would be in effect. Although it was unlikely, developers may have to participate in a

regional detention facility if constructed. He noted a developer's internal facilities would have to be established as regulated drains and they would be bound to consent to the reconstruction of JN Kirkpatrick Regulated Drain. In response to KD Benson's inquiry, Dave Eichelberger stated the models had been in place since the mid 1990's for the reconstruction of the lower Kirkpatrick and were revisited for the regional detention preliminary/conceptual plan of the upper portion. The Surveyor stated he had requested specific numbers in this instance. Dave then stated the rate was fairly restrictive however they were based on a detailed setup of an entire watershed. Whereas, allowable release rates within ordinances were generally release rates spread out over an entire county and were not site specific. He pointed out in Hamilton and Hancock County the studies were completed with gage streams data. The release rates were as low as .05, .07 and .09 cfs per acre. In response to Pat Jarboe's (attende) inquiry, Dave stated .13cfs related to a 100 year storm event as he did not have numbers for the 10 year. They had concentrated on the 100 year storm event only. The Surveyor noted Christopher Burke was in the process of remodeling the channel. They would provide that information at time of completion.

John Knochel made a motion to approve the Resolution #2006-01-DB/ Establishing the Upper JN Kirkpatrick Regulated Drain a Drainage Impact Area. Ruth Shedd seconded the motion. Resolution 2006-01-DB Establishing the Upper JN Kirkpatrick Regulated Drain a Drainage Impact Area was approved as presented.

### **Resolution 2006-02-DB/Establishing the Fred Haffner Regulated Drain a Drainage Impact Area**

The Surveyor presented Resolution #2006-02-DB Establishing the Fred Haffner Regulated Drain a Drainage Impact Area for approval. He noted this would affect the TSC North (aka Battleground) M.S. project while adding the drain had an inadequate outlet. He recommended the impact area cover the entire watershed. One of the reasons to declare this watershed an impact area was the high cost involved with construction of a positive outlet. The Surveyor felt it fair that all future developments within the watershed share a prorated cost for the said outlet. The Attorney reiterated in order to provide a positive outlet it was necessary to improve that drain. Construction of a new regulated drain crossing at County Road 600North was planned. Tippecanoe School Corporation would make the improvements. One of the conditions which may be imposed within that watershed would be a new development could be required to pay their prorated share (determined by the Drainage Board) of TSC's costs for construction of said improvements. As a secondary condition, each newly constructed drainage system within the watershed would have to provide a positive outlet to the Haffner Regulated Drain. The present conditions relate to information at hand. In the future additional conditions may be imposed as information becomes available.

John Knochel made a motion to approve Resolution #2006-02-DB Establishing the Fred Haffner Regulated Drain a Drainage Impact Area. Ruth Shedd seconded the motion. Resolution #2006-02-DB Establishing the Fred Haffner Regulated Drain a Drainage Impact Area was approved as presented.

### **Resolution 2006-03-DB/ Julius Berlovitz Regulated Drain Drainage Impact Area**

The Surveyor presented Resolution 2006-03-DB Establishing the Julius Berlovitz Regulated Drain a Drainage Impact Area. He noted this had been discussed by the Board in the past and the Board was familiar with the watershed. A regional detention concept final plan was complete. He reviewed A.B.C. and D. of the resolution stating the conditions: A. All stormwater drainage control systems within the Berlovitz Impact Area shall participate in the Berlovitz *legal drain*. B. Each Storm water drainage system within the Berlovitz Impact Area shall provide a positive outlet to the Berlovitz Regional Detention Basin. C. The developer of each storm water drainage control systems within the Berlovitz Impact Area shall petition to establish all internal drainage facilities as regulated drains and as condition of approval may be required to waive its right to remonstrate against higher rates for reconstruction thereof. D. The developer of each storm water drainage control system within the Berlovitz Impact Area shall, as condition of approval, consent to such reconstruction of the Julius Berlovitz Legal Drain as may from time to time be required. The Surveyor stated condition A should be revised as follows: A. All Stormwater drainage control systems within the Berlovitz Impact Area shall participate in the Berlovitz *Regional Detention Basin*. John Knochel made a motion to approve Resolution #2006-03-DB establishing the Berlovitz Drainage Impact Area with the revision as noted by the Surveyor. Ruth Shedd seconded the motion. Resolution #2006-03-DB Establishing the Julius Berlovitz Drainage Impact Area was approved with the revision as noted by the Surveyor. The Attorney will provide a revised document for the Board's signatures.

**Drain Classification Report Presentation to Board/Special Meeting Date**

The Surveyor requested a special meeting to present the Classification of Drains (Partial) to the Board. The special meeting was set for March 24, 2006 at 10 a.m.

**Public Comment**

The Attorney explained the meaning of “Drainage Impact Area”. A drainage impact area is an area with unique characteristics without a positive outflow. Declaring a resolution allows special restrictions on development to improve the drainage problems in addition to those required by the County Drainage Ordinance and the State Drainage code. By definition it may be the entire watershed or a part thereof.

As there was no additional public comment, 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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Zachariah Beasley, Acting Secretary

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Ruth Shedd, 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**  
**September 6, 2006**  
**Regular Meeting**

**Those present were:**

Tippecanoe County Drainage Board President KD Benson, member Ruth Shedd, County Surveyor, Steve Murray, Drainage Board Attorney Dave Luhman, Drainage Board Engineering Consultant Dave Eichelberger from Christopher B. Burke Engineering Limited, and Drainage Board Secretary Brenda Garrison. Drainage Board Vice President John Knochel was absent at the start of the meeting and entered the meeting in progress -\*see notation of entrance.

**Approval of Minutes**

Ruth Shedd made a motion to approve the August 2, 2006 Regular and August 17, 2006 Special Drainage Board minutes as written. KD Benson seconded the motion. The August 2, 2006 and August 17, 2006 Drainage Board meeting minutes were approved as written.

**Dairy Queen**

Brandon Fulk with Schneider Engineering Corporation appeared before the Board to request final approval for Dairy Queen located within the Creasy at the Crossing Subdivision and the City of Lafayette specifically at the intersection of Bonlou Drive and S.R. 38 southeast of the intersection of Creasy Lane and S.R. 38. It will have an indirect outlet to Branch 13 of the S.W. Elliott Regulated Drain. Creasy at the Crossing development was approved by the Drainage Board in April of 2000. The Stormwater runoff will be directed into a previously approved storm sewer infrastructure for Creasy at the Crossing Subdivision. The original entrance design for the project was pulled and would be submitted at a later date. There was no public comment.

The Surveyor noted the purpose of the Board's review was solely the release rate to Branch #13 of the S.W. Elliott Regulated Drain. Historically when projects are located within the City limits, a review of the release rate to a regulated drain was the primary reason for Board approval. However he felt water quality should be reviewed as well. Therefore the City should provide proof the project met the Stormwater Pollution Prevention Plan as well as the Post Construction Water Quality devices or plan. He recommended final approval with the conditions as stated on the August 31, 2006 Burke memo in addition to the proof from the City the project met the Stormwater Pollution Prevention Plan as well as the Post Construction Water Quality devices or plan.. Ruth Shedd made a motion to grant final approval of the Dairy Queen project with the conditions listed on the August 31, 2006 Burke memo and written proof from the City of approval of the project's Stormwater Management Plan.

**Greater Lafayette Health Services (GLHS)/ Mass Earthwork and Grading**

Jim Shallenberger of BSA Life Structures appeared before the Board to request approval for the mass earthwork and grading only of the Greater Lafayette Health Services project. The property was being annexed by the City of Lafayette and would be located within the limits in the near future. The earthwork consisted of approximately 57 acres of the overall 103 acre site located on the east side of Creasy Lane between McCarty Lane (C.R. 100 South) and Haggerty Lane (C.R. 200 South). The site will have a direct outlet to the Treece Meadows Regulated Drain to the north and an indirect outlet to S.W. Elliott Regulated Drain to the south. An onsite detention pond was proposed in the northwest corner of the site to restrict the flow to the Treece Meadows Regulated Drain.

Dave Luhman stated the Drainage Board was in receipt of a request from the City of Lafayette dated September 1, 2006 regarding the project site annexation (effective November 13, 2006) and requesting City of Lafayette authorization to review and approve final drainage plans on the project. The Drainage Board would have the authority prior to the November 13, 2006 date. The Surveyor stated he was in contact with the City of Lafayette's Engineers Office concerning the project. He stated given the fact the site will be annexed, the city should review the project. The County will be reviewing the release rates to the two Regulated Drains as well as the Stormwater Quality provisions. He stated the release rates were not being approved today only the mass earthwork and grading. Crystal Joshua City Engineer Assistant approached the Board at that time and stated the City approved the mass earthwork and grading plans prior to a final approval of the plans. There was no public comment.

Ruth Shedd made a motion to grant final approval of the mass earthwork and grading for the Greater Lafayette Health Services (GLHS) project with conditions as stated on the August 31, 2006 Burke memo. KD Benson seconded the motion. Ruth Shedd made the motion to authorize the City of Lafayette to review and recommend approval regarding the drainage plans before the November 13, 2006 annexation. KD Benson seconded the motion. Greater Lafayette Health Services (GLHS) was granted final approval for the mass earthwork and grading only with conditions as stated on the August 31, 2006 Burke memo. The City of Lafayette was granted authority to review plans submitted prior to the November 13<sup>th</sup> annexation. The Surveyor stated once the final plans were complete a submittal to the Drainage Board would be required for review and approval of the release rates to the Treece Meadows and S.W. Elliott Regulated Drains.

### **Stanfield Ridge Rural Estates Subdivision**

Paul Coutts with C & S Engineering appeared before the Board to request final approval for the Stanfield Ridge Rural Estates Subdivision. The site consisted of approximately 56 acres located northwest of the intersection of C.R. 600 West and S.R. 26. The project site drained easterly and southerly to Indiana Creek and westerly to Goose Creek. Detention ponds would be located in Outlots A, B, D and E. A swale would be constructed to route the northern offsite runoff around the proposed lots to Goose Creek. The on and offsite areas drained to Indian Creek crossing C.R. 600 West or S.R. 26 at existing culverts. Areas draining to Goose Creek were discharged into the stream on the north side of S.R. 26. Vegetative Buffer strips and swales would be utilized throughout the subdivision. Most of the site's existing haul roads used previously during the construction of S.R. 26 would be utilized for the subdivision.

\*John Knochel entered the meeting at this time.

KD Benson invited public comment. Landowner, Michael Sum approached the Board and asked about sewage plans for the area. Paul Coutts stated the lots would have septic systems and noted to date the Board of Health had approved Section 1 (lots 1-12). In response to Mr. Sum's inquiry, he indicated the location of the detention ponds on the plans and noted release rates would not be greater than required by the ordinance. Dave Eichelberger explained the ordinance regulations regarding release rates. There would be a slower rate of release through the pipes for a longer period of time due to detention storage in the ponds. Bill Sum then approached the Board stating he had lived in the area for 18 years and asked if the development would cause Goose Creek to go dry. Dave Eichelberger stated, in the direction of Goose Creek they left the drainage patterns the same and leaving the trees virtually the same, the calculations show no increase or volume in that direction so the Creek should not go dry. The drainage calculations indicate discharge or volume would not be increased. In response to landowner Kathy Koslowski's inquiry, Paul Coutts stated most of the trees would be left undisturbed throughout the Subdivision and Covenants would also address tree preservation. The Surveyor stated an additional review of the tree preservation along the Creek's banks was warranted to insure the bank's stabilization. Responding to Michael Sum's inquiry, the Surveyor noted the Board strongly encouraged consultants to leave existing trees along creek banks to reduce erosion. He then recommended final approval with the conditions as stated on the September 1, 2006 Burke memo in addition to finalizing tree preservation easements with the project consultant on lots 14 through 18 of said subdivision. Ruth Shedd moved to grant final approval on Stanfield Ridge Rural Estates Subdivision with the conditions listed on the September 1, 2006 Burke memo as well as the Surveyor to meet with the project consultant and finalize tree preservation for the aforementioned lots. John Knochel seconded the motion. Stanfield Ridge Rural Estates Subdivision was granted final approval with the conditions listed on the September 1, 2006 Burke memo as well as the Surveyor to meet with the project consultant and finalize tree preservation for the aforementioned lots.

### **Best Way Disposal**

Justin Frazier with T-Bird Designs appeared before the Board to request final approval for Best Way Disposal. The site consisted of approximately 10 acres located east of the intersection of C.R. 350 South and C.R. 500 East and on the south side of C.R. 350 South. A portion of Branch 9 of the S.W. Elliott Regulated Drain was located on the north property line south of C.R. 350 South and the project had an indirect outlet to said Branch. The drive and swale outlets encroached into Branch 9 of the S.W. Elliott Regulated Drain. The swales would convey Stormwater north to the roadside ditch. Due to the encroachment of the entrance drive and swale outlets a Petition to Encroach was submitted for approval. Justin also requested a reduction of the Branch 9 S.W. Elliott Regulated Drainage Easement from 75 feet to 40 feet. He stated due to the restriction of the capacity of the existing tile and culvert which conveyed runoff across the road, a detention pond would be incorporated at the northeast corner of the site. Trash operations would be inside the building and taken offsite for disposal. KD Benson asked for public comment and there was none. The Surveyor reviewed the project site area for the Board utilizing G.I.S. He stated during the 1990's Phase IV C.R. 350 South Reconstruction, Branch 9 of the S.W. Elliott Regulated Drain was reconstructed as well. It ran parallel just inside the south right of way of the new road construction. He added this area does not have a very good positive outlet. The road side ditches, through a series of cross pipes from south to north, eventually end up in a 24 inch concrete storm sewer along the north side of C.R. 350 South Phase IV which ultimately discharges into the

main tile branch of the S.W. Elliott Regulated Drain at the northwest corner of C.R. 350 South and Newcastle Road. The onsite detention was planned in order to release their proportionate share of runoff. In addition the project site would be primarily grass which should lessen the impact overall to the C.R. 350 South storm sewer system as well as the main branch of the S.W. Elliott Regulated Drain. Responding to Steve's inquiry, Justin stated drain lines within the building would pump trash liquid into a 10,000 gallon onsite storage tank before removal from the site.

The Surveyor recommended approval of the Petition to Encroach on Branch 9 of the S.W. Elliott Regulated Drain Easement. John Knochel made a motion to approve the Petition to Encroach on Branch 9 of the S.W. Elliott Regulated Drain Easement. Ruth Shedd seconded the motion. The Petition to Encroach on Branch 9 of the S.W. Elliott Regulated Drain Easement was granted. The Surveyor recommended approval for the request to reduce the Branch 9 of the S.W. Elliott Easement from 75 feet to 40 feet. John Knochel made a motion to grant a reduction to Branch 9 of the S.W. Elliott Regulated Drain Easement from 75 feet to 40 feet. Ruth Shedd seconded the motion. The reduction to Branch 9 of the S.W. Elliott Regulated Drain Easement from 75 feet to 40 feet was granted. The Surveyor recommended final approval with conditions as stated on the August 31, 2006 Burke memo. John Knochel made a motion to grant final approval with conditions as stated on the August 31, 2006 Burke memo to Best Way Disposal. Ruth Shedd seconded the motion. Best Way Disposal was granted final approval with the conditions as stated.

**Steve Murray**  
**Petition to Encroach/J.N. Kirkpatrick Ditch/City of Lafayette**

The Surveyor stated he received a Petition for Encroachment on a Regulated Drain Easement regarding the J.N. Kirkpatrick Regulated Drain from the City of Lafayette owner of the Elliott Interceptor Sewer. The City of Lafayette had relocated the sanitary sewer. The Surveyor reviewed the plans and the relocation was well under the existing tile and open portion of the Regulated Drain, therefore he recommended approval of the submitted Petition. John Knochel made a motion to approve the Petition to Encroach on the J.N. Kirkpatrick Regulated Drain submitted by the City of Lafayette for the Elliott Interceptor Sewer. Ruth Shedd seconded the motion. The Petition to Encroach on the J.N. Kirkpatrick Regulated Drain submitted by the City of Lafayette for the Elliott Interceptor Sewer was granted.

**Maintenance Bond #0000781/Menards**

The Surveyor presented a Maintenance Bond in the amount of \$54915.00 numbered 0000781 submitted by Kreager Brothers Excavating for Menards at C.R. 300 West and U.S. 52 and dated March 1, 2006 for acceptance. He recommended the acceptance of the aforementioned bond. John Knochel made a motion to accept Maintenance Bond #0000781 in the amount of \$54915.00 submitted by Kreager Brothers Excavating for Menards (C.R. 300 West and U.S. 52) and dated March 1, 2006. Ruth Shedd seconded the motion. Maintenance Bond#0000781 submitted by Kreager Brothers Excavating for Menards (C.R. 300 West and U.S. 52) in the amount of \$54915.00 dated March 1, 2006 was accepted by the Board.

**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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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**  
**December 6, 2006**  
**Regular Meeting**

**Those present were:**

Tippecanoe County Drainage Board President KD Benson, Vice President John Knochel, member Ruth Shedd, County Surveyor Steve Murray, Drainage Board Attorney Dave Luhman, Drainage Board Engineering Consultant Dave Eichelberger from Christopher B. Burke Engineering Limited, and Drainage Board Secretary Brenda Garrison. Project Manager Zachariah Beasley was also in attendance.

**Approval of Minutes**

John Knochel made a motion to approve the November 1, 2006 Regular Drainage Board minutes as written. Ruth Shedd seconded the motion. The November 1, 2006 Drainage Board meeting minutes were approved as written.

**Mystic Woods Phase 2 REPLAT**

Paul Coutts of C& S Engineering appeared before the Board to request final approval for Mystic Woods Phase 2 REPLAT. The site was located southeast of the State Road 225 and State Road 43 intersection. The replat of this Phase would accommodate four lots on approximately 17.42 acres. Lot 2 and a portion of Lot 1 would continue to drain uncontrolled to an on-site ravine which is tributary to Burnett Creek. Drainage swales would convey the Phase 2 runoff to the existing Phase 1 storm sewer system via a 15 inch storm pipe known as Structure #3. Said Structure was located on the north side of Midnight Drive. Paul stated originally the overall development allowed for approximately 13 acres to drain from Phase 2 to a pond located in Phase 1, the replat would lessened that amount to 11.25 acres.

The Surveyor noted Condition 6 of the December 11, 2006 Burke memo. He reiterated each individual lot would be required to provide additional measures such as Master Covenants but stated the Covenants would be handled through the Building Permit process. He recommended final approval with the conditions as stated on the December 1, 2006 Burke review memo. John Knochel made a motion to grant final approval with the conditions as stated on the December 1, 2006 Burke review memo. Ruth Shedd seconded the motion. Mystic Woods Phase 2 REPLAT was granted final approval with conditions as stated.

**Other Business**

**Winding Creek Section 2/Rear Yard Swale Lots 172-175**

The Surveyor noted the Board was aware of ongoing problems with homeowners and/or contractors filling in or placing tile within a side or rear yard swale of a parcel. He stated his office spends approximately 10-15 hours weekly dealing with this type of problem. Building Permits now alert the Surveyor's office when a violation of this sort occurs during the building process. Historically landowners have contributed to the problem by filling in their swale after the building process had been completed. In 2004 many of the problems resulting from the flood was caused by landowners filling in the 100 year emergency overflows. Discussions had been held with the building community (i.e. developers, contractors) as well as the Building Commission Department (who was working with the Surveyor's office) on this issue.

A call had been received by the Surveyor office concerning improper drainage as Lot 174 in Winding Creek Section 2 Subdivision was experiencing flooding. Homeowners of Lot 172 and Lot 173 in Winding Creek Section 2 had altered their rear yard swales which ultimately caused the flooding on Lot 174. A 6 inch tile and additional landscaping was placed within the swale of Lot 172 and 173. The Surveyor reviewed pictures which showed results of said alterations after the last rainfall. IN a conversation with the Surveyor's office, Steve Conner-developer stated he did not inform the realtor and/or homeowner the swale could be altered as they had previously indicated. The placement of the tile and landscaping had resulted in flooding on Lot 174. The homeowner of Lot 174 was utilizing a sump pump to empty water out of his basement and the water was now up over the outlet resulting in problems eliminating the water. The Surveyor noted generally a letter is sent stating the homeowner was in violation of the Drainage Board Approval, Easement and/or covenants and was expected to remove the swale obstructions. They are informed if they refuse to remove it, the Board has the authority to remove at the homeowners cost. Project Manager Zachariah Beasley stated he had spoken with Bob McKee homeowner of Lot 173 and Lynn Strycker, Realtor of Lot 172 regarding this problem. In reply to Ruth Shedd's inquiry, the Surveyor stated the lots were

platted before the revised Stormwater Ordinance was in place therefore it was not clear if the landowners could be fined in this instance. He reviewed the site utilizing GIS and stated he was open for any suggestions. The Attorney stated the public needed to know violations of the Drainage Ordinance, Easements and/or Covenants on their property were subject to enforcement by the Drainage Board, as well as possible civil liability for damages to upstream owners as a result of violations. He noted a public education campaign may be warranted.

**Steve Murray**

***F-Lake Regional Detention Pond Design Contract***

The Surveyor presented a Proposal for Professional Engineering Services for F-Lake Regional Detention Pond Design with Christopher B. Burke Engineering LTD. Christopher B. Burke Engineering LTD previously was under contract for the design of F-Lake near Ivy Tech. During the design process, the Ivy Tech Campus expanded. Ivy Tech requested the Engineers to investigate if the preliminary design would accommodate a direct access road along the north edge to a property east of the campus. This was not in the scope of contracted work, however it was reviewed. Ivy Tech did not buy the property to the east and bought property on the south side of Elliott Ditch instead. The F-Lake project was put on hold and due to additional pressing projects- was placed on the back burner. Now that Ivy Tech expansion plans are evident the final design process can proceed. In fairness to Burke (having performed work outside of the scope of the original contract), the Surveyor asked for a proposal on a final design based on the original concept. The total of the contract was not to exceed \$53,386.00 (Dave Eichelberger Engineer Consultant noted since the original contract was completed permitting requirements had changed which resulted in increased costs for model revisions and additional permitting procedures.) The Surveyor recommended acceptance of the proposal by Christopher B. Burke Engr. LTD as presented with standard terms and conditions not to exceed \$53,386.00. John Knochel made a motion to accept the Professional Engineering Services for F-Lake Regional Detention Pond Design with Christopher B. Burke Engineering LTD not to exceed \$53,386.00. Ruth Shedd seconded the motion. The Professional Engineering Services for F-Lake Regional Detention Pond Design with Christopher B. Burke Engineering LTD not to exceed \$53,386.00 was approved as presented.

***Elliott Ditch Branch #11 Reconstruction/On-Call Engineering Services***

The Surveyor in conjunction with the F-Lake Design Contract presented the following: Christopher B. Burke Engr. LTD Professional Services On-Call Engineering Services for the Professional Services of Branch #11 S.W. Elliott Regulated Drain Contract not to exceed \$8500.00 for approval by the Board. Reconstruction of Branch #11 of the S.W. Elliott Regulated Drain was proposed. Utilizing GIS, the Surveyor reviewed Branch #11 of the S.W. Elliott Regulated Drain for the Board. Several people have looked at the Brand property in that location for possible development. The previous Surveyor felt upgraded infrastructure was required to accommodate new development. Reconstruction of Branch #11 would require a hearing process. If landowners vote in favor of the reconstruction (an agricultural tile to a storm sewer) then the Indiana Dept. of Transportation would be responsible for the installation of pipe upgrades under State Road 38 thereby reducing the cost to the tax payer dramatically. A semi-final reconstruction design by Butler, Fairman and Seufert Engineering Services was in place. The Surveyor has requested Christopher Burke to review that design, make necessary revisions and indicate the cost for such reconstruction. He has spoke with some landowners in the watershed and they were in favor of the reconstruction. John Knochel made a motion to approve the Christopher B. Burke Engr. LTD On-Call Engineering Services for the Professional Services of Branch #11 S.W. Elliott Regulated Drain Contract not to exceed \$8500.00. Ruth Shedd seconded the motion. The Christopher B. Burke Engr. LTD On-Call Engineering Services for the Professional Services of Branch #11 S.W. Elliott Regulated Drain Contract not to exceed \$8500.00 was approved as presented.

***Leader Newton Drain #115/Waterway and tile replacement***

The Surveyor noted quotes had been received for the waterway and tile replacement on the Leader Newton Regulated Drain #115. The following were submitted: Lauramie Excavating in the amount of \$57,706.00, Birge Farm Drainage in the amount of \$74,833.90. The Surveyor recommended the quotes be taken under advisement as there were technical legal issues which he felt he needed to discuss with the Attorney. John Knochel made a motion to take the aforementioned quotes under advisement. Ruth Shedd seconded the motion. The submitted quotes for the waterway and tile placement on the Leader Newton Regulated Drain #115 were taken under advisement.

**Performance Bonds**

The Surveyor presented Performance Bond #1752908 submitted by Prairie Materials Inc. for Prairie Materials and written by The Hanover Insurance Company in the amount of \$30,000.00 dated November 16, 2006. The Surveyor stated this was for the relocation for a portion of a Branch of the Elliott Ditch just south of the intersection of County Road 350S and County Road 500E. The Surveyor noted the necessary paperwork to do the relocation and reconstruct that portion at their expense had not been submitted to date. John Knochel made a motion to accept Performance Bond #1752908 for Prairie Materials and written by The Hanover Insurance Company in the amount of \$30,000.00 dated November 16, 2006. Ruth Shedd seconded the motion. Performance Bond #1752908 submitted by Prairie Materials Inc. for Prairie Materials and written by The Hanover Insurance Company in the amount of \$30,000.00 dated November 16, 2006 was accepted as presented by the Surveyor.

**Buffalo Wild Wings**

In response to KD’s inquiry, the Surveyor stated he would not recommend additional parking for Buffalo Wild Wings located on Creasy Lane. The project was presented to the Board on August 2, 2005 and granted an encroachment and reduction of easement for the parking lot. The Surveyor felt as the easement was purchased with tax payer funds; it was not in their best interest to allow the request.

**Public Comment**

Gary Schroeder appeared before the Board and requested to be included in the design process of the Reconstruction for Branch #11 S.W. Elliott Regulated Drain. He stated the said branch routed through his property.

As there was no additional public comment, John Knochel made a motion to adjourn the meeting. 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**  
**January 3, 2007**  
**Regular Meeting**

**Those present were:**

Tippecanoe County Drainage Board President KD Benson, Vice President John Knochel, 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 Project Manager Zachariah Beasley were in attendance. Member Ruth Shedd was absent.

**Approval of Minutes**

John Knochel made a motion to approve the December 6, 2006 Regular Drainage Board Meeting minutes as written. KD Benson seconded the motion. The December 6, 2006 Regular Drainage Board meeting minutes were approved as written.

**Election of Officers**

Drainage Board Attorney Dave Luhman accepted nominations for 2007 officers of the Tippecanoe County Drainage Board. KD Benson nominated John Knochel as President for 2007. There were no other nominations. John Knochel was elected President of the Drainage Board with no objections. The Attorney then requested a motion for Vice President. John Knochel nominated Ruth Shedd as Vice President. KD Benson seconded the nomination. Ruth Shedd was elected Vice President in absentia. John Knochel made a motion to appoint Brenda Garrison as the 2007 Drainage Board Secretary. KD Benson seconded the motion. Brenda Garrison was appointed Drainage Board Secretary for 2007.

Contracts for the Drainage Board Attorney as well as Engineer Consultant would be presented during the February Meeting.

**Concord Plaza Phase One Lots 3A & 3B**

Brandon Fulk of Schneider Corporation appeared before the Board to request final approval for Concord Plaza Phase One Lots 3A and 3B. The site consisted of approximately 1.44 acres - known as Outlot 3 and located at the corner of County Road 350 South and County Road 250 East (Concord Road). Outlot 3 was subdivided into two lots (3A and 3B) and would have a new storm system connected to the main storm sewer constructed at the Wal-Mart Super Center site. The runoff would then discharge to a detention facility also constructed at the WalMart site. Brandon stated the detention facility was constructed to the South of the Wal-Mart building as part of the Master Drainage Plan for the overall Subdivision. Stormwater quantity and quality rules were met at that time. He stated Lot 3B would not be developed at this time and they agreed with the conditions listed on the December 22, 2006 Burke memo. He then requested final approval with the stated conditions at that time.

The Surveyor asked which portion of the existing Stormwater sewer system for Wal-Mart location would the Stormwater end up in. Brandon stated; it would run down a private drive to the west side of WalMart and into the detention facility. In response to the Surveyor, Brandon confirmed it would not be located in the portion which contained the relocated Branch of the J.N. Kirkpatrick Regulated Drain. He stated it was Wal-Mart's responsibility to provide any drainage information for the site. In response to KD, Steve stated he knew of one instance where construction was not done as planned. They would monitor this as construction progressed. John Knochel asked for public comment and there was none.

The Surveyor recommended final approval with the conditions as listed on the December 22, 2006 Burke memo. KD Benson made a motion to grant final approval with the conditions as listed on the December 22, 2006 Burke memo. John Knochel seconded the motion. Concord Plaza Phase One Lots 3A & 3B was granted final approval with conditions as stated.

**Unity Oncology Expansion/Faith Hope and Love Center**

Brandon Fulk with Schneider Engineering appeared before the Board to request final approval for the Unity Oncology Expansion aka Faith Hope and Love project. The 1.5 acre site located on the east side of Creasy Lane (County Road 350 East) south of Amelia Drive and within the City of Lafayette, was known as Lot 2 of the Crosspointe Commercial Subdivision. The medical building would be expanded in order to provide space for additional radiation equipment. The proposed development would require an Encroachment on the Treece Meadows Relief Drain Easement. The existing storm

sewer system would be utilized with a slight modification due to the expansion of the building extending into the Treece Meadows Relief Drain Easement. The site has a direct outlet to said Relief Drain (which is part of the Wilson Branch of the Elliott Drain) and tributary to the Wilson Branch Regional Detention Facility. Brandon stated the existing two lane drive would be maintained, however five existing parking spaces would be removed. He was requesting approval of a Maintenance Agreement regarding the Treece Meadows Relief Drain as well. The agreement was for the maintenance from the top of the bank of the Treece Meadows Relief Drain to the existing concrete swale (vegetation) - from Creasy Lane to Amelia Ave. As development occurred to the south and the east the Relief Drain would be maintained by any future development in that location at that time. He stated a Petition for Encroachment was previously submitted to the Surveyor for review. In addition, a Vacation of a Regulated Drain Easement regarding the location of the proposed building expansion with a five foot buffer beyond the proposed footprint was requested. He then requested final approval with the conditions as stated on the December 21, 2006 Burke memo along with the approval of a Vacation of the Easement, a Maintenance Agreement and Encroachment Petition. Responding to the Surveyor's inquiry, Brandon stated the dumpster and dumpster pad would be removed and relocated to the southwest corner of the existing parking lot. The Attorney stated the requests would require Drainage Board approval only. He noted while the Encroachment allowed for maintenance on the Drain, if any damage occurred to the parking lot during required maintenance, it would be at the owner/developer's expense. John Knochel asked for public comment and there was none. In response to K D's inquiry, the Surveyor stated his office tried to maintain a twenty-three foot strip (particularly on Urban Drains) from top of bank on one side of a drain - at the least - to enable an excavator to perform maintenance work.

Subject to filing of the legal descriptions for the Maintenance Agreement, the appropriate Encroachment Petition, and Vacation Request (to include recording of those documents), the Surveyor recommended final approval along with the conditions as listed on the December 21, 2006 Burke memo. KD Benson made a motion to grant the proposed Maintenance Agreement, Encroachment and Vacation of Easement subject to submittal of their legal descriptions. John Knochel seconded the motion. KD Benson made a motion to grant final approval with conditions as stated in the December 21, 2006 Burke memo. John Knochel seconded the motion. The Unity Oncology Expansion Project aka Faith Hope and Love Center was granted final approval with the conditions as stated.

### **Campus Suites-Preliminary Approval**

Paul Dietz from Vester and Associates appeared before the Board to request preliminary approval of Campus Suites. The site consisted of approximately 19.9 acres located north of U.S. 52 and Paramount Drive and west of Lakeshore Subdivision. The site was south of Hadley Lake Regulated Drain. Approximately 4 acres in the northern portion of the site lied within the floodplain and would remain undisturbed. (The site's drainage plan was divided by the following: PA1= Center of site PA2= the Southwest corner of the site PA3= North portion of the site)

Paul stated the site would have a direct outlet to the Dempsey Baker Drain, an indirect outlet to the Cuppy - McClure Drain and runoff would eventually drain to the Hadley Lake Regulated Drain. A detention storage waiver and treatment exemption was requested. He stated they agreed to the conditions listed on the December 29, 2006 Burke memo. In response to K D's inquiry, Paul stated the proposed pond was a wet-bottom pond. In response to K D's inquiry, the Attorney stated notification to downstream owners was required before final approval was granted. KD expressed concern regarding the parking lot area's runoff. Dave Eichelberger stated a variance was requested for that area.

The Surveyor stated he had discussed the project site with the Board's Engineer Consultant and they were not prepared today to recommend granting a variance or encroachment. He stated at this time preliminary approval was requested only. Dave Eichelberger reiterated a floodplain was associated with the site. Everything the developer was putting in was outside the floodplain. Any wetlands associated with site were located in the northern portion and they were staying out of the wetlands. There was no offsite areas tributary to the site and no downstream capacity issues. Request for the Variances should not be addressed at this time as the design for their proposed filter strips etc. had not been submitted to date for review. John Knochel asked for public comment and there was none.

The Surveyor recommended preliminary approval with the conditions as stated on the December 29, 2006 Burke memo and NOT to grant any variances or encroachments at this time. KD Benson made a motion to grant Preliminary approval only. John Knochel seconded the motion. Campus Suites was granted Preliminary Approval only at this time.

### **Leader Newton Regulated Drain**

Regarding the pending quote acceptance for the Leader Newton Regulated Drain waterway and tile replacement, the Surveyor informed the Board the quote from Lauramie Excavating in the amount of \$57,706.00 was received after the stated

time requirement therefore could not be accepted. A quote from Birge Farm Drainage in the amount of \$74,833.90 was received before the date and time requirement.

Therefore after tabulation and review he recommended the Board accept Birge Farm Drainage's quote in the amount of \$74,833.90 for the Leader Newton Regulated Drain waterway and tile replacement. KD Benson made a motion to accept the quote submitted by Birge Farm Drainage in the amount of \$74,833.90. John Knochel seconded the motion. Birge Farm Drainage quote of \$74,833.90 for the Leader Newton Regulated Drain waterway and tile replacement was accepted by the Board.

**Public Comment**

As there was no public comment, 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**  
**February 7, 2007**  
**Regular Meeting**

**Those present were:**

Tippecanoe County Drainage Board President John Knochel, Vice President Ruth Shedd, member KD Benson, County Surveyor Steve Murray, Drainage Board Attorney Dave Luhman, Drainage Board Engineering Consultant Dave Eichelberger from Christopher B. Burke Engineering Limited, and Drainage Board Secretary Brenda Garrison. Project Manager Zachariah Beasley was also in attendance.

**Approval of Minutes**

Ruth Shedd made a motion to approve the January 3, 2007 Regular Drainage Board minutes as written. KD Benson seconded the motion. The January 3, 2007 Drainage Board meeting minutes were approved as written.

**Stoddard Development Warehouses/Encroachment Petition**

Brandon Fulk of Schneider Corporation appeared before the Board to request an approval for Stoddard Development Warehouse Encroachment Petition. The site was located north of County Road 350 South between U.S. 52 and County Road 500 East and south of the Norfolk and Southern Railroad. Branch 12 of the S.W. Elliott Regulated Drain traversed the site. The said Branch was tributary to the planned F-Lake Regional Detention Facility. Brandon stated a railroad spur was now necessary due to the growth and its shipping obligations. The railroad spur would encroach and cross Branch 12 of the S.W. Elliott Regulated Drain. The Branch 12 tile was rerouted in 2004 from the east line of property to the northeast corner to the connection beneath the railroad at the northwest corner of the site. He noted the encroachment was located at the northeast corner of the site. Calculations provided by the manufacturer indicated the pipe was adequate size for the structural load of the engines and freight. Brandon noted, the developer would maintain the tile within the encroachment area if issues were to arise in the future. Brandon stated the encroachment request was the only issue at hand today as expansion of the warehouse would be presented for Board approval at the next month's scheduled meeting. The Surveyor stated the previously rerouted tile plan had been reviewed by Christopher Burke to ensure the tile could handle loaded railcars. Brandon reiterated at this time only approval from the Board for the encroachment was requested - based on the submitted material and draft encroachment petition. The final Encroachment Petition document would be presented for signatures at the March meeting. The Surveyor stated in addition to the required standard language, noted maintenance responsibility for said Branch (located under the railroad spur) would be required within the petition as well. Therefore if a problem arose under the railroad spur, the developer would be responsible for the repair(s) by the terms of the encroachment. He felt this adequately protected landowners served by the Branch within the watershed. Ruth Shedd made a motion to approve the Encroachment Petition requested by Stoddard Development with conditions listed on the January 29, 2007 Burke memo. KD Benson seconded the motion. Brandon confirmed he would present the finalized Encroachment Petition document at the March Drainage Board meeting for signatures.

**Unity Medical Parking Lot Expansion**

Brandon Fulk of Schneider Corporation appeared before the Board to request final approval for the Unity Medical Parking Lot Expansion. Brandon stated Tom Gall and Joe Bumbleburg representing Unity Medical were in attendance. Located on the east side of Creasy Lane (County Road 350 East) and south of Amelia Drive the site was within the city of Lafayette. The area in question was located northeast of the approved Faith Hope and Love project and within the Unity Medical Campus site. An Encroachment Petition (regarding the Treece Meadows Relief Drain) was submitted for approval. If approved, the encroachment would result in approximately 20' available for maintaining the drain.

Schneider was asked to investigate a platted 15' Utility Easement which Brandon stated it appeared to be a routine easement previously created (2000) during platting of the Subdivision and was not being utilized at this time. Investigation included discussion with the Surveyor who had prepared the plat and physical evidence at time of the topographic survey. The concern was the easement was created for the relocated Wilson Branch tile. Considering investigation information and the physical evidence that the tile was not in the easement- it was determined that the easement was *not* created for the Branch of the Wilson Branch as originally suspected but was a platted drainage and utility easement. Therefore, the draft Encroachment Petition (regarding the Treece Meadows Relief Drain) was submitted for approval by the Board and would in fact be updated

in the same fashion as one to be heard subsequently for the Faith Hope and Love project which was modified since the parking lot expansion project draft document was submitted.

The Surveyor clarified the requests as follows: There were two Encroachment Petitions to be considered. First the Parking Lot Expansion request for an encroachment into a standard platted 15' Drainage and Utility Easement and second an encroachment request regarding a drainage easement for the Wilson Branch / Treece Meadows Relief Drain (previously created for the re-route of a Branch of the Wilson Branch). The Attorney added the encroachment into said platted 15' Drainage and Utility Easement would not affect the existing utilities however consent from the utility companies would be required.

Regarding the Encroachment Petition into the Wilson Branch/Treece Meadows Relief Drain, the Surveyor noted due to the elevation of the Wilson Branch tile, it could not outlet east of Creasy Lane into the Treece Meadow Drain. (As the area developed through various projects, the old tile was picked up and rerouted as part of various projects. The tile ran along the north bank of Treece Meadow crossed between buildings at the Unity Campus ran north under Creasy Lane into a box structure installed as part of the Creasy Lane reconstruction project on the west side of Creasy Lane. The tile still served a portion of the agricultural ground to the east.) Responding to the Attorney, the Surveyor noted the County purchased this particular easement. The Attorney stated this would distinguish it from the standard 75' Right of Entry a Drainage Board has with respect to all Regulated Drains. The County's ownership of the drainage easement gave the Board more control of the type of use by others. Regarding a recommendation for final approval, the Surveyor deferred to the Board's opinion as to whether they felt 20' was adequate for the drainage easement (taking into consideration a maintenance agreement to mow or maintain the vegetation from Creasy Lane to Amelia Ave. was signed and provided by the developer) Tom Gall (representing Unity) approached the Board. Mr. Gall stated the requested Encroachment Petition and Maintenance Agreement documents were both reviewed and approved by the Board's Attorney and signed by Unity. He confirmed Unity would be responsible for the mowing of the ditch from Creasy to Amelia Ave.

The Surveyor recommended final approval with conditions stated on the February 2, 2007 Burke memo, with the following exception to the portion titled Variances/Encroachments – a final Encroachment Petition would be worked out between the parties. The condition regarding a 25' maintenance access from the top of bank would be worked out between the Surveyor and Developer. The Attorney then clarified the Maintenance Agreement covered mowing the vegetation on both sides of the drain from Creasy Lane to Amelia Ave. until land on the south side of said drain was developed. At that time Unity would be required to maintain the north side of the drain from Creasy Lane to Amelia Ave. A new developer/owner on the south side of said drain would be responsible for their site.

Ruth Shedd made a motion to approve the Unity Medical Parking Lot Expansion with conditions stated on the February 2, 2007 Burke memo with the exception of the Encroachment Petition. The said Petition was to be presented at the March Drainage Board Meeting for acceptance/approval. KD Seconded the motion. Unity Medical Parking Lot Expansion was granted final approval with conditions as stated.

#### **Unity Main Campus / Encroachment and Maintenance Agreement**

Brandon Fulk of Schneider Corporation appeared before the Board and requested final approval for the Unity Main Campus Encroachment Petition and Maintenance Agreement. The Encroachment Petition and Maintenance Agreement were presented to the Board in compliance with conditions of final approval previously granted for the Faith Hope and Love project located on the Unity Main Campus site. Attorneys for both parties (Drainage Board and Unity) had reviewed the documents prior to today's meeting. Brandon noted an additional condition was ordered previously for the Faith Hope and Love project concerning a Vacation of Easement (for maintaining a 5' perimeter around the Building). The said Vacation document was presently in the draft stage. He noted this situation was unique with encroachments, maintenance agreements and vacations. The Attorney had reviewed the Maintenance Agreement as well as the Encroachment Petition presented for approval today. He reiterated a condition of the Encroachment Petition approval was a signed Maintenance Agreement which the developer had provided. The Surveyor noted he had spoken with Mr. Gall informed him there was brush (willows etc.) which would need to be removed and Mr. Gall was in agreement. Attorney Joe Bumbleburg approached the Board in response to KD Benson's inquiry concerning the Maintenance Agreement. He explained the Maintenance Agreement and Encroachment Petition were both written and submitted as agreed upon by the Board in the January meeting. The Surveyor stated when the south side of the drain was developed the same maintenance requirement would be imposed by the Board.

Ruth Shedd made a motion to approve the Unity Main Campus Maintenance Agreement and Encroachment Petition as presented. KD seconded the motion. In response to the Presidents inquiry for those opposed, KD Benson indicated in the affirmative. The Unity Main Campus Encroachment Petition and Maintenance Agreement were approved as presented.

### **Kirkpatrick Infrastructure**

Brandon Fulk of Schneider Corporation appeared before the Board to request final approval for the Kirkpatrick Infrastructure project. A proposed access road (Kirkpatrick Boulevard) would be located on the north side of County Road 450 South east of County Road 250 East (Concord Road). The roadway would provide access to the Woodland Elementary School currently under construction as well as future developments. The Benjamin Crossing Subdivision was located to the west, a vacant farm field to the east and a rural subdivision as well as Hunters Crest Subdivision to the south of the proposed road. Brandon stated the storm infrastructure would service future development to the west, a bypass system for offsite flows to the school (Schneider worked with the School Corporation on elements of this nature). The storm system would pick up a portion of offsite flow from Hunters Crest Subdivision as well areas yet to be developed on the homestead and remainder of the farm. Provisions were provided within the storm infrastructure that ran along the west line of the roadway for future development and immediate interim conditions. An interim dry detention facility would be utilized during the construction of the roadway. Brandon stated he was presently working with the County Highway Department on a couple issues. He concurred with the conditions as stated on the February 2, 2007 Burke memo while requesting an encroachment for the temporary detention facility based off the proximity to the JN Kirkpatrick Regulated Drain under construction at this time. He noted a 25' separation between the ditch bank and the temporary facility bank for accessibility was planned. A variance on the allowable release rate was requested as well. The roadway would be dedicated by the School Corporation and the easement for the storm sewer and utility would run along the western length of the road.

The Surveyor stated he recommended granting the variance on the release rate. Ruth Shedd made a motion to grant the variance of the release rate. KD Benson seconded the motion. Kirkpatrick Infrastructure was granted the variance from the release rate as requested. The Surveyor then recommended final approval with the conditions as listed on the February 2, 2007 Burke memo. Ruth Shedd made a motion to grant final approval with conditions as stated on the February 2, 2007 Burke memo. KD Benson seconded the motion. Kirkpatrick Infrastructure was granted final approval with conditions.

### **Huntington Farms Phase 3 Section 2 Lots 164 & 165**

Paul Dietz of Vester and Associates appeared before the Board to request a Vacation of Easement for Lot 164 of Huntington Farms Phase 3 Section 2 Subdivision. Attorney Joe Bumbleburg approached the Board. He indicated he prepared both vacation and encroachment documents for the Board to determine which document to use in this case. He stated while the encroachment process may be quicker, a vacation of easement would be the more permanent solution and most beneficial to all involved in this case. The Board Attorney stated an encroachment into a platted drainage and utility easement would be subject to the condition that if it ever interfered with the drainage or need for utilities it would have to be removed. Since the encroachment was a home in this case, a mortgage lender may be reluctant to loan money for a home which may be required to be moved out of the easement in the future. The homeowner's interest would not be satisfied in that case. The process by Indiana Code for vacation of platted easements required publication and notification. Any person that may feel effected by the vacation would have the opportunity to remonstrance the vacation. Mr. Dietz stated all utilities had been notified and consents for the vacation were provided with the exception of Verizon (who had to process it through their main office) but expected that consent forthcoming. In response to the Surveyor's request, Paul stated the emergency routing plan was reviewed prior to submission of the request. The Surveyor was satisfied there was adequate room after the vacation was granted for proper drainage and recommended vacation of the easement as requested. Ruth Shedd made a motion for the Drainage Board to consent to the Vacation of Easement of Lot 164 Huntington Farms Phase 3 Section 2 Lot 164. KD Benson seconded the motion. The Vacation of Easement for Lot 164 Huntington Farms Phase 3 Section 2 would be presented at the March 5<sup>th</sup> 2007 Commissioner's meeting for final action by Mr. Bumbleburg or Paul Dietz of Vester and Associates.

### **2007 Regulated Drain Status Report**

The Surveyor presented a 2007 25% Increase in Regulated Drain Assessments Resolution to the Board for approval. He stated in March of 2006 he presented the Board with a classification report which indicated drains in need of the said increase. He noted it was too late to get the increase on the tax rolls at that time. Therefore he presented the list today for formal action in order to include the increase for the 2007 tax roll. Ruth Shedd made a motion to accept Resolution #2007-01-DB 25% Increase in Regulated Drain Assessments. KD Benson seconded the motion. Resolution 2007-01-DB was

approved. He then presented the 2007 Regulated Drain Status sheet for approval. Ruth Shedd made a motion to approve the 2007 Regulated Drain Status sheet. KD Benson seconded the motion. The 2007 Regulated Drain Status sheet was approved as submitted. *Note: Resolution 2007-01-DB and the 2007 Regulated Drain Status sheet will be included in their entirety within the Official Meeting Minutes Book immediately following the February 7, 2007 Approved Minutes.*

### **William Walters #84 Regulated Drain Reclassification**

The Surveyor stated he had included the need for the William Walters Regulated Drain reconstruction on the 2006 Classification Report presented to the Board in March of 2006. He noted since that time he has had two verbal requests from landowners for the drain's reconstruction north of County Road 900 North. Utilizing GIS, he noted the drain tile continued into White County. When the previous Surveyor was in office, the drain was surveyed and plans were prepared. However, a property owner north of County Road 900 North was not in favor of replacing the existing tile with an open drain at that time. The landowner has changed his mind since and in favor of the reconstruction as well as landowners located in White County. He stated he would prepare a reconstruction report to present to the Board at a later date.

### **Maintenance Bonds**

The Surveyor presented Maintenance Bond #104791385 dated Sept. 20, 2006 for Winding Creek Section 4 Subdivision in the amount of \$24,690.00 submitted by Milestone Contractors, and Maintenance Bond #1802388 dated January 23, 2007 for Blackthorne Subdivision Phase 1 in the amount of \$6250.00 submitted by Atlas Excavating for acceptance by the Board. Ruth Shedd made a motion to accept Maintenance Bond #104791385 dated Sept. 20, 2006 for Winding Creek Section 4 Subdivision amount \$24,690.00 submitted by Milestone Contractors, and Maintenance Bond #1802388 dated January 23, 2007 for Blackthorne Subdivision Phase 1 amount \$6250.00 submitted by Atlas Excavating presented by the Surveyor. KD Benson seconded the motion. Maintenance Bond #104791385 dated Sept. 20, 2006 for Winding Creek Section 4 Subdivision in the amount of \$24,690.00 submitted by Milestone Contractors, and Maintenance Bond #1802388 dated January 23, 2007 for Blackthorne Subdivision Phase 1 in the amount of \$6250.00 submitted by Atlas Excavating were approved as presented.

### **Other Business**

#### **Contracts**

#### **Drainage Board Legal Services Contract**

The Surveyor referred to the Board's Attorney for the presentation of the 2007 Drainage Board Legal Consultation Contract. The Attorney noted the contract amounts had not changed since last year and noted if an associate performed the work a lesser amount of \$50.00 per hour would be charged. Ruth Shedd made a motion to approve the 2007 Drainage Board Legal Consultation Contract with Hoffman, Luhman and Masson as presented. KD Benson seconded the motion. The 2007 Drainage Board Legal Consultation Contract with Hoffman, Luhman and Masson was approved as presented.

#### **Drainage Board Professional Engineering Consultant Contract**

The Surveyor then presented a 2007 Drainage Board Engineer Consultant Contract with Christopher B. Burke Engineering LTD Indianapolis office for the Board's approval. He noted the amounts included in the contract were the same as in the 2006 contract. He then recommended the Board execute the renewal contract as submitted for approval. Ruth Shedd made a motion to accept the renewal contract with Christopher B. Burke Engineering LTD for Professional Engineering Services. KD Benson seconded the motion. The 2007 Professional Engineering and Drainage Review Contract with Christopher B. Burke Engineering LTD Indianapolis office was approved as submitted.

#### **Berlowitz Regional Detention Facility Design Modifications Contract**

The Surveyor presented the Berlowitz Regional Detention Facility Design Modifications Contract with Christopher B. Burke Engineering LTD Indianapolis Office for acceptance by the Board. He explained, as part of negotiations of the Clarian Arnett project, 300,000 plus cubic yards of soil was removed from the property in order to acquire the property needed for the Berlowitz Regional Detention Facility. As a result of said negotiations, the 2003 contract documents need to be modified and brought up to date. (The County agreed to relocate and compact a portion of the removed soil south on some of the Saddlebrook properties such as Hawthorne Lakes and Hawthorne Meadows.) The Surveyor recommended acceptance of the 2007 Berlowitz Regional Detention Facility Design Modifications Contract with Christopher B. Burke Engineering LTD Indianapolis Office in the amount of \$50,276.0000. Ruth Shedd made a motion to accept the 2007 Berlowitz Regional Detention Facility Design Modifications Contract with Christopher B. Burke Engineering LTD Indianapolis Office in the amount of \$50,276.0000. KD Benson seconded the motion. The 2007 Berlowitz Regional Detention Facility Design Modifications Contract with Christopher B. Burke Engineering LTD Indianapolis Office in the amount of \$50,276.0000 was approved by the Board.

## Shangri La Estates

The Surveyor gave the Board an update on the Shangri-La Estates project. He stated the project was approved with conditions by the Board October 13, 2004. At that time proper notifications to all effected downstream landowners had not been completed. Three of the downstream owners were the Kepners. Mr. Bill Kepner (now deceased) was in attendance at the October 2004 meeting. Mr. Kepner had a verbal agreement for regrading the existing conveyance and adding riprap to his property. A signed agreement with the Kepners was a condition of the October 13, 2006 approval. This document has not been submitted to date. Two downstream property owners had not received the notification. The Highway Department and Suburban Utilities had not approved the project as of a couple weeks ago. The Engineer Consultant stated a final updated drainage report, approval from the Hwy. Dept., and acknowledgement letters were still pending. Mr. Glen Stockment, representing the developer, had made attempts to notify the two landowners: Cox and Sheese (the Shangri La development is wrapped around their properties) and they have not accepted the certified letters. The Attorney then stated certified or registered notifications were considered due diligence (you can not force someone to accept notification). The Surveyor stated the original developers have chosen to sell the property. He reiterated agreement letters with the Kepners as part of the conditions have not been submitted to date. He also noted, the Secretary had notified Mr. Stockment of the pending conditions on several occasions since the approval and had documented those notifications on the memos located in the file. However she will speak with Mr. Stockment again regarding the conditions pending. Since the conditions had not been met for final approval, construction plans would not be signed by the Surveyor.

## Regulated Drain(s) Right of Entry

Responding to KD's inquiry, the Attorney noted by Indiana Statute the County has 75' right of entry from the top of bank or centerline of tile on a regulated drain. There is also a statute which states it may be reduced to as little as 25' from top of bank or 15' from the centerline of the tile. It also states one is not allowed to erect any permanent structure within the right of entry. If there was a special reason why one might want to reduce the right of entry it should be done on a case by case request in his opinion. The Surveyor was in agreement and stated this is often referred to a Regulated Drain Easement and it was actually a Right of Entry as the Attorney stated. The Attorney stated another area which you would get the request was subdivision drainage plans and these do not necessarily regard a regulated drain. In this case you are not talking about a Right of Entry but a platted Drainage and Utility Easement. In this instance the issue would be; is there adequate room for someone to maintain / install or repair utilities or drainage facilities within the easement? This is why for practical reasons; you have a standard 25' easement.

## Public Comment

John Knochel asked for public comment, there was none. Ruth Shedd made a motion to adjourn the meeting. KD Benson seconded the motion. 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**  
**March 14, 2007**  
**Regular Meeting**

**Those present were:**

Tippecanoe County Drainage Board 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, and Drainage Board Secretary Brenda Garrison. Project Manager Zachariah Beasley was also in attendance. Vice President Ruth Shedd was absent at the start of the meeting.

**Approval of Minutes**

KD Benson made a motion to approve the February 7, 2007 Regular Drainage Board minutes as written. John Knochel seconded the motion. The February 7, 2007 Drainage Board meeting minutes were approved as written.

**Stoddard Development Building Expansion**

Brandon Fulk from Schneider Corporation appeared before the Board to request final approval for the Stoddard Development Building Expansion. The site was located north of County Road 350 South between U.S. 52 and County Road 500 East and south of the Norfolk and Southern Railroad. Brandon stated the project's overall site design was previously presented to the Board in October 2004 for approval. At that time the design was intended for a 500,000 square foot warehouse facility, with the intent of building out 400,000. All infrastructures were completed in 2004 and 2005 with the intention of building the remaining 100,000 square feet at a later date. Brandon concurred with February 22, 2007 Burke memo and had submitted a Master Covenant and Agreement for approval. The agreement included maintenance of onsite ponds and the tile under the railroad spur. He requested final approval for the project. The Surveyor then noted the project was approved prior to the adoption of the new Stormwater Ordinance. Since the improvements were previously completed and the addition was nominal, he agreed they would not have to post either a Performance or Maintenance Bond. A Master Covenant Agreement for the entire site was filed in the place of the bonds. KD Benson made a motion to grant final approval with conditions as stated on the February 22, 2007 Burke memo with the exception of condition #5 & #6 under General Conditions to be replaced with condition # 3 under the Stormwater Quality section. John Knochel seconded the motion. Stoddard Warehouses Building Addition was granted final approval with conditions.

NOTE: Vice President Ruth Shedd entered the meeting at this time.

**Stoddard Development/Petition for Encroachment Crossing on a Regulated Drain**

Brandon stated at the northeast side of the project, a rail spur would be constructed to assist in the shipping process. Due to the previous relocation of Branch #12 of the SW Elliott Regulated Drain at that site, a Petition to Encroach was warranted. Brandon stated the tile would support the rail spur traffic and provided documentation for the record. He requested approval of the Encroachment Petition. The Surveyor then noted Schneider was asked to analyze the relocated branch of the Elliott Drain to ensure it would handle the traffic structurally. The Encroachment Petition required the developer to maintain the branch under the spur, he recommended approval as requested. KD Benson made a motion to grant the Petition for Encroachment Crossing on a Regulated Drain Easement. Ruth Shedd seconded the motion. The Petition for Encroachment Crossing on a Regulated Drain Easement was approved.

**Winding Creek Subdivision Sections 5&6**  
**Winding Creek Section 5**

Paul Dietz from Vester and Associates appeared before the Board to request final approval for the Winding Creek Section 5 and Section 6 Subdivisions. The site was located south of County Road 600 North and west of County Road 75 East. The sections were proposed to be developed adjacent to completed sections of the overall development bordering the Coyote Crossing Golf Course. Section 5 consisted of 9.458 acres and 11 residential lots. Storm sewers were designed to convey the Stormwater to an existing pond within Section 5 site with some controlled runoff to Burnett Creek. Paul stated the existing pond pre-dated the original master plan completed in the 1990's. Variances were requested for lots 310 and 311 adjacent to the pond. An easement was proposed with a fence along the easement line due to pond safety requirements within the Ordinance. Paul determined the pond was a dammed up ravine, however was not sure when it was constructed. He stated

there was no documentation the pond complied with the Stormwater Ordinance in terms of slopes, depths, ledges etc. He requested a variance to discharge to the undocumented pond. In response to John Knochel's inquiry, Paul stated the dam was located on the south end and discharged to Burnett Creek. He presented to the Board photographs of the condition and route of the dam. He stated the photographs were taken from downstream looking back at the embankment and showed the outlet structure. The structure was tiled however there was an emergency spillway at that location. In response to KD's inquiry, Paul stated the pond was owned by Coyote Crossing. John Knochel noted his concern was if the dam could hold the runoff from 9 of the 11 lots. Paul stated the master drainage report provided for 8.92 acres to drain to the pond and assume 12 pads. The current plan called for 11 pads on 2.16 impervious acres. The final plan was consistent with the original plan. An increase of the impervious surface was .22 acres. (11%) According to the original report, the pond was designed to handle 29.4 cfs during a 100 year storm and this section would contribute 13.5 (40%) of the overall capacity. Paul stated they were unable to determine from the master plan where the remainder amount of flow came from. Clarifying for KD, Paul stated while the master plan stated the pond was "designed" it was actually in existence prior to the plan. He stated they must have performed calculations to determine the numbers for the pond. John Knochel stated his concerns as follows: If for some reason the pond had a breach, it would certainly do considerable damage to the adjoining owners. He felt it would be prudent to have the dam inspected and he would not have a problem with the project when an inspection of the dam was complete. In response to the Surveyor inquiry, Paul stated the developer had planned to start construction on the two phases this year. Ruth Shedd asked how long it would take to get an inspection on the dam. Dave Eichelberger- Board Consultant stated it would depend on how fast the proposal was submitted and a field visit scheduled. He estimated approximately a month or longer typically. KD then stated there was a question of notification of downstream owners. The Surveyor stated to his knowledge they had not been notified. Dave Luhman stated depending on the outcome of the dam study, there was potential of direct discharge to downstream owners in the event the dam was not sufficient to hold some level of flooding (100 year etc.). John Knochel then stated he was more than willing to hold a Special Meeting once the inspection was complete if needed. Joe Bumbleburg requested, recognizing the dam was one of the issues at hand, some sort of conditional approval to enable the developer to continue. John Knochel referred to the Attorney. Dave Luhman stated the issue was more than just a dam inspection, there were also variances requested for the pond, as well as the question of the actual capacity of the pond to accept the discharge of the 12 lots. It is not known what the discharge is into the pond from other areas or the actual capacity of the pond. The original conceptual master plan suggested there was a certain capacity of the pond; however it is not known how that was determined. Paul stated a value was given in the master plan. Dave Eichelberger commented there was not enough information to state the exact capacity of the pond or the 100 year elevation. Dave Luhman asked without the information, can a determination of the risk of harm to downstream owners be made. Dave Eichelberger stated no. Paul stated the relative change from this plan to the previous plan was extremely minor. If runoff flowing into the pond was a 100 year storm of 25 it was now 25.2. Dave Eichelberger agreed and stated his review was to insure what was proposed and approved previously was basically the same. However, he did not know the capacity of the pond or the risk of failure. He felt the capacity, emergency routing and the condition of the dam should be reviewed. The Surveyor commented in the late 1990's when this pond was looked at, capacity was not analyzed. It certainly was part of the overall master plan. While being reviewed for this project, questions had been raised to the condition of the existing dam or embankment, emergency overflow and the outlet structure and noted it could not be determined from the original study. While there wasn't a significant submittal on the adjoining golf course itself, all the phases of Winding Creek were reviewed and incorporated as an overall drainage plan. Basically the pond drained through a ravine or swale area and the outlet pipe was located at a cart path. Paul stated the tile for the outlet to the pond actually routed to Burnett Creek. Photos were reviewed and GIS was utilized. In response to KD's inquiry, Paul stated the downstream owners of the golf course were notified. Responding to the Surveyor, Paul stated the documentation of notification had not been provided to the Surveyor's Office. The Surveyor stated he understood that the owner was not aware of the project. KD Benson made a motion to continue Section 5 of Winding Creek Subdivision until a dam and pond inspection was completed. Ruth Shedd clarified that a continuance would be until the next meeting scheduled or if warranted a special meeting could be called by the President. John Knochel agreed to call a special meeting if warranted. Ruth Shedd then seconded the motion. Winding Creek Section 5 was continued until a later date.

### **Winding Creek Section 6**

Paul Dietz continued with Section 6 presentation. It consisted of 23.8 acres and encompassed 50 lots. It was located north of County Road 500 North and east of County Road 50 West. The storm sewers convey the flow to an existing pond along with the northern portion of the site runoff somewhat uncontrolled to Cole Ditch. He stated there were 7 storm manhole inserts within this section. He requested final approval for Section 6 of the Winding Creek Subdivision. The Surveyor referred to Dave Eichelberger to discuss the depressional area. Dave commented at the northwest corner of the existing pond (west property line of the development) was an existing depressional area. Water from the west (approximately an acre) drained to the west property line to an existing depressional area. It continued to the east to the ravine by Grapevine Place. In addition, the offsite water would be picked up in a beehive inlet in the rear of the yards into the storm sewer systems which were

designed to handle it. Also the area was placed in the emergency routing easement so if it were to fail the runoff would be routed in between the two homes at an elevation that would be appropriate. The problem would be at the breakout where the elevation was 2 feet higher than the existing breakout elevation for said depressional area. In a rainstorm like in 2003-2004, water might collect at that location and have to pond higher than it presently does. This would cause some ponding to the property to the west. It was suggested a review of additional measures in order to reduce the depth and frequency of occurrence would be in order. (i.e.: multiple inlets, pipe upsize or a culvert under the road) As the plan stands there is an inlet pipe to handle the ten year storm event which picked up offsite runoff to include runoff from the back yards of 5 lots. One of the suggestions was to upsize the pipe to a one hundred year storm event and the placement multiple inlets. This would allow approximately 6 inches of rain to be conveyed without any type of ponding at all while reducing the depth and frequency of ponding. The Surveyor noted this pond was constructed during a previous phase of the development. He had notified Mr. Dietz yesterday a condition would be added that this pond is inspected- in particular the existing outlet structure and the emergency overflow. Since typically the maintenance of the facilities are the requirements of a Homeowners Association this gives the Board an opportunity to ask the developer to check to see if due diligence in maintaining the pond was done. This particular pond was built with approved pond cross sections according to the Ordinance in place at that time. (10' safety ledge and 10' maintenance ledge) His concern was pond outlet structures have a tendency to silt up or vegetation growth over them - particularly on the pond side. Also he wanted to insure the stabilization of the ravine and no erosion had occurred from the outlet structure on the downstream side of the dam. It should be walked and photographed before the section's construction began. He recommended final approval with the conditions as stated on the March 9, 2007 Burke memo as well as the added condition of investigation of the condition of the existing pond berm or dam, outlet structure and overflow structure. KD Benson made a motion to grant final approval with the conditions as stated on the March 9, 2007 Burke memo as well as the added condition of investigation of the condition of the existing pond berm or dam, outlet structure and overflow structure. Ruth Shedd seconded the motion. Winding Creek Section 6 was granted final approval with the condition as stated on the March 9, 2007 Burke memo to include the investigation of the condition of the existing pond berm or dam, outlet structure and overflow structure.

#### **Unity Parking Lot Expansion/ Encroachment Petition**

Brandon Fulk from Schneider Corporation appeared before the Board and presented a Petition to Encroach on a Regulated Drain Easement. (Treece Meadows Relief Drain) Brandon stated the request was for the Parking Lot Expansion which was presented at the February meeting of the Board. He stated at the end of the February meeting the item of concern was the distance off the top of the bank. The Surveyor requested 25 feet and the proposal at that time was 20 feet. Brandon stated the additional 5 feet was obtained by moving the back of curb to the northwest 5 feet. They adjusted the drive lane and made a uniform shift of the parking spaces. He had met with the Surveyor prior to today's meeting to review the change proposed. He requested the acceptance of the petition as presented. KD Benson made a motion to approve the Petition for an Encroachment on a Regulated Drain Easement. Ruth Shedd seconded the motion. The Petition for an Encroachment on a Regulated Drain Easement was approved.

#### **Unity - Faith Hope and Love Center/Petition for a Partial Vacation of a Platted Easement**

Brandon Fulk from Schneider Corporation appeared before the Board and presented a Petition for a Partial Vacation of a Platted Easement for approval by the Board. A Maintenance Agreement was attached to the Petition. Brandon noted Attorney Bumbleburg and Attorney Luhman had worked together on the document. Mr. Bumbleburg commented notifications were advertised in the paper as required in order to be placed on the Board of Commissioner's April 2, 2007 Agenda. Mr. Luhman stated the first step was Drainage Board approval and second step was for the Board of Commissioners to adopt the Ordinance to Partially Vacate the Easement as presented. The Surveyor stated basically they are vacating the footprint of the building addition plus a little extra footage around it. He recommended granting the Partial Vacation as requested. KD Benson made a motion to approve the Petition for a Partial Vacation of a Platted Easement as presented. Ruth Shedd seconded the motion. The Petition to Vacate a Partial Platted Easement was approved by the Board and would be presented at the April 2, 2007 Board of Commissioner's meeting for adoption.

#### **Steve Murray**

#### **New Regulated Drain Petition – Roger Verhey**

The Surveyor stated a Petition for the Establishment of a New Regulated Drain was filed in his office by Roger Verhey. It is currently a mutual drain in the area of County Road 925 South and County Road 100 West. Despite extensive research the date of installation and by who can not be determined. This drain had a history of problems. The Petition is valid and approximately 66% of landowners within the watershed had signed. He stated he had met with a few of the larger landowners to discuss the condition and location of the problem areas. Since there was no original set of plans, the exact tile sizes are not

known. He thought he would probably request a maintenance fund to be set up so the problem areas may be repaired. He utilized GIS to review the area with the Board. One such location was at County Road 925 South and one upstream north of County Road 925 South. He stated while the system basically ran pretty well south of County Road 925 South - the majority of the problems were north of County Road 925 South. He noted the tile eventually routed to the Little Wea Conservancy area. Ruth Shedd made a motion to accept the Petition and referred it to the Surveyor for his review and report. KD Benson seconded the motion. The Petition was referred to the Surveyor for a report.

**Maintenance Bonds**

**Lindberg Village PD Phase 2 Part 1**

**Blackthorne PD Section 1 Phase 2**

The Surveyor presented Lindberg Village PD Phase 2 Part 1 Maintenance Bond #3891340 amount \$4673.00 dated February 1, 2007 and submitted by Fairfield Contractors written by Great American Insurance Company as well as Blackthorne PD Section 1 Phase 2 Maintenance Bond # 1808826 amount \$9550.00 dated March 7, 2007 and submitted by Atlas Excavating written by Hanover Insurance Company for acceptance by the Board. Ruth Shedd made a motion to accept Lindberg Village PD Phase 2 Part 1 Maintenance Bond #3891340 amount \$4673.00 dated February 1, 2007 and submitted by Fairfield Contractors written by Great American Insurance Company as well as Blackthorne PD Section 1 Phase 2 Maintenance Bond # 1808826 amount \$9550.00 dated March 7, 2007 and submitted by Atlas Excavating written by Hanover Insurance Company. KD Benson seconded the motion. Lindberg Village PD Phase 2 Part 1 Maintenance Bond #3891340 amount \$4673.00 dated February 1, 2007 and submitted by Fairfield Contractors written by Great American Insurance Company as well as Blackthorne PD Section 1 Phase 2 Maintenance Bond # 1808826 amount \$9550.00 dated March 7, 2007 and submitted by Atlas Excavating written by Hanover Insurance Company was accepted by the Board.

**Public Comments**

There were no public comments. 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**  
**Minutes**  
**May 2, 2007\_**  
**Regular Meeting**

**Those present were:**

Tippecanoe County Drainage Board 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, and Drainage Board Secretary Brenda Garrison. Project Manager Zachariah Beasley was also in attendance. Vice President Ruth Shedd was absent.

**Approval of Minutes**

KD Benson made a motion to approve the April 4, 2007 Regular Drainage Board minutes as written. John Knochel seconded the motion. The April 4, 2007 Drainage Board meeting minutes were approved as written.

**Purdue Research Park Phase 3 Part 1 Infrastructure**

Brandon Fulk of Schneider Corp. appeared before the Board to request final approval for the Purdue Research Park Phase 3 Part 1 Infrastructure project. The site located within the City of West Lafayette consisted of approximately 2.3 acres. An existing dry detention facility constructed with Phase II Part II would be used on an interim basis. Brandon stated the dry facility had the capacity for future growth and currently there was approximately 17 acres of undeveloped growth at the site. It was identified there would be a land swap as far as the volume in the dry facility of Phase II was considered to allow for this development. Approximately 3 acres would be developed which would take away from the 17 acres of undeveloped area in Phase II in the interim. The site drained to the Baker Dempsey Regulated Drain and extensive research of the drain was conducted by Schneider Corp. The said regulated drain routed along the back side of the proposed lots encompassed the dry facility and discharged to the northwest. Brandon stated he concurred with the conditions listed on the April 26, 2007 Burke memo and requested final approval. Responding to the Surveyor's inquiry, Brandon stated he would be submitting an encroachment petition regarding the Baker Dempsey Regulated Drain in the near future as the sanitary sewer would encroach into the regulated drain easement. The Surveyor asked if anyone else was tributary to the drain and Brandon stated there was no one upstream. The Surveyor recommended final approval with the conditions listed on the April 26, 2007 Burke memo. KD Benson made a motion to grant final approval to Purdue Research Park Phase 3 Part 1 infrastructure with the conditions as stated on the April 26, 2007 Burke memo. John Knochel seconded the motion. Purdue Research Park Phase 3 Part 1 Infrastructure was granted final approval with conditions.

**Purdue Research Park Phase 3 Part 1 Lot 1**

Brandon Fulk of Schneider Corp. appeared before the Board to request final approval for the Purdue Research Park Phase 3 Part 1 Lot 1 project. The site located on the north side of Kalberer Road was within the City of West Lafayette. It currently drained north to the Baker Dempsey Regulated Drain and would continue after the development. The Surveyor stated as this was located within the City of West Lafayette, the Board was concerned with the effect or discharge to the Baker Dempsey-Hadley Lake system only. The water quantity and quality issues had been reviewed by West Lafayette. Brandon stated Lot 1 would be developed for a Childcare Facility which was designed by C&S Engineering. Since the development north of Kalberer in Phase 3 had not been planned and allocated for in the volume of the dry facility and there was 17 acres in Phase II undeveloped there would be a land swap. Further growth would call for additional improvements to be made. The construction plans had been reviewed and approved by the City of West Lafayette's Engineer Office. He concurred with the conditions on the April 26, 2007 Burke memo and requested final approval. Responding to the Surveyor's inquiry, Brandon stated the lot at hand was in compliance with Schneider's original drainage study. The Surveyor recommended final approval with the conditions listed on the April 26, 2007 Burke memo. KD Benson made a motion to grant final approval to Purdue Research Park Phase 3 Part 1 Lot 1 with the conditions as stated on the April 26, 2007 Burke memo. John Knochel seconded the motion. Purdue Research Park Phase 3 Part 1 Lot 1 was granted final approval with conditions.

**Orchard Phase 3 Section 1**

Paul Coutts of C&S Engr. appeared before the Board to request final approval for the Orchard Phase 3 Section 1 Subdivision. He provided the Board with an exhibit of the project site. The site was located east of County Road 300 West (Klondike Road) and north of State Road 26 West consisting of approximately 14.3 acres. Paul stated the topography would be

undisturbed as much as possible. He stated approximately 1/3 of the site drained to the detention storage facility located on outlot H and the remaining 2/3 to the detention storage facility located on outlot G and lot 121. Both of the facilities discharged to an unnamed tributary of Jordan Creek. The rear yards of Lots 142 through Lot 148 would drain westerly uncontrolled from the site. Paul stated there was approximately a 24 foot differential in elevations at different locations within the site. He concurred with the conditions as stated on the April 30, 2007 Burke memo and requested final approval. The Surveyor recommended a Variance for Stormwater Quality be granted subject to the condition listed on the April 30, 2007 Burke memo. Dave Eichelberger stated they would not meet the 80% TSS removal requirement however the overall weighted average would be approximately 75-78%. Lots 142 through 148 would not receive any water quality treatment however the runoff would be routed through a grassed lawn area. This is the area between the lots and the ditch that would not be developed per David Kovich (developer of the site). Dave Eichelberger stated since the pond was not designed as a stormwater quality pond, the amount of treatment could not be quantified. KD Benson made a motion to grant the Variance to the Stormwater Quality with the condition listed on the April 30, 2007 Burke memo. John Knochel seconded the motion. The Stormwater Quality Variance was granted with the condition listed on said memo. KD Benson made a motion to grant final approval with the conditions as listed on the April 30, 2007 Burke memo. John Knochel seconded the motion. The Orchard Phase 3 Section 1 Subdivision was granted final approval with the conditions as stated.

#### **Other Business**

##### **Contract/ Elliott Ditch Revision Scoping /Christopher B. Burke Engr. LTD**

The Surveyor presented the Elliott Ditch Revision Scoping Contract with Christopher B. Burke Engineering LTD to the Board. The Surveyor confirmed this would include the area of the County Extension Office and the County Highway Department. Dave Eichelberger stated Burke would specifically look at the reach from Brady Lane to US 52 and would also have to look up and downstream to see what areas impacted that reach. He stated this contract would scope out what items would require additional work. He noted it may actually be a study from the mouth to US 52. KD Benson made a motion to enter into the contract with Christopher B. Burke for the revision scoping on the Elliott Ditch. John Knochel seconded the motion. The Elliott Ditch Revision Scoping Contract with Christopher B. Burke Engineering LTD was approved as presented by the Surveyor.

##### **Contract/Berlowitz Regional Detention /INDOT**

The Surveyor presented a Regional Detention Plan contract with the County and Indiana Dept. of Transportation (INDOT) for payment of 3.13 acre feet of storage resulting from the State Road 26 East improvement for a total of \$49,650.00. He recommended the Board sign and enter into the agreement. He stated there were two more agreements with INDOT. One contract was to pay for the upsizing of the storm sewer on County Road 550 East and one for the relocation of County Road 500 East to line up with the main entrance of the Brookfield Heights Subdivision north of SR 26. KD Benson made a motion to enter into the agreement with INDOT as presented by the Surveyor. John Knochel seconded the motion. The said contract with INDOT was approved by the Drainage Board and would be forwarded to the Commissioners for their signature at their May 7, 2007 meeting.

##### **Petition to Partially Vacation of the Floyd Coe Regulated Drain / Bible Minor Subdivision**

The Surveyor presented a Petition to Partially Vacate the Floyd Coe Regulated Drain located within the Bible Minor Subdivision site south of SR 28 and west of County Road 700 East. This was the very upper end of a branch of the F. Coe Drain. After discussion with the previous Surveyor and based on the original maintenance report, it did not appear the branch continued any further north or served any other properties or that this branch was intended to be maintained as part of the system. He recommended the Board grant the Petition to Partially Vacate the F. Coe Regulated Drain within the Bible Minor Subdivision. KD Benson made a motion to grant the Partial Vacation of the F. Coe Regulated Drain as presented by the Surveyor. John Knochel seconded the motion. The Petition to Partially Vacate the Floyd Coe Regulated Drain was granted as presented. The Petition would be recorded with the Records office by the petitioner.

##### **Petition to Partially Vacate the Wilson Branch (Treece Meadows Relief Drain) of the SW Elliott Regulated Drain**

Dan Teder of Reiling Teder & Schrier and Pat Jarboe of TBird Designs representing Cascada Professional Park/Ron Whistler appeared before the Board to present a Petition to Partially Vacate the S.W. Elliott Regulated Drain-Wilson Branch (Treece Meadows Relief Drain). Dan presented exhibits to the Board for their review. The exhibits indicated the site of the vacation requested. A portion of Phase III of Cascada Business Park consisting of 25 acres was being rezoned and the City of Lafayette was supportive of the request. On the North side of the overall tract was the Vineyard Residential Subdivision and to the West Treece Meadows Residential Subdivision. APC had required a stub street to connect the Vineyards Subdivision

to Cascada Subdivision. The vacation request was needed in order to add the 14 lots along the western portion of the Subdivision. Granting the vacation would give enough land for the various setbacks, pads etc required. After the vacation is granted there would still be a minimum of 26.5 feet from top of bank. He had spoke with Tim Balensiefer who designed the subdivision and was informed money was given out of TIF funds for the site purchase. The design had not been completed at time of payment and two easements were combined during the design phase. After the vacation there would be 25 feet easement on the Treece Meadows side and 50 feet on the Cascada side. Dan stated Ron Whistler was agreeable to a drainage easement on the western portion of Cascada Subdivision in the future. Additionally Dan asked TBird to investigate the 100 feet flood elevation; it was approximately 3 feet below the top of the bank along the ditch. Since TIF funds were used to purchase this property, they were in agreement to a perpetual maintenance of the east side of the ditch going from lots 43 to 56 along the ditch. This would include mowing and cleanout of ditch. Dan stated it was of his opinion this would offset any TIF money previously used. Additionally Dan stated Ron Whistler agreed to a one time mowing of the entire ditch within the tract from McCarty Lane to the Northwest corner of Phase III of Cascada or Lot 43. He did not feel it was reasonable to request the Subdivision Homeowners Association to continue mowing what is not on their tracts. In summary he stated they would do a one time maintenance mowing of the entire ditch within the tract from McCarty Lane to the Northwest corner or lot 43 Cascada Business Park Phase III, and continually maintain the east side of the ditch from lots 43-56. In response to the Surveyor's inquiry on adding a covenant to those lots which had not been sold to date, Dan stated the Subdivision's Covenants had been recorded already. They would have to have 100% of the landowners agree and it would be difficult at this point. He respectfully requested approval of the Petition to Partially Vacate S.W. Elliott Regulated Drain - Wilson Branch - Treece Meadows Relief Drain. The Surveyor stated he made a site visit and reviewed the easement in question. The Surveyor then reviewed the tract for the Board utilizing GIS and the exhibits provided. He stated if the developer would be willing to plot a five foot drainage easement at the rear of the lots it would give enough room to do any required maintenance on the ditch. The Surveyor recommended granting the petition subject to the platting of a five foot drainage easement only at the rear of the proposed new lots and submittal of a maintenance agreement satisfactory to the Surveyor by the next Drainage Board meeting. The Board Attorney will provide Mr. Teder with an agreement for review. In response to K D's inquiry, Dan stated the reduction of easement was requested for Phase III-the residential area only. KD Benson made a motion to grant the Petition to Partially Vacate the SW Elliott Regulated Drain – Wilson Branch- Treece Meadows Relief Drain subject to the 5 feet easement addition on the back of the lots along the east edge of the ditch lots 43-56 and a maintenance agreement satisfactory to the Surveyor. John Knochel seconded the motion. The Petition to Partially Vacate the S.W. Elliott Regulated Drain-Wilson Branch (Treece Meadows Relief Drain) was granted with conditions.

### **Maintenance Bonds**

The Surveyor presented Maintenance Bond #104814555 in the amount of \$18,700.00 from Milestone Contractors for Ravenswood at Hickory Ridge P.D. Ph. 2 for acceptance by the Board. KD Benson made a motion to approve Maintenance Bond #104814555 in the amount of \$18,700.00 from Milestone Contractors for Ravenswood at Hickory Ridge P.D. Ph. 2. John Knochel seconded the motion. Maintenance Bond #104814555 in the amount of \$18,700.00 from Milestone Contractors for Ravenswood at Hickory Ridge P.D. Ph. 2 was accepted by the Board.

### **Public Comment**

#### **Rob Noles**

Rob Noles 8503 State Road 26 West, West Lafayette Indiana approached the Board. Rob stated he was in front of the Board two years ago with a major drainage problem at his location. A watershed pond of 3 acres had grown to an estimated 30 acres. Some tile work had been done but with the rain this year it was at an all time high. The property around his house and 26 other lots were affected as well the north side of SR 26. One landowner had to move out of his house and eventually was foreclosed on. He requested the problem addressed as soon as possible. KD stated this had been a problem for a couple years. She noted Norm Bennett was at the last meeting and expressed his concerns as well. The Surveyor at the last meeting stated he would speak to the owner to the north. He had spoken with the landowner since that meeting. Due to the fact there are no records on the drain (private/ mutual drain) and the amount of water present the investigation had been difficult. He stated with inflation the landowners were looking at approximately \$35.00 per acre for a reconstruction. He was trying to get it drained down to see if some of the system was salvageable in order to keep the cost at a minimum. He stated this issue was at the top of the list for his office. Rob stated the work that was done a couple of years ago cleared it up somewhat but did not completely drain the area. He has lived at that location for 22 years and the area use to completely dry out in the summer time. The water was up to the road now and would soon be on top of it. The Surveyor stated he felt the problem worsened after INDOT replaced a culvert under the road. However if the water does not recede they will not be able to tell what the problem is. He felt a dye test would not work as it would dilute. Since the Whaley's have agreed to the construction of an open ditch on their property to the north to allow relief of drainage- an investigation can continue. However in order to pay for the construction of a temporary outlet (open ditch) money used from the General Drain Improvement Fund would have to

be authorized by the Board. He stated he received an estimate from Lauramie Creek Excavating for approximately \$2800.00 to do the construction. John Knochel stated he was willing to authorize use of monies from the fund in this case. KD Benson made a motion to authorize the use of monies from the General Drain Improvement Fund for construction of a temporary outlet. John Knochel seconded the motion. John Knochel then requested the Surveyor make this issue one of the top priorities of his office.

**Duke Westwood Substation Trees**

KD Benson informed the Surveyor that she had visited the Duke Westwood Substation site and there were no trees planted at the site. As part of their final approval with conditions, they agreed to plant trees along the County Road as a buffer. The Surveyor stated they were to submit a plan for the file. She asked the Surveyor to check on this and report back to her.

As there was no other public comment, KD Benson motioned for adjournment. 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**  
**June 6, 2007**  
**Regular Meeting**

**Those present were:**

Tippecanoe County Drainage Board 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, and Drainage Board Secretary Brenda Garrison. Project Manager Zachariah Beasley was also in attendance. Vice President Ruth Shedd was absent.

**Approval of Minutes**

KD Benson made a motion to approve the May 2, 2007 Regular Drainage Board minutes as written. John Knochel seconded the motion. The May 2, 2007 Drainage Board meeting minutes were approved as written.

**The Greens**

Paul Coutts of C&S Engineering appeared before the Board to request final approval for The Greens development. The existing Par View Golf Course located southeast of St. Rd. 26 and County Road 325 West intersection was approximately a 32 acre site to be developed into a 21 lot subdivision. A private access drive from St. Rd. 26 was to be designated as Outlot B and known as Par View Drive. Paul stated the lots would be one acre minimum. It is the intent of the developer to keep the character and nature of the course and plan to keep the topography as close to the present state as possible. A wet detention pond would be located on Outlot D with the outlet draining east to Jordan Creek. A dry detention facility would be located on Outlot F in the southeast corner of the site. This would have a 12 inch pipe with a 4 inch orifice plate for a controlled release. Approximately 80 acres offsite drained through a 36 inch culvert under WinWood Lane to the pond in Outlot F then through a culvert under County Road 350 West. An existing field tile (which drained the aforementioned 80 offsite acres) would be relocated alongside the boundary line between lots 9 and 10 and would drain to the pond in Outlot D. Swales would be added to provide post construction drainage to a culvert below the access drive. Paul stated the normal requirement into a dry detention facility was a 3-1 slope. He thought the wording of the Ordinance clearly stated below the water a 6-1 slope was required along with a maintenance ledge adjacent to the water. He felt the same criteria that exist for a dry detention facility should be allowed for a wet detention facility. He stated a 3-1 slope in the area above the pool was appropriate. The maintenance ledge in his opinion gave the same type of floor situation for a dry detention basin. He referred to his drawing the 3-1 slope, stating in he did not feel it was a steep slope. He requested a variance to Chapter 6 of the Ordinance for the construction of a 3-1 slope versus a 6-1 slope. KD Benson stated she reviewed the Water Safety Committee's recommendations and it was clear they recommended a 6-1 slope above the safety ledge (located below the water) and a 3-1 slope below the safety ledge. The Surveyor stated the final report and recommendations of the Water Safety Committee was to have a 6-1 slope above the water level. He verified this by emails and the Water Safety final report. He noted the pond cross sections in the Ordinance were put in per the recommendation of the Water Safety Committee. Paul stated he felt their situation had the same category of safety as a dry facility and felt the same perimeters should apply. The Surveyor stated the rationale in leaving 3-1 on dry ponds were that they can be a maximum depth of four feet and drain out within 48 hours. Whereas a wet bottom pond always has a pool. Paul stated the only time there would be water on the safety ledge would be when it rains and that was the same situation for a dry detention facility as well. The water would recede just like a dry facility. The Surveyor stated the regulation was recommended in order to provide an additional level of safety for kids riding bikes, sledding etc. Paul stated he felt this was a reasonable request and as a private development with large lots they anticipated there would not be kids running around the neighborhood. Responding to KD's inquiry concerning the present location of the field tile, the Surveyor noted he spoke with Mr. Erwin and confirmed the tile's route through a low area within the golf-course to the existing pond. The site was reviewed utilizing GIS and shown to outlet into a tributary of Jordan Creek. KD then asked for public comment. Jim Turley 1030 Windwood Lane (2<sup>nd</sup> property south of the southwest retention facility) approached the Board and stated he lived in that area for 26 years and has seen a lot of water in that area. He stated they experience at least 3 rain events or more a year which causes flooding of the backside of his lot. He stated the water runs through his property to Tanners property and into Jim Poullis' pond. He does not believe the dry detention pond would be dry 90% of the time as stated. He stated he had concerns of the drainage of Erwin's property and hoped it did not affect his land in the future. The Surveyor noted he made a site visit on Monday and the existing pond was designed per the ordinance. There is a 12 inch outlet pipe with a four inch orifice plate (for restriction and currently there is a 24 inch pipe under the closest drive. He stated their plans had reduced the amount of discharge to the absolute least amount which could be released. He noted photographs were required of the present condition of the site and downstream. Mr. Bob Meister (Developer) approached the Board. He stated he has spent a lot of time making changes which the Surveyor & Engineer Consultant felt were necessary. He had thought all the changes were complete to include being informed last week of the requirement for a guardrail around the pond. He was unaware of the required 6-1 slope until today. The planned access road

would keep as many of the existing trees as possible. The change from a 3-1 to 6-1 slope on the pond would cause the development plans to be changed completely. Bob stated the cross section would be a guardrail, 3-1 slope and flat for 10 feet and then the 6-1 slope. Dave Eichelberger confirmed for KD the 10 foot flat area would be under water. Bob then stated most everyone contacting him for purchase of the lots were adults ready to retire and he felt there would be very few children in that area. Also the guardrail would be an added protection. Bob confirmed for KD that no children allowed was not a covenant. He repeatedly requested the Board to make an exception in this case for the 3-1 slope. He stated he had been more than cooperative with the Surveyor's office. Phyllis Windle 2955 St. Rd. 26 West approached the Board. She owned the property with Mary Fuqua adjacent to the present Par View Golf Course. She stated her concern was possible drainage backup into their basement and three car garage. Dave Eichelberger noted the pond was designed per drainage ordinance and the flow would be restricted and should result with less water discharged but at a longer period of time. The offsite water coming from the west will pass through with a reduction of flow due to the restriction from the orifice plate. So theoretically it would drain better. Jack Helkamp 1056 Windwood Lane approached the Board. As a downstream owner he was interested in the drainage route from the pond planned in Outlot F located in the southeast corner of the site. He felt the homes downstream would likely be more affected by that pond's drainage than the larger existing pond. Dave Eichelberger stated the drainage would not be changed. There was 3.1 acres that drained offsite through a 24 inch pipe under the drive. They will berm that off and put a four inch hole there to block flow and detain the water. It will still go through the 24 inch pipe under the drive at its present path. The Surveyor stated the dry detention pond was designed per the ordinance. The Ordinance was in place to insure someone did not create an impervious surface and not detain or retain water and also to release it an acceptable rate. He reiterated on the big pond there should be the same if not less quantity of water but may see it over a longer period of time because it was being held back and released through a four inch opening. Bob Meister stated he has worked with adjoining owners all along and hoped the Board would take this into consideration and agree to grant the variance as requested. Marion Pak 1040 Windwood Lane approached the Board and stated she had lived in the area since 1965. She informed the Board the larger pond had been a magnet for children to play around historically. Safety was a concern. She also asked if the dry pond would really be dry. She was concerned that it may overflow the road and drain into her basement. KD stated it was the intent of the ordinance to protect the citizens. Dave Eichelberger stated a dry pond is designed to periodically retain water with each rainfall. However after a couple weeks of no rain, the bottom would be dry- that is why it is called a dry bottom pond. Dave noted if the pond would overtop it would travel the same route it goes today, so it would be no different without the development. The Surveyor stated the maximum depth the pond could have was four foot and should drain out within 48 hours. The intent was for the pond to basically be dry- not having standing water of any depth other than after a rainfall. He noted the site would be inspected during construction and after construction. A maintenance bond would be required for the assurance of proper workmanship as well. He informed the Board he and the consultant did not feel comfortable in recommending granting the requested Variance. Dave Eichelberger responding to John Knochel stated a redesign would be in order if the Variance was not granted. John Knochel stated he agreed the Variance presented a problem in light of the events which happened this past weekend. (Pond drowning) This brought to reality one of the things which could happen with retention ponds. He understood the developer was trying to keep the lay of the land; however he could not support the granting of the Variance to the Ordinance. Responding to KD, Dave stated upon the plan's review on May 8<sup>th</sup> it was conveyed to American Structure Point that the requirements of Chapter 6 of the Ordinance Standards were to be complied with and reiterated at a later date. KD stated she agreed with John and could not approve the Variance as well. She made a motion to grant final approval with the conditions stated in the June 4, 2007 Burke memo as well as the additional condition to follow the pond design requirements as put forth in Chapter 6 of the Ordinance Standards. John Knochel seconded the motion. The Greens Subdivision was granted final approval with the conditions as stated on the June 4, 2007 Burke memo with the additional condition of following the pond design requirements as put forth in Chapter 6 of the Ordinance Standards.

### **Harrison HS Improvements**

Tim Balenseifer and Justin Frazier from TBIRD Designs appeared before the Board to request final approval for multiple Harrison High School Improvements. Tim presented an overall plan for the Harrison High School Campus. Improvements included additional parking area, academic building, renovation of the baseball concession stand, and expansion of the Stormwater pond to accommodate the noted improvements. The side slopes of the pond were 10-1 for maintenance accessibility. A storm ceptor structure will be installed at the emergency spillway location. He stated he concurred with the May 29, 2007 Burke memo and would comply with the conditions as stated. Bids would be let in the next two weeks for construction. The Surveyor recommended final approval with the conditions as stated on the May 29, 2007 Burke memo. John Knochel made a motion to grant final approval with conditions as stated on the May 29, 2007 Burke memo. KD seconded the motion. Harrison High School Improvements was granted final approval with the conditions as stated on the May 29, 2007 Burke memo.

### **Harrison HS Master Drainage Plan**

Tim Balenseifer and Justin Frazier from TBIRD Designs appeared before the Board to review the Harrison High School Master Drainage Plan. Tim stated the master plan projects to be discussed included Harrison High School and McCutcheon High School master plans. The projects began in 2004 and TBIRD has worked closely during this time with Christopher Burke Engineers and the Surveyor's office. Due to numerous small projects for both schools a master plan was designed. TBIRD researched the history of all the projects and noted the dates of improvements within the plan. Tim stated as new improvements were planned in the future for both Harrison and McCutcheon High Schools; the master plan would be followed. The Harrison High School Campus proved to be the most difficult as it involved two watersheds. The site was benefited by the Cole Regulated Drain as well as Burnett Creek. Dave Eichelberger stated that TBIRD was creating "a living document, which would be updated as projects were added". This would provide an outline for future projects on both sites. For instance due to its proximity to Wea Creek, detention would not be required for McCutcheon on a normal basis unless there was a restricted outlet. Stormwater quality measures would be also met. This would aid greatly in planning of future projects. The Surveyor stated he had requested a master plan as numerous small projects had been completed without written record through the Drainage Board. He felt it was in the Board's and Tippecanoe School Corporation's best interest to have a document which summarized all the projects to date and to aid in the planning of future projects. Tim stated there had been some Stormwater quality measures taken at the McCutcheon Campus site as well. The Surveyor stated this was an informative presentation only and did not feel it was in need of a formal approval. KD noted her appreciation for the presentation and thanked TBIRD Designs for their extensive work on the master plan.

#### **Other Business**

##### **S.W. Elliott Branch #9 / Petition for Reconstruction of Drain/Hoosier Concrete LLC-aka Prairie Materials**

##### **S.W. Elliott Branch #9 / Petition for Reconstruction of Drain/John C. Rice**

The Surveyor presented the Petitions for Reconstruction for Branch #9 of the S.W. Elliott Regulated Drain submitted by Hoosier Concrete LLC-aka Prairie Materials as well as one submitted by the adjoining landowner John Rice. The Surveyor stated the aforementioned Branch was relocated along C.R. 350 South and discussed previously during the review of the Best Way Disposal project. The Hoosier Concrete/aka Prairie Materials site was also known as Lot 1 of Derhammer Industrial Subdivision. The Surveyor noted he required construction plans and calculations to be submitted for the record. The Concrete plant had requested to relocate the section of the tile which ran through their tract, however that would have left a section through Mr. Rice' property which would not have been reconstructed. Hoosier Concrete agreed to upgrade that entire stretch of Branch #9. The construction was coordinated with Mr. Rice and a new stand pipe was installed on his tract at his request. The petitions were coordinated with the Board's Attorney and the present 150 feet Regulated Drain Easement (75 feet on each side) were also requested to be vacated. The Regulated Drain Easement would be replaced with a 50 feet Regulated Drain Easement for the relocated branch through both properties. (25 feet on both sides of the centerline) He stated he spoke with Mr. Whaley who owned property on the west side of the road and he was satisfied with the plans. He felt the reduction of easement was fair since Hoosier Concrete had bore the cost of the relocation saving the watershed landowners the high cost as they replaced an aging agricultural clay tile with heavy duty corrugated smooth line tile. The Attorney stated there were two actions to take; one to approve the vacation and reconstruction and second the reduction of the right of entry from 75 feet to 25 feet. John Knochel made a motion to approve the vacation and reconstruction of the S.W. Elliott Branch #9 for Hoosier Concrete aka Prairie Materials as well as the Reduction of Easement from 75 feet to 25 feet on either side. KD Benson seconded the motion. The vacation and reconstruction of the S.W. Elliott Branch #9 for Hoosier Concrete aka Prairie Materials as well as the reduction of the Regulated Drainage Easement reduced from 75 feet to 25 feet on either side was approved. John Knochel made a motion to approve the vacation and reconstruction of the S.W. Elliott Branch #9 for John C. Rice as well as the Reduction of Easement from 75 feet to 25 feet on either side. KD Benson seconded the motion. The vacation and reconstruction of the S.W. Elliott Branch #9 for John C. Rice as well as the reduction of the Regulated Drainage Easement reduced from 75 feet to 25 feet on either side was approved.

##### **Treece Meadows Relief Drain /Wilson Branch of the S.W. Elliott Regulated Drain Maintenance Agreement**

The Surveyor presented a Maintenance Agreement for the Treece Meadows Relief Drain/ Wilson Branch of the S.W. Elliott Regulated Drain through the Cascada Business Park project. This agreement was required as a condition of approval for the May 2, 2007 approval of the reduction of easement for the Treece Meadows Relief Drain /Wilson Branch of the S.W. Elliott Regulated Drain within Phase III of the Cascada Business Park and had been reviewed by the Board Attorney. He recommended acceptance of the Maintenance Agreement as presented. John Knochel made a motion to accept the Maintenance Agreement for the Treece Meadows Relief Drain/Wilson Branch of the S.W. Elliott Regulated Drain. KD Benson seconded the motion. The Maintenance Agreement for the Treece Meadows Relief Drain/Wilson Branch of the S.W. Elliott Regulated Drain was accepted by the Board.

#### **Public Comment**

Norman Bennett 952 Kerber Road West Lafayette approached the Board. Mr. Bennett confirmed there was work being done on the Whaley tile. The Surveyor stated Mr. Tom Osborn was hired to dig out the old tile to Pine Creek to give a positive outlet. Unfortunately a sand vein was hit in that process. He had not been out there in a week however it was draining last week. He stated they are continuing to work on it. He noted dry weather was needed to complete the inspection. The tile was dug up in north of S.R. 26 and he felt the back pressure from water downstream filled those holes up again. Mr. Bennett stated he would like to see something done as quickly as possible and appreciated the work to date. In response to KD's inquiry, the Surveyor stated there was a large hole on the north side of S.R. 26 and four holes between S.R. 26 and the marsh area on Whaley property. They assume the major problem is through the marsh land. It had gotten bad enough that the tenant farmer was unable to get in to plant a sizable acreage north of where the tile ran between Pine Creek and the Marsh. So concern is greater now that additional tillable ground is being lost. He informed Mr. Bennett his office would continue to monitor the situation and try to come up with some solution as soon as possible.

**J.Berlowitz Regional Detention Facility Cover Sheet  
Lewis Jakes Regulated Drain #40 Reconstruction Cover Sheet**

The Surveyor presented the J.Berlowitz Regional Detention Facility Project Cover Sheet and the Lewis Jakes Regulated Drain #40 Reconstruction Cover Sheet to the Board for signatures. He stated due to the removal of the 300+ cubic yards of dirt from the Clarian Arnett Project the plans and specifications for the Berlowitz Phase 1 project had to be revised. Christopher Burke was in the process of finishing up those contract documents. He hoped to go to Bid on that project as soon as those documents are completed. A signed cover sheet for the plans was needed in order to prepare the final contract plans and documents. By signing the cover sheet he noted they would be approving the revised construction plans. John Knochel made a motion to sign the Berlowitz Detention Facility Cover Sheet. KD Benson seconded the motion. The J.Berlowitz Regional Detention Facility Project Cover Sheet was signed by the Board. The Lewis Jakes Regulated Drain #40 Reconstruction cover sheet was presented for signatures. The Surveyor stated he was in the process of finalizing the contract documents for this project and hoped to have the project ready for bid in the next several weeks. He also stated County Highway was working on the design of the Bridge at C.R. 750 North. He was close to having the documents completed and recommended the Board sign the cover sheet for the Lewis Jakes #40 Regulated Drain Reconstruction. John Knochel made a motion to sign the Lewis Jakes #40 Regulated Drain Reconstruction cover sheet. KD Benson seconded the motion. The Lewis Jakes Regulated Drain #40 Reconstruction cover sheet was signed by the Board.

**Maintenance Bonds**

**Fiddlesticks Ph. 2/Maint. Bond #4392274/\$8260.00/Fairfield Contractors/Date-January 3, 2005  
Wal-Mart 350 South/Maint. Bond#MNT8859121/\$91850.00/ Poindester Exc./Date-Oct.13, 2006**

The Surveyor submitted Fiddlesticks Ph. 2 Maintenance Bond #4392274 in the amount of \$8260.00 submitted by Fairfield Contractors Inc. and dated January 3, 2005 as well as Wal-Mart 350 South/ Maintenance Bond#MNT8859121 in the amount of \$91850.00 submitted by Poindester Exc. and dated Oct.13, 2006 for approval by the Board. John Knochel made a motion to approve the acceptance of Fiddlesticks Ph. 2 Maintenance Bond #4392274 in the amount of \$8260.00 submitted by Fairfield Contractors Inc. and dated January 3, 2005 as well as Wal-Mart 350 South/ Maintenance Bond#MNT8859121 in the amount of \$91850.00 submitted by Poindester Exc. and dated Oct.13, 2006. KD Benson seconded the motion. Fiddlesticks Ph. 2 Maintenance Bond #4392274 in the amount of \$8260.00 submitted by Fairfield Contractors Inc. and dated January 3, 2005 as well as Wal-Mart 350 South/ Maintenance Bond#MNT8859121 in the amount of \$91850.00 submitted by Poindester Exc. and dated Oct.13, 2006 was approved as submitted.

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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**  
**September 5, 2007**  
**Regular Meeting**

**Those present were:**

Tippecanoe County Drainage Board President John Knochel, Vice President Ruth Shedd, member KD Benson, County Surveyor Steve Murray, Drainage Board Attorney Dave Luhman, Drainage Board Engineering Consultant Dave Eichelberger from Christopher B. Burke Engineering Limited, and Drainage Board Secretary Brenda Garrison. Project Manager Zachariah Beasley was also in attendance.

**Approval of Minutes**

Ruth Shedd made a motion to approve the August 1, 2007 Regular Drainage Board and August 17, 20, 23<sup>rd</sup> Special Drainage Board Minutes as written. KD Benson seconded the motion. The August 1, 2007 Regular Drainage Board and August 17, 20, 23<sup>rd</sup> Special Drainage Board Minutes were approved as written.

**Villas at Cascada**

Justin Frazier of TBIRD Design Services appeared before the Board and requested final approval for Villas at Cascada. The site consisted of approximately 25 acres and was located ½ mile north of County Road 100 South (McCarty Lane) on the west side of Park East Boulevard. It was surrounded on the south and east by Cascada Business Park and to the west Treece Meadows Subdivision, to the north Eastland and Vineyards residential subdivisions. The Treece Meadows Relief Drain (aka the Wilson Branch of the SW Elliott Regulated Drain) was located along the west line of the subdivision. The vast majority of the site drained to the said regulated drain. Due to a utility easement located through the center of the development (approximately a 200 foot swath), a dry bottom detention pond was proposed. An area located at the northeast corner of the site consisting of approximately 1.43 acres would discharge to the existing storm sewer along Park East Blvd. The 100 year discharge for the site was approximately the same as the existing 100 year discharge; therefore Justin requested a variance of the Stormwater detention. The previous study of the site and surrounding area was utilized during the project's design process. Justin requested a variance of the Stormwater detention and final approval for the project.

Responding to KD's inquiry, the Surveyor stated Wilson Branch had been reconstructed as part of the Wal-Mart and Sam's project and the regional detention pond was built by Menards near Ivy Tech. As projects were being developed the calculations of the release rates would match what was anticipated when the pond was built. Dave Eichelberger confirmed the design of the project fell within the specifications of the original study. The Surveyor noted the City of Lafayette handled the pond known as the 'Wilson Pond' and collected storage fees accordingly. The Surveyor stated since the project is within City Limits, the Board was reviewing the release rate into the aforementioned regulated drain only. He stated the existing Maintenance Agreement would be incorporated within the Covenants for the project. Dan Teder Atty. for the developer confirmed the agreement would be incorporated into the Covenants as requested. Mr. Teder also confirmed the one time mowing of the Regulated Drain previously required had been completed. However no pictures were taken at the time. John Knochel asked for public comment and there were none.

The Surveyor recommended a Variance for the Stormwater Detention requirements for Villas at Cascada be granted. Ruth Shedd made a motion to grant the Variance as requested. KD Benson seconded the motion. The Variance for the Stormwater Detention requirements was granted for the Villas at Cascada. Ruth Shedd made a motion to grant final approval with the conditions listed on the August 29, 2007 Burke memo. Dan Teder gave his assurance to the Board a Homeowners Association would be formed and the maintenance agreement would be incorporated into the covenants as requested. KD Benson then seconded the motion. The Villas at Cascada was granted a Variance to the Stormwater Detention requirements and granted final approval with the conditions as listed on the August 29, 2007 Burke memo.

**The Orchard Phase 3 Section 1 / Dave Kovich**

Dave Kovich of Komark Business Company appeared before the Board to discuss The Orchard Phase 3 Section 1 Subdivision. He wanted to clarify under General Conditions on the August 17, 2007 Burke Review Memo item #3 and item #4. He read item #4 as follows: "The applicant has submitted restrictive covenants that were developed in 2001 for the entire Orchard Development. These restrictive covenants do not appear to adequately reflect the current Ordinance or the draft restrictive covenant language that was provided to the applicant by the Tippecanoe County Surveyor's Office (TSCO)." He

assumed the draft restrictive covenant language was suggested verbiage for residential covenants pertaining to Stormwater runoff (conveyance systems) and wanted that clarified. He stated he had sold 85 lots since 2001 and had informed the people that Phases 1, 2, and 3 of the single family and 1 and 2 of the patio homes (Appleridge at the Orchard) were all under the same covenants. He stated he did not want to change the covenants or start a new Homeowners Association just for Phase 3. As the present covenant fees are based on quantity so the more members in the association the less expensive for the homeowner. The covenants had been in place since 1981. Thus he did not want to change course at this time. He was not against collecting monies for erosion control and his suggestion would be to have a representative from the Surveyor's office attend an upcoming meeting when he will be turning the association over to the homeowners and present the need for money to be collected in the future for all the phases. It was noted a dry basin would be used on the current phase under development. Responding to Dave Kovich's request, the Surveyor noted not he or a representative of his office would attend the upcoming meeting with the association. He stated it would not be feasible to meet with every homeowner's association. He suggested the developer meet with the group and explain why certain practices were put in etc.

The Surveyor stated he had discussed the issue with the Dave Eichelberger (Engineer Consultant) as previous phases of the development went through before the new Stormwater Ordinance was in place in 2005. Both the Surveyor and Dave Eichelberger had been working on suggested language examples from previous subdivisions which addressed water quantity. He added language specific to water quality for Mr. Kovich. He stated the Surveyor's office had been asking for proof of formation of a Home Owners Association, a yearly report, an estimate of amount of money to be collected for the maintenance to address the water quantity and quality. The rules had changed and he understood Dave Kovich's concern, however he did not know how there would be assurance in other way. He stated Mr. Kovich had been good about forming Homeowners Associations for his developments; however there were instances where issues have occurred and an association had not followed through with the collection of fees for onsite BMP devices and/or pond maintenance.

Mr. Kovich stated he had spoken with a few developers and they were not aware of the verbiage suggested. The Surveyor stated he had given the suggested verbiage to three local attorneys who were familiar with Homeowner Associations and Covenants for their suggestions. Once he received their suggestions back, he would then give the draft verbiage to the Board Attorney to review. Mr. Kovich stated he felt the Surveyor should include developers in this process. He explained the collection should be a type of tax in respect to the entire county, as he felt everyone who drained into a particular watershed (which included a development) should be taxed for the maintenance of their BMP devices and/or ponds.

The Surveyor reiterated the draft language was an initial draft as he was asked by developers to put together example wording for them. The main issue for the language was to show the intent in the original covenants. The problem was homeowners associations do not get formed or stay active as intended by the Ordinance. In those instances the Surveyor's office would have to make the repairs and back charge everyone in the development for the cost. He stated they were most worried about the BMP's. Storm structures were usually sound at the minimum 30-50 years. Responding to Ruth Shedd's inquiry, the Surveyor stated when the County became responsible for the Stormwater quality - IDEM and EPA would start reviewing the work. He did not know of any other way to cover maintenance of BMP's, filter strips etc. within the subdivision. As it was a federal mandate, the Surveyor noted his office was obligated to enforce the Ordinance and insure the BMP's were maintained. Dave Kovich stated in respect to the verbiage he wanted everything together for the entire development. He had informed the lot owners of their responsibilities, cost etc. previously.

John Knochel interjected that he had discussed this with the Surveyor and was of different opinions on it. Reading item #4 in the aforementioned Burke memo, he felt the present phase should be included with the previous covenants. He noted he thought it would be best to keep Phase 3 with Phases 1 & 2. The Surveyor offered a compromise. The Commercial and Industrial Master Covenant Agreement could be changed to read Residential. This covenant acknowledged there was a BMP Manual and would require proper maintenance to the BMP's, filter strips, etc. This would allow the existing Covenants to remain with the Commercial and Industrial Master Covenant Agreement as a separate document. Dave Luhman noted this situation was an anomaly however there could be others in the future with similar situations. The Surveyor reiterated the best compromise he could offer would be to submit a Residential Master Covenant Agreement to go along with the existing covenants already in place. John Knochel asked Dave Kovich if he would agree to that. He stated He was not sure as he would have to have it read first. The Surveyor stated the Master Covenants were used on Industrial and Commercial sites which did not go through the platting/Subdivision process. The project owner fills it out and it gets recorded as well, it would make reference to the O&M Manual and one's obligation to maintain it and to perform those duties listed in the Operation and Maintenance manual. Mr. Kovich suggested a county wide maintenance fee and the Surveyor did not feel that would be feasible at this time. Discussion was held regarding how the Surveyor's office handled drainage issues within older subdivisions without homeowner associations. Responding to John Knochel's inquiry, Dave Luhman stated he thought the Surveyor's suggestion to use the Master Covenant with respect to Phase 3 of the development was the best option. They may as a Homeowner's Association decide to adopt the Master Covenant for the entire development as well. Dave Kovich then

stated he was willing to review the Master Covenant and asked if the construction plans could be completed if the covenant was not quite ready. The Surveyor stated he would sign off on the construction plans without requiring the Master Covenant to be submitted prior to that. He stated he would grant final approval and allow posting of the maintenance bond until all conditions were met. He then gave Dave Kovich a copy of the draft verbiage of the Residential Master Covenant. He asked the Surveyor to give him until the 30<sup>th</sup> of Sept. to respond regarding the verbiage. The Surveyor agreed.

**Steve Murray**  
**Maintenance Bonds**

The Surveyor presented the following bonds for acceptance by the Board: Maintenance Bond #5027117 for Avalon Bluffs Section 1 from Benjamin Crossing LLC in the amount of \$39,100.00 and dated June 22, 2007, Maintenance Bond # 5027119 for Hunters Crest Section 1 from Benjamin Crossing LLC in the amount of \$27,000.00 and dated June 22, 2007, Maintenance Bond #5027118 for Hunters Crest Section 2 from Benjamin Crossing LLC in the amount of \$14,000.00 and dated June 22, 2007. Ruth Shedd made a motion to accept the Bonds as submitted by the Surveyor. KD Benson seconded the motion. : Maintenance Bond #5027117 for Avalon Bluffs Section 1 from Benjamin Crossing LLC in the amount of \$39,100.00 and dated June 22, 2007, Maintenance Bond # 5027119 for Hunters Crest Section 1 from Benjamin Crossing LLC in the amount of \$27,000.00 and dated June 22, 2007, Maintenance Bond #5027118 for Hunters Crest Section 2 from Benjamin Crossing LLC in the amount of \$14,000.00 and dated June 22, 2007 was accepted by the Board.

**Public Comment**

As there was no public comment, 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**  
**Minutes**  
**November 14, 2007**  
**Regular Meeting**

**Those present were:**

Tippecanoe County Drainage Board President John Knochel, Vice President Ruth Shedd, member KD Benson, County Surveyor Steve Murray, Drainage Board Attorney Dave Luhman, Drainage Board Engineering Consultant Dave Eichelberger from Christopher B. Burke Engineering Limited, and Drainage Board Secretary Brenda Garrison. Project Manager Zachariah Beasley was also in attendance.

**Approval of Minutes**

Ruth Shedd made a motion to approve the October 4<sup>th</sup>, 9<sup>th</sup> and 22<sup>nd</sup>, 2007 Drainage Board minutes as written. KD Benson seconded the motion. The October 4<sup>th</sup>, 9<sup>th</sup> and 22<sup>nd</sup>, 2007 Drainage Board meeting minutes were approved as written.

**Wea Township Fire Station Building Addition**

Adam Dehart Project Manager with Keeler Webb and Associates appeared before the Board to request final approval for Wea Township Fire Station Building Addition. A 3,380 square foot addition was proposed for an existing Wea Township Fire Station located at 1700 Wea School Road. The Stormwater would discharge to the west and southeast in a sheet flow pattern. Adam stated he conferred with the conditions on the November 6, 2007 Burke Memo and noted the project would be heard by the Board of Zoning Appeals on December 5<sup>th</sup>, 2007 regarding variances. He had been working with the Zoning staff since the site was located within the floodplain. Requests were submitted to remove both the existing structure and the proposed work from the floodplain district. The existing building and the new addition would be raised two feet to be built above the flood protection grade. Working with the township trustee, Adam stated they had obtained a LOMA (Letter of Map Agreement) from FEMA which exempted out the existing structure itself. Adjustments had to be made on the planning side for both the existing and the proposed condition. Responding to John Knochel's inquiry, the Surveyor stated both he and the Engineer Consultant had reviewed the plans. The Surveyor stated a Variance from the "No Net Loss" portion of the Stormwater Ordinance would be needed to place fill in the flood plain considering the age of the existing site, the fact that it was an addition for the Wea Twp. Fire Dept. and the amount of fill in the overall scheme of the Wea Creek Floodplain was nominal. Downstream owners were notified.

John Knochel asked for public comment. Adjoining property owner, Mr. Oscar Bussell 1708 Wea School Road Lafayette approached the Board. The Surveyor stated the additional hard surface (in addition to paving of the existing gravel lot) would be a 3380 square foot bldg. addition. His concerns regarded access to the building from the road (safety issue) and drainage of the site. Adam then reviewed the neighbors concerns of the site's drainage as well as the access to the site utilizing GIS. He stated the runoff sheet flowed to the ditch into a pipe which outlet at Wea Creek north of the site. The eastern portion of the site sheet drained to the east and south running into a pipe of the same ditch across the front of the site to Wea Creek. There would not be any runoff from the site onto Mr. Bussell's property. Mr. Bussell's concern was a low spot in the southwest corner of his site. Mr. Dehart stated the existing grades along the perimeter of the parking lot would stay the same and reiterated no water would flow on to Mr. Bussell's property. He noted any water sitting in the low area located on Mr. Bussell's site must be an isolated situation and was not related to runoff from the project site. Mr. Bussell stated he also had safety concerns involving the children waiting for the school bus. Mr. Dehart stated the parking would be essentially the same with the exception of delineated parking spaces and paved parking area. He stated some fire trucks would be backed in as there would be two drive through bays. After a review of the construction site plan, Mr. Bussell stated he was satisfied. He thanked the Board for their time. Responding to KD's inquiry, Mr. Dehart stated the additional fill for the site would be brought from offsite. The building addition and the raised area within the area were requested to be removed from the floodplain by administrative action through the Zoning Administrator. The southwest corner of the property was above the 100 year elevation. The Surveyor requested a copy of the letter Mr. Dehart obtained from FEMA regarding the LOMA. Application had been made to the Zoning staff to delineate the floodplain boundary to remove that portion of the property which was above the 100 year elevation as previously stated. Responding to the Surveyor's inquiry, Mr. Dehart stated he would provide a copy of the request which he had submitted to the Zoning Administrator for the record.

The Surveyor recommended the Board grant a variance to the "No Net Loss" requirement. Ruth Shedd made a motion to grant the variance as requested by the Surveyor. KD Benson seconded the motion. A variance to the "No Net Loss"

requirement was granted for the project. The Surveyor then recommended final approval with the conditions as stated on the Nov. 6, 2007 Burke memo. Ruth Shedd made a motion to grant final approval with conditions as stated on the Nov. 6, 2007 Burke memo. KD Benson seconded the motion. The Wea Township Fire Dept. Building Addition was granted final approval with the conditions as stated on the Nov. 6, 2007 Burke memo.

### **St. Elisabeth Regional Health New Acute Care Hospital**

Bob Doster of BSA Life Structures appeared before the Board and requested final approval for the St. Elisabeth Regional Health New Acute Care Hospital. The project was originally submitted as the Greater Lafayette Regional Health Services. The project site was located between County Road 100 South (McCarty Road) and County Road 200 South (Haggerty Lane) on the east side of Creasy Lane and consisted of approximately 57 acres. It was granted final approval with conditions for proposed mass earthwork only on Sept. 6, 2006. The site drained to the north to Treece Meadows Relief drain and south to the S.W. Elliott Drain. The site was located in the City of Lafayette and has been reviewed and ready for approval by the City. Mr. Doster stated they had met the outlet requirements and requested final approval at that time. The site was annexed into the city and this board's review was for the discharge or impact into the Treece Meadows Relief Drain (aka Wilson Branch). The Surveyor noted the release rate was satisfactory. He informed the Board he had requested an encroachment permit and an application for the outlet into the regulated drain. He informed the Board there were a couple regulated drains which terminated on the site and he had recommended they be vacated, although not mandatory it would benefit them if they followed through on the submission. If they were vacated, it would take those easements off the project site. Responding to KD's inquiry, the Surveyor stated the regulated drains were the J. Berlowitz and Branch 1 of Branch 13 of the S.W. Elliott.

The Surveyor then recommended final approval with conditions as stated on the November 8, 2007 Burke memo. There was no public comment. Ruth Shedd made a motion to grant final approval with conditions as stated on the Nov. 8, 2007 Burke memo for St. Elisabeth Regional Health Acute Care Hospital. KD Benson seconded the motion. The St. Elisabeth Regional Health Acute Care Hospital was granted final approval with the conditions as noted on the Nov. 8, 2007 Burke memo.

### **Winding Creek Section 5 & 6**

John Knochel stated at the last meeting it was determined an additional meeting by the participants in the project would possibly produce an agreement satisfactory to all involved. Pat Cunningham approached the Board and stated the parties did meet again and were unable to reach an agreement to date. He requested a continuance unto the next Drainage Board meeting in hopes of reaching an agreement yet. Dan Teder Attorney for Mr. Schuemann adjoining landowner approached the Board. He stated the following were present: John Schuemann, Derrin Sorenson, Pat Jarboe and Bill Davis of T-Bird Design Inc. He then presented the Board with copies of memos which had been passed between the parties and a timeline of events to date. Dan stated he was more than happy to meet again as they had not accomplished much to date. He confirmed the next regular Drainage Board Meeting would be on Dec. 5, 2007. He pointed out that Pat Cunningham's memo stated a memo was received by Dan on Nov. 8, 2007 when it was actually Nov. 12, 2007 and was in response to Dan's memo of Nov. 7; however Dan's memo was Oct. 29, 2007. Dan stated there was never a Nov. 7, 2007 memo. He then stated a meeting would be held between the parties which might require a special meeting by the Board. Ruth Shedd made a motion to continue Winding Creek Section 5 & 6 until the next scheduled meeting (Dec. 5, 2007) or otherwise specified. KD Benson seconded the motion. Winding Creek Section 5 & 6 was continued to the next meeting with the possibility of a special meeting to be held if necessary.

### **Harrison Highlands Lot 118 Indemnity Agreement**

Regarding Lot 118 of Harrison Highlands Subdivision, the Surveyor presented an Indemnity and Hold Harmless Agreement between J.K. Quality Homes LLC and the Tippecanoe County Drainage Board. This was worked out between the Board's Attorney and Dan Teder Attorney for Joshua Krachinski. It was executed by Joshua L. Krachinski as a condition for a Variance granted. Dave Luhman recommended the Board accept the agreement as presented. Ruth Shedd made a motion to accept the Indemnity and Hold Harmless Agreement regarding Lot 118 in Harrison Highlands Subdivision. KD Benson seconded the agreement. The Indemnity and Hold Harmless Agreement for Harrison Highlands Lot 118 was accepted by the Board.

### **Mackey Vs Whaley Petition**

The Surveyor updated the Board on the ongoing investigation for the Mackey VS Whaley Petition. The Whaley property had been sold to another individual since the petition was filed with the Board. The individual (Mr. Sondegrath) did not

seem to be interested in establishing a regulated drain. The Surveyor noted there were still some drainage issues with some properties south of State Road 26. Responding to the Surveyor's inquiry, KD stated she felt as the petition was submitted by people other than the owner of the property it still required a report to the Board. The Surveyor agreed and stated the watershed had been already been delineated. An estimate would be completed and his recommendation would probably be to establish it as a Regulated Drain and establish a maintenance fund. It appeared the system needs repairs not a total replacement. Since the property ownership had changed and he was under the impression the new owner did not want to make it a regulated drain, He wanted to update the Board of this situation. Ruth Shedd agreed with KD Benson on continuing the process. The Surveyor stated he would continue and prepare an estimate and recommendation and would submit it in the future.

**Public Comment**

There was no public comment. Ruth Shedd made the 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**  
**December 5, 2007**  
**Regular Meeting**

**Those present were:**

Tippecanoe County Drainage Board President John Knochel, Vice President Ruth Shedd, member KD Benson, County Surveyor Steve Murray, Drainage Board Attorney Dave Luhman, Drainage Board Engineering Consultant Dave Eichelberger from Christopher B. Burke Engineering Limited, and Drainage Board Secretary Brenda Garrison. Project Manager Zachariah Beasley was also in attendance.

**Approval of Minutes**

Ruth Shedd made a motion to approve the November Regular Drainage Board minutes as written. KD Benson seconded the motion. The November 7, 2007 Drainage Board meeting minutes were approved as written.

**First Reformed Church of Lafayette**

Patrick Williams of T-Bird Design Services appeared before the Board to request final approval for First Reformed Church of Lafayette. The overall site consisted of approximately 36 acres with the present project on approximately 6.5 acres near the southeast corner of the overall site. The overall site was located northwest of the intersection of County Roads 300 North and 400 East on the north side of County Road 300 North. Pat stated in the existing conditions, the majority of the west half of the site was farmed for row crop and the east half (with some wooded areas in the northeast) was a grass pasture and used for recreation purposes. There was an unregulated portion of the Crist Fassnaught Regulated Drain which ran south to north into Dry Run Creek and ultimately to the Wabash River. In addition to site engineering, some floodway and floodplain mapping for that portion of the Crist Fassnaught Drain which had been approved by the I. D.N.R. (Indiana Dept. of Natural Resources) was performed. Construction of a sanctuary and future building additions as well as pertinent drives and parking areas was planned. In the proposed condition onsite runoff would generally drain west to east via overland flow or the proposed perimeter drainage swales. Perimeter drainage swales were located along the west, north and south sides of the site and outlet into a proposed dry detention basin. The proposed detention facility would serve for storm water quantity management. The runoff rate was controlled into Crist Fassnaught Regulated Drain via an eight inch orifice plate. Pat noted they were utilizing the granular soils onsite resulting in the detention basin serving as an infiltration basin as well. In doing this it would provide stormwater quality above and beyond the ordinance requirements. He stated the design met the requirements of the ordinance and requested final approval subject to the conditions outlined in the November 28, 2007 Burke memo. In response to KD Benson's inquiry Pat stated the pond would be located on the east side of the property. He noted the bottom of the pond was actually a foot above the 100 year elevation at its connection to the flood plain.

The Surveyor recommended final approval with conditions as stated on the November 28, 2007 Burke memo. He noted since there was no published flood plain information for the ditch, T-Bird Design Services were required to send the information to I.D.N.R. T-Bird did receive approval from I.D.N.R. and the Surveyor's office has copies in the file. There was no public comment. Ruth Shedd made a motion to grant final approval with the conditions on the November 28, 2007 Burke memo. KD Benson seconded the motion. First Reformed Church of Lafayette received final approval with the conditions as stated on the November 28, 2007 Burke memo.

**Candlewood Suites**

Clem Kuns of T-Bird Design Services appeared before the Board to request final approval for the Candlewood Suites project. The site was located within the City of Lafayette limits south of the I-65/ State Road 26 interchange, commonly known as Lot 7 of the 26 Crossing Commercial Subdivision and approximately 2.5 acres. Approximately half of the site's runoff routed to an I-65 ditch which in turn outlet to the Alexander Ross Regulated Drain (open ditch) which then routes to the regional detention facility. The remaining easterly side drained directly into the A. Ross Regulated Drain. To develop the site, a proposed relocation of the A. Ross Regulated Drain from an onsite open ditch to dual 60 inch pipes underground was proposed. They were sized in excess of the 100 year flow rate. He requested final approval and stated he was in agreement with the conditions as stated on the November 30, 2007 Burke memo. He noted they were working with the Surveyor on the final location of the Alexander Ross Regulated Drain pipes proposed. They were also presently in the review process with the City of Lafayette at this time.

The Surveyor noted several people had looked at relocating the open ditch which connected the outfall from the west side to the pond in 26 Crossings. He stated he was satisfied the proposed pipes would handle the flow. Emergency routing was addressed as well. He stated the steps for the relocation of the drain should follow Indiana Code 36-9-27-52.5. (Relocation of a regulated drain by an owner on his own site at his own expense) He stated a recorded relocation and vacation petition of the regulated drain was required for final approval of the project. The exhibit with the said petition should show the existing easement and the proposed easement. The proposed drives which cross the regulated drain would require encroachment agreements as well. Since this was in the city limits stormwater quality would be reviewed by them. Responding to KD's inquiry, Clem stated part of the runoff of the site would route straight into the pond and part into the proposed pipes upstream. Dave Luhman, Attorney stated a Petition to Relocate and Vacate as well as a Petition to Encroach would be an additional condition.

The Surveyor recommended final approval with the conditions as stated on the November 30, 2007 Burke memo with the additional condition of a submission of a signed and recorded Petition to Vacate and Relocate and a Petition to Encroach regarding the Alexander Ross Regulated Drain. There was no public comment. Ruth Shedd made a motion to grant final approval with the conditions as stated on the November 30, 2007 Burke memo with the additional condition of the submission of a signed and recorded Petition to Vacate and Relocate and a Petition to Encroach concerning the Alexander Ross Regulated Drain. KD Benson seconded the motion. Candlewood Suites received final approval with the conditions as stated on the November 30, 2007 Burke memo with the added condition of the submission of a signed, recorded Petition to Vacate and Relocate and a Petition to Encroach concerning the Alexander Ross Regulated Drain.

#### **Steve Murray F-Lake Regional Detention Pond Signature for Cover Sheet**

The Surveyor presented the cover sheet for the F-Lake Regional Detention Pond Plans for signatures by the Board. The project plans and wage scale were complete. The projected time to receive bids was February which would be in time for the start of the construction season. He noted the project had been in the works since the 1980's. Responding to KD's inquiry, the Surveyor stated the project did not impinge on the Ivy Tech Community College parking lot expansion. The F-Lake property was approximately 17 acres and was part of land swap between Judy Hammond, Ivy Tech. and the County during the mall expansion project. Responding to KD inquiry concerning the naming of F-Lake, the Surveyor stated in the old files a hand drawn diagram was located and it indicated various parcels of ground labeled from A-F. The piece that was designated for regional detention was parcel F, thus the name F-Lake.

#### **Elliott Ditch Hydraulic Analysis/Feasibility of Revision**

The Surveyor stated several months ago Christopher Burke was contracted to review a portion of the Elliott Regulated Drain which involved the portion upstream of Concord Road and Brady Lane, to see if there was any possibilities to model that portion of the ditch and lower the 100 year flood elevation and floodway. The analysis was now complete. Mr. Eichelberger, the Surveyor and Dave Knight from I.D.N.R. met and discussed possibilities- most of which I.D.N.R. did not feel they could support. The Surveyor felt the Board should be brought up to date with the final analysis. He referred to Dave Eichelberger for the report.

Dave stated they had performed an analysis for another party on the ditch between Concord Road and US 52. The results of the analysis showed numbers were unrealistic based on what had been seen over a period of 20-30 years. They reviewed the data. They requested I.D.N.R. to review to see if there was anything which could be done to get the modeling to show something more realistic in the area. They also took a look at the hydrology to see if the discharge could be lowered. The reasonable floodplain reported to them was an elevation of approximately 640-641 in that area and they were getting elevations of approximately 642.5 to 644.5. The reduction would have to be 2.5 to 3.5 feet to get a more reasonable result. The discharge (received from I.D.N.R.) used in the original analysis was approximately 1900 cfs. Discharge it would take to get it down to that level would be approx. 1100 cfs. The 2000 Watershed Study indicated 1400 cfs. which was closer to a reasonable discharge, however it was not down to a level to get a reasonable floodplain. There was nothing they could have done which was acceptable by I.D.N.R. They took a look at the hydraulic modeling, downstream bridges which had been put in, and the routing at the railroads using a study state modeling and even spoke with I.D.N.R. about it. The conclusion was to install stream gages to calibrate the models to an actual event and rerun those models with a 100 year storm. This would result with amounts more realistic which I.D.N.R. could approve. There was nothing that could be done as exists presently. The Surveyor noted there were large depressional areas upstream, individual retention, detention ponds required by Ordinance. I. D.N.R. would not allow the areas to be counted as storage for the study. Dave stated the 2000 study was a

working study. As changes occur; regional plans, watershed plans it could be and had been used as a base model. I.D.N.R. is very conservative and that is why they have 1900 cfs. One can not go lower than that and follow the requirements set by I.D.N.R. As the 1400 cfs resulting from the study included every detention pond within the watershed that Burke was aware of to include the existing depressional storage. Responding to KD's inquiry, Dave stated a significant rain event data accumulated by the gages could be used to perform the modeling. The Surveyor stated the gages would cost approximately \$15,000.00 per unit and 2 units would be needed. Dave stated one could get by with only one gage however two would be more efficient. Cost sharing could also be used. KD stated since the County Highway, Extension Office and the rest of the potential developments were located in the area she felt the Board should go ahead with the stream gages. It potentially could save the County money. The present situation had negative impacts on Ivy Tech parking lot and other areas of potential growth or development. The Board felt it was worthwhile to install the gages within the ditch. Dave then stated this was not an isolated incident as the Town of Peru was in the process of using stream gages as well.

The Surveyor stated based on the results of the Burke analysis and 3 known properties adversely affected by the unreasonable floodplain elevation, he suggested considering the upper or entire Elliott Regulated Drain Watershed as an Impact Area. He did not believe maintenance funds could be used for the cost of stream gages. The Attorney agreed the cost of the stream gages could not be paid for with drain maintenance funds. The Surveyor noted the original watershed study was completed in 1988 by Christopher Burke himself. One portion of the watershed which was previously discussed and known that an impact area should be declared was a branch of the Elliott by Best Way Disposal at C.R. 350 South east of C.R. 500 East. He noted that area definitely had an inadequate outlet. He noted declaring it an impact area could also limit the development's discharge and allow additional conditions not listed in the ordinance. The Attorney reiterated declaring an impact area allowed the Board to give additional restrictions to the developer/landowner due to additional discharge which could add to the existing problem. He stated the problem could be an economic development issue. Responding to Ruth Shedd's inquiry, the Surveyor noted he thought EDIT and Drainage funds might be available for use as well as cost sharing by others. He noted the delineation of flood plains was the function of F.E.M.A. and I.D.N.R. and the Surveyor's office was not in the business of doing such. Ruth Shedd stated it would benefit everybody to install the gages within the ditch and continue on the path. Pat Jarboe of T-Bird Design Services approached the Board and stated he felt the benefit outweighed the cost and it could be possible to discuss cost sharing with some of his clients. He stated some cities depend on calibrations to get correct data. He suggested continuing to set the path in this community to have correct data for more accurate designs for hydrology and hydraulics.

### **2008 Drainage Board Meeting Dates**

Ruth Shedd made a motion to accept the 2008 Drainage Board Meetings as submitted. KD Benson seconded the motion. The 2008 Drainage Board Meetings was accepted as submitted.

### **Public Comments**

There was no public comment. 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**  
**Minutes**  
**January 2, 2008**  
**Regular Meeting**

**Those present were:**

Tippecanoe County Drainage Board President KD Benson, Vice President John Knochel, County Surveyor Steve Murray, Drainage Board Attorney Dave Luhman, Drainage Board Engineering Consultant Dave Eichelberger from Christopher B. Burke Engineering Limited. Project Manager Zachariah Beasley was in attendance as well. Member Ruth Shedd and Drainage Board Secretary Brenda Garrison were absent.

**Election of Officers/Secretary**

Drainage Board Attorney Dave Luhman accepted nominations for 2008 officers of the Tippecanoe County Drainage Board. John Knochel nominated KD Benson as President for 2008. There were no other nominations. KD Benson was President of the Tippecanoe Drainage Board for 2008 with no objections. The Attorney then accepted nominations for Vice President. KD Benson nominated John Knochel as Vice President of the Tippecanoe County Drainage Board for 2008. John Knochel was elected Vice President. KD Benson made a motion to appoint Brenda Garrison as the 2008 Drainage Board Secretary. Brenda Garrison was appointed Drainage Board Secretary for the Tippecanoe County Drainage Board in 2008.

**Approval of Minutes**

John Knochel made a motion to approve the December 5, 2007 Regular Drainage Board minutes as written. KD Benson seconded the motion. The December 5, 2007 Drainage Board meeting minutes were approved as written.

**2008 Legal Services Contract /Hoffman Luhman & Masson**

John Knochel made a motion to reappoint the Hoffman Luhman and Masson Firm as Legal Consultants. Dave Luhman was appointed as Legal Counsel of the Tippecanoe County Drainage Board for 2008 with no objections.

**2008 Engineering Review Contract/Christopher B. Burke Engr. LTD.**

Dave Luhman stated he reviewed the Engineering Consultants Review Contract. There was a change in the schedule of rates and charges for 2008 with standard terms. The Surveyor stated he felt the rates were more than reasonable with outstanding service and noted the project review charges were reimbursed to the County by the project developers. John Knochel made a motion to approve the 2008 Engineer Review Contract with Christopher B. Burke Engineering LTD firm. KD Benson seconded the motion.

**New Federal Express Facility**

Brandon Fulk of Schneider Engineering Corporation appeared before the Board to request final approval for the New Federal Express Facility. The site consisted of approximately 11.5 acres and was located on the south side of County Road 200South west of County Road 475East and within the City of Lafayette. This site was previously a site for the Canam Steel project. (Approved 2001 but never constructed). The site had an indirect outlet to Elliott Ditch via the constructed swale along the west side of Rowe Trucking. Brandon stated this site would ultimately discharge to the F-Lake Regional Detention Facility and as a result direct release was permitted. There was an exception of a small area in the northwest corner of the site which drained to an existing swale along County Road 200South (Haggerty Lane). Proposed parking would be located on the north side of the site. There was a detention facility proposed to the south to be used for water quality. The site was in jurisdiction to the City of Lafayette and Brandon was in receipt of a review letter for the City Engineer with two comments. He stated they concurred with the December 21, 2007 Burke review memo and respectfully requested final approval at that time.

The Surveyor stated the site was reviewed in the past and there was an existing swale which took the runoff to Elliott Ditch and was located in the City. The discharge rate was the purpose of the Board's review today. He clarified this would not flow directly into the F-Lake Facility based on its new design. There were several watershed sub-basins that F-Lake would compensate for. He noted storage Fees for the F-Lake Regional Facility would be required for this project. There was no public comment. John Knochel made a motion to grant final approval with the conditions as stated on the December 21, 2008 Burke Memo. KD Benson seconded the motion. The New Federal Express Facility was granted final approval with the conditions as stated on the December 21, 2008 Burke Memo.

**Progress Drive Extension**

Justin Frazier with T-Bird Design Services appeared before the Board to request final approval of the Progress Drive Extension a part of the Lafayette Hotel Partnership Subdivision. The site consisted of approximately 4 acres and was located south of State Road 26 and west of Interstate 65 and within the City of Lafayette. The site also included two previously platted lots. At present the site was woody and weeded and drained southeasterly through an adjoining farm property eventually to the Alexander Ross Regional Detention Facility. (Designed in 1993) The project included storm sewers to convey runoff directly to the said facility. The new storm sewers would run parallel to existing sewers north of Commercial Drive. They would discharge separately to an existing concrete-lined channel upstream of the said facility. The watershed would include Lots 3 & 4, the right of way for Progress Drive and approximately 1 acre of offsite area. Justin stated the facility had more than enough storage for the proposed project and requested final approval at that time.

The Surveyor noted this was located within the City of Lafayette and they would be responsible for the Stormwater quality. He noted the Alexander Regulated Drain was involved in addition to the facility. The watershed was fairly good size and ran to Cascada and down to McCarty Lane. At some point the pond would be much larger. He noted proof of master agreement with those individuals that own the site where the pond was located would be required. Based on Burke’s evaluations there appeared to be more than enough capacity there currently. However a satisfactory written agreement would be required. Dave Eichelberger noted Easements through the property immediately to the south and along the east side of Wal-Mart would be required as well. Justin stated negotiations were in progress for the easements but had not been finalized at this time. Justin stated notification to the adjoining landowners was sent as required. There were no public comments.

The Surveyor stated he recommended final approval with the conditions as stated on the December 21, 2008 Burke Memo. John Knochel made a motion to grant final approval for Lafayette Hotel Partnership Subdivision Progress Drive Extension with the conditions as stated on the December 21, 2008 Burke Memo. KD Bensons seconded the motion. Lafayette Hotel Partnership Subdivision Progress Drive Extension was granted final approval with conditions as stated on the December 21, 2008 Burke memo.

**Other Business/Steve Murray**

Regarding the construction of the F-Lake Regional Detention Facility the Surveyor noted a meeting date would be chosen for bids to be let - most likely in mid February.

**Public Comment**

There was no public comment. John Knochel made a motion to adjourn. 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**  
**February 6, 2008**  
**Regular Meeting**

**Those present were:**

Tippecanoe County Drainage Board President KD Benson, Vice President John Knochel, member Ruth Shedd, County Surveyor Steve Murray, Drainage Board Attorney Dave Luhman, Drainage Board Engineering Consultant Dave Eichelberger from Christopher B. Burke Engineering Limited, and Drainage Board Secretary Brenda Garrison. Project Manager Zachariah Beasley was also in attendance.

**Approval of Minutes**

John Knochel made a motion to approve the February 6, 2008 Regular Drainage Board minutes as written. Ruth Shedd seconded the motion. The February 6, 2008 Drainage Board meeting minutes were approved as written.

**Subaru Warehouse #9**

Woody Roeschlein from RQAW Corporation appeared before the board to request final approval for Subaru Warehouse #9 (aka Butler Building). The site was located within the City of Lafayette specifically along State Road 38 between County Road 475 East and Interstate 65 (west of the existing manufacturing plant) and consisted of approximately 2.5 acres of the 830 acre site. The site drained to an on-site detention facility before being discharged into the Parker Ditch. Additional storm drains would be installed west of the proposed addition and connected to the existing storm sewers onsite. As a condition of drainage approval, Woody stated the Consultants for the Board required a new site analysis of the overall picture. A hydraulic analysis was performed in 1995 by his company and Burke felt the analysis needed to be revised. The new warehouse would drain to pond #5 - north of the engine plant. In 2002-2003 the water was diverted from pond #3 to pond #5. Pond #5 was enlarged during the construction of the said engine plant. This will be reflected in the total site analysis report. The new warehouse would have minimal discharge effect on the Parker Ditch. The existing site would be changed to roof and asphalt. Along with the new warehouse a turn around and parking area was planned. Responding to KD's inquiry, Woody stated pond #3 was originally designed for a four foot freeboard. The maximum elevation for a hundred year storm left it with a two foot freeboard. He stated that pond would not overflow. Dave Eichelberger noted the analysis showed storage and discharge curve that went up to 658 contours. The model indicated pond overtopped during routing that calculated peak outfall/elevation was invalid. He stated the map of the area was small and he could not determine if the 658 contour ends around the lake or if the lake was totally ringed by 660 contour. Woody had stated in an email the 660 contour ringed the pond. Dave felt it still needed to be remodeled. If it was getting above 658 there was actually more storage in the pond than the model indicated and the elevation would get higher than 658. This would cause more head on the pipe which in turn caused more discharge to pond #4 which meant pond #4 was not receiving the correct amt. of water getting to it. One of the first steps to pond #3 would be discharge in storage curves which go to the top of the pond and not some point below. The Surveyor then interjected details would be worked out with the Engineers involved. The main concern was the ultimate discharge to the Parker Ditch which routed under County Road 200North and on to the northeast to the Wildcat Creek. The Surveyor recommended final approval with conditions as the modeling question would be resolved. There was no public comment. John Knochel made the motion to grant final approval with the conditions stated on the January 24, 2008 Burke memo. Ruth Shedd seconded the motion. The Subaru Warehouse #9 was granted final approval with the conditions stated on the January 24, 2008 Burke memo.

**Stones Crossing Self Storage**

Eric Gleissner from Civil Site Group who represented G&L Development appeared before the board and requested final approval for the Stones Crossing Self Storage. The project consisted of six self storage buildings and an office on the overall 5.6 acre site. It was located approximately 800 feet south of the intersection of Promenade Parkway and County Road 350 South. Eric noted approximately 2 acres of the site consisted of existing easements, most notably the JN Kirkpatrick Regulated Drain which ran along the entire southern boundary of the site. Direct discharge was proposed to the JN Kirkpatrick Drain. Hydrodynamic separator structures would be used to address the post construction stormwater quality requirements. He then requested final approval with the conditions as listed on the February 1, 2008 Burke memo. In response to KD's inquiry Eric stated he was in agreement with the memo regarding the encroachment request. A formal request would be forthcoming. The 15 feet encroachment on the JN Kirkpatrick Regulated Drain Easement was for proposed pavement, fencing and landscaping. A buffer yard was required due to the residential area on the opposite side of the said

drain. This would leave a 25-30 feet area on the top of the bank for maintenance. The Surveyor noted a formal petition would be required. He had also talked with Mr. Keene of G&L Development concerning their maintenance of the vegetation in the channel. Also the easement was still legally in the City of Lafayette's name and acquired by the City as part of the interlocal agreement for the Twickingham ditch project. Typically easements were transferred to the Drainage Board. At the time there was a disagreement involving the Twickingham Bridge; this has since been resolved. However the transfer was never completed although that was the intent. The current preliminary indication was the City of Lafayette was willing to transfer the easements to the Drainage Board. He further stated this may be something the Board Attorney should discuss with the City Attorney. Dave Luhman then stated to the extent it encroached on the Right of Entry Easement - the Board can consent to the encroachment. This would be separate from encroaching on the platted easement. Responding to KD's inquiry, Dave stated the city could consent to the encroachment and transfer to the Board which would be subject to the consent or they could transfer the easement to the Board and then the Board could consent to the encroachment requested. However today the Board could not consent to the encroachment into the City's Easement. It could be approved subject to the filing of an Encroachment Petition. Eric noted he was in receipt of an approval letter from Bob Foley of the City Engineer's office. The Surveyor noted he was prepared to recommend final approval with the conditions as stated on the February 1, 2008 Burke memo. There was no public comment. John Knochel made a motion to grant final approval of Stone's Crossing Self Storage with the conditions as stated on the February 1, 2008 Burke memo. Ruth Shedd seconded the motion. The Stone's Crossing Self Storage was granted final approval with conditions as stated on the February 1, 2008 Burke memo.

### **Other Business**

#### **2008 Regulated Drain Status List**

The Surveyor presented the 2008 Regulated Drain Status list to the Board for approval. He stated a correction or two may be made before it was submitted to the Auditor office as required. John Knochel made a motion to approve the 2008 Regulated Drain Status list presented along with corrections if any by the Surveyor. Ruth Shedd seconded the motion. The 2008 Regulated Drain Status list was approved by the Board (*Note: a copy of the list as submitted to the Auditor office will be included in the official Drainage Board minutes immediately after the minutes at hand.*)

#### **Candlewood Suites- Petition to Reconstruct Alexander Ross Regulated Drain**

Clem Kuns from TBIRD Designs appeared before the Board and presented the Petition for Reconstruction of the Alexander Ross Regulated Drain for approval. He noted in the future they will present to the Board an additional Petition to Encroach on a Regulated Drain regarding future drive crossings. He then requested approval for the Reconstruction of the Alexander Ross Regulated Drain as submitted to the Board. The Attorney noted the Petition was in proper form and it had been addressed last month with approval of the drainage plans which reflected the relocation. As long as it is within their site, completed at their expense the Board could approve and they could relocate the drain. The Surveyor noted in addition to the revised encroachment agreement, they will need to formally vacate a portion of the platted easement which Mr. Luhman supplied with the form and instructions to do so. He stated the new Regulated Drain Easement should be completed at the same time. The Attorney clarified as follows: "There is now a platted easement and they want to relocate the drain. Merely relocating the drain does not replat the easement. The Surveyor suggests they vacate the existing platted easement and there should be a corresponding dedication of a platted easement for the relocated drain at the same time." The Surveyor then recommended the Board approve the Petition to Reconstruct the Alexander Ross Regulated Drain as presented. John Knochel made a motion to approve the Petition to Reconstruct the Alexander Ross Regulated Drain. Ruth Shedd seconded the motion. The Petition to Reconstruct the Alexander Ross Regulated Drain was approved as presented.

#### **Sanitary Landfill/Gary Brown**

Mr. Gary Brown appeared before the Board to request an inquiry into a Stormwater problem south of the landfill located at 2801 North Ninth Street Lafayette Indiana. The Surveyor and Mr. Brown walked the area in 2003-2004 and discovered blockage below the clover leaves under St. Rd. 52 and through the Oscar Winski Company tract. An investigative report requested by the TERF Board and completed by the Kermida Environmental Incorporated indicated problems with the area's drainage. Gary requested the Drainage Board send out informational letters to those affected property owners. He stated when the Wabash River floods the water can not drain back south as it use to through the Wabash & Erie Canal and under Ninth Street and back to the River. Due to the blockage the water now continues to flow toward the north. This affects all the property owners north of the landfill. The landfill was designed to drain from the north to the southwest therefore the blockages seem to be the problem. (The Surveyor presented the 1930's aerial photos which indicated the path of the old Wabash & Erie Canal to the Board.) He had also reviewed the bridge plans which indicated expansion to four lanes and showed the Canal at that time. They also indicated the cross section of it and a flow arrow indicating runoff to the southwest.

There was a bridge under the railroad tracks, a bridge under North Ninth Street, however he stated he was not sure at what point the berm was put in. The berm was located underneath the U.S. 52 Bridge between the Railroad tracks and the access road to the Monon shops and what was the active gravel pit. He stated after the tour of the site he felt sure that was the problem. However he had not been any further downstream. A review of the aerial photo indicated a channel which did provide relief. He stated Gary had farmed the area since he was very young. He had made a couple of site visits to the gentleman's property who lived at the very end of Conservation Club Road and he had noticed the same change as Gary. As the area floods there was nowhere for the water to get out. He felt starting with a letter from the Drainage Board advising the landowners affected of the Kermida Study and its observations made by their Engineers was warranted. The only option at that time would be to consider going through an Obstruction Petition process which was difficult and often did not lead to a firm answer. John Knochel asked Gary how long he had been farming that location. Gary stated he started in 1985 farming the Hacky property, but he was farming the Horner and Frier property (south of the landfill) since the early 1970's. John Knochel noted this was prior to the Railroad Relocation at which time the clover leafs were put in. Responding to John, Gary agreed this was around the time he started noticing drainage problems. In July 2003 his crops were completely damaged and he lost 1000 acres. In 2004 he had the same problem but was able to replant then. That was when he realized there was a problem as he noted then the water continued to go north. He stated it was obviously blocked at the clover leaf. He stated as you go on down there were several blockages. The Attorney explained the process for filing an Obstruction Petition for the removal of obstruction(s). If the obstruction(s) was intentional it would have to be removed at that particular landowner's individual cost. If the obstruction(s) was unintentional then the removal would be cost shared among all affected landowners. John Knochel made a motion for the Surveyor to draft a letter and send to those parties involved. KD noted the letters would go to those landowners located in between Gary Brown's property and the Wabash River. John included in his motion to send a copy of the Kermida study with each letter and that the Drainage Board would sign the letters. Ruth Shed seconded the motion. An informational letter and a copy of the Kermida Report would be sent to the affected landowners.

**Steve Murray**  
***S.W. Elliott Ditch/ Gaging***

The Surveyor stated the Board was aware in order to solve what appeared to be an artificially high 100 year flood based on conventional modeling, a gaging station on the Elliott Ditch was proposed. After speaking with the USGS office, they were willing to participate in the cost of the station. Dave Eichelberger stated the cost for installation would be \$12,000.00 and would be billed in October this year. Due to matching funds from the USGS there would be no operating expense for the County this year. Next year the O&M would be approximately \$6,900.00. This would be billed to the County in October of 2009 and every year after that. They would be supplying a 40% match to the County's 60% for operating costs. This would be the minimum from USGS and that may increase in future years. The installation would take three to four days. The joint funding agreement presented to the Board today would start the process. The Surveyor recommended the Board authorize the President to sign the document. John Knochel made a motion for the President to sign the agreement with the USGS. Ruth Shedd seconded the motion. The Drainage Board President would sign the U.S. Department of the Interior U.S. Geological Survey Joint Funding Agreement regarding gaging on the Elliott Ditch.

**Public Comment**

Clem Kuns from TBIRD Designs asked how many gaging stations would be installed on the Elliott Ditch. Dave Eichelberger responded one gaging station. He then asked how long the station would be installed for. The Surveyor stated it depended on rainfall events as it could be immediately or 3-5 years potentially.

**Steve Murray**  
***Maintenance Bonds***

Responding to KD's inquiry regarding The Greens PD, the Surveyor noted to date all the information received indicated everything had been installed and he had forwarded her email to the Project Manager for follow up. The Project Manager then approached the Board and stated he was able to speak with the Stormwater Coordinator and the drain pipe referenced in KD's email was located on Lot 11 and appeared to be a 4-6 inch in diameter PVC pipe. The Coordinator thought by observation it appeared to be a perimeter drain for their basement on Lot 11. He stated they would look into this further. The Surveyor stated that particular development must have individual site plans submitted to his office for approval and the drain should have been shown on the drawings submitted for that lot. Additional investigation would be done and KD would be informed of the outcome. The Surveyor stated he had received another email regarding the pond to the south from Mr. Gurly questioning whether or not the pond had been installed properly. It has a 4 inch orifice plate on it and everything appeared to be installed properly.

The Surveyor presented the following to the Board for acceptance. A Letter of Credit (note: no number) submitted by Superior Structures written by Lafayette Community Bank regarding Meadowgate Estates Section 2 Lot 14 dated December 6, 2007 in the amount of \$1,000.00. A Letter of Credit #412 submitted by the Greens LLC written by Salin Bank regarding The Greens PD Swale Lot 9 dated January 29, 2008 in the amount of \$11,486.00. Maintenance Bond #3634059 submitted by Fairfield Contractors written by Great American Insurance for the Greens PD Amended final Plat and Lots 9&10 dated Dec. 19, 2007 in the amount of \$7,500.00. Maintenance Bond Secured by Deposit submitted by Steve Schrader regarding The Greens Amended Final Plat 08-09-07 and Lots 9&10 and Amended Final Plat 12-12-07 written by Salin Bank dated January 18, 2008 in the amount of \$517.50. A Performance Bond submitted by Atlas Excavating regarding Stones Crossing Sections 1 and 3 Outlet Structures (JN Kirkpatrick Drain) and written by Union Planters Bank dated January 11, 2008 in the amount of \$5,000.00. Maintenance Bond #1831883 submitted by Atlas Excavating written by Hanover Insurance Company regarding Stones Crossing Section 1 dated February 6, 2008 in the amount of \$35,910.00. Maintenance Bond #1831884 submitted by Atlas Excavating regarding Stones Crossing Section 2 written by Hanover Insurance dated February 6, 2008 in the amount \$34,900.00. Maintenance Bond #1831885 submitted by Atlas Excavating written by Hanover Insurance Company regarding Stones Crossing Section 3 dated February 6, 2008 in the amount of \$4,500.00. Maintenance Bond #5030698 submitted by Benjamin Crossing LLC written by Bond Safeguard Ins. Company regarding Hunters Crest Section 3A dated January 14, 2008 in the amount of \$20,200.00. John Knochel made a motion to accept the Maintenance and Performance Bonds and Letter of Credits as submitted by the Surveyor. Ruth Shedd seconded the motion. The aforementioned Letters of Credit, Maintenance Bonds and Performance Bond was accepted as presented by the Surveyor.

With no additional public comment, John Knochel made a motion to adjourn. 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

March 5, 2008

## Regular Meeting

### Those present were:

Tippecanoe County Drainage Board President KD Benson, Vice President John Knochel, member Ruth Shedd, County Surveyor Steve Murray, Drainage Board Attorney Dave Luhman, Drainage Board Engineering Consultant Dave Eichelberger from Christopher B. Burke Engineering Limited, and Drainage Board Secretary Brenda Garrison. Project Manager Zachariah Beasley was also in attendance.

### Approval of Minutes

John Knochel made a motion to approve the February 6<sup>th</sup> Regular and February 19<sup>th</sup> Special Drainage Board minutes as written. Ruth Shedd seconded the motion. The February 6<sup>th</sup> Regular and February 19<sup>th</sup> Special Drainage Board meeting minutes were approved as written.

### Riverwood Subdivision

Paul Dietz with Vester and Associates appeared before the Board and requested final approval for Riverwood Subdivision. The site was located on the south side of Division Road at the intersection of Division and Kerber Roads. The site's northern portion drained toward Division Road and eventually to Indian Creek while the southern portion drained to the Wabash River. A depressional storage area was located within the central portion of the site. Paul stated the project previously was presented to the Drainage Board as two Minor Subdivisions totaling 7 lots at the same site. At that time the project was granted a detention storage waiver due to the flows to the ravine did not increase volumes or peak flows. Two previous conditions on the prior approval remain outstanding. One was a sediment basin design to be placed in the northeast corner of the site. The second was the requirement of site plans for the individual lots due to the concern of the steep slopes. The current project included 4 of the original lots. The remaining original lots were converted to a Rural Estate. Paul stated the layout had been remodeled and all agreed the original detention storage variance would stand. The main concerns were the erodible soils and the steep slopes toward the ravine. There was a strip of land which was originally cut for a road into the project from Division Road. The stability of that strip of land would be documented as soon as the weather permits. The requirement for the new project was now two sediment basins and those have been designed. Pads were required to be generally located and septic drain fields to be located on each property. This would be done when weather permits. A covenant would address the required tree preservation in the area of the ravine and included in the overall covenants and indicated on the final plat. The Surveyor noted there would be required tree preservation on any of the lots with the steeper topography. He noted since individual site plans were required; this would insure the preservation of the trees as well as document the location of the buildings on the lots. There would be a building minimum setback delineated on the plans. For sites where septic was required those locations would be shown as well. This would insure the septic locations would not be compacted or altered as would be the case if construction equipment was driven over them. The Surveyor recommended final approval with the conditions stated on the Burke review memo dated February 29, 2008. Responding to KD's inquiry, Paul stated the clear cut area would not be utilized for access. There was no public comment.

John Knochel made a motion to grant final approval with the conditions as stated on the February 29, 2008 Burke review memo for Riverwood Subdivision. Ruth Shedd seconded the motion. Riverwood Subdivision was granted final approval with conditions as stated on the February 29, 2008 Burke memo.

### Lafayette Medical Park PD

Dan Teder from Teder Reiling and Schrier appeared before the Board to address the maintenance agreement concerning the Lafayette Medical Park project. He stated he had worked with the Board's attorney concerning the maintenance agreement for the Treece Meadows Relief Drain aka Wilson Branch of the SW Elliott Regulated Drain located on the western portion of the site. Mr. Teder requested the maintenance agreement indicate maintenance on their side of the said ditch and the bottom area only and indicated as such on the appropriate exhibit to accompany the said agreement. The Surveyor stated he reviewed the agreement and the exhibit drawing should show their side of the ditch only. Unity was required to mow both sides until such time as the opposite side was developed. In the future the Medical Park would be responsible for the maintenance of their side of the ditch only. Dave Luhman clarified the description should indicate the southeasterly side of the ditch. Mr. Teder stated an exhibit would be specific to the area of maintenance required by his clients. Justin Frazier from TBIRD Designs appeared before the Board and requested final approval for the said development. The site was located south of the intersection of Creasy and McCarty Lanes and on the east side of Creasy Lane. It consisted of approximately 14 acres and would have been phase 2 of the Cross Creek Lakes Planned Development which was planned in 2000. Cross Creek Planned Development Phase 1 and Cross Creek apartments were located to the north. The project was located within the Lafayette

City limits. The existing conditions were two detention ponds in the northeast and southwestern corners which were connected by a drainage swale. The said ponds drain westerly to the western most pond which discharged into the Treece Meadows Relief Drain aka Wilson Branch of the SW Elliott Regulated Drain. The existing swale would be filled in and construction of a new storm sewer system would connect the ponds. A landscape berm would be constructed to physically separate the medical park from the residential community. There will be no access from the existing residential area to the medical park. Cross Creek Lakes Home Owners Association have been involved with the planning of the filling in the swale and the said landscaped berm. Justin stated they conferred with the conditions of the February 21, 2008 Burke review memo and agreed with the aforementioned maintenance agreement language. Responding to KD's inquiry, the Surveyor stated the ditch was originally designed without any quality measures in place. The City of Lafayette would be addressing the Stormwater quality issues. The Drainage Board's concern at hand was the discharge rate to the Treece Meadows Relief Drain aka Wilson Branch of the SW Elliott Regulated Drain as well as a satisfactory maintenance agreement for said drain. The Surveyor stated the release rates were within the limits of the original study. He recommended final approval with the conditions as stated on the February 21, 2008 Burke review memo. There was no public comment.

John Knochel made a motion to grant final approval with the conditions as stated on the February 21, 2008 Burke review memo. Ruth Shedd seconded the motion. Lafayette Medical Park PD was granted final approval with conditions as stated on the February 21, 2008 Burke review memo.

#### **Alexander Ross Regulated Drain /Petition to Encroach**

Pat Jarboe with TBIRD Design appeared before the Board to present the Petition to encroach on the Alexander Ross Regulated Drain for Lot 7A and Lot 28 of the Candlewood Suites (a project previously approved by the Board). The encroachment agreements were to put 2 drives across the relocated Regulated Drain. The Surveyor recommended approving the Petition to encroach on the Alexander Regulated Drain easements for Lots 7A and 28 in the Candlewood Suites Subdivision. There was no public comment.

John Knochel made a motion to grant approval for the Petition to encroach on the Alexander Regulated Drain easements for Lots 7A and 28 in the Candlewood Suites Subdivision. Ruth Shedd seconded the motion. The Petition to encroach on the Alexander Regulated Drain easement for lots 7A and Lot 28 in the Candlewood Suites Subdivision was approved. A portion of the easement was done by plat for the Alexander Ross Drainage easement including a sliver in the northeast portion of the relocation. This would be required to be dedicated to the Board of Commissioners. Mr. Luhman stated it would be sufficient to be dedicated through a Commissioner's meeting.

#### **Champion Centre PD**

Brandon Fulk appeared before the Board to present the Champion Centre PD. The site was located at Northwestern Avenue (presently US 231 to be turned over to the City of W. Lafayette by INDOT) specifically in the City limits of West Lafayette. Brandon stated he was seeking conceptual approval for the drainage of the site. This was due to the proximity to the Celery Bog and the outlet to the Cuppy McClure Drain and the jurisdiction relative to that. The preliminary drainage design phase was underground. The adjoining Golf Course Superintendent, Purdue officials, the City of West Lafayette's Engineers office and Schneider representatives re-evaluated the drainage situation working together. The adjoining neighbors along the boundary and east side of property had Stormwater runoff problems. Four acres, Northwestern Avenue and four pipes which discharge from the north side of Windsor Avenue all discharged into a box culvert under Northwestern Avenue. The discharge from the box culvert was either overland or drawn down by a 15 inch pipe which serviced the Golf Course. The Golf Course drainage system was self contained. There was a 15 inch pipe which drained to a wetland and then to a series of wetlands adjacent to the Bog. The drainage was used for irrigation of the Golf Course. Brandon stated he had discussed the Bog with the Golf Course Superintendent and there was an emergency routing spillway located in the Northwest corner. There was no direct discharge into the Bog. In speaking with them Brandon noted the Superintendent stated they would take as much water as the project could give. Working with the West Lafayette's Parks Department, the Engineer's Department, Purdue's Office of Architect and PRF (owners of property) a constructed wetland system was planned. The system would take the discharged water from the site and the aforementioned box culvert into a Stormwater management plan located on the Golf Course itself. It would not be stored underground or in vaults. The neighbors would see a marked difference in the efficiency of the drainage in that area. The lowest elevation point on the boundary was 713, 706 was the box culvert. The planned wetland elevation was 702. Brandon stated this was a win, win situation for the site and adjoining property owners. The Surveyor stated the City of West Lafayette's Engineer office (specifically David Buck) had sent him an email respectfully requesting the Board grant the request for conceptual approval. He stated ultimately the Board would approve the discharge rate only to the celery bog which eventually was drained at Cumberland Avenue by the Cuppy McClure Drain. He reiterated Brandon was asking for conceptual approval at this time. The Surveyor would then through the consultant insure the discharge rate would not have a negative impact on the said Cuppy McClure Drain. He did not see the possibility that it would have a negative impact. He recommended the Board grant conceptual approval subject to his final approval of the

rates. Responding to KD's inquiry Brandon stated the permeable surface would be less than exists today. The management of the runoff in the constructed wetland on the Golf Course was releasing approximately half of the present amount. The Surveyor stated Schneider was solving problems to the east side of the site, adding water which Purdue wants, and providing an additional wetland for the Purdue students to study. There was no public comment.

John Knochel made a motion to grant conceptual approval with the final approval of the discharge rate by the Surveyor's Office. Ruth Shedd seconded the motion. The Champion Centre PD was granted conceptual approval with the final approval of the discharge rate by the Surveyor's Office.

#### **Legal Service Contract**

Responding to KD, Mr. Luhman stated the Drainage Board's contract mirrored what was presented for the Commissioners Contract. The Surveyor noted his office was pleased with the representation to date. John Knochel made a motion to approve the Legal Services Contract between Tippecanoe County Drainage Board and the firm Hoffman Luhman and Masson PC. Ruth Shedd seconded the motion. The 2008 Legal Services Contract between Tippecanoe County Drainage Board and the firm Hoffman Luhman and Masson PC was approved.

#### **Berlowitz Regional Detention Facility/ Design Contract Addendum**

The Surveyor stated he had a request for an increase of the original Berlowitz Regional Facility design contract amount from \$50,275.00 to \$64,757.00. He explained there were four different surveying firms involved with the topography elevations on the project. Burke had to do extra work to resolve the discrepancies between the various services. The Surveyor noted the increase was for their costs only and recommended the Board accept the contract addendum as presented. John Knochel made a motion to approve the addendum to the design contract of the Berlowitz Regional Facility as presented. Ruth Shedd seconded the motion. The addendum to the design contract for the Berlowitz Regional Detention Facility was approved as presented.

#### **Branch #1 of Branch #13 SW Elliott Regulated Drain/ Partial Vacation Petition**

The Surveyor presented to the Board a Partial Vacation Petition for Branch #1 of Branch #13 of the SW Elliott Regulated Drain submitted by Shannon Smeltz for James Shook, Lambirth Inc., and Rondal K. Lambirth. The Surveyor reviewed the area utilizing G.I.S. He stated the branch in question was an old agricultural tile which served the area of the northwest corner of State Road 38 and Creasy Lane. The tile stopped on the east side of Creasy Lane. When the Hospital site was approved one of the conditions was to vacate a portion of the said branch. They are in the process of obtaining the signatures and will present that to the Board at a later date. The petition at hand was for a stretch on property owned by Shook and Lambirth. He stated it was not needed and one would not be allowed to tie into it for any future development. The petition met the conditions for a partial vacation and the Surveyor recommended the Board grant the Partial Vacation of Branch #1 Branch #13 of the SW Elliott Regulated Drain. Mr. Luhman agreed a partial vacation was in order. John Knochel made a motion to grant the Partial Vacation Petition for Branch #1 of Branch #13 of the SW Elliott Regulated Drain submitted by Shannon Smeltz for James Shook, Lambirth Inc., and Rondal K. Lambirth. Ruth Shedd seconded the motion. The Partial Vacation Petition for Branch #1 of Branch #13 of the SW Elliott Regulated Drain submitted by Shannon Smeltz for James Shook, Lambirth Inc., and Rondal K. Lambirth was approved by the Board.

#### **JB Anderson Regulated Drain/ Town of Clarks Hill**

Alan Jacobsen appeared before the Board to request approval of a Petition to Encroach on the JB Anderson Regulated Drain Easement by the Town of Clarks Hill Sanitary Sewer Service. The project involved installation of a pumping station on the southwest corner of the Industrial Pallet property. The extension of a three inch force main northward along US 52 to the south side of the abandoned rail corridor which ran northeast out of Clarks Hill to C.R. 975 East. It will then run under said County Road to a manhole which was part of the gravity Sanitary Sewer collection system. He stated they would have five or six crossings over the said tile drain (which fell into alignment of the force main). They would cross under the tile while maintaining an appropriate space from the bottom of the existing tiles. They will replace the tile with new pipe at the crossing locations. Alan stated the Surveyor requested digital color photos including annotations for each crossing location prior to backfilling the excavation at the locations. He also requested coordinates of the pipe inverts at said locations so the data can be incorporated into the field tile database. The easements were finalized with the landowners and they will be provided to the Surveyor's office when available. A three year five thousand dollar maintenance bond was also requested by the Surveyor applicable to the work at the said crossings. This would be in addition to a Performance Bond to the Town of Clarks Hill from the Contractor which covered all aspects of the construction. Alan added the sanitary sewer pumping station would initially only take flow from the Industrial Pallet Facility however it was sized for adding in future expansion of that area. The Surveyor noted the office had worked with Mr. Jacobsen to identify the tiles which may be cut or intercepted with the force main. He stated he had a letter dated March 3, 2008 which addressed some of the conditions and requested the letter be incorporated into the minutes and part of the Petition. ( along with aforementioned photos, coordinates, and maintenance

bond) The Surveyor requested a couple days notification before the drain was crossed to have an inspector at site. At that time he recommended the approval of the Petition to Encroach on the JB Anderson Regulated Drain. Responding to John Knochel's inquiry, the Surveyor noted the Performance Bond would cover the work during construction and possibly up to 6 months after. The Maintenance Bond would cover three years after the work was completed. Responding to KD's inquiry the Surveyor stated the contractor would also be responsible for repair of private and regulated laterals which may possibly be disturbed or destructed during the construction of the project.

John Knochel made a motion to approve the Petition to Encroach on the JB Anderson Regulated Drain subject to the March 3, 2008 letter and obligations to repair any damaged private laterals submitted by the Town of Clarks Hill. Ruth Shedd seconded the motion. The Petition to Encroach on the JB Anderson Regulated Drain subject to the March 3, 2008 letter and obligations to repair any damaged private laterals submitted by Town of Clarks Hill was approved by the Board.

### **F-Lake Detention Facility**

KD Benson stated a letter was received a couple days ago from Chancellor Bathe of Ivy Tech Community College requesting the postponement of construction on the F-Lake Regional Detention Pond. Bids were opened on February 19, 2008 for the project. Pat Corey approached the Board as project leader of campus growth for Ivy Tech Community College. The aforementioned letter outlined several arguments for postponing immediate construction on the F-Lake Detention Facility. Pat Corey stated she realized the project had been in the works for years if not decades; however the college certainly did not anticipate the speed of growth they have experienced in the last decade or so. The land on which the college is located was constrained by drainage issues. F-lake, SW Elliott Regulated Drain and the floodplain all are part of the Campus site issues. The buildings located there now including the large Ivy Hall were built and located with respect to the said drainage issues at the time. As growth had been reviewed, several steps had been taken. The first step was to engage several community partners with them. The YMCA, Junior Achievement Headquarters, Tippecanoe School Corp. has all expressed interest to locate alternative programs on the Campus site. Eventually with the YMCA in particular a facility would have to be built on Campus. Last fall a group of stake holders were convened together for land use planning. The issue had become a service learning project for one of Purdue Professor Kim Wilson's classes. The stakeholders consisted of their partners, personnel from the campus, City of Lafayette, City of West Lafayette, Purdue, Lafayette and West Lafayette's Development Commission and the County Surveyor who were invited to meet and discuss the issues. She noted the process had been going on since the end of October and should conclude by the end of April. The process from this point on would be to look at alternatives on how best to create buildable as well as functional land from what is there. This may include looking for alternatives for non buildable land. (Land close to creek or in the proposed F-Lake location) Fisher and Associates were contracted to help understand the drainage issues. Soil sampling has been done to see if the extension of Creasy Lane changed the configuration of the soil and made it more buildable. She respectfully requested rather than proceed with F-Lake project that the planning process be allowed to consider how F-Lake could fit into the Campus Plan. They felt it could be a tremendous asset to the Campus. It could be part of the curriculum for science labs, environmental issues, best practices of soil management, a place of recreation with trails etc. She requested the Board hold off on awarding the Bid for F-Lake Regional Facility. Responding to John Knochel's inquiry, Pat Corey stated the land use plan would be completed in April and at that time she would have options to show the Board. She noted the lack of campus parking was an enormous issue to them. John Knochel stated the request to put the project on hold came at the eleventh hour or even later for the Board as Bids had been received. The Surveyor's office or the Commissioner's should have been notified before the letter was received this week. Pat Corey stated from October 31 of 2007 they had tried to include the County in the process. The Surveyor stated he had talked with Professor Kim Wilson, and other members of the Ivy Tech administration. The question can you move or stop F-Lake was asked and his answer was no. He stated they were too far along in the process; the agreements had been in place since 1987. A relinquishment clause in the contract stated if IVY Tech or the County did not use the various pieces of property which was exchanged within a five year period they would get the property back. In 1991 that language was removed from the agreement and the County does physically own the piece and it was deeded as a barrow pit so the Campus could construct the Campus Parking lot. In order to use that piece of land as a parking facility it would have to be filled in as a portion was located in the floodplain. Another concern would be the overall watershed management plan that had been in place since the mid 1980's, F-Lake would help reduce downstream flooding along the SW Elliott Regulated Drain. He stated they were in the process now of installing a stream gage near the County Highway property to try and prove to IDNR (Indiana Department of Natural Resources) that the flood plain was lower than it appeared to be by conventional model. He noted there was some risk of increased damage and flooding and inability to develop property in those areas besides Ivy Tech's property. At one time 3 or 4 years ago (this is one reason why F-Lake had been delayed to this point) Ivy Tech's requested to review the redesigning the design of F-lake (which was ready to go to contract at that time). At that time the review was to accommodate a road across the north side due to their possible acquirement of property to the east. He was not sure legally the bids could be rejected at this time. The attorney stated he thought the request for bids gave one the right to reject the bids. He would have to review the law in that area. Generally you have the right to accept the lowest bidder or reject one or all bids. Steve stated his other concern was the cost to the public. In response to KD's inquiry, the attorney

noted the bids were good for 60 days. The Surveyor also noted if the low bidder was pushed back too far into the construction season they would have the right to request additional money since they were not allowed to start in a timely fashion. If a redesign was done the cost could be in excess of \$100,000.00 and delay the project at least another year. The permitting through IDNR and IDEM (Indiana Department of Environmental Management) was very difficult and he would not want to have to go through the process again. However, his biggest concern was the fact it has been almost twenty years and the facility was intended to provide protection for the landowners downstream and mitigate some of the flooding problems. Pat Corey stated they were cooperating with some of the property owners such as John Gambs. They offered to help pay for the gages in the SW Elliott Reg. Drain. She stated they would like to have the information from the gages as part of their land use planning. She went on to say the level of capital investment in the Campus they expect over the next 3-4 years was on the order of approximately 40 million dollars. Ruth Shedd asked if Ivy Tech was considering purchasing more property around their present site. Pat Corey stated it was an option that Professor Wilson was looking at, however they are trying to do the planning with the smallest amount of money and noted they were trying to be extremely frugal with their planning. The idea was to inform all of the stake holders so that they knew what to expect and could go forward without delay. She thought the Tippecanoe School Corporation would be the first builders on the campus site and they were prepared to go forward quickly. John Knochel stated he was unaware there was a land use study going on for the site. He continued as valuable as Ivy Tech was to the area he would be willing to hold out the awarding of the bid until April so that they could see what impact the design of F-Lake would have on their plan. He asked if they did not accept the F-lake bids at this time and it had to be rebid would Ivy Tech be willing to pay the difference. Pat Corey stated at the level of their campus they were not able to make that commitment. Chancellor Bathe stated they have had a long relationship for twenty years and would hope to continue that relationship. KD Benson stated while it had been twenty years she would hope another month would not upset that relationship. Pat Corey responding to KD's inquiry stated she did not think the plan would be in place by April 19<sup>th</sup>. She also stated not only were they interested in obtaining additional parking, they were also interested in the design of F-Lake and how they can incorporate it into their plan. The Surveyor stated that information was sent to their drainage consultants and also Ken Larson of the Ivy Tech Community College previously. John Knochel moved for the continuance of the awarding of the F-Lake Regional Detention Facility to the April meeting subject to the possible requirement of a special meeting. Ruth Shedd seconded the motion. The award of Bids for F-Lake Regional Detention Facility was continued until the April meeting unless a special meeting was required.

#### **Maintenance Bonds**

The Surveyor presented Maintenance Bond #502818 for Watkins Glenn South Part 6 Phase 2 submitted by A&K Construction in the amount of \$7035.00 dated February 13, 2008 for approval by the Board. John Knochel made a motion to approve Maintenance Bond #502818 for Watkins Glenn South Part 6 Phase 2 submitted by A&K Construction in the amount of \$7035.00 dated February 13, 2008. Ruth Shedd seconded the motion. Maintenance Bond #502818 for Watkins Glenn South Part 6 Phase 2 submitted by A&K Construction in the amount of \$7035.00 dated February 13, 2008 was approved by the Board.

#### **Capilano Estates/Michael Preyss**

Michael Preyss a resident of Capilano Estates in West Lafayette approached the Board to discuss his concern of the poor drainage in his subdivision. He noted the neighborhood was holding a meeting on the 6<sup>th</sup> of March at 7 p. m. at the public library on Klondike Road in West Lafayette. The meeting was for the affected residents of the recent flooding at the entrance of the subdivision. He stated they would discuss the current flooding as well as the 2004 flooding and steps they would be able to take as a neighborhood and a neighborhood association. He invited the Board and the Surveyor to attend. They hope to come to a permanent solution to prevent future flooding on the Subdivision as well as downstream. He noted this was just a heads up that the Board would see more of them and hopefully resolve their drainage issues in the future. The Surveyor stated this issue had been discussed with a multitude of the subdivision's property owners and he did not see a solution the Surveyor's Office could provide. It was not a regulated drain and he did not think it could be converted into a regulated drain since this was a natural stream. There had been instances in the northeast part of the state which IDNR brought suit against the Drainage Board as they want to keep streams in their natural states. There was an IDNR floodplain study which showed the entrance of the Subdivision within the Floodplain, which means it would periodically flood. Mr. Preyss stated his house was the fortunate one which only got water on the land and not in his house. While the Surveyor was willing to talk with them, at some point one has to state there is no good option. Mr. Preyss stated he understood however he hoped the Board could offer options in freeing up downstream flow if that is the case.

#### **Drainage Issue/Susan Spaulding**

Susan Spaulding of 3250 North 750 East Lafayette Indiana approached the Board to discuss the drainage issue at her property. She has experienced flooding ever since moving in to her home four years ago. She has flooding at a minimum of six times a year. She presented photos to the Board of the flooding at her home which was taken on Sunday (there was no rain on Sunday) as she thought it was significant since they showed the standing water on her tract. Susan stated the water

flowed from a field through the culvert and right through her drive across all of her back yard to a drain 12 inches in diameter (breather on a subsurface tile). The Surveyor stated the breather was over a subsurface tile and there was a lateral which ran to the north which provided some relief for the septic systems in the back yards for the houses to the north. Susan stated she had come to request the County repair, maintain or update the drainage on her tract. The Surveyor stated the Leslie Calvin ran through the area to a headwall. It stopped being a regulated drain at the headwall and was an open ditch from there on. He stated the previous Surveyor had met with them before. Her land was somewhat in a depressional area. He stated if the building site was requested today it would not be approved. The problem pre-existed her purchase of the home. Susan stated she was not aware of the drainage issue when they bought the home and had not been informed of the problem. The Surveyor stated they took shots a couple years ago across the farm field to the west to see if shaving it down a hair in that location it would provide some relief. It could possibly benefit them to construct a swale to the west to try to drain some of the water into the farm field. He stated if he had some reasonable easy fix it would have been done by now. Responding to KD, Mike Spencer stated if the highway department went out and dipped out the roadside ditches it would certainly bring water to her faster. The Surveyor reiterated this was a depressional area and basically the pipe acts as an equalizer. Some water was let through but the pipe keeps it from building up on one side or the other. She stated in a dry spell the drain in her back yard stood full and was constantly flowing. The Surveyor stated many county tiles run year round. He stated they could go out and inspect at the headwall to make sure it was not plugged as was done a couple years ago. Responding to John's inquiry, the Surveyor stated a lateral to the north on several occasions had been jetted. Part of the problem of the lateral to the north (not a regulated drain) was trees overtop of the tile. Anytime there is tree growth over a tile there was susceptibility of blockage from roots. When the main branch of the Calvin Leslie Regulated Drain was checked a couple years ago it was flowing fine. This was confirmed by the Project Manager. Susan stated when it rains and floods beside her driveway it bubbles when water stands and asked if this was an indication of a problem. The Surveyor stated this could be a private lateral. He stated tiles were put in around the County which the office was not aware of for various purposes. Responding to KD, the Surveyor stated the headwall and the inlet in the back yard could be inspected for blockage. The attorney stated it was not a legal question as it was an engineering question of what could be done. He stated she could get permission from an adjoining land owner to cut a swale and have the water go to an adjoining landowner (farmer). The Surveyor stated when the shots were taken they stopped at the inlet. As the weather and work load permitted his office would try to get a few more shots up into the lots. Shots previously taken indicated a little more surface relief could be obtained by regrading the farm field west of their properties. The Surveyor noted this was an old strip subdivision completed well before there was any kind of zoning ordinance and maybe even a subdivision ordinance. The attorney stated if the subdivision was done today, there would have to be some sort of detention storage required for the subdivision to provide a positive outlet. There would be restrictions on drainage and development there. Responding to KD, Susan stated she was the only one in neighborhood which had the standing water. KD stated it may be that her next step would be to talk with a tile company and the adjoining farmer to see if there were any options she could take to relieve her problem with the drainage because unfortunately the Board could not fix the problem.

#### Public Comments

There were no public comments. John Knochel made the motion to adjourn. The meeting was adjourned.



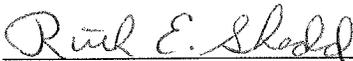
KD Benson, President



John Knochel, Vice President



Brenda Garrison, Secretary



Ruth Shedd, Member

**Tippecanoe County Drainage Board**  
**Minutes**  
**April 2, 2008**  
**Regular Meeting**

**Those present were:**

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

**Approval of Minutes**

John Knochel made a motion to approve the March 5, 2008 Regular Drainage Board minutes as written. Ruth Shedd seconded the motion. The March 5, 2008 Drainage Board meeting minutes were approved as written.

**Speedway Fuel Station**

Ross Nixon from Schneider Corporation appeared before the Board to present the Speedway Fuel Station project. The site consisted of approximately 1.6 acres and was located within the City of Lafayette at the corner of S.R. 38 and Creasy Lane. The site drained to two branches of the S.W. Elliott Regulated Drain known as the Wilson Branch and Branch #13. Currently the southwest portion of the site was tributary through the Torchwood condominiums to the Wilson Branch. The north and east portions of the site were tributary through the Creasy Lane and SR 38 infrastructure to Branch #13 of the S.W. Elliott regulated drain. (2- 66" culverts east side of Creasy Lane) Future plans were to reroute this to the F-Lake Regional Basin. IN general the proposed condition would maintain the existing drainage pattern. The majority of the site would be collected in curb inlets within the parking lot refueling areas and routed to existing infrastructure in the State Road 38 Right of Way. Underground detention would be used to meet the release rates at the State Road 38 Right of Way. Ross stated the calculations were completed for the future F-Lake Basin storage fees. Stormwater Quality requirements would be implemented on site with an aqua filter system prior to discharge. He then requested final approval from the Board. The Surveyor recommended approval with the conditions as stated on the March 27, 2008 Burke review memo. There was no public comment. John Knochel made a motion to grant final approval for the Speedway Fuel Station #3310 with conditions as listed on the March 27, 2008 Burke memo. Ruth Shedd seconded the approval. Speedway Fuel Station #3310 was granted final approval with conditions as listed on the March 27, 2008 Burke memo.

**Tipmont REMC Substation**

Brandon Fulk from Schneider Corporation appeared before the Board to request final approval for Tipmont REMC Lafayette Substation. The site consisted of approximately 1.94 acres and located north of the intersection of C.R. 500E and 450N on the east side of C.R. 500E. Brandon stated R.W. Beck was Tipmont's Engineering Consultant while Schneider Corp. helped with the site's drainage. The site drained to the northwest corner into a roadside ditch. A system of swales surrounding the gravel pad from the east side to the north side was planned and would tie into the roadside ditch which drained north. Brandon stated the master covenant would indicate the surface would remain gravel. He then requested an exemption to the Stormwater Quantity as the peak discharge and runoff volume would not be increased. He stated they agreed with conditions as stated in the March 28, 2008 Burke memo and requested final approval. Responding to John's inquiry, the Surveyor noted the exemption would be based on the fact runoff would not be increased. There was no public comment. The Surveyor recommended final approval with the conditions as stated on the March 28, 2008 Burke memo. He referred to the condition listed under Stormwater Quantity and stated in the future if the equipment yard was paved, a request for approval must be submitted to the Board and the exemption would not be in effect. John Knochel made a motion to grant final approval with conditions as stated on the March 28, 2008 Burke memo. Ruth Shedd seconded the motion. Tipmont REMC Lafayette Substation was granted final approval with conditions as stated on the March 28, 2008 Burke memo.

**Lafayette Warehouse #9**

Brandon Fulk from Schneider Corp. appeared before the Board to request final approval for Lafayette Warehouse #9. The site consisted of approximately 23.01 acres and located on Lot #2 of the Park 350 Subdivision. Stormwater detention and quality treatment for the site were provided by the existing pond in the southern portion of the subdivision and the site would utilize the existing constructed ditch. The project would have an indirect outlet to the JN Kirkpatrick Regulated Drain. Access to the docks would be on the north and south end. He stated they agreed with the conditions as stated on the March 27, 2008B Burke memo and requested final approval at that time. The Surveyor noted the overall drainage plan for Park 350 was previously approved by the Board. The infrastructure for the site was constructed and ready. This project met the requirements of the overall drainage plan. He recommended final approval with the conditions as stated on the March 27,

2008 Burke memo. John Knochel made a motion to grant Lafayette Warehouse #9 final approval with the conditions as stated on the March 27, 2008 Burke review memo. Ruth Shedd seconded the motion. Lafayette Warehouse #9 was granted final approval with conditions as stated on the March 27, 2008 Burke review memo.

#### **Davis Ferry Treatment Facility (aka Indiana American Water)**

Jim Hurst (Overall Design Project Manager) from Indiana American Water appeared before the Board to request final approval for Davis Ferry Treatment Facility. He introduced John Duncan (Water Resources Engineer), Dave Elmer (Project Manager) and Chris Johnson (West Lafayette Operations Superintendent) to the Board as well. The site consisted of approximately 54 acres located on the west side of the intersection of Davis Ferry Road and Ninth Street north of the Wabash River. A concrete drive from Ninth Street would access the site. The site drained to Burnett Creek and ultimately to Wabash River. As a ground water treatment plant with 4 wells it would treat 9 million gallons of water per day at the start. One well will be located at the upper end of the farm land while the remaining three would be along the Burnett Creek. An infiltration system would filter the runoff prior to outletting into a constructed swale then entry into Burnett Creek. He referred to John Duncan. John stated the runoff would be captured upstream at the culvert under the proposed drive. Runoff beyond that would be captured by the new swale and taken from the Ninth Street ditch to the internal system and discharged into the Burnett Creek. Referring to the Stormwater quantity and quality, he stated they worked to have a very small environmental footprint associated with the project and both would be improved by the infiltration basin. Responding to KD, Jim stated they would cork closely with the Parks Board regarding an easement for the Wabash River Heritage Trail. A pipe would be placed under the trail so that the trail would not be disturbed. Kerry Daily noted the plans did not show the easement for the trail and the pipe within the easement. The exact route of the trail was not shown. The Attorney stated Wabash Heritage Trail Easement was specific and coordination with the Parks Board was required of the Developer. This would be an added condition of approval. Responding to the Surveyor's inquiry, Jim Hurst stated this project was exempt from IDEM Rule 6. There was no public comment. The Surveyor noted the conditions must be met and the required fees paid before construction may begin. He recommended final approval with the conditions as stated on the March 28, 2008 Burke review memo along with the added condition of Park Board approval regarding the Wabash River Heritage Trail. John Knochel made a motion to grant final approval with the conditions as stated on the March 28, 2008 Burke review memo with the added condition of Tippecanoe County Park Board approval for crossing the Wabash River Heritage Trail. Ruth Shedd seconded the motion. The Davis Ferry Treatment Facility was granted final approval with the conditions as stated on the March 28, 2008 Burke review memo to include the added condition of the Tippecanoe County Park Board approval for crossing the Wabash River Heritage Trail.

#### **F-Lake Detention Pond**

KD Benson stated the Commissioners received an email with a letter from Ivy Tech Community College and read it into the minutes as follows;

Dated March 28, 2008- Dear President Benson: We would like to express our appreciation to the Drainage Board for its support of our request to delay awarding the contract for F Lake. Thanks to your forbearance, we have had enough time to determine that it will be possible to create a campus plan with F Lake in its present configuration. The impact on the college will challenge parking and traffic flow, and, in a later phase of campus development, we will almost certainly have to find a way to have a parking structure. But for the moment, we can work around the pond without that expense. We are also pleased that Ivy Tech will be able to receive the soil from the excavation, resulting in a considerable reduction in cost for the project. Finally, we would like to thank you for bringing the design of F Lake up-to-date to reflect best practices in water quality and appearance. It is unavoidably a part of our campus and affects not only the college's functionality but its quality of life. We look forward to working with you as the project unfolds and as we review other drainage issues on the campus. Sincerely David A. Bathe Chancellor.

She then referred to the Surveyor. The Surveyor stated he recommended the low bid from P&H Grading and Excavating from Stockbridge Michigan be rejected for the following reasons: They did not submit the mandatory financial statement, they did not submit a list of equipment and plan to perform the work, they did not submit any of the items under Section 2 of Form 96, they did not demonstrate their capability to perform jobs of similar magnitude and scope as their experience as they only listed 2 jobs ranging from \$50,000 to \$92,000.00, they did not demonstrate adequate knowledge of earthmoving project given the extremely low unit prices on bid for excavation, they listed owner of project on form 96 as the State of Indiana. He informed them the bid would be rejected, they had no problem with that. John Knochel made a motion to reject the low bid from P&H Grading and Excavating. Ruth Shedd seconded the motion. The Surveyor then stated after review of the five lowest bids, he recommended the Board accept the bid from Poindexter Excavating Indianapolis in the amount of \$1,089,210.43. The Poindexter Excavating bid and documents were in order. John Knochel made a motion to accept the bid from Poindexter Excavating Indianapolis in the amount of \$1,089,210.43. Ruth Shedd seconded the motion. Poindexter Excavating was awarded the bid for the F-Lake Detention Facility project in the amount of \$1,089,210.43. Responding to

KD, the Surveyor noted they had done work in Tippecanoe County and they had a long list of projects which were completed of this nature regarding dirt work and moving. They have been in business for over 30 years.

## **Other Business**

### **Capilano Estates**

Michael Preyss appeared before the Board to discuss the Capilano Estates drainage. Mr. Preyss stated he was following up on last months meeting. He stated prior to 2004 the neighborhood had not flooded according to residents who lived in the neighborhood for 30 years. He felt the flooding in the neighborhood was a life safety issue for the neighborhood as well as the remainder of the county residents. The 6-8 week ago flooding shut down the street for 2 days and in particular his street for 3. During the time phone lines were out (flooded) Sheriff's deputies were not able to access the damage as they were not able to enter through the waters. A meeting was held with the neighborhood residents and they felt the following were possibly responsible: 1. The construction of Menards detention pond 2. The outlet drain (12" steel pipe) from the pond - (ownership in question / neighborhood would like clarification) undersized and higher than inlet pipes into the Capilano pond. He stated since the pipe is undersized and at a higher elevation it contributed to the flooding. They believe the pipe should be lowered and inspected to determine ownership and responsibility. 3. The portion of Indian Creek South of US 52 on County Road 400 West was overgrown and full of debris and needed cleaned out. He proposed Indian Creek be petitioned to a regulated drain and then cleaned out by the County. 4. The culvert under C.R. 400 West and one under the KBS Railroad were undersized. He spoke with Bob Garner President of KBS Railroad and stated Bob was very cooperative and offered to assist any way he could. He stated more than 100 homes in the Capilano neighborhood alone were affected by the flooding. He felt the new Meijer also contributed to the problem. Responding to John Knochels inquiry, Mike stated purchasing land for an additional entrance or an easement had not been pursued by the Homeowners association and felt there would not be funds to do so. John stated County funds could not be used and the financial responsibility would fall back on the Homeowners Association. The Surveyor explained the Menards pond was not a detention pond it was compensatory flood plain storage. The reason the pond was to compensate the portion of the flood plain which was filled in on the project site. As Indian Creek rose it would back into the pond and be stored to protect the downstream owners. Menards also has onsite retention pond which gathered the water and released it at the allowable rate per Stormwater Ordinance. Indian Creek extended approx. 6-7 miles to the north and had several tributaries to it with a massive watershed above the subdivision. IDNR did a floodway boundary study in 2004 which indicated profiles of the bridge under 400 West did not cause a significant rise in the floodplain for the 10, 50 or 100 year flood. However when you get to the culvert at the crossing at KBS Railroad (was Norfolk R.R.) it dropped dramatically which indicated one of the problems was at the railroad crossing culvert. The Surveyor also noted when Capilano Subdivision was developed there was not a drainage ordinance in effect. There was very little if any drainage plans on Capilano Subdivision. After the fact they improved the channel south of US52 from the culvert under US52. The Attorney then explained the power a drainage board has in general. He also discussed the petition process. He noted Indian Creek was considered a natural waterway and was subject to the jurisdiction of the Dept. of Natural Resources (D.N.R.). The Surveyor noted this was similar to Burnett Creek where each individual property owner was responsible for removal of debris in their area. Since this was not a regulated drain the Board has no jurisdiction. The Surveyor noted the recent 2 inch rainfall was not minor. Due to the ground condition (frozen) he felt it was equivalent to a 4-5 inch rainfall event in the summer. KD also suggested the Capilano homeowners look at adding another entrance to the Subdivision as an emergency route. John referred to the Attorney to explain the Obstruction Petition process to Mike. Mike stated he would discuss this with the homeowners and they may elect to follow that process. The Surveyor stated Menards was opened after the new Stormwater Ordinance was in effect and due to the area's history they were reviewed extensively by the Consultant and his office. KD Benson confirmed this as well. Meg Goldenfleet 3732 Capilano Drive approached the Board. Responding to Meg's inquiry, KD stated the Board's responsibility was to insure project release rates did not exceed existing rates prior to development. The Surveyor also stated as-built drawings were required on developments and they have to be signed by him once inspected. KD noted based on the models the Menards pond was functioning as designed. The Surveyor did not feel Menards was a problem. KD reiterated there was no scientific reason known to the Board that Menards was the cause of their flooding problem. Aaron Cook 3929 Deer Path Capilano Estates appeared before the Board. He discussed safety issues, liability and general costs associated with the flooding of Capilano.

### **F-Lake Detention Pond/ Construction Observation**

The Surveyor presented a contract for Professional Services for F-Lake Regional Detention Facility for Part Time Construction Observation by Christopher B. Burke Engineering LTD in the amount of \$113,592.00. He recommended the Board approve the contract as presented. The Attorney had reviewed the contract. John Knochel made a motion to grant approval of the Part Time Construction Observation Contract for F-Lake Regional Detention Facility to Christopher B. Burke Engr. LTD. in the amount of \$113,592.00. Ruth Shedd seconded the motion. The Part Time Construction Observation for F-Lake Regional Detention Facility in the amount of \$113,592.00 was approved as presented.

**Branch #1 of Branch #13 SW Elliott Regulated Drain / Petition to Partially Vacate**

The Surveyor presented a Petition to Partially Vacate Branch #1 of Branch #13 of the S.W. Elliott Regulated Drain submitted by St. Elisabeth Regional Health New Acute Care Hospital. He reminded the Board a Petition to Partially Vacate across the Lambirth property (west of Creasy Lane) for this particular branch was granted last month. He recommended the approval of the Petition as requested. John Knochel made a motion to grant acceptance of the Petition to Vacate Branch #1 of Branch #13 of the S.W. Elliott Regulated Drain as presented. Ruth Shedd seconded the motion. The Petition to Partially Vacate Branch #1 of Branch #13 of the S.W. Elliott Regulated Drain submitted by St. Elisabeth New Regional Care Hospital was accepted as submitted.

**JN Kirkpatrick Regulated Drain/ Petition to Encroach**

The Surveyor presented a Petition to Encroach on the JN Kirkpatrick Regulated Drain Easement submitted by the Civil Site Group for the Stones Crossing Self Storage project. The Surveyor noted the encroachment was in the same area which the easements were in the City of Lafayette’s name. The Attorney confirmed the Board had the right to grant the encroachment within the right of entry of the Regulated Drain Easement. The city would have to address the encroachment into their easement. He stated he had spoken with the City Attorney and they were in the process of identifying all of the easements and convey those to the County now that construction was completed on the drain. John Knochel made a motion to grant approval of the Petition to Encroach into the JN Kirkpatrick Regulated Drain Easement. Ruth Shedd seconded the motion. The Petition to Encroach on the JN Kirkpatrick Regulated Drain Easement was approved as presented.

**Detrash the Wabash**

KD stated Detrash the Wabash was scheduled for Saturday May 17<sup>th</sup> and will be meeting at the Skating Rink for gloves and trash bags.

**D. Anson Regulated Drain**

Ruth Shedd stated she had a call from Ernie Agee 8533 North C.R. 100 West, West Lafayette regarding the Delphine Anson Regulated Drain. He stated work had been done on a portion of the ditch and he felt what had been done was not working. The Surveyor stated Homer Schaffer called him and informed him the drain was working much better since work had started on the drain. When the reconstruction was done, it was noted in the minutes the portion of the main needed to be replaced and the right of way needed to be cleared. The Surveyor noted at that time they were going to try at two spots to reconstruct and open up the tile to start flowing. This would help lower water level in the wetlands at the southwest corner of C.R.850 North and C.R. 100 West. This would assist in lowering the wetlands on Mr. Agee’s property and enable the staff to inspect tile condition. The new surface inlets or stand pipes would be installed at the terminus. He stated the intent was to reconstruct the tile to C.R. 100 West for the lowering of the water level so an inspection could be done. The Surveyor stated if the summer was fairly dry they would try to do more work on the tile. John Knochel asked the Surveyor to give Mr. Agee a call and update him on the status of the situation.

John Knochel made a motion to adjourn. As there was no other business before the Board, the meeting was adjourned.

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KD Benson, President

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

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

\_\_\_\_\_  
Ruth Shedd, Member

# Tippecanoe County Drainage Board

## Minutes

September 3, 2008

### Regular Meeting

#### Those present were:

Tippecanoe County Drainage Board President KD Benson, Vice President John Knochel, member Ruth Shedd, County Surveyor Steve Murray, Drainage Board Attorney Dave Luhman, Drainage Board Engineering Consultant Dave Eichelberger from Christopher B. Burke Engineering Limited, and Drainage Board Secretary Brenda Garrison. Project Manager Zachariah Beasley was also in attendance.

#### Approval of Minutes

John Knochel made a motion to approve the July 9, 2008 Regular Drainage Board minutes as written. (August meeting was cancelled) Ruth Shedd seconded the motion. The July 9, 2008 Drainage Board meeting minutes were approved as written.

#### Trilogy/Lafayette Health Care Campus

Ed Fleming of Weihe Engineers appeared before the Board to request final approval for the Trilogy/Lafayette Health Care Campus project. The site consisted of approximately 17 acres and was located north of State Road 38 on the west side of Creasy Lane. The site discharged to the Wilson Branch of the S.W. Elliott Regulated Drain. The aforementioned branch was located on the west side of the project. Mr. Fleming requested a variance to the Ordinance release rates. The site originally drained south to Branch 11 of Branch 13 the S.W. Elliott Regulated Drain watershed. He noted at one time an on site ditch had been constructed which redirected the majority of the site to the Wilson branch of the S.W. Elliott Regulated Drain. He had met with the City of Lafayette and the County regarding the issue and had devised a plan which he thought would benefit the site. The release rates would be restricted through a wet detention facility and would ultimately outlet to the Wilson branch at the existing condition. He noted there would be no additional runoff than what is present at this time. The release rates would be in force for all future development at the site as well and they were agreeable to the conditions as stated in the August 27, 2008 Burke memo. The Surveyor recommended the Variance of the release rates as requested. John Knochel made a motion to grant the variance. Ruth Shedd seconded the motion. The Variance was granted as requested. Mr. Fleming then requested the approval of a Petition to Encroach on the Wilson Branch of the S.W. Elliott Regulated Drain Easement. He stated the Surveyor needed a minimum of 30 feet for maintenance on the drain. The pond emergency overflow location had been revised to meet the Surveyor's requests and the slope would not restrict access for maintenance. The Surveyor recommended approval of the Petition to Encroach on the Wilson Branch of the S.W. Elliott Regulated Drain Easement as submitted. John Knochel made a motion to approve the Petition to Encroach on the Wilson Branch of the S.W. Elliott Regulated Drain Easement. Ruth Shedd seconded the motion. The Petition to Encroach on the Wilson Branch of the S.W. Elliott Regulated Drain Easement was approved. There was no public comment. The Surveyor recommended final approval with the conditions as stated on the August 27, 2008 Burke memo. John Knochel made a motion to grant final approval with the conditions as stated on the August 27, 2008 Burke memo. Ruth Shedd seconded the motion. Trilogy was granted final approval with the conditions as stated. (A copy of the recorded documents will be included in the official record book)

#### St. Elizabeth Regional Health New Acute Care Hospital

Bob Doster of BSA Life Structures appeared before the Board to request approval of a Petition to Encroach on the Treece Meadows Relief Drain and a Maintenance Agreement for said drain submitted by the Sisters of St. Frances Health Services regarding the St. Elizabeth Regional Health New Acute Care Hospital. The project site consisted of approximately 57 acres of an overall 103 acre tract located between County Roads 100 South (McCarty Lane) and 200 South (Haggerty Lane) on the east side of Creasy Lane within the City of Lafayette limits. Final approval for mass earthwork only was granted by the Drainage Board on Sept. 6<sup>th</sup>, 2006. The project will have a direct outlet to the Treece Meadows Relief Drain and an indirect outlet to the S.W. Elliott Regulated Drain. Mr. Doster reviewed the plans of the encroachment (bridge crossing) for the Board. The bridge was designed so the elevation and the span would have no impact on the flow capacity of said drain. The bridge plans that include the abutments had been reviewed by the consultants. Regarding the Maintenance Agreement, Unity Physicians would maintain the north side of said drain and the New Acute Care Hospital would maintain the south side. The Surveyor noted the Drainage Board's responsibility was to approve the discharge to the regulated drain, the Petition and the Maintenance Agreement submitted only. He noted the bridge would be a private bridge. The encroachment document and the Maintenance Agreement were in order. The Attorney reiterated the Board need only approve the Encroachment Petition as well as the Maintenance Agreement. John Knochel made a motion to approve the Petition to Encroach and the Maintenance Agreement regarding the Treece Meadows Relief Drain for the St. E. Regional Health New

Acute Care Hospital. Ruth Shedd seconded the motion. The Petition to Encroach and Maintenance Agreement regarding the Treece Meadows Relief Drain were approved as submitted. (A copy of the recorded documents will be included in the official record book) John Knochel made a motion to grant final approval with the conditions as stated on the August 27, 2008 Burke memo. Ruth Shedd seconded the motion. St. Elizabeth Regional Health New Acute Care Hospital was approved with conditions as stated.

**Other Business**

**S.W. Elliott Regulated Drain Gauging Station Agreement/U.S. Dept. of Interior-U.S. Geological Survey**

The Surveyor presented a joint funding agreement with the U.S. Department of Interior regarding a stream flow gauging station located near the northwest corner of the County Highway property on the S.W. Elliott Regulated drain. USGS would supply \$3600.00 from October 2008 to September 2009 and the County would be responsible for \$8400.00 during the same period. The gauge was installed in April. As this was discussed in a previous meeting the Surveyor recommended the Board enter into the agreement as presented. KD stated the gauge was in place due to landowner questions of the flood plain around the Elliott Ditch and would provide data to insure the flood plain for the area was correct. John Knochel moved to approve the stream flow gauging station located near the northwest corner of the County Highway property on the S.W. Elliott Regulated drain. Ruth Shedd seconded the motion. The S.W. Elliott Regulated Drain stream flow gauging station agreement was approved as submitted. The Surveyor noted a proposal for cost share with the landowners who were agreeable was in the works and would present it to the Board when completed.

**Steve Murray**

**John Hoffman Regulated Drain Update**

A power point presentation indicating problem areas from the Surveyor's on-site inspection of the John Hoffman Regulated Drain was presented to the Board by the Surveyor. The on site inspection covered east of County Road 900 East to County Road 1025 East and the Surveyor noted the many areas overgrown with grass approximately six feet in height. The bottom of the open ditch had grown up with grass, some brush and a few small trees. A multitude of tile holes were found (one 2-3 feet in diameter with standing water). Standing water from the last private culvert to County Road 1025 East at the bottom of the ditch would have to be investigated. The culvert at C.R. 1025 East had some built up of silt and sediment which would have to be cleaned out. He noted to the east was the area of the original cut swale which had been farmed through. He stated the ditch was in need of debrushed and mowed. Until recently he had been unaware it was mowed once a year by the previous Surveyor. Once the crops were out he would have the contractor mow the bottom, sides, rid the ditch of small trees and repair the tile holes. Additional shots would also be taken from the last private culvert to C.R. 1025 East to try and isolate the problem of standing water. Responding to landowner Malcolm Miller's inquiry, the Surveyor stated he would take a look at possibly feathering out the swale on his property. The Surveyor stated his priority was to get the stretch from C.R. 900 East to C.R. 1025 East mowed and repair the tile holes.

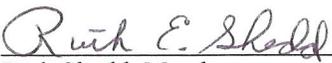
**Public Comment**

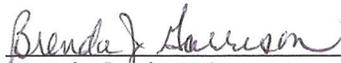
Dale Butcher appeared before the Board to express his gratitude for the work on the Lewis Jakes Regulated drain. He stated it was in good working order and was working with NRCS to establish waterways. The County Highway Department would replace the culvert under Morehouse Road as it was on their list of Culvert Repair/Replace. He noted one landowner had some upgrading to do before NRCS would do any work on that area of the ditch. He felt it was 2/3 to 3/4 completed at this time. He felt what the construction to date was working excellently and thanked the Board for the work. He noted he spoke with NRCS and was working on setting a meeting date in the upcoming month or two. He would notify the Surveyor of the meeting once set.

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

  
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KD Benson, President

  
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John Knochel, Vice President

  
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Ruth Shedd, Member

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

**Tippecanoe County Drainage Board**  
**Minutes**  
**May 6, 2009**  
**Regular Meeting**

**Those present were:**

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

**Approval of Minutes**

Dave Byers made a motion to approve the April 1, 2009 Regular Drainage Board minutes as written. John Knochel seconded the motion. The April 1, 2009 Drainage Board meeting minutes were approved as written.

**Ivy Tech South Parking Lot and  
Petition to Encroach on the S.W. Elliott Regulated Drain Easement**

The Surveyor stated this project submittal to the Board was an atypical situation. Based on the IDEM permit for Rule 13 and the Phase II Interlocal Agreement, Ivy Tech is a designated entity (one of the seven). They are- per the terms of the permit and the terms of the Interlocal Agreement-required to review and sign-off on any of their new projects located on their campus comply with our Stormwater Ordinance. We have the same arrangement or understanding with Purdue University. They are within the City of Lafayette, but neither the City of Lafayette nor Tippecanoe County review their new developments. The only reason this is being reviewed today is due to discharge to S.W. Elliott Ditch and due to the Encroachment on Easement request.

Kyle Betz from Fishers and Associates appeared before the Board to request final approval for the Ivy Tech Community College South Parking Lot. He stated the parking lot would cover approximately 80-85% of the project site and constructed southeast of the U.S. 52 and Brady Lane intersection and located within the City limits of Lafayette. Storm infrastructure would direct the majority of the site's runoff to a dry detention pond at the northwest corner of the site. The outlet pipe of said pond would discharge to a roadside ditch along the south side of Brady Lane then into an existing culvert which terminated at the south bank of the S.W. Elliott Regulated Drain. A portion of said lot would drain south then cross Ross Road at the east side of site and discharge to the S.W. Elliott Regulated Drain. The Surveyor stated for the record the drainage calculation quantities were checked\* and the release rate was in compliance with the drainage ordinance. \*Dave Eichelberger confirmed. He asked for final approval by the Board. There was no public comment. The Surveyor recommended final approval with the conditions as stated on the April 29, 2009 Burke memo with the addition of use of class one rip rap instead of revetment rip rap. He felt this would be less susceptible to scour and the velocity from the channel. Also a portion of the project site would encroach approximately 49 feet into the S.W. Elliott Regulated Drain Easement. David Byers made a motion to approve the Ivy Tech South Parking Lot with the conditions as stated on the April 29, 2009 Burke memo with the added condition of use of class one rip rap instead of revetment rip rap. John Knochel seconded the motion. The Ivy Tech Community College South Parking Lot was approved with conditions as stated. David Byers then made a motion to accept the Petition to Encroach on a Regulated Drain Easement regarding the S.W. Elliott Regulated Drain dated April 30, 2009 and submitted by Ivy Tech Community College. John Knochel seconded the motion. The Petition to Encroach on the S.W. Elliott Regulated Drain dated April 30, 2009 received from Ivy Tech Community College regarding the South Parking Lot addition was accepted by the Board.

**Other Business**

**Petition to Encroach S.W. Elliott Regulated Drain/Michael Teninty**

The Surveyor presented a Petition to Encroach on the S.W. Elliott Regulated Drain Easement submitted to his office by Michael Teninty 2009 Summertime Trail Lafayette Indiana (Parcel #160164000117) for Board acceptance. He stated the landowner requested to place a fence along the north bank of the S.W. Elliott Ditch. He recommended the Board accept the Petition and noted he had requested the landowner to keep the fence roughly 10 feet from top of bank so there would be room to walk. Beavers have been removed from that area of the stream as they had been burrowing in the bank. Future maintenance would be done from the south bank which was clear and had better accessibility to the ditch. David Byers made

the motion to accept the Petition to Encroach on a Regulated Drain Easement regarding the S.W. Elliott Regulated Drain dated April 8, 2009 submitted by Michael Teninty. John Knochel seconded the motion. The Petition to Encroach on a Regulated Drain Easement regarding the S.W. Elliott Regulated Drain dated April 8, 2009 submitted by Michael Teninty was approved as presented.

**Bonds**

**Orchard Phase 3 Section 1 and Faith Baptist Church- Vision of Hope Extension**

The Surveyor presented the following bonds for acceptance by the Board; Maintenance Bond #1901419 from Hanover Insurance submitted by Atlas Excavating for The Orchard Phase 3 Section 1 Subdivision in the amount of \$9713.00 and Maintenance Bond #5034848 from Bond Safeguard Insurance submitted by Faith Baptist Church for the Vision of Hope Extension in the amount of \$6500.00. David Byers made a motion to accept the bonds as presented by the Surveyor. John Knochel seconded the motion. The Maintenance Bond #1901419 submitted by Atlas Excavating for The Orchard Phase 3 Section 1 Subdivision in the amount of \$9713.00 and Maintenance Bond #5034848 submitted by Faith Baptist Church for the Vision of Hope Extension in the amount of \$6500.00 were accepted by the Board.

**Public Comment**

There was no public comment.

The Surveyor read a letter he addressed to Thomas and Sandra Devault, 12705 South 475 West Romney Indiana, into the record as follows: Dear Mr. & Mrs. Devault- As directed by the Tippecanoe County Drainage Board we have flagged the original top of bank of the Leader Newton Waterway and also flagged a distance of ten feet from the top of bank on both sides of the waterway. In exchange for the installation of a stone farm crossing through the waterway adjacent to your west property line the Drainage Board will require your commitment to not till, spray or damage in any way the area proposed to be seeded or to damage or drive through the existing waterway except at the proposed farm crossing. Once seeded, any damage by you or anyone working for you to the proposed new seeding or the seeded area on the existing waterway will be repaired by the Drainage Board and the cost of any repairs will be back charged to you. Also, I talked to a NRCS representative last week and they are in the process of final approval of a farm crossing on the Leader Newton waterway on the Leader Group property. I should be receiving plans for that crossing early this week and it is our intent to install the same type of crossing on your property as soon as they complete the crossing on the Leader Group property. If you accept the terms of this letter and wish to have a crossing installed please sign below where indicated and return the signed letter to our office. If you have any questions, please call. Sincerely/Stephen L. Murray/Tippecanoe County Surveyor.

He stated his office received the letter back signed by both Thomas and Sandra Devault with a thank you note attached to it. Since it arrived, he has received a copy of the cross section and design of the Leader Group Farm Crossing and will move forward to install the same type on the Devault property as stated in the letter. As there were no more comments, questions, Dave Byers made a motion to adjourn.

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Thomas Murtaugh, President

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David Byers, Vice President

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Brenda Garrison, Secretary

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John Knochel, Member

# Tippecanoe County Drainage Board

## Minutes

September 15, 2009

Regular Meeting

### Those present were:

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

### Approval of Minutes

David Byers made a motion to approve the August 5, 2009 Regular Drainage Board minutes as written. John Knochel seconded the motion. The August 5, 2009 Drainage Board meeting minutes were approved as written.

### Purdue Research Park Phase 3 Part 2

Ross Nixon represented Schneider Corp. and appeared before the Board to request final approval for Purdue Research Park Phase 3 Part 2. The site consisted of approximately 100 acres and located north of Kalberer Road and west of Yeager Road (aka County Road 100West) and within the City limits of West Lafayette. The site included a detention facility developed during Phase 2 of Part 2 located at the tract's west side. The Baker-Dempsey Regulated Drain began at the north side of Kalberer Road and followed an open ditch through the detention facility. The drain was rerouted around the cemetery and eventually outlet to Hadley Lake. The Simeon Yeager Regulated Drain began on the north side of Kalberer Road crossed through the site continued to the north as well. Portions of the regulated drains located onsite were planned to be vacated in the near future and required documentation would be presented to the Board. Roadway and utility infrastructure would be added across the site connecting Yeager Road on the east. A canal and pond system would be constructed onsite which would discharge to an existing open ditch. The existing detention facility would be expanded on the eastern side for additional storage. Mr. Nixon stated the existing outlet was functioning and would be maintained. He concurred with the September 10, 2009 Burke memo and requested final approval.

There was no public comment. The Surveyor reiterated the Board's only concern was discharge/ release rates into the Baker Dempsey Regulated Drain and based on the September 10, 2009 Burke memo they met the allowable release rate. He recommended final approval with conditions based on the September 10, 2009 Burke memo. David Byers made a motion to grant final approval for the Purdue Research Park Phase 3 Part 2 with the conditions as stated on the September 10, 2009 Burke memo. John Knochel seconded the motion. Purdue Research Park Ph. 3 Part 2 was granted final approval with conditions stated on the September 10, 2009 Burke memo.

### Wyandotte Elementary School

Justin Frazier represented TBIRD Design as he appeared before the Board to request final approval for Wyandotte Elementary School. The site consisted of approximately 19 acres on the south side of Co. Rd. 50 South and east of the intersection of County Road 50 South and County Road 550 East. The site drained to the open ditch at Co. Rd. 50 South westerly to the Berlowitz Regional Detention Facility recently constructed. The entire site was located within the Berlowitz Detention Basin watershed; therefore no onsite detention was planned. An entrance drive would be constructed from County Road 50 South. Runoff from the site would be collected by vegetated swales located around the site's perimeter and storm inlets located in parking lots and driveways. Runoff would be collected into the main storm infrastructure and routed to the Berlowitz Detention Facility for storage. Stormwater Quality was provided by onsite vegetated swales and Stormwater treatment units. Justin concurred with the September 10, 2009 Burke Memo and requested final approval. Responding to Mr. Byers' inquiry, the Surveyor noted there was a sanitary lift station located near the site. Also responding to Mr. Byers' inquiry, Justin noted they were actively pursuing easement acquisitions for the Tippecanoe School Corporation across the YMCA property for a storm sewer outlet. (100 yr. emergency overflow)

There was no public comment. The Surveyor recommended final approval with conditions as stated on the September 10, 2009 Burke memo. David Byers made a motion to grant final approval with conditions stated on the September 10, 2009 Burke memo for Wyandotte Elementary School. John Knochel seconded the motion. Wyandotte Elementary School was granted final approval with conditions as stated on the September 10, 2009 Burke memo.

## **Other Business**

### **Resolution 2009-01-DB/Acceptance of Warranty Deeds**

The Surveyor presented Resolution 2009-01-DB "Acceptance of Warranty Deeds" from Eastland LLC. , Sheumann Properties and Saddlebrook Development. These easements were to be granted to the Drainage Board based on an agreement between Saddlebrook and various companies in that area for the Berlowitz Phase 1 project (pond and property to the west of Co. Rd. 550 to I65). These had been executed and recorded by the owner. However there are two steps when property is deeded to the County. The first one was dedication and/or conveyance and the second was the actual acceptance. In order to complete the legal transaction the acceptance was required. He recommended the Drainage Board accept the Warranty Deeds as submitted. Responding to Mr. Murtaugh's inquiry, the Attorney stated it was acceptable for Drainage Board to accept on behalf of the County.

David Byers made a motion to accept Resolution 2009-01-DB "Acceptance of Warranty Deeds". John Knochel seconded the motion. Resolution 2009-01-DB Acceptance of Warranty Deeds was accepted by the Board. (Note: The Resolution will appear in its entirety proceeding these minutes)

### **Resolution 2009-02-DB Accepting Grant of Easement for Drainage Improvements, Structures, and Facilities**

The Surveyor presented Resolution 2009-02-DB "Accepting Grant of Easement for Drainage Improvements, Structures, and Facilities" regarding the relocation ( Felbaum Branch of the Berlowitz Regulated Drain north of McCarty Lane and east of I65) which took that portion of the Felbaum Branch into the Berlowitz Regional Detention Facility. The Easement was previously prepared and recorded. He recommended acceptance by the Board as presented.

David Byers made a motion to approve Resolution 2009-02-DB "Accepting Grant of Easement for Drainage Improvements, Structures, and Facilities. John Knochel seconded the motion. Resolution 2009-02-DB Accepting Grant of Easement for Drainage Improvements, Structures, and Facilities" was accepted by the Board. (Note: The Resolution will appear in its entirety proceeding these minutes)

## **Steve Murray**

### **Petition to Encroach/J.N. Kirkpatrick Regulated Drain/Lot 41 Waterstone Subdivision**

The Surveyor presented a Petition to Encroach on the J.N. Kirkpatrick Regulated Drain submitted by Rich Gbur of Lot 41 Waterstone Court Lafayette Indiana. Mr. Gbur requested to build a wooden bridge crossing the J.N. Kirkpatrick Regulated Drain (Phase 1 of the reconstruction). It would be at his own risk. If maintenance was required on that stretch of the J.N. Kirkpatrick and the bridge was damaged the County would not be responsible. He recommended the Board approve the Petition to Encroach on the J.N. Kirkpatrick Regulated Drain as submitted by Mr. Gbur.

David Byers made a motion to grant approval of the Petition to Encroach on the J.N. Kirkpatrick Regulated Drain. John Knochel seconded the motion. The Petition to Encroach on the J.N. Kirkpatrick Regulated Drain submitted by Rich Gbur was approved.

### **Surveyor Update Report/Branch #11 S.W. Elliot Regulated Drain**

The Surveyor updated the Board on the progress to date for the reconstruction Branch #11 of the S.W. Elliot Regulated Drain. Mr. Eichelberger and Mr. Koons on the Burke staff have reviewed the plan to reconstruct from Butler Fairman Seifert (BFS). He also discussed with BFS what additional survey information they may have and if they would make it available to him. He received a cost estimate and rough time frame from Christopher Burke Engr. LTD for the project. He spoke with the City of Lafayette -Jenny Miller and Bob Foley - they were both in favor of the project. He had a preliminary meeting with an appraiser who has done work for the County Highway Department and INDOT regarding benefits and damages, as he felt a professional review and submission of a written appraisal of damages was in order.

The Surveyor's staff was presently working on a composite aerial which would include property owners, acreages, easements, the existing tile and new F-Lake Regional Detention Facility locations. He planned to set up a meeting in the near future with the Board Attorney regarding the exact process. He wanted to discuss with the Attorney the possibility and

benefits of declaring it a "Drainage Impact" area. He also wanted to discuss the possibility of the County paying up front for the project from the EDIT Drainage fund. This would involve setting up a drainage cost recovery for the development's storage fees (i.e. developers pay as storage was needed). He noted as there were not that many property owners involved, he hoped to have a contract and direction to proceed by the next meeting of the Board.

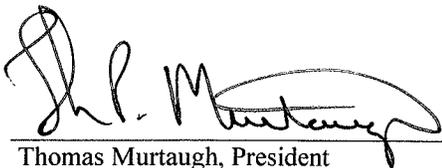
#### US 231 INDOT Update

The Surveyor updated the Board concerning the US 231 Relocation project. He stated he met with Kenny Franklin Project Manager with INDOT along with Randy Truitt, and a representative from the Governor's office to discuss the status of the relocation of US 231. A future meeting was scheduled with County Highway, Area Plan and several local officials in the upcoming week. He provided them with Christopher Burke's review of the detention area which addressed the Sherwood Forest Subdivision drainage issue. He was verbally informed INDOT would review the discharge location at the US52 side ditch (which eventually outlet to Indiana Creek), however he had not received any information from their consultant to date. He noted he didn't feel the reply to Mr. Luhman's letter gave a definite answer regarding INDOT's future submissions of Drainage plans for this project or others or even if they would comply with the local Drainage Ordinance. He stated that issue had not been resolved to date. He hoped to receive more answers at the next meeting with the INDOT representative, local officials, APC and County Highway officials. Responding to Mr. Murtaugh's inquiry, Opal Kuhl Highway Engineer confirmed that INDOT called the upcoming meeting. He then stated he would continue to keep the Board updated on his progress. The Board thanked him for his update.

David Byers then congratulated the County Surveyor on his 29 years of service to the County.

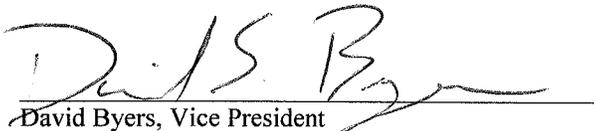
#### Public Comment

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



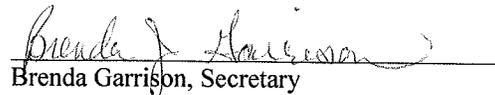
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Thomas Murtaugh, President



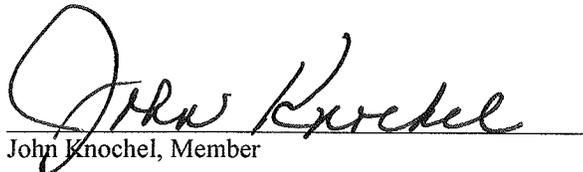
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David Byers, Vice President



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Brenda Garrison, Secretary



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John Knochel, Member



## **Tippecanoe County Drainage Board**

### **Minutes**

**October 7, 2009**

**Regular Meeting**

#### **Those present were:**

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

#### **Approval of Minutes**

Steve Murray stated a correction was in order regarding the September 15, 2009 Drainage Board minutes. Referencing the US 231 update, he stated Rep. Randy Truitt's name should be included. David Byers made a motion to approve the September 15, 2009 Drainage Board minutes with the correction included. John Knochel seconded the motion. The September 15, 2009 Drainage Board meeting minutes were approved with the correction to be included.

#### **Heritage Woods**

Mr. Brandon Fulk from Schneider Corp. appeared before the Board and requested final approval for Heritage Woods. Brandon stated a residential care facility was planned. The site was located northwest of County Roads 100 South and 550 East and consisted of approximately 13 acres. The initial phase of the project would involve 7 of the 13 acres with access to the site from County Road 550 East. Brandon stated a Master Plan was in place for the entire site. The western portion of the site was undeveloped at this time. The site would have a direct outlet to the Berlowitz Regional Facility. He stated there would be a treatment facility on the south and north end of the site for water quality. All the water would drain to the west into an existing vegetated swale and into the Berlowitz Regional Facility. He stated they would have an agreement regarding the stabilization of the north swale and the Berlowitz treatment facility banks using fabric and rip rap. He stated they agreed with the conditions set forth in the October 1, 2009 Christopher Burke review memo and requested final approval. There was no public comment. The Surveyor recommended final approval with the conditions listed on the October 1, 2009 Burke review memo. David Byers made a motion to grant approval for Heritage Woods with conditions as stated on the October 1, 2009 Burke review memo. John Knochel seconded the motion. Heritage Woods was granted final approval with the conditions as stated on the Oct. 1, 2009 Burke review memo.

#### **Altus Minor**

Mr. Joe Coutts from Masson and Assoc. appeared before the Board to request final approval for the Altus Minor Subdivision. The site was located north of County Road 725 north, west of State Road 43 and consisted of approximately 17 acres. The existing wooded condition on the western end would be preserved as much as possible. Covenants and Restrictions would restrict clearing of the trees to thirty feet around the proposed homes. The site outlet into two existing ditches located along the southern boundary of the site and one of which was a County Regulated Drain known as the Wesley Mahin Regulated Drain. The Regulated Drain routed southwesterly across the southeast portion of the property. A 48 inch box culvert crossed under State Road 43 containing a significant amount of Stormwater runoff from east of State Road 43. A wet pond was proposed for Stormwater quantity and quality located to the west of the Wesley Mahin regulated drain. A portion of the offsite Stormwater would be routed through the pond and the site. Existing drainage patterns would be utilized throughout the site with the easterly portion's runoff to be treated by the facility for quality and quantity. The western portion's runoff would outlet to an existing ditch as was currently. Vegetated swales were designed for each of the residential lots for Stormwater quality treatment. (Joe noted: the western portion's runoff would not be increased.) He stated his client agreed with the conditions as stated on the October 5, 2009 Burke review memo and requested final approval. There was no public comment. Responding to the Surveyor's request Joe stated he would provide the downstream notification documents for the record. The Surveyor recommended final approval with the conditions as stated on the October 5, 2009 Christopher Burke review memo. David Byers made a motion to grant final approval with the conditions as stated on the Oct. 5, 2009 Burke review memo for the Altus Minor Subdivision. John Knochel seconded the motion. The Altus Minor Subdivision was granted final approval with the conditions as stated on the Oct. 5, 2009 Burke review memo.

## **Resolution #2009-04-DB S.W. Elliott Regulated Drain Branch #11 Establishment of Drainage Impact Area**

The Surveyor presented Resolution #2009-04-DB S.W. Elliott Regulated Drain Branch #11 Establishment of Drainage Impact Area to the Board. He stated the Drainage Ordinance allowed the Board to declare impact areas where there was inadequate drainage or other problems. The Surveyor recommended the Board adopt Resolution #2009-04-DB in order for his office to move forward with the design and reconstruction of Branch #11 of the Samuel W. Elliott Regulated Drain. This could be paid for with remaining monies in the EDIT Drainage Project fund. A cost recovery would be implemented as development happened. This would assist the tax payer as they would not have to pay any monies on the reconstruction up front. The Board's Attorney stated the main portions of the resolution did establish the Samuel W. Elliott Branch #11 as an impact area and provided that in addition to normal compliance with the Drainage Code on a reconstruction, any developer within the area must participate in the regional detention basin as a condition of drainage approval. Any drainage improvements in the developments would become regulated drains. This would insure the Board had continuing authority to monitor the function of the drain. Additional requirements for new development could also be added under the code (due to the impact area). The most significant impact or result would be that the development would be required to participate in the regional detention of the basin system. The cost of the reconstruction would be paid for up front by the County and the landowners would not have the initial cost. Responding to Mr. Murtaugh's inquiry, the Surveyor stated no further development could happen north of State Road 38 until there was a positive outlet. Mr. Murtaugh clarified any new development would not be able to have their own detention on their property as the Resolution required they would have to participate in the regional detention. The Attorney reiterated there would be no new cost on the exiting facilities. However expansion of an existing facility or the construction of additions to or a new development would require adhering to the said Resolution. If the development was constructed in future years down the road, their cost would be allocated regarding the actual cost of the reconstruction. There would not be an inflation factor. The Attorney stated this was the same procedure used with other facilities in the county such as F-Lake Regional Facility located near the Ivy-Tech Campus. The Upper JN Kirkpatrick Regulated Drain did not have a positive outlet and a Regional Facility was constructed to meet that demand. People within the watershed would pay a pro ratio share for the detention once they developed their property. Pat Jarboe of T-Bird Designs Inc. appeared before the Board and stated it was a good idea to have deferred cost of development. He asked if there would be a document that could be reviewed prior to acceptance. The Attorney stated a participation agreement (cost recovery agreement) had not been developed to date and only the Resolution was in front of the Board today. Mr. Jarboe asked when the agreement would be available for viewing. The Surveyor stated the design would have to be completed first. INDOT would be responsible to pay for the structure under State Road 38. The last estimate for that was approximately \$500,000.00. (This was an estimate and would need to be updated after the design was completed) The gas company should lower the gas line at their own expense as well. Both of these would result in a significantly lower cost to the property owners. Mr. Jarboe stated he felt the Drainage Board was definitely going down the right path and requested to be kept "in the loop" regarding the impact area specifically and any requirements for future development in that area. The Surveyor recommended the Board adopt "Resolution #2009-04-DB for the Samuel W. Elliott Regulated Drain Branch #11 Establishment of Drainage Impact Area". David Byers made a motion to adopt Resolution #2009-04-DB S.W. Elliott Regulated Drain Branch #11 Establishment of Drainage Impact Area. John Knochel seconded the motion. Resolution #2009-04-DB S.W. Elliott Regulated Drain Branch #11 Establishment of Drainage Impact Area was adopted as presented. The Attorney noted the next step would be to develop a design of the reconstruction of Branch #11 of the Samuel W. Elliott Regulated Drain.

### **S.W. Elliott Branch #11 Reconstruction Design**

The Surveyor presented a contract for the S.W. Elliott Branch #11 Reconstruction Design written by Christopher B. Burke Engr. LTD. to the Board. He stated the Attorney had reviewed the contract. The contract listed the various 5 tasks which included basically the field survey, hydrologic and hydraulic analysis, 50% complete design plan, task force coordination between entities (INDOT, Duke Energy etc.), and finally 100% complete design plan. The estimated fee was \$45,000.00; he recommended the Board enter into the contract with Christopher B. Burke Engr. LTD as presented. David Byers made a motion to approve the contract as presented. John Knochel seconded the motion. The Reconstruction Design for Branch #11 of the S.W. Elliott Regulated Drain Contract was approved as submitted.

### **USGS Geological Survey Joint Funding Agreement/S.W. Elliott Regulated Drain Gaging Station**

The Surveyor presented the USGS Joint Funding agreement regarding the installation and operation maintenance of a stream flow gaging station located at the Tippecanoe County Highway Garage. The Tippecanoe County Drainage Board would provide \$8400.00 and USGS would provide \$3600.00 for the station. He explained Burke tried to model the flood plane of the Elliott upstream basically Concord Road and Brady Lane up through Ivy Tech. The 100 year flood plain was much larger than presently. This was a method to prove to USGS that the modeling was not working in this location. This had been done

on a couple of streams in other communities within the state, The Surveyor recommended the Board execute the agreement as presented. David Byers made a motion to sign the USGS Geological Survey Joint Funding Agreement/S.W. Elliott Regulated Drain Gaging Station. John Knochel seconded the motion. The USGS Geological Survey Joint Funding Agreement/S.W. Elliott Regulated Drain Gaging Station was accepted as presented.

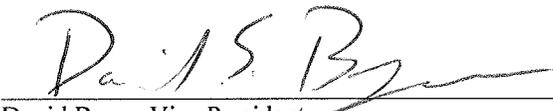
**Steve Murray Updates**

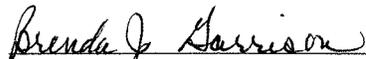
The Surveyor noted the Petitions for Vacations on the Agenda today were pulled and would be more than likely be presented at the next monthly meeting. He noted he was moving forward with the S.W. Elliott Regulated Drain Branch #11 reconstruction preparations. The resolution and contract were presented to the Board today and Christopher Burke Engineering had met with Beutler Fariman and Seiffert (BFS) to acquire all the previous survey information available on the said drain. This would reduce any additional surveys needed for the design. A US231 meeting was held with INDOT which was more about the status of the project (both phases). He did request a separate meeting regarding drainage at the meeting; however it had not been scheduled to date. He stated INDOT was addressing the comments from Christopher Burke regarding the detention storage area near Wake Robin and Sherwood Forest. He had a side conversation with the lead engineer on the north section. They were going to look at trying to do median or side ditch detention where they were discharging north to the US 52 side ditch which eventually found its way to the Indian Creek watershed. He had not received any documents yet but was led to believe they would do their best to supply drainage calculations on the two areas of concern. Responding to Mr. Murtaugh's inquiry, the Attorney stated it was a continuing battle to receive drainage information from INDOT regarding their projects. The Surveyor noted he did not believe they looked at the effect they would have at their discharge points when it goes out across private property and which do not outlet directly into a major stream or facility. He noted we were not the only county with this issue. He stated the Association of County Surveyors discussed this particular problem with INDOT at their latest meeting. He noted legislation could be proposed to remedy this. The Attorney stated under common law INDOT was responsible for any damages occurred from a project. However the Surveyor noted this was always after the fact and usually at the expense of the property owner. The intent was to protect the property owner up front before any damage could occur. He would continue to try and work with INDOT to resolve the issues.

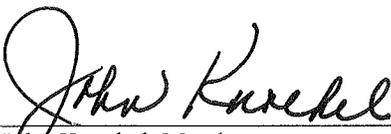
**Public Comment**

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

  
\_\_\_\_\_  
Thomas Murtaugh, President

  
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David Byers, Vice President

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

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



# Tippecanoe County Drainage Board

## Minutes

June 2, 2010

### Regular Meeting

#### Those present were:

Tippecanoe County Drainage Board Vice President David Byers, member John Knochel, Drainage Board Attorney Dave Luhman, Drainage Board Secretary Brenda Garrison and Project Manager Zachariah Beasley. Drainage Board President Thomas Murtaugh, Drainage Board Engineering Consultant Dave Eichelberger and County Surveyor Steve Murray were absent. Larry Underwood from the SWCD office attended as well.

#### Approval of Minutes

John Knochel made a motion to approve the May 5, 2010 Regular Drainage Board minutes as written. David Byers seconded the motion. The May 5, 2010 Drainage Board meeting minutes were approved as written.

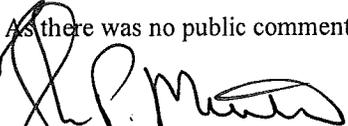
#### Petitions to Encroach on the Rettereth, Kuhns, and Berlovitz Regulated Drains/ Duke Energy

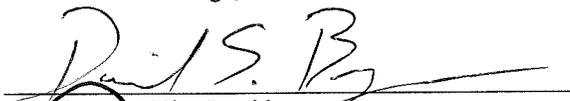
The Project Manager presented the following petitions for approval by the Board. A Petition to Encroach on the P. Rettereth Regulated Drain, a Petition to Encroach on the J. Kuhns Regulated Drain, and the Petition to Encroach on the J. Berlovitz Regulated Drain. The Project Manager noted the submittal of these petitions was a condition from the previous meeting regarding the Duke Energy Utility Relocation and the Surveyor's office recommended approval of the Petitions as submitted. David Byers asked for public comment and there was none. John Knochel made a motion to approve the Petitions to Encroach on the P. Rettereth, the J. Kuhns and the J. Berlovits Regulated Drains as submitted by Duke Energy. David Byers seconded the motion. The Petitions to Encroach on the P. Rettereth, the J. Kuhns and the J. Berlovits Regulated Drains were approved as submitted.

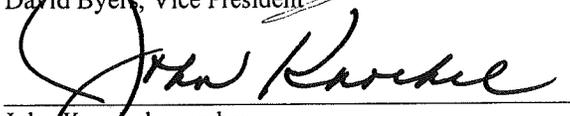
#### Duke Energy Utility Relocation Violation

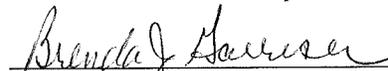
David Byers noted the issue regarding a fine for the violation of the Tippecanoe County Stormwater Quality Ordinance was tabled at the last month's meeting. John Knochel made a motion to open the issue regarding the fine for the violation of the Tippecanoe County Stormwater Quality Ordinance for discussion. David Byers seconded the motion. John Knochel stated he would seek advice from the project manager regarding the amount of cooperation received from Duke Energy on the issue. The Project Manager stated since the last meeting discussions were held with Duke Energy regarding the petitions to encroach as well as the Rule 5 specifically the Stormwater Pollution Prevention Plan (SWPPP). Brandon Fulk from the Schneider Corporation had worked with the Surveyor's office to provide the information as requested. The petitions were submitted as well as the required SWPPP. He was contacted yesterday by Lauramie Excavating hired by Duke Energy to take care of the sediment erosion control measures. He provided a set of SWPPP plans this morning. He discussed the tile replacement as well. In addition to that it was discussed with Duke Energy the possibility of encroaching upon Duke's easement in relation to Branch 11 of the S.W. Elliott Regulated Drain project. They had been cooperative on that project also. David Byers asked for input from Duke Energy at that time. Jim Shields from Duke Energy approached the Board and stated they had internal reviews over the last thirty days with their engineering groups, construction group and all the departments which do work in this county. The discussions involved not only the Tippecanoe County Ordinance but also the IDEM Rule 5 Regulation. Dan Arndt from their environmental group reviewed the Rule 5 Regulations with the various groups within Duke's organization. Their legal dept. also went through all the state statues regarding Regulated Drains. He stated he felt in total they touched approximately 70 people within their organization. Most were Supervisors who would relay that information to their employees doing the work locally. He stated he just wanted to inform the Drainage Board of the review within their organization. John Knochel noted the local ordinance called for a fine of \$500 a day and thought it would be pretty hefty if kept to that. He stated he felt due to the fact they had been very cooperative with the Board and also the fact that this was the second violation by Duke Energy; he made a motion to impose a fine of \$2000.00 for the violation. David Byers seconded the motion. David Byers stated the fine could have been as high as \$30,000.00. The Duke Energy Violation fine was set at \$2000.00 by the Board.

As there was no public comment John Knochel moved to adjourn. The meeting was adjourned.

  
Thomas P. Murtaugh, President

  
David Byers, Vice President

  
John Knochel, member

  
Brenda Garrison, Secretary

**Tippecanoe County Drainage Board**  
**Minutes**  
**August 4, 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 Doug Masson, Drainage Board Secretary Brenda Garrison. Drainage Board Engineering Consultant Dave Eichelberger from Christopher B. Burke Engineering Limited was absent.

**Approval of Minutes**

David Byers made a motion to approve the July 7, 2010 Regular Drainage Board minutes as written. John Knochel seconded the motion. The July 7, 2010 Drainage Board meeting minutes were approved as written.

**Other Business**

**Petition to Encroach Berlovitz Regulated Drain**

The Surveyor presented a Petition to Encroach on the Berlovitz Regulated Drain submitted by the Schneider Corporation. Mr. Brandon Fulk from Schneider Corp. represented Saddlebrook Dev. and appeared before the board. Brandon stated the developer was in agreement with the school corporation and other entities of the proposed water main extension along the north side of County Road 50South into the aforementioned regulated drain's easement. The main would extend across their properties and cross County Road 50South. The site of the crossing would be north of County Road 50South, east of County Road 550East and south of Bluegrass Drive. The Surveyor noted Brandon had submitted detailed encroachment drawings and the drawings did meet the 5 foot separation requirement by ordinance.

He recommended approval of the petition as submitted. John Knochel made a motion to grant approval of the Petition to Encroach on the Berlovitz Regulated Drain. David Byers seconded the motion. The Petition to Encroach on the Berlovitz Regulated Drain was approved as submitted.

**Petition to Encroach Treece Meadows Relief Drain (S.W. Elliott Regulated Drain)**

The Surveyor presented a Petition to Encroach on the Treece Meadows Relief Drain (S.W. Elliott Regulated Drain) submitted by TBird Designs. Clem Kuhns from TBird Designs appeared before the Board to request approval of the Petition to Encroach as submitted by the Surveyor. A fiber line between Unity Campus and Raintree Medical Park development would be installed. The said line was shown to cross over Treece Meadows Relief Drain at Creasy Lane and within the City of Lafayette's Right of Way. The Surveyor noted the encroachment was located on the east side of the road. The detailed encroachment drawings met the 5 foot separation between the flow line and the top of the bore casing as required by ordinance.

He recommended approval of the petition as submitted. David Byers made a motion to grant approval of the Petition to Encroach on the Treece Meadows Relief Drain (S.W. Elliott Regulated Drain). John Knochel seconded the motion. The Petition to Encroach on the Treece Meadows Relief Drain (S.W. Elliott Regulated Drain) was approved as submitted.

**Zachariah Beasley**

**Indian Creek Watershed Review Update**

The Surveyor stated at the previous meeting of the Board, landowners within the Indian Creek watershed -specifically directly west of West Lafayette Menards location on Taft Road aka County Road 300West- appeared before the Board. Landowner Judy Bower 3750 North 300W West Lafayette and landowner Mr. Cary Maley 3756 300W West Lafayette discussed their flooding issues with the Board. The landowners requested the Board convert the Indian Creek watershed into a newly established County Regulated Drain. The Board directed the Surveyor to review the Indian Creek watershed and report back to them before a study of the aforementioned Creek was contracted. It should be noted the said landowners were not present at this meeting.

The Surveyor had four different options to discuss with the Board. He noted after the review it would be the landowners' responsibility to pursue the request for a new regulated drain with signatures on a petition. He began by reviewing the overall watershed (1<sup>st</sup> Option) of Indian Creek. The watershed boundary was based on a Department of Natural Resources (D.N.R.) study and began at the confluence of Indian Creek and Wabash River and continued north to County Road 850North and Morehouse Road. (east and west of that location) The watershed consisted of approximately 19000 acres or 4200 parcels. The majority of the land within the watershed was in agricultural production. Responding to Tom Murtaugh and David Byers inquiry, the Surveyor noted historically the Drainage Board required 50% of landowners with the ACREAGE BENEFITTED signatures to move forward on a petition process. Using the overall Indian Creek watershed would be almost impossible to get that amount of signatures to convert it to a County Regulated drain.

He noted using the Kankakee Beaverville Railroad (2<sup>nd</sup> Option) as a southern boundary of the watershed would cut the watershed in half. He thought approximate 70% agricultural land and 30% residential with this option. The next watershed (3<sup>rd</sup> Option) reviewed was basically the same as the second option - it was north of the Kankakee Beaverville Railroad track with the exception of the Hadley Lake/Cuppy McClure and Dempsey Baker Regulated Drain watersheds included. (The aforementioned overall Indian Creek Watershed included those County Regulated drain watersheds.) He pointed out Hadley Lake and the other established county regulated drain routes within the overall watershed as well as the Hadley Lake outfall area. (A manmade conveyance system/open ditch which drained Burnett's Creek). Those included were county regulated drains which outlet into Hadley Lake. He subtracted that area out of the Indian Creek watershed to get the 3<sup>rd</sup> option. He noted that the agricultural land versus residential land was still at approximately 60% to 40%.

The Surveyor then referred to the Attorney regarding established regulated drains lying within an overall watershed and the statutory assessment guidelines for this type of situation. In response the Attorney stated he would review the statutes and inform the Board of his findings at a later date. The Surveyor then informed the Board a natural conveyance of water (creek) was owned by D.N.R. and the bed itself was owned by the landowner. He noted, there were some instances in the state where a creek was converted into a New County Regulated Drain controlled by the County Drainage Board.

The 4<sup>th</sup> watershed option involved an area of approximately 30 acres and 21 parcels. The boundary lines were created by using Taft Road aka County Road 300West as the East boundary line, Indian Creek as the North and West boundary lines and U.S. 52 as the South boundary line. This smaller area included the Bowers and the Malley tracts of land. An existing natural surface conveyance from the culvert underneath County Road 300West southwest to Indian Creek was used for this option. He said his technical opinion was that it may take care of small rain events and nuisance water; however it would not solve the larger rain event flooding issues. There were 10 to 12 square miles of upstream drainage areas routing to the area in question. The conveyance system was located in the flood plain. In his technical opinion while it was possible to address the issue on paper he did not think it would solve the overall issue of flooding in the area. He noted even with the other three options, he was concerned that since the greater amount of land was in agriculture, he did not think those agricultural landowners would sign the petition. However, at this point it was left up to the residents to pursue one of the options at hand and he asked for guidance on how to proceed. Responding to David Byers inquiry, the Surveyor reiterated a regulated drain was determined by the landowners with the greater percentage of BENEFITTED ACREAGE within the watershed signing not the greater percentage of landowners within the watershed signing

The Board directed the Surveyor to contact Ms. Bowers and Mr. Maley to attend the next meeting of the Drainage Board so that they would be informed of the options before proceeding. The Board's Engineer Consultant and the Surveyor had discussed completing an overall watershed study of Indian Creek similar in nature to the completed studies of the S.W. Elliott Regulated and the Alexander Ross Regulated drain Watersheds. However both studies were County Regulated Drains when they were completed and Indian Creek was not. In the Surveyor's opinion even if the study was completed since it was not a county regulated drain, it would be very hard to implement any of the measures recommended. Responding to an inquiry, the Surveyor noted a couple of the options would not benefit the Capilano Subdivision. Another option which might be looked at was (even though this was not a County Regulated drain) by the Stormwater Drainage Ordinance the Board may be able to declare it a Drainage Impact Area. This would require any future developments to release their water at a lower rate than the minimum standard. It was noted there have been instances where regulated drains were combined into one drain and those monies in the individual accounts were pooled together for maintenance of the newly combined drain. However even if those regulated drains that were located within the overall watershed were combined into one drain fund there would not be enough monies to alleviate the problem of flooding. There were a couple options from a technical standpoint of controlling the water that the Board may have. Option #1 was to remove the structure at Kankakee Beaverville Railroad track causing the obstruction. The obstruction was located under the railroad tracks and causing the water to pool approx. 12-15 feet upstream of tracks and create a dam. However, removing the structure would cause problems for the downstream owners. One way to change that would be to create larger basins upstream which would collect the water. Option #2 would be to slow the water down in the upper portion of the watershed which would involve creating a storage basin or detention facility. He stated this

had been discussed many times in the past and there were no easy or clear solutions to the multiple problems of this area. If so it would have already been taken care of.

John Knochel made a motion to continue this discussion at the September meeting of the Board. David Byers seconded the motion. This issue would be continued to the September Drainage Board meeting at which time it would be discussed with the noted landowners present.

**Public Comment**

There was no public comment. Tom Murtaugh congratulated the new County Surveyor Zachariah Beasley for the Board and stated they looked forward to working with him in the future.

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

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Thomas P. Murtaugh, President

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David Byers, Vice President

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Brenda Garrison, Secretary

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John Knochel, Member

## **Tippecanoe County Drainage Board**

### **Minutes**

**September 1, 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, and Drainage Board Secretary Brenda Garrison. Drainage Board Engineering Consultant Dave Eichelberger from Christopher B. Burke Engineering Limited was absent.

#### **Approval of Minutes**

David Byers made a motion to approve the August 4, 2010 Regular Drainage Board minutes as written. John Knochel seconded the motion. The August 4, 2010 Drainage Board meeting minutes were approved as written.

#### **Petition to Partially Vacate the James L. McClure Regulated Drain**

A Petition to Partially Vacate James L. McClure Regulated Drain was submitted by Schneider Engineering to the Surveyor's office regarding the St. Franciscan Eldercare Services project. The Surveyor presented the submittal to the Board for approval. He noted there were no other parties affected by this request. He stated the Surveyor's office had no objection to the request and recommended approval. John Knochel made a motion to grant approval for the Petition to Partially Vacate the James L. McClure Regulated Drain. David Byers seconded the motion. The Petition to Partially Vacate the James L. McClure Regulated Drain was approved as submitted.

#### **Petition to Encroach J. Berlovitz Regulated Drain**

A Petition to Encroach on the J. Berlovitz Regulated Drain was submitted to the Surveyor's office by Tipmont R.E.M.C. for the Wabash Valley Power Assoc. regarding their project. The Surveyor presented the submittal to the Board for approval. Responding to Commissioner Byer's inquiry, the Surveyor noted Wabash Valley Power Station was located on the east side of the J. Berlovitz open ditch and on the north side of County Road 50South. Tipmont R.E.M.C. was boring under the open ditch for conduit and that is the reason for the request. He stated the Surveyor's office had no objection and recommended approval. David Byers made a motion to grant approval for the Petition to Encroach on the J. Berlovitz Regulated Drain. John Knochel seconded the motion. The Petition to Encroach on the J. Berlovitz Regulated Drain was approved as submitted.

#### **Maintenance Bonds/Letters of Credit**

The Surveyor presented Maintenance Bond #5036050 in the amount of \$21,186.00 written by the Bond Safeguard Insurance Company, dated August 24, 2010 and submitted by Keller Development regarding the Chaplegate Park Apartments. The Surveyor explained to the Board how the amounts are established for the bond amounts or letters of credit amounts. John Knochel made a motion to accept the Maintenance Bond as presented by the Surveyor. David Byers seconded the motion. Maintenance Bond #5036050 in the amount of \$21,186.00 and dated August 24, 2010 regarding Chapelgate Park Apartments was accepted by the Board as submitted.

The Surveyor presented Letter of Credit #3230 in the amount of \$5000.00 written by Tower Bank, dated August 24, 2010 and submitted by Keller Development regarding the Chaplegate Park Apartments. The attorney noted this Letter of Credit was a backup to the Maintenance Bond. David Byers made a motion to accept the Letter of Credit as presented by the Surveyor. John Knochel seconded the motion. The Letter of Credit #3230 in the amount of \$5000.00 written by Tower Bank, dated August 24, 2010 and submitted by Keller Development regarding the Chaplegate Park Apartments was accepted as submitted.

## Indian Creek Watershed

The Surveyor stated this issue was discussed two months ago with Mrs. Bower and Mr. Maley landowners within the watershed who have experienced problems with their drainage. Since then the Surveyor's office has worked to come up with different watershed options. Last month those options were presented to the Board however there were no landowners present at that time. Therefore the Board requested the watershed options be reviewed again today with landowners Bowers and Maley present. Option #1 was the overall watershed for Indian Creek. The watershed boundary was determined by The Indiana Department of Natural Resources (I.D.N.R.) study and began at the confluence of Indian Creek and Wabash River and continued north to County Road 850 North and Morehouse Road. (east and west of that location) The watershed consisted of approximately 19,000 acres or 4,200 parcels. The land within the watershed was approximately 60% agricultural use and 40% residential units. This option involved the entire stretch of Indian Creek. Option #2 was approximately the northern half of the overall watershed. The Kankakee Beaverville Railroad would be used as the southernmost watershed boundary for this option. It consisted of approximately 9,200 acres and/or approximately 1,200 parcels. This option cut the overall watershed in approximately half and was approximately 70% agricultural and 30% residential tracts. Option #3 would be the smallest area of all the options. The east boundary would be Taft Road/County Road 300 West, the northern and western boundary would be Indian Creek and the southern boundary would be U.S. 52. There were approximately 30 acres agricultural and 21 parcels within this option. This option would convert the natural surface area from Taft Road/ Co. Rd. 300W to Indian Creek into a County Regulated Drain. This was an option discussed with Mr. Maley and Ms. Bower on an earlier site visit. If the surface conveyance was made a county regulated drain it would potentially help some of the smaller rain events or nuisance water. He cautioned the landowners stating on paper it was possible to do this, however the area was still mostly in the flood plain as roughly 11 to 13 square miles upstream drainage area flowed to this location. If this area was to get a 100 year rain event there would still be problems. With that said he turned the meeting over to the landowners. Mr. Cary Maley 3756 North 300 West West Lafayette asked if the northern half of the watershed's drainage was improved (by expanding the flow under the said railroad tracks) would affect landowners south of the tracks. The Surveyor responded yes it would affect those landowners. The Surveyor stated the DNR study showed the culvert underneath the railroad track acted as a restrictor and the railroad track was high enough that the water was not able to overtop it. The water would then pool up behind it. The report showed approximately 11 to 13 feet of pooling. So it acted as a large dam and backed up the water. One could implement a larger regional detention facility (or holding pond) in the upper portion of the watershed to collect the water and slow it down before reaching the railroad tracks. Responding to Mr. Murtaugh's inquiry, the Surveyor stated if the entire Indian Creek watershed was made a County Regulated Drain it could be studied and a master plan could be put together over the next few years. This would give the Drainage Board the ability to implement the recommendations within the watershed. The improvements would not have to be directly on Indian Creek. Mr. Maley stated it was understood that those actions would affect the entire area in a positive way. Mr. Maley then stated Indian Creek on occasion was affected by the overflow of Hadley Lake. This could be taken into consideration by the study, and meant one would make sure Hadley Lake did not interconnect with Indian Creek and it flowed in its intended direction. Mr. Maley continued that he felt it was important to do this as his area and south (Capilano) were greatly affected by Hadley Lake's overflow. The Surveyor stated this could be looked at as well as he had originally four options for the Board with the original study of Indian Creek by DNR included Hadley Lake. There was the 4<sup>th</sup> option which included the northern portion without Hadley Lake and was presented last month at the Board meeting. The reason why it was omitted on that option was there were two county regulated drains which flowed into Hadley Lake and one that exits Hadley Lake.(outfall) Hadley Lake is a natural glaciated lake. An open ditch was constructed to take the overflow to a tributary which routed into Burnett's Creek. So it actually flowed in the opposite direction of Indian Creek. It could be studied from the aspect when it rains enough it did have the tendency to overflow to the west or southwest. The options were put together so the landowners could decide which one to go with and how to proceed. Mr. Byers noted in order to regulate a drain; the statute states landowners owning 51% or more of the ACREAGE (not just landowners) within the watershed were required to sign the petition. The Attorney reiterated to set up a County Regulated Drain required the signatures of owners with 51% or more of the acreage within the watershed not just 51% of the total of owner's that determined the outcome. Judy Bower 3750 North 300 West West Lafayette stated she did not know which option would include the Menards retention area. She felt they also drain into Indian Creek. The Surveyor stated the entire Menards site would be included in options #1 and #2. Mr. Murtaugh asked if option #3 would have to be included in this area in order to eliminate possible problems downstream. The Surveyor stated when he made the site visit with Mr. Maley and Ms. Bower they walked their properties and the issue was brought up at that time. The Surveyor stated he felt a more complete study was needed in order to give an accurate answer. He did not necessarily look on the east side of the road then. He said it could be possible. As far as putting in a holding pond facility the area would have to be studied in greater detail than the D.N.R. study had shown. His fear is the area is shown in the floodplain. Regrading the swale may help small rain events but in larger rain event even the ponds would not help. There was just too much water flowing through that area. Mr. Maley stated he agreed. Mr. Maley explained they were flooded on the back or west side of house first then it came over the road on the east side. In his case option #3 even in a heavy rain, would relieve some of the water on the east side of the

road as there was about a 2 feet difference between the water on the east side of Co. Rd. 300W and the west side during the flooding event. So this was a significant difference. Option #4 was the overall watershed excluding Hadley Lake. The Surveyor stated he thought the outfall was constructed in the mid to late 1980's. Was there any reason why the area should not be regulated in stages as the options were presented? The Attorney noted that cost was a consideration. Option #3's improvement cost would be divided by five or six landowners who were affected versus option #1's cost which would be more expensive due to the size of watershed. However Option #1's cost would be divided by many more landowners and could result in a lower cost to each landowner within the overall watershed. Since this area was a mix of rural and urban development and increasingly becoming more urban, the result of the report may indicate the need for it to be designated as a County Regulated Urban Drain. Designating it a County Regulated Urban Drain would cause the assessment to be variable. With an Urban Drain assessment, a residential lot's benefit would defer from agricultural or a commercial lot. Responding to Mr. Maley, the attorney stated the drainage code set up a mechanism whereby landowners within an area could solve a drainage problem and share the costs. So that landowners in Wea Township do not have to pay the costs of solving a drainage problem in Wabash Township, only the landowners within a designated watershed pay the costs of improvements within their watershed. Traditionally in an agricultural/residential area it was common to assess a per acre/ per lot assessment. When there was a mix of commercial, residential and agricultural it was more appropriate to have different assessments as tract characteristics are different. Patricia Useem 3901 Capilano Drive (Capilano Subdivision) West Lafayette asked if there were flooding problems within option #1 now. The Surveyor noted there were problems with some areas south of the tracks however not to the degree the landowners were having north of the tracks. With the original DNR study, it was apparent the railroad tracks were acting as a restrictor as it showed how water pooled up. Ms. Useem noted there were numerous areas in Capilano Subdivision that had flooding issues but some which did not. She stated it seemed to her Option #1 would not take any more time to fix the problem because the problem really was in the northern section. If they went with option #1 the benefit would affect a larger area. The Surveyor noted there was not one single fix to the problem. For example the S.W. Elliott County Regulated Drain was the biggest watershed in the county and designated an Urban Regulated Drain. In the early 1990's or late 1980's it was known there were large drainage problems, so the affected landowners, entrepreneurs-businessmen and farmers got together and requested the Drainage Board compose a watershed study. What this did was allow research and data collection which indentified the problem locations. This information was used to propose a large scale plan to be put in place. A plan like this could involve restrictions on future developments, multiple facilities whatever the case may be for that issue. The issue at hand could take a combination of actions. Ms. Useem stated looking back at the meeting minutes from July there was lots of information gathered and the D.N.R. study was mentioned then. She stated her concern would be if the additional study would give any more useful information than the previously DNR study. Perhaps it was time to move forward rather than wait for another study. The Attorney stated he did not believe it would be wise as he recalled the existing D.N.R. study was at least 20 years old and did not take into consideration the development within the watershed since then. She stated she was unaware of the age of the study. The Attorney noted if you look at the delineation of Option #1 as including everything within the watershed and the costs spread out over more landowners one would have the challenge of getting the required amount of people to sign the petition. The statue required the petition to be signed by owners of 10% of the ACREAGE of the entire watershed or 25% of the assessed value in the petition. While the area was larger it would also be a bigger challenge to get the required amount of people to sign for it. Mr. Maly stated the northern half seemed to have most the problem. It really seemed to flood around the Morehouse Rd (aka U.S. 52) and the train bridge. With that said if only the people affected by the flooding sign it may not be enough signatures by statue to accomplish creating a new regulated drain and implementing a study. The Attorney noted however that as additional development occurred in the affected northeast area more people would be inclined to sign the petition. The area's runoff had backed up over the years and would continue to do that, so there would be an interest for those to sign the petition-even though they may not see an immediate problem. Mr. Maley stated it would be logical for them to get as many people within the overall watershed to sign the petition then an option could be chosen. This would allow no commitment until the signatures were obtained and presented at the hearing. The Attorney stated by the exhibit shown it looked as if the northern half had the majority of acreage (more than 10%) If everyone within the northern half signed the petition to make the entire watershed a regulated drain, then the Drainage Board would refer it back to the Surveyor. At that time the engineering work would start. The Surveyor would have to determine what would be required from an engineering standpoint to construct a regulated drain. This would address the storm water runoff problems in the entire watershed as well as the cost and benefit. Then the Drainage Board would have to determine if the benefits of making it a County Regulated Drain for the entire watershed out way the costs of implementing the improvements. If that was the case, the Board would then order the creation of the County Regulated Drain for that watershed. As stated previously it only takes 10% of the ACREAGE within the proposed watershed to bring it in front of the Board to start the process. Responding to Mr. Murtaugh's question regarding specific area problems within the watershed could potentially be split off into County Regulated drains for just that area. The Attorney stated that is reason for the current regulated drains within the overall possible watershed area such as the Lewis Jakes County Regulated Drain. Responding to Ms. Bower's inquiry, the Surveyor noted boundaries had to be determined before the process could be started. The Attorney stated petition requirements were names, addresses and legal descriptions of the tracts affected by the

proposed regulated drain. A general route and statement from the Surveyor of costs and benefits would be required as well. Ms. Useem asked if this would include the area of the Coyote Crossing golf course. The Surveyor stated he believed Coyote Crossing drained into Burnett's Creek - a different watershed. Ms. Bower asked what impact or what information might they gain from the upcoming U.S. 231 project? This relocation would travel through Maley's land and the Hadley Lake location. Would any information be gained from that project as the roads runoff would affect that area as well? John Knochel stated he wholeheartedly agreed with that however he was not aware of any drainage plans submitted for that relocation yet. The Surveyor stated he was not sure if his office had received a complete set of drainage calculations for U.S. 231 relocation to date. He stated some of the runoff north of the s curve did go through that direction. Some of the landowners in Brindon Woods south and west of the church on U.S. 52 had concerns regarding the relocation of U.S. 231 and visited the Surveyor office. He had been in the process of obtaining the information from INDOT on that issue. He noted Christopher B. Burke Engineering Consultants had been reviewing some of the plans for drainage among other reasons. His point was the relocation of the U.S. 231 had very little affect and only the north segment would be routing that direction. It would be a small amount. However this will definitely be looked at. He just wanted to clarify that a small amt. of runoff from that project ran that direction. The U.S. 231 drainage study would be looked at however, he did not anticipate seeing any major differences. Mr. Murtaugh asked if the landowners had a chance to discuss this with other neighbors and if they would like a chance to do so and return to the next meeting of the Board. Mr. Maley stated he would like to do that as everyone was interested in obtaining a corrective study and work done at this time. Mr. Maley stated they would be willing to discuss the options with their neighbors and pass the petition around for signatures. Ms. Useem stated she felt the neighbor's concern would be the cost of the project. Mr. Maley stated he understood the S.W. Elliott drain was an urban drain and wondered if one could look at its assessment to get an idea of fees. The Surveyor noted each drain was unique in its issues therefore costs would defer. The individual fees would be spread across a few years for each landowner. Mr. Maley asked if there would be state or federal help with construction costs. The Surveyor noted there could be financial assistance potentially but it varied drastically upon the assistance available (government private organizations etc.). Those processes may be lengthy but were not guaranteed. He reiterated while most regulated drains were rated per acre or lot, the S.W. Elliott Regulated Drain was designated an "Urban Drain" therefore it had a variable rate which depended on the type of land use (ag, residential, industrial, commercial etc.). In addition variable rates were determined by the zoning of the tract in question. He felt the approximate general fee for the S.W. Elliott Regulated Drain study was approximately \$100,000.00. The Attorney stated fees for the construction of a newly regulated drain would be due on the date assessments were certified to the County Auditor, however a landowner may elect to pay with equal installments over five years with penalty. Mr. Maley asked if a detailed list of landowners would be provided to the person taking the petition around for signatures. The Surveyor stated yes that his office would provide the list which included the landowner names, address and benefited acreage amount. Ms. Useem asked to be informed of the steps to be taken. The Surveyor stated his office delineates the watershed (sets the boundaries) and provides those names to the person who would take the petition around for signatures. Mr. Murtaugh stated once a signed petition was presented to the Board, they could direct a study to be completed. Responding to Ms. Useem's inquiry regarding cost of a study and new construction, Mr. Murtaugh stated depending on the cost the County may be able to pay for the study. The Attorney stated as long as the petition received met the minimum criteria a study may be started before the construction of a new drain. He then reviewed the steps for a new drain construction that a petitioner and affected landowners could expect. Ms. Useem asked if the ball was in their court and the Surveyor responded that it was. The Surveyor noted his office would provide the appropriate documents to start the process in motion and send the information in the mail to each of them. Ms. Useem stated she would be the contact person regarding the Capilano Subdivision landowners. Mr. Maley asked that the landowner list provided would be split up in the northern half and southern half of the watershed. Mr. Maley stated he could receive the list electronically as well. The attendees today, Mr. Maley, Ms. Bower and Ms. Useem would provide their contact information to the secretary for the Surveyor to send them the information once collected.

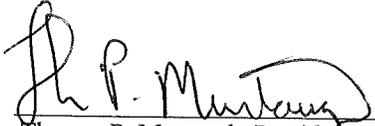
#### **Other Business**

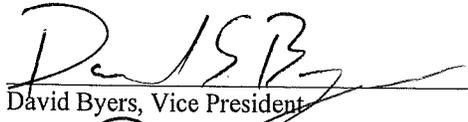
#### **Tippecanoe County Stormwater Quality Ordinance Retention Pond Revisions**

The Surveyor updated the Board regarding retention ponds and revisions discussed to the Stormwater Quality Ordinance and Technical standards. The main intent was to look at low impact developments and also pond safety measures which were in the current ordinance. The Drainage Consultants Christopher Burke Engineering has worked with other counties to update their storm water ordinance standards and review safety mechanisms on detention ponds. They have looked at numerous standards nationwide as well as within the state. The new Drainage Ordinance and Technical Standards were in the process of being revised.

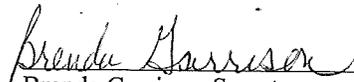
**Public Comment**

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

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

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

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

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



# Tippecanoe County Drainage Board

## Minutes

March 2, 2011

### Regular Meeting

#### Those present were:

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

#### Approval of Minutes

David Byers made a motion to approve the December 8, 2010 Regular Drainage Board minutes as written. John Knochel seconded the motion. The December 8, 2010 Drainage Board meeting minutes were approved as written.

#### Election of Officers

John Knochel made a motion to nominate Thomas Murtaugh as the 2011 Drainage Board President. David Byers seconded the motion. John Knochel made a motion to nominate David Byers as Vice President. David Byers seconded the nomination. Thomas Murtaugh was elected the 2011 Drainage Board President and David Byers as the 2011 Drainage Board Vice President.

#### Appointment Drainage Board Secretary

John Knochel made a motion to appoint Brenda Garrison as the 2011 Drainage Board Secretary. David Byers seconded the motion. The 2011 Drainage Board Secretary was appointed as stated.

#### County Road 50 South Reconstruction

Jim Pence with Schneider Corporation appeared before the Board to present County Road 50 South Reconstruction for final approval. The site was located at the intersection of CR 50 South and CR 550 East and extended approximately 5570 feet along the present route. The project would be completed in two separate phases. The first phase would consist of starting at County Road 550 East and extend to the east line of the Wyandotte School property. The second phase would begin at the said east line of the school property to the proposed McCarty Lane Extension just west of County Road 675 East. The road would be widened up to approximately 20 feet and become asphalt throughout the project length. Storm water runoff would discharge to existing side ditches. Jim stated proof of landowner notification would be submitted once receipt of mail certification was obtained. He confirmed specifically Edwin & Doris Verkwitz 495 South 675 East Lafayette Indiana 47905 were notified. Runoff from a depression area north of their tract would route through a culvert and outlet in the ditch along their tract. Jim stated he would follow up on this notification. He noted he was conferring with Mike Spencer of the County Highway department regarding water quality along the county road. He requested final approval from the board. The Surveyor recommended final approval with the conditions as stated on the February 25, 2011 Burke memo. John Knochel made a motion to grant final approval with conditions as stated on the February 25, 2011 Burke memo. David Byers seconded the motion. County Road 50 South Reconstruction was approved with the final conditions as stated on the February 25, 2011 Burke memo.

#### Cottages on Lindberg

Pat Cunningham with Vester and Associates appeared before the Board to present Cottages on Lindberg for preliminary approval only. The site was located northeast of the intersection at County Road 250 West and County Road 200 North (Lindberg Road) and contained approximately 18 acres. The previous owner of the tract planned a tree farm at the location; however the plan was never followed through. The present project would consist of approximately 129 cottages single family and duplex along with amenities. An existing 24 inch storm sewer was designed to convey runoff from the site to the detention ponds which were located to the east and within the Willowbrook Apartments site. The two ponds were designed previously and intentionally oversized to include any future development of the 18 acre site. He noted watershed for that area was approximately 85 acres. Pat further stated there was a small area at the southeast corner of the tract which drained uncontrolled; however the bulk of the emergency routing would be conveyed through the 24 inch culvert at the northeast corner of the site. Responding to the Board's inquiry, Pat stated the small area of runoff sheets off into the McCormick Place area. He stated additional work was anticipated regarding the storm sewer design. He requested preliminary approval for the project to proceed. The Surveyor reiterated their request was for preliminary approval only at this time. Additional design work would be required before final approval was requested. He then recommended preliminary approval for Cottages on

Lindberg as requested. John Knochel made a motion to grant preliminary approval for Cottages on Lindberg with the conditions as stated on the February 26, 2011 Burke memo. David Byers seconded the motion. Cottages on Lindberg was granted preliminary approval with the conditions as stated on the February 26, 2011 Burke memo.

### **Hawthorne Lakes - Redesign**

Jim Pence from Schneider Corporation appeared before the Board to present Hawthorne Lakes Redesign for final approval. This project was originally a 180 lot subdivision which was granted final approval during the December 3, 2003 Drainage Board meeting. The site was located at the northeast corner of County Road 550 East and the future McCarty Lane extension. The said site consisted of approximately 43 acres and the lots were reduced down to 156 in total. The Berlowitz Regional Detention Facility was located north of the site. Stormwater from the site would be conveyed to the facility. The Felbaum branch tile of the Berlowitz Regulated Drain (main-north of the site) was located within the site. The intent originally was to intercept the branch tile with their projects infrastructure; however the future McCarty Lane extension plans indicate the interception of the branch tile. Jim stated the timing of the interception of the branch tile was a concern with the proposed development. It was planned to develop the northwest quadrant in the spring. Depending on the timing of the McCarty Lane extension it may be necessary to temporarily reroute the branch tile around the Phase 1 project, then return to the board with a Vacation of the Felbaum Branch tile Petition. A diversion swale located above the proposed 72 inch culvert (part of the future McCarty Lane infrastructure) was planned to divert approximately 1.7 acres of the site runoff as well as the offsite area from the east to the Berlowitz Regional Detention Facility. The Surveyor reiterated timing issues were a concern regarding the Felbaum Branch tile vacation/relocation at this location. The developer would have to work very closely with the Surveyor office as well as the Highway department as it was his responsibility to resolve this issue. The Surveyor noted there was a Petition to Encroach on the J. Berlowitz Regulated Drain for the Hawthorne Lakes project on today's agenda and informed the Board the Petition regarding the Felbaum branch of the Berlowitz Regulated Drain would be presented next month. He recommended approval for the Petition to Encroach on the J. Berlowitz Regulated Drain today as well final approval with conditions as stated on the February 25, 2011 Burke memo for the Hawthorne Lakes project. John Knochel made a motion to grant approval for the Petition to Encroach on the J. Berlowitz Regulated Drain. David Byers seconded the motion. The Petition to Encroach on the J. Berlowitz Regulated Drain regarding the Hawthorne Lakes project was approved as submitted. John Knochel then made a motion to grant final approval with the conditions as stated on the February 25, 2011 Burke memo for Hawthorne Lakes Redesign. David Byers seconded the motion. The Hawthorne Lakes Redesign project was granted final approval with the conditions as stated on the Feb. 25, 2011 Burke memo.

### **2011 Drainage Board Professional Engineering Services Contract /Christopher B. Burke Engineering LTD.**

The Surveyor presented the 2011 Proposal for the Drainage Board Professional Engineering Service contract submitted by Christopher B. Burke Engineering LTD. He stated the contract amounts had not changed from the previous year and recommended acceptance. The Board Attorney stated he had reviewed the contract and concurred with the Surveyor. John Knochel made a motion to accept the 2011 Drainage Board Professional Engineering Services with Christopher B. Burke LTD as submitted. David Byers seconded the motion. The 2011 Drainage Board Professional Engineering Services contract with Christopher B. Burke LTD. was accepted as presented.

### **2011 Proposal for Drainage Board Legal Services/Hoffman Luhman & Masson P.C.**

The Surveyor presented the 2011 Drainage Board Legal Services contract with Hoffman Luhman & Masson P.C. and noted contract amounts had not changed from the previous year contract. He then recommended the acceptance of said contract. John Knochel made a motion to grant acceptance of the 2011 Drainage Board Legal Fees contract with Hoffman Luhman & Masson as presented by the Surveyor. David Byers seconded the motion. The 2011 Drainage Board Legal Fees contract with Hoffman Luhman & Masson P.C was accepted as presented.

### **Zachariah Beasley**

#### **2011 Regulated Drain Status List/ 2011 Regulated Drain 25 % Rate Increase list**

The Surveyor presented the 2011 Regulated Drain Status list to the Board for approval. He reviewed the process of submission for the public. He noted attached to the status list were thirteen regulated drains listed for a onetime Regulated Drain 25% Rate increase as Indiana Drainage Code allowed. The increase on those thirteen drains would start in the present year. (Please note: Status and Regulated Drain 25% Rate Increase lists in their entirety would be included in the official minutes and directly follow official minutes of this month) The Surveyor noted many of these drains had balances which required the assessment to be active at this time. He also noted the drain assessment was established on most of the drains in the 1970's and did not reflect today's economical situation. Therefore he would be reviewing them for possible landowner rate hearings in the future. He recommended the Board accept and approve the 2011 Regulated Drain Status List as well as the 2011 Regulated Drain 25% Rate Increase list. John Knochel made a motion to grant acceptance and approval of the 2011 Regulated Drain Status List. David Byers seconded the motion. The 2011 Regulated Drain Status List was approved as

submitted. John Knochel made a motion to grant acceptance and approval of the 2011 Regulated Drain 25% Rate Increase list. David Byers seconded the motion. The 2011 Regulated Drain 25% Rate Increase list was approved and accepted as presented. The lists would be filed with the Auditor to be placed immediately on the 2011 tax assessment rolls.

#### **2011 Regulated Drain Surveyor's Classification Report**

The Surveyor then submitted the Surveyor 2011 Regulated Drain Classification Report to the Board. He noted the Indiana Drainage Code provided for this list to be presented to the board from time to time. Also it was required to indicate those regulated drains in need of periodic maintenance, reconstruction and the regulated drains in need of being vacated. He stated this report established the three needs and included additional information of drains in need of a rate increase hearings etc. He then recommended the Board accept and approve the 2011 Regulated Drain Surveyor's Classification Report as submitted. John Knochel made a motion to accept and approve the 2011 Surveyor's Regulated Drain Classification Report as submitted to the Board. David Byers seconded the motion. The 2011 Regulated Drain Classification Report was approved and accepted by the Board. (Note: The said report will appear in its entirety directly follow the official minutes of this month.)

#### **Dismal Creek Regulated Drain/Ilgenfritz Branch Quotes Results**

The Surveyor informed the Board he sent out quote requests regarding the Ilgenfritz Branch of the Dismal Creek Regulated Drain Maintenance project. He was in receipt of the following three; Birge Farm Drainage-\$31,597.50, Fairfield Contractors Inc. - \$35,840.00, Lauramie Excavating Inc. - \$25,136.00. The project was awarded to Lauramie Excavating. He had met onsite with them and reviewed the project. Approximately two miles of dredging was planned as soon as weather permitted. He reviewed the location utilizing G.I.S indicating the location as south on US 52 right on Co. Rd. 450E (just south of Veterans Memorial Parkway ) and south to the intersection of Co. Rd. 500 South. The scope of the dredging project would begin at the confluence of Ilgenfritz Branch and Dismal Creek located south of Co. Rd. 500 South approximately ½ mile west of 450 East. The dredging would continue to Co. Rd. 575 East. John Knochel made a motion to accept the Lauramie Excavating quote in the amount of \$25,136.00. David Byers seconded the motion. Lauramie Excavating was awarded the Maintenance Dredging project for the Ilgenfritz Branch of the Dismal Creek Regulated Drain.

#### **S.W. Elliott Regulated Drain Branch #11 Update**

The County Surveyor's office received a Request for Relief and Release from Impact Drainage Area regarding Branch #11 of the S.W. Elliott Regulated Drain from Mr. Gary Schroeder 5650 East 700 South Lafayette Indiana 47909 which was dated February 14, 2011. Since this document was just recently submitted the Surveyor requested the Board take it under advisement and give him and the Drainage Board Engineering consultants time to review it then report back to the Board. Responding to John Knochel's inquiry, the Surveyor confirmed there was a present study underway regarding this drainage area. John Knochel made a motion to take the Request for Relief and Release from Impact Drainage Area regarding Branch #11 S.W. Elliott Regulated Drain area under advisement. David Byers asked Mr. Schroeder (in attendance) if that was agreeable with him and he stated it was. David Byers seconded the motion to take the said document under advisement. The Surveyor and the Boards Engineering Consultant would review the Request for Relief and Release from Impact Drainage Area regarding Branch #11 S.W. Elliott Regulated Drain and report back to the Board at a later date.

#### **Bonds:**

##### **Chapelgate Sr. Apartments Performance Bond #929519927**

The Surveyor presented Chapelgate Senior Apartments Performance Bond #929519927 dated February 15, 2011 written by Western Surety Company, submitted to his office by TWG Construction LLC. in the amount of \$200,000.00. He recommended acceptance of the Bond. John Knochel made a motion to accept the Performance Bond #929519927 as submitted. David Byers seconded the motion. Chapelgate Senior Apartments Performance Bond #929519927 submitted by TWG Construction LLC. in the amount of \$200,000.00 was accepted by the Board.

#### **Other Business:**

##### **Ordinance #2011-01-CMDB Uniform Fee Schedule/ Amendment of Alcohol Certification Fees**

The Surveyor presented Ordinance #2011-01-CMDB Uniform Fee Schedule Amendment of Alcohol Certification Fees for approval. The Ordinance had previously been approved in December by the Commissioners as well as Drainage Board; however the verbiage regarding alcohol permits required revision. The Amended Ordinance was processed through the Commissioners for first and second reading and required the Drainage Board approval to finalize. John Knochel made a motion to approve the Ordinance #2011-01-CMDB/Amended Uniform Fee Schedule as presented. David Byers seconded the motion. The following votes were taken: John Knochel yes/ David Byers yes/ Thomas P. Murtaugh absent. Ordinance #2011-01-CMDB Uniform Fee Schedule (Amendment of Alcohol Certification Fees) better known as "Ordinance #2011-01-CMDB Amending Tippecanoe County Code Repealing Section 155.18 Adding New Section 155.18", "Adopting an

Administrative Fee in Relation to the Certification of Alcoholic Beverage Permits by the Tippecanoe County Surveyor” was approved as submitted to the Board.

**Clarian Arnett Health Services/J. Berlowitz Regulated Drain #08 Partial Vacation Revised**

The Surveyor presented a revised order to partially vacate a portion of the J. Berlowitz#08 Regulated Drain. He explained this was previously approved by the Board in the December 8, 2010 Drainage Board meeting in relation to the Berlowitz Regional Storage Facility Agreement with Clarian Arnett Health Services and in particular the partial vacation description of said drain. The order involved the Berlowitz tile portion which was routed through the subject property only. The Attorney confirmed Order #2011-01-DB amended Order #2010-12-DB Vacating a Portion of the Berlowitz Regulated Drain in the County of Tippecanoe, Indiana. more specifically the attached document known as “Exhibit B” and the typo error therein. The Exhibit document’s instrument number therein was corrected to read **07020231**. He recommended the Board approve the Amended Order indicating the correct Instrument number. John Knochel made a motion to approve Order #2011-01-DB. David Byers seconded the motion. Order #2011-01-DB Amending Order #2012-12-DB “Vacating a Portion of the Berlowitz Regulated Drain in the County of Tippecanoe, Indiana” was approved as submitted. John Knochel made a motion to approve the Amended Order #2011-01-DB as submitted. David Byers seconded the motion. Order #2011-01-DB was approved by the Board.

**Public Comment**

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

Absent  
Thomas P. Murtaugh, President

David S Byers  
David Byers, Vice President

Brenda Garrison  
Brenda Garrison, Secretary

John Knochel  
John Knochel, Member

## Tippecanoe County Drainage Board

Minutes

April 6, 2011

Regular Meeting

### Those present were:

Tippecanoe County Drainage Board President Thomas Murtaugh, Vice President David Byers, 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. Member John Knochel was absent.

### Approval of Minutes

David Byers, made a motion to approve the March 2, 2011 Regular Drainage Board minutes as written. Tom Murtaugh seconded the motion. The March 2, 2011 Drainage Board meeting minutes were approved as written.

### SW Elliott Regulated Drain / Branch #11/Surveyor Update

President Tom Murtaugh referred to the Surveyor for an update on Branch #11 of the S.W. Elliott (Samuel W.) Regulated Drain status. The Surveyor stated his office received a Request for Relief and Release from Impact Drainage Area regarding Branch #11 of the S.W. Elliott Regulated Drain from Mr. Gary Schroeder 5650 East 700 South Lafayette Indiana 47909 which was dated February 14, 2011. He then asked if there were attendees that would like to address the Board concerning this request.

Mr. Gary Schroeder approached the Board and stated he felt all the information needed was included in the request as submitted. He noted his engineers were present and they would be happy to answer any questions the Board may have. Mr. Jerry Brand of INOK Investments approached the Board. He stated INOK Investments was a wholly owned entity which owned LB Associates. LB Associates owned a 50 acre tract located at CR 200 and SR 38. Since 1998 he has asked repeatedly for drainage improvements in this area by the County as they preferred to continue their developments within the County. At this time INOK Investments were having a problem investing in this community. They have developed 14 of the 50 acre tract presently. They constructed three buildings with a road between the years 2005-2008. During somewhere in the vicinity of 2006-2007 time period, they were told by the previous County Surveyor a remedy for their drainage issues would be in the near future. He stated he and other developers had been quite patient. He felt the delay of a resolution was impacting negatively those interested in future development at this location within the County.

The Surveyor thanked the attendees for addressing the board. He reviewed background information on Branch #11 of the S.W. Elliott Regulated Drain. He reiterated the County Surveyor's office received a Request for Relief and Release from Impact Drainage Area regarding Branch #11 of the S.W. Elliott Regulated Drain from Mr. Gary Schroeder and it was presented to the Drainage Board March of 2011. During the March meeting, the Board took it under advisement. He had reviewed the request and the following was his administrative and technical standpoints.

Administratively, the first item to discuss was history of the Drainage Impact area. The first Drainage Board meeting regarding this was held on August 5, 2009. (Referred to in the Request for Relief and Release from Impact Drainage Area document) Surveyor Murray presented a request letter at that time from Mr. Jerry Brand of INOK Investments regarding drainage improvements in this area. Historical minutes reflected the Drainage Board referred the reconstruction process to the County Surveyor for a Reconstruction Report. During the October 7, 2009 Drainage Board meeting Resolution #2009-04-DB "Establishing S.W. Elliott Branch 11 Impact Drainage Area" was presented by Surveyor Murray to the Board. He stated "The Drainage Ordinance allowed the Board to declare impact areas where there was inadequate drainage or other drainage problems. He then recommended the Board adopt Resolution #2009-04-DB in order for his office to move forward with the design and reconstruction of Branch #11 of the Samuel W. Elliott Regulated Drain. Surveyor Murray also noted it could possibly be paid for with remaining monies in the EDIT Drainage Project fund. A cost recovery could be implemented as development happened. This would assist the tax payer as they would not have to pay any monies on the reconstruction up front. Surveyor Beasley stated this plan made it clear the reason why this area was set up as a Drainage Impact Area. He also noted additional historical information was included in the Oct. 2009 minutes.

Technically, the second item the Surveyor stated was the Tippecanoe County Stormwater Drainage Ordinance requirements. He noted while reviewing this today he would address information regarding the Request for Relief and Release from Impact Drainage Area regarding Branch #11 of the S.W. Elliott Regulated Drain only. There were basically five items on the cover sheet for the Request that he would address. No. 1 pertained to the Resolution 2009-04-DB and he had given the history behind that. Item No. 3 refers to August 5, 2009 Drainage Board meeting and it actually was the October 7, 2009 Drainage Board meeting. As far as the Resolution was concerned item No. 4 should be addressed. Item No. 4 states "The Board purports to be acting under 36-9-27-36 but should be acting under 36-9-27-69" The issue to point out was the Drainage Impact Area was based on the Tippecanoe County Stormwater Drainage Ordinance specifically chapter 6 and not based on Indiana Drainage Code. The Board was not purporting to act under the Indiana Codes referred to in the Request. They were acting under the Tippecanoe County Stormwater Ordinance, specifically Chapter 6 "Permit Requirements and Procedures" Section 8 Subsection B "Determination of Impact Drainage Area". Under Subsection B the area in question was considered to be by default a drainage impact area. Item I "Floodway or floodplains designated by the most updated Tippecanoe County Code dealing with floodplain regulation. II. Land within 75 feet of each bank of any ditch within the Tippecanoe County Drainage Board's system of Regulated Drains. III. Land within 75 feet of the centerline of any drain tile or enclosed conduit within the Tippecanoe County Drainage Board's system of Regulated Drains. The last item discussed land that did not have an adequate outlet - taking into consideration the capacity and depth of the outlet. The lands may be designated as a drainage impact area by the Drainage Board. The point is by verbatim or definition of the said Ordinance, both properties being considered had at least two of these issues with a county subsurface tile and also a county regulated open ditch. The areas of concern today by definition and default were drainage impact areas. The acreage outside of the areas just discussed would fall under -land that does not have an adequate outlet- taking into consideration the capacity and depth of the outlet statement within the Ordinance. The Surveyor referred to the Board's Engineer Consultant Dave Eichelberger for explanation regarding land with inadequate outlet.

Mr. Eichelberger stated the area in question was determined to have an inadequate outlet for three conditions. The topography was such that it does not provide for an adequate outlet. The soil types were not conducive to adequate storm water drainage. The capacity within the regulated drain was not adequate. He went on to explain the reasoning behind his conclusions. Utilizing GIS with two exhibits of the areas (tracts north and south of SR38) in question, he noted ponding on both tracts as well as ponding in the area adjacent to County property before breaking out and continuing to the F-Lake Regional Basin. Due to present topography, there was an area within the south tract which entered into the Branch #11 tile of the aforementioned drain. In the Request for Relief and Release from Impact Drainage Area, it was stated the tract south of SR38 was tributary to the S.W. Elliott Ditch. However at this time the information at hand suggested that it actually did enter into the Branch #11 tile. The fill area (put in years ago) definitely flowed into Branch #11. On the issue of topography; the tracts ponded on the north and south side of SR38 up to four feet deep on the south side and along the west property edge around the central portion of the south tract there was another depressional area that seemed to be the recipient of all the runoff. The south and north sides of SR38 tracts were reviewed. Also the capacity of the (12 or 15 inch) old agricultural tile was inadequate to be used as an outlet for commercial or industrial development. The capacity would be minimal and condition of this tile was in question. This regarded the insufficiency of regulated drain tiles. The soil types were not conducive to removing the runoff or drainage. From their standpoint when this resolution was written, the watershed was determined. He felt confident the watershed was indicative where the storm water runoff would flow with information at their disposal and the technical issues provided in 2009 were still appropriate.

The Surveyor then referred back to the county drainage ordinance and read out loud chapter 7 Enforcement and specifically Item 7 Appeals, No. B; The granting of the relief requested will not prevent the goals and purposes of this Ordinance, nor result in less effective management of storm water runoff. The Surveyor stated "In conclusion we discussed the history, the administrative issues regarding the Ordinance and the technical details of what the Resolution of the Drainage Impact area stated and the thought process behind that. Based on everything discussed it is my professional recommendation to the Board that the Board reject this request.

The Attorney stated it was helpful to put in context that in this case the status of the S.W. Elliott Drain was that some years ago it was classified as a drain in need of reconstruction by the Drainage Board. Then on August 5, 2009 it was referred to the Surveyor for a reconstruction report. That is where it is currently. The Surveyor's job presently was to determine from an engineer's standpoint what would be required to reconstruct the drain so it would adequately drain the watershed as it was intended to do. When the Surveyor has completed the engineering report, he would file it with the drainage board and then the board would make the determination if benefits outweigh the damages. If so, the assessment to the landowners within the watershed would be determined and filed for review. The attorney explained and discussed in detail drain assessment fees for an urban drain (S.W. Elliott determined previously to be an Urban Drain) versus regional detention storage fees. Discussion was also held between the Board and attendees regarding the possible use of EDIT monies to partially pay for reconstruction

of the project as previously considered. He noted the regional detention fees would be required from the developer as land was developed for each project. If land remained undeveloped there would be no regional detention fees to the landowner. Responding to Mr. Schroeder's statement he had no plans to develop his tracts, the attorney reiterated only as the land was developed would there be cost for storage in the regional detention facility.

Mr. John Brand approached the board and discussed the separate fee issues regarding drain maintenance assessment fees, reconstruction costs and regional detention fees. He stated he understood a developer would not be required to pay a detention storage fee until the land was developed. The attorney reviewed again the process for drain assessment fees and stated they would not be required until a reconstruction hearing was held and the Board was presented the report of benefits and damages from the Surveyor. At that time the assessment would be determined. Within a Drainage Impact area the detention storage fee would be required at the time of development of a tract within the drainage impact area. This was a per cubic feet fee pre determined by the Ordinance. He also noted there could be instance where there would be a combination of both a reconstruction fee assessment as well as a detention storage fee (per cubic feet) depending on the reconstruction plan submitted and approved by the Board.

Tom Murtaugh stated the Board's task today was to act on the Request for Relief and Release from Drainage Impact Area submitted to the Drainage Board through the Surveyor Office by Mr. Gary Schroeder. He then asked for any further public comment for the Board.

Mr. Gary Schroeder approached the Board again. He requests that the Request for Relief and Release from Drainage Impact area were be part of the Public record. It is included directly below:

STATE OF INDIANA )  
 )SS:  
COUNTY OF TIPPECANOE )

BEFORE THE TIPPECANOE  
COUNTY DRAINAGE BOARD

IN RE RESOLUTION  
2009-04-DB

TIPPECANOE COUNTY  
SURVEYOR OFFICE

REQUEST FOR RELIEF AND RELEASE  
FROM IMPACT DRAINAGE AREA

FEB 14 2011

Gary Schroeder, petitioner herein and agent for or owner of land described or pictured on Exhibit A attached hereto, respectfully requests the areas of his land South of SR 38 and North of SR 38 be excluded from the Impact Drainage Area as described in Resolution 2009-04-DB and submits to the Board the report of his engineering consultants who have reviewed and analyzed the area and have new engineering opinion unavailable at the time of the Resolution.

1. Resolution 2009-04-DB is attached as Exhibit B;
2. Engineering findings of TBird is attached as Exhibit C;
3. The minutes of the approving meeting of Resolution are devoid of evidence or reports substantiating the Resolution (August 5, 2009) and quantifying benefits and damages;
4. The Board purports to be acting under 36-9-27-36 but should be acting under 36-9-27-69;
5. The Board attention is drawn to Exhibit D and E, wherein by Counsel, your petitioner filed concerns and as of the date hereof the Board has made no official response.

The substance of this petition is that no engineering reason exists, nor is there general public benefit and the inclusion of the petitioner's land in the impact area is improper, unsupported by facts and law and the land should be excluded.

Gary Schroeder, Trustee for  
WW Schroeder Land Trust and  
Co-owner with Loren, Kevin and Donita  
Schroeder

STATE OF INDIANA )  
 )SS:  
COUNTY OF TIPPECANOE )

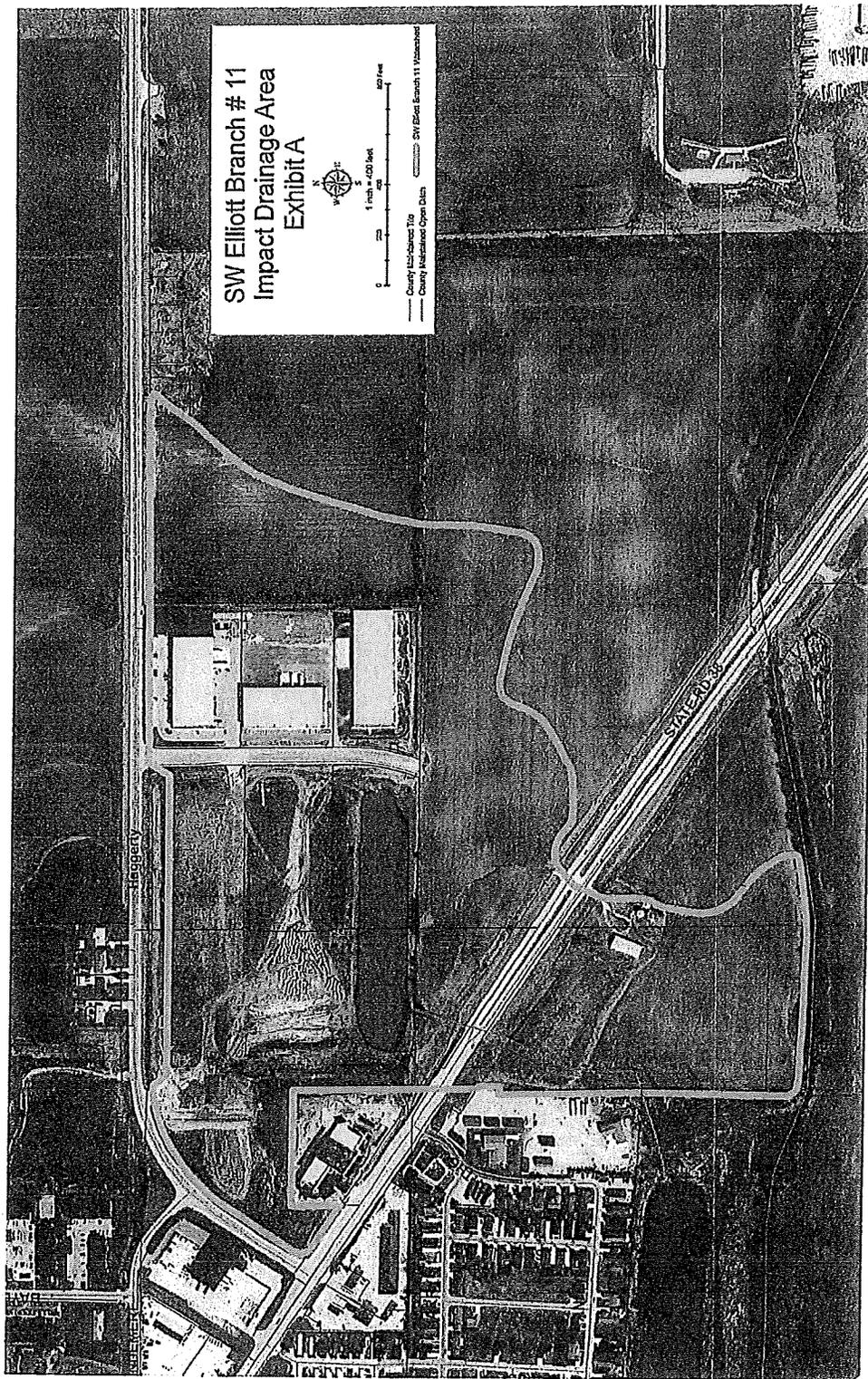
Subscribed and sworn to before me this 11<sup>th</sup> day of February, 2011.

My Commission Expires:

Sept. 17, 2016

Name Printed: Kelli Angstadt  
Residing in Tippicanoe County





Ex B

2009-04-DB

**RESOLUTION ESTABLISHING S.W. ELLIOTT BRANCH 11  
IMPACT DRAINAGE AREA**

WHEREAS, the Tippecanoe County Comprehensive Stormwater Management Ordinance as established by Ordinance No. 2005-04-CM authorizes the Tippecanoe County Drainage Board to classify certain geographical areas as Impact Drainage Areas and to enact and promulgate regulations in respect thereto; and

WHEREAS, the Tippecanoe County Drainage Board has considered the topography, soil type, capacity of existing regulated drains and distance from adequate drainage facilities with respect to the geographical area referred to herein as the S.W. Elliott Regulated Drain Branch #11 Impact Drainage Area and more fully described on Exhibit A attached hereto and by reference made a part hereof; and

WHEREAS, the Tippecanoe County Drainage Board has found and determined that the topography of the S.W. Elliott Regulated Drain Branch #11 Impact Drainage Area generally fails to provide a positive outlet for water drainage to the S.W. Elliott Regulated Drain; that the soil types identified in the S.W. Elliott Regulated Drain Branch #11 Impact Drainage Area are not conducive to adequate storm water drainage; and the capacity of existing regulated drains within the geographical area described on Exhibit A is insufficient to provide adequate storm water drainage in the S.W. Elliott Regulated Drain Branch #11 Impact Drainage Area; and

WHEREAS, the Tippecanoe County Drainage Board has found and determined that the S.W. Elliott Regulated Drain Branch #11 Impact Drainage Area is inadequate to adequately convey the stormwater run-off to the existing F-Lake Regional Detention Pond. In order to provide a positive outlet for the watershed both north and south of State Road 38, it is necessary to improve the regulated drain system by constructing a new regulated drain crossing under State Road 38, constructing improvements to the regulated drain from north of State Road 38 to the existing F-Lake Regional Detention Pond, and constructing other improvements to the regulated drain; and

WHEREAS, the Tippecanoe County Drainage Board has found and determined that the protection of the public health and general welfare requires the imposition of special requirements for development within the S.W. Elliott Regulated Drain Branch #11 Impact Drainage Area.

NOW, THEREFORE, BE IT RESOLVED, that the geographical area more fully described on Exhibit A attached hereto and by reference made a part hereof be and it is hereby designated as an Impact Drainage Area pursuant to Chapter 6, Section 8 of the Tippecanoe County Drainage Code and shall be known as the S.W. Elliott Regulated Drain Branch #11 Impact Drainage Area.

BE IT FURTHER RESOLVED that in addition to complying with all other requirements of the Tippecanoe County Drainage Code, any subdivider, property owner, developer, or contractor, as a condition of approval of any new business, commercial and industrial development, residential subdivision, planned unit development, and any redevelopment or other new construction located within the S.W. Elliott Regulated Drain Branch #11 Impact Area shall comply with such further and more restrictive stormwater quantity and quality measures than those set forth in the Tippecanoe County Drainage Code or in the Indiana Stormwater Quality Manual as the Drainage Board may from time to time determine to be required to meet the purposes of the Tippecanoe County Drainage Code, which may include, without limitation thereby, the following:

- A. All storm water drainage control systems within the S.W. Elliott Regulated Drain Branch #11 Impact Area shall participate in the F-Lake Regional Detention Basin.
- B. Each storm water drainage system within the S.W. Elliott Regulated Drain Branch #11 Impact Area shall provide a positive outlet to the F-Lake Regional Detention Basin.
- C. The developer of each storm water drainage control system within the S.W. Elliott Regulated Drain Branch #11 Impact Area shall petition to establish all internal drainage facilities as regulated drains and as condition of approval may be required to waive its right to remonstrate against higher rates for reconstruction thereof.
- D. The developer of each storm water drainage control system within the S.W. Elliott Regulated Drain Branch #11 Impact Area shall as condition of approval consent to such reconstruction of the S.W. Elliott Regulated Drain Branch #11 as may

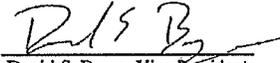
from time to time be required.

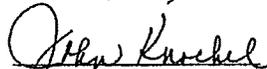
- E. All future developments within the S.W. Elliott Regulated Drain Branch #11 Impact Drainage Area may be required to pay a pro-rated share, as determined by the Tippecanoe County Drainage Board, of the cost of reconstruction the S.W. Elliott Regulated Drain Branch #11.

PASSED AND ADOPTED THIS 7<sup>th</sup> day of October, 2009.

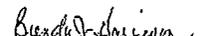
TIPPECANOE COUNTY DRAINAGE BOARD

  
Thomas P. Murtaugh, President

  
David S. Byers, Vice President

  
John Knochel, Member

ATTEST:

  
Brenda Garrison, Secretary

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Exc.

Engineering • Surveying • Environmental • Construction Management

February 11, 2011

Tippecanoe County Drainage Board  
c/o Tippecanoe County Surveyor  
20 North Third Street  
Lafayette, Indiana 47901

Re: Resolution 2009-04-DB – S.W. Elliott Branch 11 Impact Area

Dear Members of the Tippecanoe County Drainage Board,

For more than three years, TBIRD Design Services, Corp. has been involved with storm drainage for the property served by the S.W. Elliott Branch 11. TBIRD has been specifically acting as consultant to Gary Schroeder to review and analyze storm drainage impacts to property owned by Mr. Schroeder both north and south of State Road 38, portions of which are currently designated as an Impact Drainage Area (Resolution 2009-04-DB). TBIRD has been asked by Mr. Schroeder to offer engineering guidance regarding the application of the Impact Drainage Area based on the Resolution statement "S.W. Elliott Branch 11 is inadequate to adequately convey the stormwater run-off to the existing F-Lake Regional Detention Pond."

The Resolution involves the singularly described area of "the watershed both north and south of State Road 38", however this area will be discussed as north and south separately.

#### Area South of State Road 38

The area owned by Mr. Schroeder south of State Road 38 and in the S.W. Elliott Branch 11 watershed is not lacking stormwater capacity of existing drains in its present condition. Furthermore, the F-Lake detention facility is located adjacent to his property. As this property currently is configured, future stormwater capacity will be obtainable and will remain available to Mr. Schroeder on his own property. TBIRD is of the opinion that the Resolution improperly included this area in its Impact Drainage Area for the stated cause of "S.W. Elliott Branch 11 is inadequate to adequately convey the stormwater run-off to the existing F-Lake Regional Detention Pond."

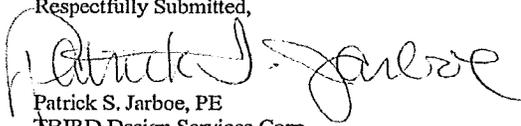
#### Area North of State Road 38

The area owned by Mr. Schroeder north of State Road 38 and in the S.W. Elliott Branch 11 watershed is not lacking stormwater capacity of existing drains in its present condition. Furthermore, there is no current need of stormwater improvements to his property to facilitate unknown future uses. Should Mr. Schroeder have a future development plan, this area would have several options for stormwater management which may or may not be adequately served by constructing improvements to the regulated drain. Mr. Schroeder would have the obligation to meet stormwater ordinances which are applicable at the time of development. Assuming a future development plan would be able to obtain a permit from INDOT to cross State Road 38 with a storm pipe, Mr. Schroeder would be able to run a stormwater system through his own land to the F-Lake detention facility

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located adjacent to his property. As his property currently is configured, future stormwater capacity will be obtainable and will remain available to Mr. Schroeder on his own property. TBIRD is of the opinion that the Resolution improperly included this area in its Impact Drainage Area for the stated cause of "S.W. Elliott Branch 11 is inadequate to adequately convey the stormwater run-off to the existing F-Lake Regional Detention Pond."

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Patrick S. Jarboe". The signature is written in a cursive style with a large initial "P".

Patrick S. Jarboe, PE  
TBIRD Design Services Corp.

He further stated land north of SR 38 was in a trust and the land south of SR38 was jointly owned by his brother and sisters and himself. He would be speaking for all of them today. He stated he had been farming for a long time and they had many farms. This farm was the best draining farm they had. It butts up to S.W. Elliott ditch they were not requesting any improvement in drainage. He stated their farm was rural land under the definition of statute and he did not believe it met the statute of urban land definition. He stated the WW. Schroeder Land Trust north of SR38 individuals were not developers and never did have plans to develop nor do they plan to develop. The intention for the foreseeable future was to continue to farm the land. And the tract south of SR38 was the same intentions. This tract butts up against F-Lake Regional Detention Storage and this was part of the reason for the request to remove from the impact area. He stated he thought this reconstruction was a result of land change to the north of SR38. He understood the Board had a right to reclassify it as an urban drain and the right to reconstruct the drain. However there were procedures in Indiana Code that addressed benefits and damages of a drain reconstruction. He reiterated he did not feel the tracts in question met the definition of a drainage impact area. He stated he did not feel the farm had drainage problems as he has had no ponding or loss of crops. Responding to Mr. Byers' inquiry, the Surveyor stated a reconstruction fee for the tile reconstruction would be assessed to all landowners within the watershed to include Mr. Schroeder. However this was not the same as a detention storage fee and the assessment fee would only be determined when the plan and report for the reconstruction of the tile itself was submitted to the Board for consideration. The way it exists now as a drainage impact area, it required any developer to pay (per cubic feet) a detention storage fee. Reconstruction of the branch would route storm water runoff to the detention facility. This was the reason F-Lake Detention Facility was constructed in the first place. The attorney noted he did not want anyone to leave the meeting thinking if their land lies within the S.W. Elliott Regulated drain and reconstruction was completed in the future they would not be included in the reconstruction or maintenance assessment as determined by a drainage board.

The Surveyor responded to Mr. Schroeder's inquiry and stated that benefits and damages were covered by the Indiana Code. The local County Ordinance governed the Drainage Impact Areas and Stormwater Detention Fees. The intent was to be as fair as possible to all parties involve. His intentions were to review the present conditions of the tile and the watershed and present his report to the Board. At that time it would be the Board's responsibility to consider his recommendations within the report. Replying to Mr. Schroeder's inquiry, Mr. Luhman responded that he would encourage the Board to follow the law. Indiana Drainage Code does set forth the procedures to follow for reconstruction/maintenance of a regulated drain as well as additional procedures for an Urban Drain and that would be the guidelines. Mr. Schroeder stated he felt the way to be fair to all parties would be to follow the procedures as outlined in the code and felt it was the procedure to use regarding benefits and damages for the reconstruction. He continued the code outlining benefits and damages was what prompted him to submit the request. He felt his land south of SR38 did not meet the test. He had farmed it for 30 years and reconstruction of Branch #11 S.W. Elliott Drain would not improve his drainage there. He understood about F-Lake and understood the separation of the two fees. He stated he looked at impact fees for when he sells it and the next developer would have to pay. The tract it already had a large impact fee for the S.I.A. storm sewer. IN his opinion, If another impact fee was added they would still have the land and it would make it noncompetitive. He stated he did not feel there was a need for a new pipe under SR38 and if any it would only marginal benefit his tract. The Attorney noted this was not an impact fee. The Drainage Board had not imposed an impact fee and did not have an ordinance in place that required an impact fee. Mr. Murtaugh stated he thought that the land south of SR38 was undevelopable in the present condition without the reconstruction of Branch #11 of aforementioned drain.

Mr. Schroeder stated he misspoke the "impact fee was actually a cost recovery fee for S.I.A. He felt the Board would not know what the Stormwater needs would be until the land north of SR38 was developed and felt the Board was just guessing. Pat Jarboe with TBIRD design approached the Board and stated he was speaking on the engineering only for his client Mr. Schroeder. He stated he had read the resolution and thought the specific purpose was a lack of capacity underneath SR38. He assumed a lack of capacity to develop. He noted his firm had come up with solutions for other projects with similar issues that were not located within a drainage impact area. Reviewing the site he felt it was not a difficult site. He stated the south side of SR38 was not-by calculation-inhibited by storm water design in this case. He stated the south side of SR38 had no engineering restrictions that could not be addressed in his professional opinion. The north side of SR38 would have some issues regarding routing the storm water under SR38. This was the purpose of their letter drafted and included with the request. He felt both lands on the south and north side of SR38 belonging to the Schroeder's could be developed by typical engineering means. He did not feel including them in the Drainage Impact Are was relevant if that was the sole purpose of doing so. He stated his firm had calculations that could be reviewed and supplied at any time regarding the said properties drainage.

Jerry Brand INOK Investments again approached the board. He stated INOK investments were in the development business and that was their only business. He stated he had worked with Mr. Murray numerous times and had previously developed the 14 acres existing at the location. He noted they were at a standstill and asked the Board to make a determination in order to move forward with development. INOK Investments felt 13 years was more than being quite patient. He reiterated from a

standpoint of development they were greatly restricted due to the present condition. He requested a timeframe from the Board. They were unable to provide quotes on the ground due to the uncertainty. He had several inquiries coming out of Lafayette Progress office. Prior to Mr. Murray's death and in 2006 they were told it would be no more than 2 or 3 years. He asked that the Board not only take his opinion but the people who vote for them as well in making this decision. They would like to see the development continue.

Mr. Murtaugh stated the process for reconstruction had begun and the report was in process by the Surveyor. The Surveyor stated he had a preliminary report at this time. He was in the process of speaking with appraisers to determine the benefits and damages portion of the report. He was informed due to their schedule it could be two or three months before they would be able to do the work. His hope was to present the reconstruction report to the Board this fall. He felt it had gone on for quite some time and wanted to move it forward as well. He was working on it diligently and felt that was the most honest answer he could provide. The holdup at this time was obtaining the appraisals. Responding to Mr. Brand's inquiry, the Surveyor noted there was no time frame regarding the State Highway's responsibility to provide an adequate culvert under SR38. By Indiana Code the State Highway held the responsibility for drain construction (placement of adequate culvert in this case) within their right of way. They either replace the culvert themselves or the Surveyor contracts it out and sends the bill to the state for payment. They must pay 100% within their right of way. He stated he recently had been contacted by INDOT specifically the Crawfordsville district requesting any drain projects within Tippecanoe County foreseeable in the 5 year future. This project was included on the list. He was confident they knew about the upcoming project. He was not sure if the district had done this historically however he submitted the requested information to them as requested.

Responding to Mr. Byers, the attorney stated there were two issues to address. One was to either amend the Resolution 2009-04-DB Establishing S.W. Elliott Branch 11 Impact Drainage Area or ratify and confirm Resolution 2009-04-DB Establishing S.W. Elliott Branch 11 Impact Drainage Area. The second issue was to address the Request for Relief and Release from Impact Drainage Area regarding Branch #11 of the S.W. Elliott Regulated Drain submitted by Mr. Gary Schroeder. This would require carving out the Schroeder properties from the Drainage Impact area as previously established.

Mr. David Byers made a motion to approve Resolution 2011-02-DB Ratifying and Confirming Resolution 2009-04-DB Establishing S.W. Elliott Branch 11 Impact Drainage Area. Mr. Murtaugh seconded the motion. This would confirm the establishment of the impact area. It was amended to clarify that by designating it an impact area, the additional restrictions discussed in the resolution were not mandatory or imposed today, but there were examples of restrictions which may be imposed in the future with respect to future developments in the area. (He reiterated this had NOTHING to do with reconstruction of the drain. This had to do with reviewing a project for onsite detention controlled runoff etc.) Due to this being a drainage impact area it may be required to participate in the F-Lake Detention Storage Facility. A positive outlet to be provided to F-Lake may be required. They may make onsite drainage improvements a regulated drain. They may consent to the future reconstruction to the Branch 11 of said drain. If determined they may be required to pay for the reconstruction on a pro rated share. These were examples of types of restrictions which could be imposed to developers. The Resolution 2011-02-DB Ratifying and Confirming Resolution 2009-04-DB Establishing Samuel W. Elliott Branch 11 Impact Drainage Area was approved. Responding to Mr. Schroeder's inquiry, the attorney noted this did not change the boundaries of the impact area it only confirmed the previous resolution as such. It was clearer on the types of restrictions that may be imposed in the future.

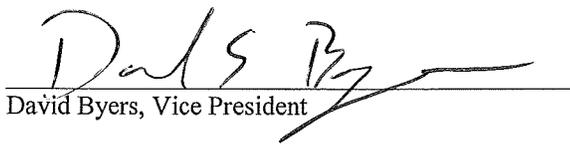
Mr. Byers made a motion to reject the Request for Relief and Release from Impact Drainage Area regarding Branch #11 of the S.W. Elliott Regulated Drain submitted by Mr. Gary Schroeder. Tom Murtaugh seconded the motion. The Request for Relief and Release from Impact Drainage Area regarding Branch #11 of the S.W. Elliott Regulated Drain submitted by Mr. Gary Schroeder was rejected by the Board.

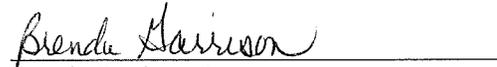
### **Public Comment**

Gary Schroeder approached the Board and stated he would like to submit the calculations determined by TBIRD Designs for the record. He stated Mr. Murray stated the reason for an impact area to be determined was to get away from benefits and damages. The attorney stated he did not know what Mr. Murray had said but the impact area was really more addressed to approving development plans in his opinion than how the reconstruction is handled. These were two separate issues.

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

  
Thomas P. Murtaugh, President

  
David Byers, Vice President

  
Brenda Garrison, Secretary

ABSENT  
John Knochel, Member

# Tippecanoe County Drainage Board

## Minutes

June 30, 2011  
Special Meeting

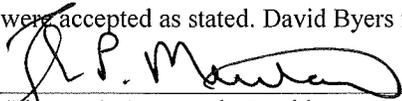
### Those present were:

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

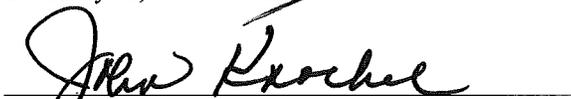
### Regulated Drain Projects

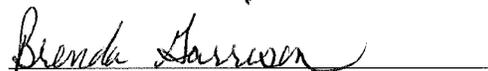
The meeting was brought to order by Mr. Murtaugh. He stated the only item on the Agenda was to open quotes for upcoming projects under \$25,000.00. The following projects were under consideration: Michael Binder #10 Regulated Drain, Fred Haffner #34 Regulated Drain, Harrison Meadows #37 Regulated Drain, Franklin Yoe #90 and the S.W. Elliott Treece Meadows Relief Branch #100. The attorney noted he would open the quotes from each Contractor as they had submitted. The first quotes were submitted from Tony Garriott and the attorney read them in the order as stated: M. Binder #10 Regulated Drain \$7000.00, F. Haffner #34 Regulated Drain \$12,500.00, H. Meadows #37 Regulated Drain \$10,031.00, F. Yoe #90 Regulated Drain \$2,100.00, Treece Meadows Branch of the Samuel W. Elliott #100 Regulated Drain \$20,475.00. The next submission was from Lauramie Excavating and was read as stated: Treece Meadows Branch of the Samuel W. Elliott #100 Regulated Drain \$5,600.00, F. Yoe #90 Regulated Drain \$1,800.00, F. Haffner #34 Regulated Drain \$11,745.00, M. Binder #10 Regulated Drain \$5,410.00, there was no quote for the Harrison Meadows #34 Regulated Drain. The next submission was from Rinehart Excavating and was read as stated: Treece Meadows Branch of the Samuel W. Elliott #100 Regulated Drain \$12,600.00, M. Binder #10 Regulated Drain \$5,880.00, F. Yoe #90 Regulated Drain \$1,740.00, F. Haffner #34 Regulated Drain \$16,575.00, there was no quote for the Harrison Meadows #34 Regulated Drain. The next submission was from Cheesman Inc. and read as stated: M. Binder #10 Regulated Drain \$6,500.00, F. Haffner #34 Regulated Drain \$13,620.00, Harrison Meadows #34 Regulated Drain \$9,795.00, F. Yoe #90 Regulated Drain \$3,600.00, Treece Meadows Branch of the Samuel W. Elliott #100 Regulated Drain \$6,000.00. The next submission was from Fairfield Contractors Inc. and was read as stated: M. Binder #10 Regulated Drain- Time and Material with cost sheets for equipment rental rates and other rates with no operator attached, F. Haffner #34 Regulated Drain- Time and Material with cost sheets as aforementioned, H. Meadows #37 Regulated Drain- Time and Material with cost sheets as aforementioned, F. Yoe #90 Regulated Drain- Time and Material with cost sheets as aforementioned, Treece Meadows Branch of the Samuel W. Elliott #100 Regulated Drain- Time and Material with cost sheets as aforementioned. There were no fixed amounts submitted by Fairfield Contractors Inc. Responding to Mr. Murtaugh' inquiry, the attorney stated since the Surveyor's request was for prices and not time and materials - these quotes would be non responsive. The next submission was from Birge Farm Drainage and read as stated: M. Binder #10 Regulated Drain \$8,400.00, F. Haffner #34 Regulated Drain \$10,500.00, F. Yoe #90 Regulated Drain \$8,400.00, there were no quotes for the Treece Meadows Branch of the Samuel W. Elliott #100 Regulated Drain and the Harrison Meadows #37 Regulated Drain quote was not included. The next submission was from Wise Farm Management Corp. and included only one quote for the F. Yoe #90 Regulated Drain in the amount of \$1,320.00. These were the quotes which were received for the projects as listed. The attorney noted all quotes were submitted on the forms provided by the Surveyor's office except where noted (Fairfield Contractors Inc.).

The attorney noted the following lowest quotes were submitted as stated previously: F. Haffner #34 Regulated Drain from Birge Farm Drainage in the amount of \$10,500.00, M. Binder #10 Regulated Drain from Lauramie Excavating in the amount of \$5,410.00, Harrison Meadows #37 Regulated Drain from Cheesman Inc. in the amount of \$9,795.00, F. Yoe #90 Regulated Drain from Wise Farm Management Corp. in the amount of \$1,320.00, Treece Meadows Branch of the Samuel W. Elliott #100 Regulated Drain from Lauramie Excavating in the amount of \$5,600.00. The Surveyor noted one reason for the differences in prices was due to the time restraints, the Surveyor's office did not have a chance to type the specifications for each project and provide those to the contractors. Therefore they each gave him a rough estimate on the projects. He did speak with each individual contractor and inform them what was to be accomplished with each project. David Byers made a motion to accept the lowest quotes for the drainage projects as aforementioned. John Knochel seconded the motion. The F. Haffner #34 Regulated Drain from Birge Farm Drainage in the amount of \$10,500.00, M. Binder #10 Regulated Drain from Lauramie Excavating in the amount of \$5,410.00, Harrison Meadows #37 Regulated Drain from Cheesman Inc. in the amount of \$9,795.00, F. Yoe #90 Regulated Drain from Wise Farm Management Corp. in the amount of \$1,320.00, Treece Meadows Branch of the Samuel W. Elliott #100 Regulated Drain from Lauramie Excavating in the amount of \$5,600.00 were accepted as stated. David Byers made a motion to adjourn. The meeting was adjourned.

  
Thomas P. Murtaugh, President

  
David Byers, Vice President

  
John Knochel, Member

  
Brenda Garrison, Secretary

## **Tippecanoe County Drainage Board**

### **Minutes**

**July 6, 2011**

### **Regular Meeting**

#### **Those present were:**

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

#### **Approval of Minutes**

David Byers made a motion to approve the June 1, 2011 Regular Meeting minutes, the June 1, 2011 J. Hengst, J. Blickenstaff Regulated Drains Special Hearings and the June 30, 2011 Special Drainage Board meeting minutes as written. John Knochel seconded the motion. The June 1, 2011 Regular Meeting minutes, the June 1, 2011 Special Hearing minutes regarding the J. Hengst and J. Blickenstaff Regulated Drains and the June 30, 2011 special Drainage Board meeting minutes were approved as written.

#### **Romney Dollar General Store**

Dale Kruse of Kruse Consulting Inc. 7384 Business Center Drive Avon Indiana appeared before the Board to request final approval of the Romney Dollar General Store. The site was located southwest of the intersection at SR28 and US 231 in the town limits of Romney Indiana which consisted of approximately 1.3 acres. On and off-site storm water would outlet to the existing storm sewer along S.R. 28. John Galloway, previous owner of tract owned the surrounding tracts. Mr. Kruse stated they were working together on the offsite Drainage Easement required regarding the route of the runoff. He would submit the finalized easement at a future date. They would meet today onsite to work out any issues of the easement. Underground detention would be stored in pipes located under the parking lot. At that time he requested final approval. The Surveyor reiterated the easement must be obtained and recorded as he would not sign off on the plans until this was completed. He then recommended final approval with the conditions as stated within the June 30, 2011 Burke memo to include the recorded easement condition. There was no public comment. David Byers made a motion to grant final approval with the conditions as stated in the June 30, 2011 Burke memo which included the condition of a recorded drainage easement from the adjoining landowner Mr. Galloway. John Knochel seconded the motion. The Dollar General store in Romney was granted final approval with the conditions as stated in the June 30, 2011 Burke memo which included the condition of a recorded drainage easement from the adjoining landowner Mr. Galloway.

#### **Nanshan America Advanced Aluminum Technologies**

Mr. Jim Pence from Schneider Corporation Inc. appeared before the Board to request final approval for the Nanshan America Advanced Aluminum Technologies project. The project was located within the City of Lafayette's limits. The actual development would be approved by the City. The Drainage Board was responsible for the approval of drainage only. This project lied within the Upper J.N. Kirkpatrick Impact Drainage Area and the S.W. Elliott's Ditch Priority Watershed. The site was located on the southwest corner of the intersection at U.S. 52 and C. Rd. 350 South (Veterans Memorial Parkway) and consisted of approximately 51.75 acres. Mr. Pence sated they agreed with the Burke memo conditions as stated in the June 21, 2011 Burke memo and requested final approval at that time. The Surveyor stated mass earthwork and grading was presented and granted approval by the Board in the June meeting. A Petition to Encroach on the J.N. Kirkpatrick Regulated Drain during the interim and as a permanent condition was approved at that time as well. He noted the Board's approval today regarded the special discharge rate into the J.N. Kirkpatrick Open Ditch. He stated this project was in compliance with the restricted rate and recommended approval with the conditions as stated on the June 21, 2011 Burke memo. There was no public comment. David Byers made a motion to grant final approval for Nanshan America Advanced Aluminum Technologies with the conditions as stated in the June 21, 2011 Burke memo. John Knochel seconded the motion. The Nanshan America Aluminum Technologies was granted final approval with the conditions as stated in the June 21, 2011 Burke memo.

#### **Hawthorne Villas**

Jim Pence from Schneider Corporation Inc. appeared before the Board to request final approval of Hawthorne Villas. Mr. Pence stated the site was located south of the intersection of C. Rd. 50 South and C. Rd. 550 East on the west side and approximately 37.67 acres. The site would drain to the J. Berlowitz Regulated Drain via storm sewers, swales and two dry detention facilities. Mr. Pence stated this project was brought before the Board in 2003 as a single family residential site. The developer has revised those plans to an 89 unit duplex condominium project. Pursuant to the signed 2006 Storage Fees Agreement with the developer, 2.63 acre feet of detention storage would be credited. This would leave 1.37 acre feet of storage credit for the Hawthorne Villas site to be used as directed by the agreement. Mr. Pence stated they were requesting a

variance to the required 80% TSS removal. He proposed several BMP measures such as vegetated swales, two dry detention ponds, a filter strip and stormwater quality measures to treat stormwater runoff. The current TSS removal percentage planned was at 77% so he felt it was adequate. Responding to Mr. Murtaugh' inquiry, Mr. Pence stated there was an entrance constructed from C. Rd. 50 South based on the project proposed in 2003. They have kept that entrance for this project. At the Surveyor's request Mr. Pence stated the following: Based on the Berlowitz Regional Facility, there was an overflow berm along the south side of Co. Rd. 50 South which was constructed higher than the 100 year elevation requirement. He also noted there were no building pads less than 46.6 feet onsite. He noted an extra foot of freeboard (height above 100 year elevation requirement) was added based on the worst case scenario. The Surveyor stated he felt they had gone above and beyond the building pad elevation requirement as their lowest elevation was approximately 3 feet above the requirement. He reiterated the BMP measures regarding this request were a good faith effort to accommodate the percentage. He referred to Mr. Eichelberger to elaborate. Mr. Eichelberger reiterated the aforementioned and stated he felt they had made a good faith effort in this case and saw no problem with the requested variance. The Surveyor then recommended final approval with the conditions as stated in the June 29, 2011 Burke memo in with the amendment to condition #2 under "Variances/Encroachments" concerning replacement of the stated 80% TSS removal to 77% TSS removal as requested. There was no public comment. David Byers made a motion to amend Condition #2 under "Variances/Encroachments" as aforementioned within the June 29, 2011 Burke memo and grant the variance as requested. John Knochel seconded the motion. Condition #2 under Variances/Encroachments on the June 29, 2011 Burke memo was amended to read 77% TSS removal. David Byers made a motion to grant the Variance as amended. John Knochel seconded the motion. The requested variance was granted with the amendment. David Byers made a motion to grant final approval with the conditions as stated and amended on the June 29, 2011 Burke memo. John Knochel seconded the motion. Hawthorne Villas was granted final approval with the conditions as stated and amended on the June 29, 2011 Burke memo. The Surveyor then presented a Petition to Encroach on the Berlowitz Regional Facility as well as a Petition to Vacate Branch #10 of the Berlowitz Regulated Drain for Hawthorne Villas and recommended approval. David Byers made a motion to approve the Petition to Encroach on the Berlowitz Regional Facility as well as approve the Petition to Vacate Branch#10 of the Berlowitz Regulated Drain. John Knochel seconded the motion. The Petition to Encroach on the Berlowitz Regional Facility as well as the Petition to Vacate Branch #10 of the Berlowitz Regulated Drain was approved as presented.

### **Hawthorne Gardens**

Clem Kuns from TBird Designs Inc. appeared before the Board to present Hawthorne Gardens for final approval. The site was located west of C. Rd. 550 East and north of McCarty Lane and consisted of approximately 12.2 acres. A multifamily apartment complex was planned for this site. This site was filled with soil excavated from the Berlowitz Regional Detention Facility located along the north boundary. Currently the drainage pattern routes to the northwest directly into the Berlowitz Regional Facility via a storm sewer system with a small portion of runoff to C. Rd. 550 East ditch. An infiltration trench would provide a measure of detention and a vegetative swale was planned for storm water quality. Pursuant to the signed 2006 Storage Fees Agreement with the developer, this site was identified under the stated "R-3 West of CR 550 East" and 1.73 acre feet of detention storage would be credited for this project site. A total of 1.27 acre feet of credit remained for a remaining portion of the "R-3 West of CR 550 East" to be used as directed by the signed agreement. The developer submitted a Petition to Vacate Branch #6 of the Berlowitz Regulated Drain which served this site only and flowed from south to north within the site. The developer had also submitted a Petition to Encroach on the Berlowitz Regulated Drain. Mr. Kuns stated in all cases all storm water flows were restricted onsite up to the 100 year requirement before it would overtop the bank of the Berlowitz Regional Facility with the exception of a small amount of sheet flow from the rear of the lots. He noted there were two Drain Petitions included with this project. A Petition to Encroach on the Berlowitz Regulated Drain as well as A Petition to Vacate Branch #6 of the Berlowitz Regulated Drain. He stated they were in agreement with the June 29, 2011 Burke Memo and requested final approval for the project as well as approval for the Petitions as presented. The Surveyor stated this project site was higher in elevation than the Hawthorne Villas site approved by the Board. He reiterated the 100 year elevation in the hammerhead pond was 643.75 and this site's elevation was over five feet higher than that elevation. He noted Branch #6 of the Berlowitz drain was an old tile approx. 8-10 inch to be vacated and tied into the storm sewer. The Petition to Encroach involved two outlets that encroached upon the Berlowitz Regional Detention Facility and Tippecanoe County actually owned the property it was not just a drainage easement. He then recommended approval of Hawthorne Gardens with the conditions as stated on the June 29, 2011 Burke memo as well as approval for the Petitions as presented to the Board. There was no public comment. David Byers made a motion to grant approval of the Petition to Encroach upon the Berlowitz Regional Facility as well as the Petition to Vacate Branch # 6 of the Berlowitz Regulated Drain. John Knochel seconded the motion. The Petition to Encroach on the Berlowitz Regional Facility and the Petition to Vacate Branch # 6 of the Berlowitz Regulated Drain were approved as presented. David Byers made a motion to grant final approval with the conditions as stated on the June 29, 2011 Burke memo. John Knochel seconded the motion. Hawthorne Gardens was granted final approval with conditions as stated on the June 29, 2011 Burke memo.

### **Zachariah Beasley/ Regulated Drains Update**

#### **Samuel W. Elliott Regulated Drain #100: Branch #11**

The Surveyor updated the Board regarding the Samuel W. Elliott Regulated Drain #100 Branch #11 appraisal status. Traynor and Associates 6750 East 75<sup>th</sup> Street Indianapolis Indiana 46250 were contracted to conduct appraisals on the properties within the Branch #11 watershed regarding the benefits and damages required for the Reconstruction Report. The appraisals were completed and the reports were delivered to him last week. He was reviewing them at this time and would finalize the Reconstruction Report when completed. He then would present the Reconstruction Report to the Board. He stated he planned to present the report along with the appraisals during the August meeting.

#### **Dismal Creek Regulated Drain #09: Ilgenfritz Branch**

The Surveyor updated the Board regarding the Ilgenfritz Branch of the Dismal Creek Regulated Drain #09. The clearing and dredging project was roughly two miles in length. (from the confluence of the creek approximately half mile west of C. Rd. 450 East and south of C. Rd. 500 South upstream or east to C. Rd. 575 East- approximately 500 feet east of S.R. 52) This project was close to completion (approximately 90%). The wet weather had slowed them down a bit..

#### **2011 Open Ditch Spraying**

The Surveyor presented the following list to the Board regarding the 2011 Open Ditch spraying to control the growth of obnoxious weeds and vegetation. The ditches were Otterbein #112, Hadley Lake #104, E.F. Haywood #35, J.N. Kirkpatrick #46. He stated this also helped with Beaver control as studies showed spraying on a regular basis saved money in the long run. Open ditches should be dredged every 15-20 years and spraying on a regular basis assisted with the keeping cost of brush removal before dredging to a minimum. This program was started a few years ago and will continue under his leadership.

#### **Indian Creek Watershed Study**

The Surveyor updated the Board regarding the Indian Creek Watershed Study. He noted he had signed a contract with Christopher B. Burke Engineering LTD. They were currently working diligently and he hoped to have the final study by the end of this year for presentation to the Board. He stated this was one step in identifying what was and locations of the problem areas within the watershed. Restrictions (such as release rates for future developments) would be reviewed and may be warranted by the problems identified within the study.

#### **Other Business**

The Surveyor presented Performance Bond #7623870 for Spitznagle Borrow Pit submitted by Crider and Crider in the amount of \$25,000.00 for approval by the Board. David Byers made a motion to approve the Performance Bond as presented. John Knochel seconded the motion. Performance Bond #7623870 for Spitznagle Borrow Pit submitted by Crider and Crider in the amount of \$25,000.00 was approved as submitted and presented to the Board.

#### **Public Comment**

Jennifer Parks 8058 North Meridian Line Road, West Lafayette 47906, approached the Board. Her home was located just west of Meridian Line Road and east of Interstate 65 - north of the intersection at C. Rd. 800 North and Meridian Line Road. She stated her drainage problem started in 2004 when at that time the farm field north of her tract was plowed during wet weather. She stated it was too wet to plow at that time in her opinion. She stated a tile within the field was smashed by heavy farming equipment. From that time forward she has had numerous problems with drainage. Her septic flooded under her home on many occasions and she has replaced their well pump as well as the switches for it numerous times. She noted that her son must walk through standing water in the mornings to reach the school bus on many occasions. They hired Snow White Services at their cost to investigate the problem and jetted the tile. She presented a letter from the company which indicated a blockage was found. She also paid for a breather pipe installed at the tile location in hopes to lessen the flow of water. Lori Koches 8211 North Meridian Line Road W. Lafayette 47906 northeast of her property also experienced standing water issues. They even cost shared an open ditch hoping to solve the issue with another landowner (not named). The open ditch was created to assist in the surface water. However neither the open ditch nor the breather relieved her drainage issue. She then presented pictures of properties owned by her and Ms. Koches that indicated the location of the standing water from the last rainfall. She stated Ms. Koches property usually drained before her property. The Surveyor stated the tile ran along the west side of Meridian Line Road and drained to the north. Responding to Mr. Byers' inquiry, the Surveyor stated a few years ago work was being done on the Anson County Regulated drain and Snow White services was in the area. Therefore he directed them to her location in order to investigate her complaints since they were in the area. Just north of her home approximately 100 feet on the west side of Meridian Line Rd. was a vertical riser. They attempted to insert the jet hose and were unable to insert it down into the tile. Upon observation of the area it appeared that a farm implement of some sort had driven across the vertical riser and smashed it down into the field tile. Therefore the jet head could not go either direction in the field tile. The Surveyor agreed that only minimal amount water was able to enter the tile. Mrs. Parks stated water had

backed up through her septic in her toilet and shower since damage of the tile occurred. She stated the farmer in question admitted to her that he indeed ran over the tile while plowing, therefore he should have to bear the cost of repair. She reiterated they had no problem with drainage until the tile was damaged. She requested assistance from the Board to remedy the ongoing problem. The Surveyor confirmed this tile or riser was not part of the Anson County Regulated Drain. He would investigate further with the Health Department, however he thought this tile was required by them when the house was built and served as an outlet to the perimeter drain around her septic field. As this was the only outlet they had for the perimeter drain, they ran it to the north and tied it into the Anson County Regulated Drain. This would be a typical requirement from the Health Department to keep the water table down. He would confirm with the Health Department this was the case and if approval was granted at the time. It would stand to reason this was what was done. Responding to the Surveyor's inquiry, Mrs. Parks stated they moved into the home in 1999 and had no drainage issues until 2004. They originally thought the issue was septic related however it was not the case. Responding to Mr. Byer's inquiry, Mrs. Parks stated originally Phil Kerkhoff owned the property where the tile was located however it was owned at the present time by Denton Sederquist. Mrs. Parks noted Mr. Kerkhoff had recovered and inspected the tile in the past but would not accept blame for the damage. He blamed the damage on the willow tree located north of the damaged tile on the Koches property. Mr. Byers stated the riser could have been shoved down into the tile while farming - if it was an old clay tile. Theoretically an agricultural tile should be located down deep enough that farming over it should not cause a problem. The Surveyor reiterated monies from a County Regulated Drain maintenance fund could not be used on private tiles. The attorney stated in the case of obstruction to a mutual drain, a Petition to Remove an Obstruction to a Mutual Drain could be filed with the Drainage Board. The Board would then hold a hearing to decide whether this was an intentional or unintentional obstruction. He reviewed in more detail the drainage law for Mrs. Parks regarding this situation. The Surveyor stated the petition would be available for Mrs. Parks if she chose to proceed. She stated she would proceed with the process.

David Byers made a motion to direct the Surveyor to investigate the private tile subject to Mrs. Parks filing the petition with the Surveyor's office. John Knochel seconded the motion. The Surveyor was directed to investigate the private tile subject to Mrs. Parks filing a Petition to Remove an Obstruction to a Mutual Drain.

#### **Delphine Anson Drain/ Ernest Agee and Bret DeCamp**

Mr. Ernest Agee 8533 North C. Rd. 100 West, West Lafayette Indiana 47906, approached the Board to discuss the Delphine Anson Regulated Drain and the drainage issue associated with it. He stated Mr. Bret DeCamp 8832 North C. Rd. 100 West, West Lafayette Indiana 47906 and Alan Gray 8822 North C. Rd. 100 West, West Lafayette Indiana 47906 were in attendance as well. He submitted pictures of standing water on his, Mr. DeCamps and Mr. Gray's properties. He noted that he felt the foamy substance on the top of the standing water shown in the pictures was runoff from chemicals used on the farm fields which ultimately entered into the Anson Ditch. He stated it had been stagnating this year as long as 17 days. He stated he was not against farming he knew well its importance. He informed the Board, he had spoken with Mark Eastman from the Soil and Water Conservation District concerning the farm to the north however they won't put any waterways in. He stated this issue was getting worse and at present time the water had sat for 4-5 days within the ditch. The standing water hindered Mr. Gray's ability to enter his home through his drive. He reiterated the seriousness of the problem. The Surveyor stated it was important to note there were two different regulated drain watersheds (Delphine Anson and Andrew Brown) involved with this drainage issue. The watersheds boundary cuts northwest and southeast through Mr. Alan Gray's driveway. He further explained the watersheds were the Andrew Brown Regulated Drain watershed which routes northeast and the Delphine Anson watershed which routes to the southwest. He reviewed the driveway in question using the G.I.S. site for the Board and the entire drainage for their benefit. He noted the watershed boundaries were completed using the old U.S.G.S. Quadrant Angle maps with 2 foot contour intervals. He stated when he investigates this issue he would confirm the boundaries. He stated the boundaries could be off a hundred foot or more horizontally due to the accuracy of the historical information at that time. He also stated there was a depressional area near Mr. Gray's driveway. Last fall he worked with Allen Gray to investigate the branch of the A. Brown drain which ran under the interstate as he was unable to locate any maintenance records for information on it. He noted when the A. Brown Regulated Drain was originally constructed the interstate was not in existence. He had the branch excavated east and west of I65 and potholed in several areas on both sides of it. He found nothing that indicated the branch had a blockage of any kind. He reviewed the construction plans for I65 and then conducted an onsite inspection of the pipe, it's size etc. The I65 construction plans were followed regarding installation and size of the pipe in question. He went further and hired a jetting company to jet under the interstate and it proved to be open. A breather was installed on the west side of I65 for future investigation due to the dry weather last fall. He noted the maintained portion of said branch stopped short of the aforementioned depressional area. Mr. Agee interjected stating the D. Anson drain was also a problem in addition to the A. Brown drain. He noted the main tile of the D. Anson Drain was located between Mr. DeCamp and Mr. Gray's homes. Mr. Allen Gray approached the Board and stated he had been working with the Surveyor over a year now and he was very accommodating and great to work with. He stated the issue for him was the A. Brown ditch was not flowing fast enough for whatever reason. He stated from his perspective he did not care if the depression area was drained. He stated he did not want the standing water on his "road" (driveway). He noted this road was approved by the County Highway to put it at that location and in the three years he has lived there it has been under water 8 times. Almost all

of the water flows from the farm fields to the north and from the interstate overflow ditch. There was an overflow pipe that route the interstate drain into the farm field north of his location and then drained to his location. The additional water from the interstate's runoff along with the runoff from the farm fields, created the enormous amount water in the depressional area. It continued to get worse as time goes by. He requests the Board take action to fix the problem. He then reviewed a video taken a few days earlier with the Board using his IPAD. The water had not moved in 4 days. He noted his power electrical box located between his home and Mr. DeCamp's home was under water. He stated there would be no way any emergency vehicles could access his home through the standing water over his drive. He would like the Board to consider some way to move the water out of the depressional area faster and route it to the Anson ditch. He noted he was in agreement with Mr. Agee that there was a large amount of chemical substance within the runoff from the farm fields to the north them this last event and it continues to get worse. He felt a filter strip should be placed down to disable the chemical substances from exiting the farm fields. Responding the Surveyor's inquiry, Mr. Gray noted this last rainfall was over 5 inches as Mr. Agee's 5 inch rain gauge overflowed. He reiterated he knew this happened from time to time however his driveway had been under water seven to eight times since he lived there. He expressed his frustration that the road/driveway was approved by the County to be put in that location and he did not understand how they could have approved it in this location. Mr. Bret DeCamp 8832 North C. Rd. 100 West, West Lafayette Indiana 47906 stated in the past he and Mr. Gray have rented a 4 inch waste water pump and it ran for 3 days nonstop pumping the water back into the Anson Ditch. This was done on 5 different occasions just to access the driveway/road and enter their homes. His wife runs a daycare out of their home and the water over the drive hindered the business greatly. She informed her clients when the water is up (often) that there is no way for an emergency vehicle to access their home. This was also a great concern for his own family if something should happen. He expressed concern that the Anson Ditch had not been completely reconstructed to date. Only part of the ditch was reconstructed and that did not include his area. He felt if the entire drain had been completed the problem would not be as bad. Farm runoff has started to erode the ground in his area due to the amount and speed of the overflow. The tile had not been fixed in that area yet. He would like the reconstruction to get started in this area even if it meant a new hearing and an additional assessment. The Surveyor reviewed the Anson tile location for the Board. He clarified a reconstruction hearing was held regarding the Anson Tile Drain. A reconstruction and maintenance rate was set at that time. Presently the balance of the reconstruction cost was close to being paid off. The entire Anson Drain watershed was studied and onsite inspections were completed prior to the said hearing. The reconstruction would be done in four phases. In phase one fifteen hundred feet of fifteen inch pipe was replaced. There was more work to be done to complete the entire reconstruction. The phases would be completed as time and money allowed. The job was stopped on the north side of C. Rd. 850N; the tile underneath the road was replaced last year. He noted from the time the reconstruction rate was set to the time the project started the price of gas and pipe skyrocketed due to the economy. The monies were depleted so the project was halted at that point. The initial reconstruction phase would be paid in full this year. His intention was to let the fund build back up and proceed to the next phase. He felt it would be a hard sell to the farmers within the watershed to raise the assessment rate again (to increase the fund balance quicker) since the present rate was set in the last 5-6 years. Mr. DeCamp noted a culvert was installed between the two houses by the bend and it was close to being destroyed by the overflow. If this happened his driveway culvert would be next.

Responding to Mr. Murtaugh' funding inquiry; the Surveyor stated that area could potentially be reconstructed next year. Monies would have to be borrowed from the General Drain Fund. At this time there were numerous projects in the works which had impacted that fund greatly. He stated he planned to ask the County Council for funds budgeted to the General Drain Fund during the Budget hearings. The balance of the General Drain Fund was at an all time low due to the many projects at hand and drains minimal assessment rates. Also the Drainage Code stated the Council will from time to time allocate funds for it. In researching this it was found there had not been any monies allocated for this fund for twenty to thirty years by the Council. It has been planned from the beginning to reconstruct the entire drain not just part of it. However due to money constraints and cost of reconstruction it would have to be done in phases. He agreed with all three landowners the tile was not in working order and had not been in years, it was plugged and in need of the reconstruction completed as soon as possible. Discussion was held of possible solutions regarding eliminating the standing water over the drive. The Attorney explained the process in submitting a Petition to Establish a New Regulated Branch of a Anson Regulated Drain as well as a Petition to Establish a New Regulated Drain (one that did not connect to an existing regulated drain) and a Petition to Connect into the Anson Regulated Drain. Mr. Agee thought a short extension pipe under the driveway and routed to the Anson drain would be a better solution. The Surveyor noted his office would provide the Petition of choice. Mr. Agee stated to the Board water behind his house (first house north of C. Rd. 850N) was draining properly and he had seen a great improvement with the first phase of reconstruction. Mr. Decamp and Mr. Gray thanked the Board for their time.

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



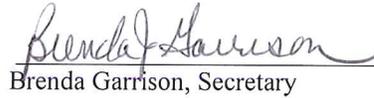
Thomas P. Murtaugh, President



David Byers, Vice President



John Knochel, Member



Brenda Garrison, Secretary

# Tippecanoe County Drainage Board

## Minutes

August 3, 2011

### Regular Meeting

#### Those present were:

Tippecanoe County Drainage Board President Thomas Murtaugh, Vice President David Byers, member John Knochel, County Surveyor Zachariah Beasley, Matthew Salsbery from Hoffinan Luhman Masson for 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 July 6, 2011 Regular Drainage Board minutes as written. John Knochel seconded the motion. The July 6, 2011 Drainage Board meeting minutes were approved as written.

#### Chapelgate Senior Apartments

Tim Beyers of Atlas Excavating Inc. appeared before the board to request approval of the Chapelgate Senior Apartments without underground detention. Mr. Byers stated the detention for this project would be a duplicate detention since it was provided for in the previously approved Blackthorne Planned Development in 2001. He provided the Board with an exhibit which indicated the entire detention area. The site was located south of US 52 and west of Co. Rd. 300 West (Klondike Road). A portion of the Indian Creek floodplain was filled with the excavated material for the planned building, drive lanes and parking areas. The building itself would be located in the northeastern portion of the site. He noted from 1996 to 2006 he was with Vester and Associates and during that time he designed an overall drainage plan for the entire area while designing the Blackthorne Planned Development detention. He stated they knew at the time the western portion of the entire area would be developed for residential apartments or commercial property in the future. The overall plan called for detention storage in 2 existing ponds on the Blackthorne Development site. He noted the release rate from the ponds allowed direct release to Indian Creek as shown on the exhibit. He stated it would have been difficult to include detention within the Chapelgate site due to the proximity to Indian Creek and US 52. In 2001 the floodplain was allowed to be filled in without compensatory storage. Tim stated he included the additional tract added for this development in his current analysis. He adjusted the overall 2001 Blackthorne drainage plan using the 2011 allowable release rate requirement and stated the results were approximately 12 CFS less than the original plan in 2001. Tim stated the underground detention proposed was a duplicate of what had previously been provided. For that reason he requested approval without underground detention for Chapelgate Sr. Apts.

The Surveyor noted the Whitsett Group were the developers with Evergreen Planners the consultants for the project. In February 2011 this project was granted final approval for mass earthwork and grading only. At that time the 1.4 acre portion of the site was in the floodplain. The 2 ponds constructed accommodated the floodplain compensation and were not intended as detention for the project. The site had been certified since the February 2011 certification out of the floodplain. The 1.4 acre site was then designed and the consultant returned to the Board for approval of the site in June. They received approval with conditions at that time. The conditions were met, reviewed and he signed the plans. A building permit was issued and work had begun at the site. Since that time Mr. Beyers had approached him and inquired why underground storage was required. The Surveyor informed Tim he would have to prove it was not necessary, and present it to the Board for approval without underground detention storage. The Board and the Surveyor's office were familiar with the area due to numerous drainage problems within the Indian Creek watershed. He has had numerous complaints from landowners in the last ten years. In December of 2010 it was suggested a more restrictive release rate was warranted due to the area's drainage issues. The Board hired Christopher B. Burke Engineering LTD to conduct an Indian Creek watershed study due to the drainage issues of the area. More restrictive release rates for the Indian Creek Watershed area were probable once the study was complete. A July 28, 2011 Christopher Burke memo recommended underground storage request to be denied for this project. Since the release of the memo, Mr. Beyers submitted additional information which clarified a few of the issues. In light of the new information submitted, the Surveyor recommended action on this project be tabled to the September meeting. This would allow a complete review of the additional information submitted in the last 24 hours. Mr. Murtaugh stated as this area was a very difficult watershed he agreed with the Surveyor. Mr. David Byers stated there were design possibilities that would allow for the removal of the underground storage and agreed this was a difficult watershed. Mr. Tim Beyers stated he felt the developer would be willing to work on a compromise in this situation. David Byers made a motion to table Chapelgate Sr. Apt's. until the September meeting. John Knochel seconded the motion. Chapelgate Sr. Apt's. was tabled until the September Drainage Board meeting.

#### Zach Beasley

#### S.W. Elliott Regulated Drain #100 Branch #11 Reconstruction Report

The Surveyor presented Branch #11 of S.W. Elliott Regulated Drain Reconstruction Report to the Board. The Surveyor's office sent this report to the two largest landowners within the watershed. He noted the report was detailed and lengthy;

therefore he would give a brief historical summation. This project had been under discussion for 10 plus years, he noted he was the third County Surveyor which had worked on this project. The project was formally referred to the County Surveyor for a reconstruction report in November of 2009. Engineering design work and appraisals have since been completed. Due to the complicated watershed it had taken some time to prepare the report. He read the following from the report: Branch 11 of the S.W. Elliott is located in the Northeast Quarter of Section 2, Township 22 North, and Range 4 West. It was originally constructed as a tile to provide subsurface drainage to farm fields located north of the Elliott Ditch west of its intersection with State Road 38. However, the last few years has seen the transition of the land use from mainly agricultural to urban land. Even though a portion of the watershed of Branch 11 of the S.W. Elliott is still being farmed, it is reasonable to conclude that the watershed can be classified as urban land, as defined by IC 36-9-27-2 which states "Urban Land" means affected land that "is used or will in the reasonably foreseeable future be used generally for commercial, industrial, large estate, higher density residential, or similar purposes". Therefore, according to IC 36-9-27-67, Branch 11 of the S.W. Elliott has been classified as an urban drain per the county surveyor's classification report. He then gave a short summary of what the Report contained for the Board. The first 5-7 pages contained an explanation and history with different alternatives from a technical engineering view along with the Surveyor's recommendation based on cost and other factors at this time. Exhibits, options cost breakdown, landowner's costs were all included in the report. He stated INDOT would be responsible for approximately \$190,000.00 of the overall project cost. He notified INDOT at the beginning of this year and provided the information regarding the project, so they should not be surprised. He noted the March 2011 Classification Report along with support letters from the City of Lafayette Mayor's office and City Engineer's office was included with this report. He then referred to Board for any questions. Responding to Mr. Murtaugh' inquiry, the Surveyor noted the report would be included with the notification of hearing when sent out for the official reconstruction hearing. The Surveyor recommended the Board take the report under advisement. Mr. Murtaugh then asked for public comment. Jerry Brand of INOK Investments and LB Associates approached the board and stated he appreciated the effort on the Surveyor's part for this project as it was a tremendous amount of work. He stated INOK Investments had been working on this issue for approximately 13 years now , therefore he requested the Board move in the quickest fashion with the reconstruction. The attorney noted comments regarding the report would be accepted after the report and schedule assessments were officially filed. He discussed the process of judicial review if a lawsuit was filed with the courts against the reconstruction project. He noted it would not stop the project from proceeding. The Surveyor noted the Board did not necessarily have to agree with his recommendation regarding what option to proceed with. Therefore he advised any comments Mr. Brand may have regarding all the options included in the report should be formally submitted to the Board. Discussion was held regarding the cost of annual maintenance and cost of reconstruction and the difference. The Surveyor noted annual maintenance costs indicated within the report was an annual assessment for continued maintenance of the drain once the drain was reconstructed. Annual maintenance fees are completely separate from reconstruction costs. Gary Schroeder approached the Board and stated he was not opposed to the project he had issues which regarded the benefits and damages and how costs were allocated to the tracts within the watershed. He noted he would address those with the Board at a later date. The Surveyor then stated his office received many calls regarding development interests within that area. There was no other public comment. David Byers made a motion to take the reconstruction report under advisement until the September meeting. John Knochel seconded the motion. The Reconstruction Report for Branch #11 of the S.W. Elliott Regulated Drain #100 was taken under advisement until the September meeting.

#### **Petition to Remove Obstruction/Jennifer Parks**

The Surveyor reported on the Petition to Remove an Obstruction filed with his office and discussed with the Board at the last meeting by Jennifer Parks 8058 N. Meridian Line Road W. Lafayette Indiana. He stated the Health Dept. provided a copy of the septic system layout for Jenifer's property which was completed in 1998. From 1998 to 2002 the system was functioning with no problems. He reviewed the area in question with the Board using the GIS site. He noted the home next to Mrs. Parks was also constructed in 1998 and same contractor used for installation of both septic systems. Both systems have a curtain drain /perimeter drain (4 inch in diameter). Both of these tiles drain to the north and were connected to a six inch plastic pipe which drained to the north on the west side of Meridian Line Road. It continued north until it tied into the Anson Regulated Drain. The Anson Regulated Drain was being used as an outlet for the private system. In 2002 Phil Kerkhoff owned the property adjoining her property. Mrs. Parks claimed a piece of his farming equipment ran over the standpipe/breather and smashed the tile in the process. The Surveyor noted in the past they attempted to jet the tile but were unable to insert the jet hose into the tile as it could not go either direction in the tile. The Surveyor agreed that only minimal amount water was able to enter the tile. While he was in agreement the tile looked as though it had been run over by a piece of equipment he did not think it was intentional. He reviewed photographs (taken May 2004) with the Board of the tile which indicated the riser was flat and should be vertical. His observation was based on inspection in 2004 and again in 2011. It indicated the riser had been pushed down into the tile and possibly caused the underground tile to be smashed. There was a small amount of water in the pipe which was not moving when he inspected it recently. He stated there was a combination of issues that could have caused the problem. Willow tree roots located close enough to the tile could have caused the obstruction as well. Responding to Mr. Murtaugh, the Surveyor stated he had not been in contact with Phil Kerkhoff. Mrs. Parks responding to Mr. Knochel and stated Mr. Kerkhoff would not repair the tile. He had sold the property and was not willing to cooperate with her. She stated he blamed the obstruction on Ms. Koche's willow trees. Denton Sederquist was the current owner of the property where the tile

was located. The Surveyor noted when he inspected the tile recently Mr. Dehai (contractor) was in attendance and stated he would charge approximately 500-1000 dollars to excavate around the manhole (breather). Mr. Ron Noles of the Health Department noted they were the agency in 1998 which required the perimeter drain to be installed due to the seasonal high water issues. Both systems were inspected and they were in working order. He stated Mr. Dehai was confident the blockage was at the breather location. Mr. Noles wrote a memo addressing some issues and suggestions that could possibly assist Mrs. Parks with her perimeter drain and would provide to her today. Since there was no proof of the tile being smashed by Mr. Kerkhoff, he could not be held liable. The Attorney noted if an obstruction was found unintentional, the board may order the obstruction to be removed and the cost spread among the benefitted landowners. Responding to Mr. Murtaugh' inquiry, Mrs. Parks stated she would like to see Mr. Kerkhoff fix the obstruction as she felt he was the one who caused the problem in the first place. Mr. Noles stated when his dept. first received the complaint in Dec. 2003 from Mrs. Parks, Mr. Kerhoff owned the property where the obstruction existed at that time. He noted no documentation was located within his office that Mr. Kerkhoff was granted permission to install said tile. The Surveyor would confirm with the County Highway department the tile was not within their right of way. The Surveyor felt the obstruction was not done intentional. David Byers made a motion to remove the obstruction and bill those affected parties. John Knochel seconded the motion. The obstruction would be removed and tile repaired, billing would go to the affected landowners.

**Petition for Encroachment Crossing on a Regulated Drain Easement/ Delphine Anson Regulated Drain**

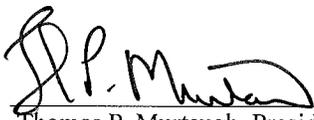
The Surveyor presented a Petition for Encroachment Crossing on a regulated drain easement on the Delphine Anson Regulated Drain to the Board. Mr. Brian Shepler and Lorraine Corriveau submitted the petition to his office which involved an unmaintained branch of the Delphine Anson Regulated Drain. He used GIS to review the location of the crossing requested due to drainage issues within the area. The plan was to replace the existing unmaintained branch tile with a tile one diameter larger for the width of the planned driveway and ten feet on either side. The Surveyor recommended the petition to be approved as submitted. David Byers made a motion to grant approval of the Petition for Encroachment Crossing on a regulated drain easement regarding (Branch #36 unmaintained) of the Delphine Anson Regulated Drain. John Knochel seconded the motion. The Petition for Encroachment Crossing on a regulated drain easement regarding (Branch #36 unmaintained) of the Delphine Anson Regulated Drain was approved as submitted.

**Maintenance Rate Hearings**

The Surveyor requested maintenance assessment rate hearing dates to be set in September for the following drains; Michael Binder #10, Fred Haffner #34, Franklin Yoe #90. David Byers made a motion to set a Maintenance Rate Hearing for each of the aforementioned drains on September 21, 2011 at 10:00 a.m. John Knochel seconded the motion. September 21, 2011 at 10:00 a.m. hearings for the M. Binder #10, F. Haffner #34 and the F. Yoe #90 Regulated Drains was scheduled.

**Public Comment**

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



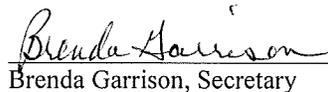
Thomas P. Murtaugh, President



David Byers, Vice President



John Knochel, Member



Brenda Garrison, Secretary

## Tippecanoe County Drainage Board

### Minutes

October 19, 2011

Special Hearing

#### Those present were:

Tippecanoe County Drainage Board President Thomas Murtaugh, Vice President David Byers, member John Knochel, County Surveyor Zachariah Beasley, Drainage Board Attorney Doug Masson, Drainage Board Engineering Consultant Dave Eichelberger from Christopher B. Burke Engineering Limited and Heather Catlett G.I.S. Technician. Drainage Board Secretary Brenda Garrison was absent.

#### S.W. Elliott Regulated Drain #100 Branch #11 Reconstruction Hearing:

The President opened the hearing for the S.W. Elliott Regulated Drain #100 Branch #11 Reconstruction Hearing and referred to the Board attorney for the procedure overview. The Attorney stated as follows: This is before the Drainage Board on the Surveyor's Report submitted July 22, 2011. The meeting was set for today at 10:00 at which time it is. Notices were mailed to the affected landowners. The statute requires that objections be filed more than five days in advance. There were three filings to my knowledge that either were objections, or could potentially be construed as those. Two of them came from the Schroeders (I'll just collectively refer to them as the "Schroeders") alleging generally the cost of the project was greater than the benefits, current drainage is sufficient for their agricultural uses. Additional drainage is only necessary for commercial development. That it's not necessary for Schroeder land to discharge into Branch #11 for commercial development, they have no current plans to develop. That reconstruction requires the Schroeders to fill a portion of their property constituting damage and that rural land served by an Urban Drain is entitled to favorable assessments. There is also a letter submitted by Mr. Brand which is possibly an objection, although it wasn't phrased that way. The main issue raised by that is how they evaluate reconstruction planned use of the Haggerty Pointe pond. Whether this constitutes damages for which an owner is entitled to compensation. That would raise the issue of the amount and manner of compensation. Questions for the Board today under the statute is #1. To determine what the best and cheapest method of reconstruction would be. Whether the cost of reconstruction including damages to the landowner is outweighed by the benefits: if it is then you proceed on, if the costs are higher than the benefits then you would determine that no reconstruction is appropriate this time. Otherwise you would move on to determine what if any damages are caused to landowners. The amount an explanation of the injury constituting the damages and then you come up with the total cost that includes the damages. The next step is to determine the percentage benefit to each landowner. Assessment to the landowner under the reconstruction statute is basically the percentage of benefit times the total cost. You can take evidence today which I think is the intent, if you have enough information to make a decision today you are entitled to do so, if not the statute gives you the discretion to continue the matter day to day or to a date certain, request additional written evidence if you want. So at this point I would recommend, unless you have questions for me, the next step would be to take evidence. Mr. Murtaugh stated we should start with an update from the Surveyor as it would be appropriate. The Surveyor stated: "Basically, to date as Mr. Masson had mentioned we had received some objections and have taken those under advisement, we are working on those. We do not have all the numbers crunched at the moment. I think the last objection we received was last week, Weds. Or Thursday and we're still working on those. With that being stated I think that's the current update. Mr. Murtaugh then asked for public comments, evidence or testimony.

Jim Austin approached the Board and stated "I am an Attorney- as Mr. Masson put it- for the "Schroeders "collectively. What I would like to do is solicit just a little bit of information from an expert Engineer and from Mr. Schroeder just for the record. I am a little confused as I am not sure where the Board's going, so I may be giving you evidence you don't really need, but if that's where you want to go at this point that's what I'll do. Mr. Masson stated "I think it is appropriate to get what you need in front of the Board". "Very good, alright" stated Mr. Austin. Mr. Austin then referred to the following: Pat Jarboe Professional Engineer with TBIRD Design Services Lafayette Indiana stated "I am here representing the Schroeders." Mr. Austin asked him "Are you licensed as a Professional Engineer in the State of Indiana?" Mr. Jarboe "Yes" Mr. Austin "How long have you had that license" Mr. Jarboe "Since 1999" Mr. Austin "Mr. Jarboe have you had a chance to review the Schroeder's site, that is an issue here?" Mr. Jarboe "Yes" Mr. Austin "Have you had a chance to review the Surveyor's Report with the proposed alternatives for drainage construction?" Mr. Jarboe "Yes" Mr. Austin "Is the drain- is the land adequately draining now in it's use as an agricultural land?" Mr. Jarboe "Yes" Mr. Austin "Based on Agricultural use then is there any benefit from the proposed construction that will occur to the Schroeder land either north or south of 38?" Mr. Jarboe "There is none" Mr. Austin "South of 38 does it have direct access to F-Lake for drainage?" Mr. Jarboe "Yes" Mr. Austin "That's all I have unless the Board has some questions". "I promised Dave I'd keep it short and sweet." Mr. Masson Atty. asked Mr. Jarboe "Is the drainage in your opinion adequate for commercial development?" Mr. Jarboe "Is the current drainage adequate for commercial development, there's the inhibitive factor of State Road 38, ah if that site was drained by commercial then there will need to be additional measures done as with any project in the county. Today the Ordinance would not be able to be met for commercial development on either side of the road, there's always things we have to do. So that's not the case. If

it were to go to commercial then things have to be done.” Mr. Masson” Ok I don’t know if Jim’s got other evidence for this, one of the objections involves the fill dirt, is that something Mr. Jarboe’s going to speak to or should I just-”Mr. Austin stated” I’ve got Mr. Schroeder going to speak to, Mr. Schroeder’s going to speak to it but if Mr. Jarboe has an opinion, I’m sure you’re going to ask him what it is.” Mr. Masson stated” Sure, there was an objection raised about the reconstruction causing a need for the Schroeders to add fill dirt to a portion of the property. Can you explain how the situation is” Mr. Jarboe” One of the arguments is to have the existing pond north of the Schroeders to be modified so that the Schroeders land will drain to that pond, and currently with the elevations that are there- it doesn’t – it’s several feet different, the volume of dirt we haven’t calculated. It would be a large volume of dirt for a site that size, to have it flow to the north would be a significant impact, cost wise and design wise for that site to have to be able to get dirt generated.” Dave Byers stated “Can you point that out exactly, so we know exactly where we’re talking about the fill dirt?” The Surveyor indicated utilizing the G.I.S. screen where the pond was located and stated I believe they are talking about filling the triangular piece- the lower portion of the property north of 38, just south of the pond. Were there others?” Mr. Jarboe: “Actually as we know we calculate the site with venture routing and 100 year flood elevations of pond that actually forces additional fill besides just being able to get storm water to the site, not sharing another site with the out yet. Mr. Byers” And currently it’s flowing which way- aiming towards 38?” Mr. Jarboe stated” Aiming toward 38 to right around 38 and across 38 from the pipe that’s there currently. I do have an exhibit we had done and we can submit this later, but actually without that option we were looking at potential for development for the site without doing pond onsite or just being able to take it to F-Lake. We show minimal amount of fill- so we know we can get there without the fill- just if Schroeders were to develop on their own. I am not sure if this is something we would discuss at a later point or not, but I do know if the water needs to go to that pond that directly correlates to how much additional fill is to come onsite to make that happen on Schroeders property.” Mr. Masson “Is that to continue the agricultural use or is that just if you want to build it up, build something on top of it?” Mr. Jarboe” It’s for development only” Today there are no needs, that site doesn’t need additional drainage today”. Mr. Murtaugh” So reconstruction doesn’t require the fill it would be reconstruction and development” Mr. Jarboe” That’s correct” Mr. Murtaugh” Can that fill be avoided by routing that water to the pipe to a new pipe I should say, if it were to exist and underneath instead of going to the pond?” Mr. Jarboe” That is probably a better question to Christopher Burke and Assoc., I think I have a feeling of how I interrupt that and I don’t know if Dave you might want to talk about that a little more” Mr. Eichelberger” Could you restate that?” Mr. Murtaugh “If I understand this right, the fill is going to be required if its developed and to get the water to the pond. But if the pond isn’t used for drainage, would the fill be required if the water were drained through the new pipe under 38?” Mr. Eichelberger” So in other words if it was to drain to a separate pipe or to a pipe downstream of the pond as an example right?” Mr. Murtaugh “Yes” Mr. Eichelberger” I think that’s up to the developer to say, my initial reaction is that since it’s in a depression that a certain amount of fill would be desired for developmental purposes because now everything would be draining to a hole and you’d be putting a building in a hole and having everything draining to the hole. That would be not desirable and a certain amount of fill would be desired to get that building up. So a certain amount of fill would be required, I don’t know how much Mr. Murtaugh interjected “Ok” Mr. Eichelberger continued” for their development purposes, but you could drain downstream and I think it is actually one of the alternatives we have. “Mr. Jarboe” Actually, how I understand the alternatives-is the pond like it is for the Schroeders to drain to that pond would reduce the overall pipe system that leaves the pond all the way through F-Lake. So the pond facilitates a smaller drainage pipe throughout the entire system, whether- and I am not disputing whether it’s going to be needed to have some fill included, whatever system we’re not sure, but if everything has to drain to the lake first from the Schroeders property, then we need to bring everything up above that pond elevation to get there. The benefit of everything going to that pond is just the outfall pipe from the pond all the way to F-Lake would be reduced in size. Mr. Murtaugh “If reconstruction was not done and this site was developed today would it take fill?” Mr. Jarboe” Just like Dave said absolutely there’s going to be some fill required otherwise you are draining to a low spot, or that spot would be itself the detention area and that could be incorporated too. Absolutely to keep the inverts underneath State Road 38 and get that pipe system to it, something would have to be done; I think on that end basically we’re dealing with the inverts of State Road 38 opposed to elevation of pond out there. So yes there would be some fill required for it to happen. The difference I think is what we need to consider is a vast difference on amount of fill. The volume based on getting it to the pond would be significantly more than what we are doing today. So it would shake out in design”. Mr. Masson stated: When you get up to make your presentation - raise the issues you have in mind then if the Drainage Board wants to follow up they can certainly ask the Schroeders come back.. Mr. Austin “I just have one follow-up on Mr. Murtaugh’s point” Is there any way it’s going to take the extent of fill that Alternative C is calling for if this land is commercially developed? Or is there going to be a greater fill required with Alternative C in order to drain north into the existing pond?” Mr. Jarboe” Absolutely to use that existing pond at the elevation it’s at today if this were to be developed for the Schroeders property then the amount of fill is far greater than if it were developed on its own. That would shake out those numbers are not insignificant, there’s always dirt moved on any site and there would be dirt moved if they were to – if the Schroeders- would develop on their own. There would be some fill dirt- That volume would have to come out in the details, but I am not exactly sure but I think we are talking about 6,7,8 feet potentially of fill in some spots. So that’s a lot of fill, so it’s just something we can’t dismiss as part of the cost for the development of the site if it was required to use Alternative C to have it drain up to that northern pond. Mr. Austin:” So until

you know what alternative for sure is going to be utilized, you're trying to make four different sets of calculations". Mr. Jarboe "Right" Mr. Austin: "That's all" Mr. Austin "Let me ask Mr. Schroeder to come up and I expect then I will be done- state your name please" Mr. Schroeder" Gary Schroeder" Mr. Austin" Are you one of the owners of what we have been calling the Schroeder property"? Mr. Schroeder"Part of the owners on the south side and the Trustee of the land on the north side of State Road 38" Mr. Austin" Is this currently being used agricultural purposes" Mr. Schroeder "Yes" Mr. Austin" Does the trust or the other owners have any plans at this point to commercially develop the property"? Mr. Schroeder" No" Mr. Austin "Are we talking about ANYTHING in the foreseeable future to commercially develop this"? Mr. Schroeder" We have no plans, we're not developers and we would not do that. Somebody else may purchase it and develop it but we certainly wouldn't." Mr. Austin " Have you received any information from anyone that suggests to you that is you were to commercially develop it you would have to fill 7-8 feet to drain north as part of the regular commercial development?" Mr. Schroeder"Not under it's current condition only if option C were selected and we were required to use that option. It would require excessive fill and my discussion with Pat is not only up to the pond but you got to be basically above the pond because you need 2 feet of cover for your pipes to get the water over to the pond. So it is excessive. Mr. Austin" That's all I have for Mr. Schroeder" Mr. Masson" Just one initial question one of your objections states that the costs damages and expenses of the proposed reconstruction will exceed benefits that will result to all owners of lands benefited. Have you done any research outside of your own land to what the benefits of this would be?" Mr. Austin" Well, as Commercial or as Agricultural" Mr. Masson "Generally I understand and I think the Board understands his objections with respect to his own land, and some of this looks like its modeling what the statute has to say, but I am just trying to – if you have information that suggest the cost of the overall project outweigh the benefits of the overall project:" Mr. Schroeder" To answer your question I have extensively studied the value of our land and submitted evidence from an appraiser and talked to other appraisers that substantiate what we say that our land will not increase in value with this reconstruction. I think that comment comes generally from it's not going to increase our property value and if it doesn't increase other landowners property value to the point that they feel that they can pay for the project, I think that that benefit is not there. That's a development decision that if you decide that you have to make an improvement to increase the value of your property and that improvement is excessive then you don't want to make it. It does not make sense to make it. So I have not studied the appraisals of other properties, just a general comment of how I would value making improvements to my property. "Mr. Austin "To kind of follow up on that- Doug, obviously the whole project cost is of no benefit if we keep using it as an ag. use. That's my only point so the entire cost of the project exceeds any benefit, cause the benefit's zero as ag." Mr. Masson: Any questions for Mr. Schroeder?" Mr. Murtaugh" I have nothing" Mr. Austin" That is all I have, Thank you Gentlemen"

Mr. Jerry Brand of INOK Investments and LB Associates approached the Board at that time and stated as follows" I don't want to get into a redundant rhetoric that we have had over the last 13 years. We have asked the Board time and time again to look at this. The Board through multiple surveys have gave options to the other parties involved. I do have a discrepancy from the standpoint of Real Estate Developer. If you have a piece of ground that's agricultural and you have no use in changing the agricultural use and you have no expense coming to you if you keep it agricultural for the next 100 years, but you also have the ability to have a plan set up in place for it to come commercial- if that is not a benefit I totally disagree because one of the questions I want to ask the gentleman from TBIRD is typically in this scenario when you go through development and you're doing a plan for development within a municipality you go through and you have the actual parties try to go through and work it out and they do work it out- we still have to come to you as a board to figure out what your plan is on what you want long term. That's where we're at right now. The idea of deciding to sell the property on the south side of the ground and all of a sudden go I think now we want to talk development. If that was already approached and already in place that becomes a very favorable situation for a buyer that's actually going to look at that ground, cause the plan is in place and you do not have to wait multiple years. Evidence of that is a company that's called INOK Investments that bought a company called LB Associates in 1998 to develop of which did not have a plan and we are here in 2011 and still can't do anything with it. Mr. Masson Stated" So let me rephrase and make sure I understood correctly what you said. The elimination of uncertainty is to what you can do with the plan as a benefit to any landowner regardless of the current use. Is that a fair summary of what you said?" Mr. Jerry Brand" I mean I have no discrepancy that they don't want to change the ag use. What we try to do from day one and I don't get the terminology right, but we're trying to use a funding mechanism that the land to be changed is not changed there is no fee from any owner. I think I'm correct in that statement of what we're trying to achieve here. So if a developer or if a landowner does not want to change the use there is no expense out of their pocket. However if they do want to change the use, I am saying that that is a huge benefit that the plan is already in place for future development of that site. If you don't have a plan in place for future development you're stopped in terms of being able to do future development. That would be an expense so many dollars per acre of value and then the developer whether that is current owners or the persons that buy it is going to have an expense to get drainage accomplished for the actual site. Did I answer that or?" Mr. Masson "It did, before I forget I just remembered I wanted to ask you this- to get our record straight- what we referred to as the Haggerty Point Pond, what entities or LLC actually own that ground? " Mr. Jerry Brand " LB Associates own all 50 acres, when we went through and did the developments- Haggerty 1, 2 and 3: the buildings are owned by 3 LLCs/ different ownerships, LB Associates own the pond and all of it is owned 100 % by INOK

Investments.” Mr. Masson: “I knew different entities were involved however overall the entities were owned by one.” Mr. Murtaugh” Mr. Brand you had mentioned last week about a potential option to, or a variation of option C about using the entire pond. Can you talk a little about that? Option C is as you recall.” Mr. Jerry Brand “ Going back to day one well not day one 2055 or 2006, at that time we asked if we could go through and do some development with two or three options for the entire group. At that time Canaam Steel, ourselves and the Tractor Supply Building were involved. There wasn’t any real type of solution so what had came up when we looked at this it was pretty well known that if reconstruction was to take place it would cost the state exceptionally large dollars and the County exceptionally large dollars if there was not some form of retention in the actual project. So LB associates took a risk from the standpoint of developing the pond for the first three buildings knowing we needed a pond for the existing drainage for the actual development and the area. So one of the things I proposed for the meeting we had that Mr. Murtaugh was discussing was there is a question of use of the pond on whether you need all or half of it. In the calculations there is a question that if you use half of it - the elevation may have to be raised 2 feet, give or take a few inches- is that right Zach? (Mr. Beasley:”Roughly”) So I just want this to get done. If their saying the value of what they want to talk about is half the pond but if they need the whole pond give me the value of half the pond, I don’t care I just want this to get done. The flip side of this is: I went through and I am out dollars which I spent on the extra pond which is fine, I’ll go ahead and except that cost, the other half of the pond I have the option of going through and filling the pond in. Basically within \$50,000.00 and Park East Blvd. goes wildly successful I might be a little bit behind. If it stays the way it is now it’s going to be a wash. If it helps out to where we can get the pond and use the whole thing I don’t care Whatever is the best solution that we can get this thing done to be fair.. Emotion doesn’t play into this and it’s not a total determination of this, but if you look at the actual process since 1998, we did everything and offered every suggestion of what we could do and every time we’ve said fine it’s not always been as good a deal so to speak for us. We are undefeated from the standpoint of accepting and one of the questions I want to ask when you look at this – I know TBIRD Design does the same work – typically in this type of format a process is put together where if we can’t get a solution we work the engineering group and come up with the best solution and the landowners are suppose to shake their head and agree because that’s what we have to do anyway. So one of my questions is I do not have a problem if they are against it, because that is their right. I don’t have a problem but I share your concern if there is a legal dispute on it. But the legal dispute is not my problem so to speak, it’s the County’s problem we have to address it at some point and I don’t know why we have to wait 13 years on development to address it. So I would ask that the Board you know- Dad taught me when there’s a problem you need to address it head on, I think it’s time we have to get this addressed and move forward. Our option on the pond- if the pond’s not needed and you can do this for a dollar and the pipe is a lot smaller under 38, I lose about ½ to ¾ million dollars. I am willing to take the risk, but the use of the pond for this development has been shown by multiple engineers both your County’s, your consultants and Butler Fairman and Seifert (BFS) that it does save substantial dollars for the project. That is why we did it in 2006. I am very surprised we are still talking about it in 2011, but that’s why we did the actual pond in 2006. “Mr. Masson “Have you had the pond appraised -do you know what that would cost?” Mr. Jerry Brand “Well that is one of the things we talked about in terms of the subject, I mean I could tell you the value of the pond it is about \$400,000.00-\$500,000.00, because I had to go through and put the pond in to be able to have the drainage for the 14 acres that is already sitting there. “ Mr. Masson “ Did it cost that to install it? Is that what” Mr. Jerry Brand” That’s the cost of installing and I own the ground. You have 62-67000.00 an acre I can’t remember the exact number you did the appraisal. We did some bank refinance and you can look along that corridor, that’s a low number but it’s usually more than \$100,000.00 per acre. Typically that type of property sells per square foot on a rate not per acre because we’re getting to a commercial type of property. So when you figure out the cost I had to give up 7 acres of good use ground which part of it is going to be right next to a major thoroughfare , and I had to put in an actual cost of the pond. So that is a huge value and that’s why we paid for it to go ahead and do this. “Mr. Masson “Do you know if the valuations were based upon the assumption that commercial development was possible there?” Mr. Jerry Brand “I can go through and pull out my 60 page doc.. I mean I had an appraisal done before we talked about the actual appraisal you guys have in your report. We’re Real Estate Company and we colatorize properties so we have to go through and do an appraisal. Our value of our appraisal was lower because that’s the value of the ground but it will get an asterisk on it when someone finds out yeah its great ground you can buy it for \$100,000.00 an acre , but you better not have a use that you need drains.“ Mr. Masson “The reason I am asking and I want to make the Board clear on this is the Reconstruction Statute speaks to damages to owners and you raise the issue that it is probably fair for you to have some kind of compensation for using your pond and I think the way it fits into the Reconstruction Statute is the category of damage to landowner. (Taking something of yours or using something of yours.) So laying things out you got to add the amount of damage to the total cost of the project when you are trying to figure out whether the cost outweigh the benefit or not. So that’s what I am trying to get a handle on. “ Mr. Jerry Brand “I’m not in disagreement and I think I know what your question is about. But the reality also is this is a public domain uh. I am not sure what the word is: an imminent domain situation. So it’s not like we can go through and do the drain reconstruction and be like yeah I think we’re going to pick a pond right there whether LB wants to or not even if the pond wasn’t there before. So in reality and this is part of the problem I have: When I built Haggerty 1,2 and 3, I had the cost of the pond going in on that particular scenario. Had I or if I go through and sell that pond to those three buildings and they go Mr. Schroeder, Mr. Brand Good Luck I don’t really care cause I have my 3 buildings and my pond and I have paid you for that- keep me out of it as a matter of fact keep my pond out of it

too. Now our reconstruction costs get driven up a tremendous amount because we don't have the ability to do that. That is why we kept the pond in our name that is why I also believe- no matter how well we get along. I believe Schroeder's are good stewards I trust them too but 20, 50 100 years from now, it shouldn't be in my name or my heirs name if you decide you want to use that pond. It covers too big of a watershed and it is something that we need long term to where the County has it, that's why we kept it in our hands so it would not be able to be unwound in the event we're at here today. Now to be honest and the gentleman is not with us as well when this process was brought up on building the pond in 2005 or 2006. We built the buildings in 2006 and I can't remember the start and finish times of building the pond. At that time it was said build the pond build the buildings and by the time the buildings are done we'll have a solution and we will all go to bed happy. That was the intent and nothing was ever satisfied. I understand the situation on the pond and that's no problem. I will not probably be so inclined to say those three buildings have already paid for the pond, now they have to pay for it again- and I have to go through and give the pond away and I paid the pond to be put in. Now I don't think I should get all of them but I don't think 0 is the right number either. As I have in the past, I am very happy to sit down and discuss and if you guys think it is a fair issue I have no problem with that. It may control my development in the future. That is exactly what I mentioned to Zach. Giving you guys the ability to do whatever is fair because that is what we want to do from day one. Sorry for that long answer" Mr. Masson "I appreciate it" Mr. Murtaugh "Any other questions- Mr. Brand?" Mr. Jerry Brand " Just a final note I mention this every time in a meeting cartwheels stand up do a cheer anything we can do to get this to move forward, as I believe we are not prolonging the inevitable as this is going to have to move forward and we are either going to have to address it in October 2011 or 13 or whenever you want to its not going to be any better or any much more fun in terms of the task so I don't see the difference in not approaching it now. Thank you"

Mr. Murtaugh" Any other landowners who would like to speak? " "Good Morning, I am Mike Molter owner of Zanik Corporation we have an interest in this- a small interest but an interest none the less. We own the property formally the Tractor Supply Company Building. Now I received this letter and contacted Zach Beasley to discuss with him the questions and concerns that I have. Certainly we'd like to see continued development in that area. We believe our property should be exempted from this particular situation and fees and there are a few different reasons why. I bought that property in 2006 September 1<sup>st</sup>, 2006 and again I am sure you're familiar with it. I have some photos of the pre-existing condition of the building. Incidentally as you come in from the interstate on State Road 38, it's the first building within the city limits. It was growing up in weeds and unsightly we spent nearly 2 million dollars improving the property and the building, again we would like to see continued development out there. Much of that cost was specifically to satisfy the drainage requirements. I have the engineer drawings of the drainage of the property and we paid our share for the improvement of the property. We've increased the tax base out there from when I bought the property. We have paid our share for the drainage already. The taxes have risen from \$11, 312.00 and now is \$33,459.00 showing the improvements of the property. The tax base has tripled from when we bought the property and we are trying to be good stewards. We have paid our dues on the drainage and request an exemption from the cost of this drainage project. Also when I reviewed the figures of your report I find it is inaccurate. Table 2 on page 5 of the report the figures are inaccurate. An accurate decision cannot be made with flawed data. We are listed as having 10% more property than we actually have by survey in hand. "Mr. Masson" Do you know what your actual watershed acreage is?" Mr. Molter: "No I don't but I have to assume it is incorrect as well, based on the fact the report's survey acreage is incorrect. Certainly we can't assume it is accurate when flawed data is reflected in the report.?" Mr. Masson: "Since one's inaccurate you're assuming the other is inaccurate" Mr. Molter" I would say that a fair assumption yes." Mr. Masson: "OK, right now you cannot tell us whether you know .79 acres watershed is accurate or inaccurate." Mr. Molter "No I don't again I think that's something that should be verified. Clearly we know the survey acreage is inaccurate. That's all I have if you gentlemen have any questions, I will be happy to try to answer. Thank you for your time" Mr. Murtaugh "Thank you."

Mr. Jerry Brand" Can we get an answer based on his property -when does the pot change in funds? In other words would he have an expense because he is not changing the use or how are you setting that up Zach in terms? "Mr. Masson "It's up to the Drainage Board- I think it is whenever he does some kind of improvement that requires him to come back to the Drainage Board for something." That would be when that would kick in. Again it is up to the Drainage Board to implement their ordinance sort of the model contemplated with the use of EDIT funds is that you have this reconstruction proceedings you go through that you do everything the same way, up until the point where you impose the assessments. Typically reconstruction you have these assessments that would go on all the properties. You would have to pay within five years and that's that. The impact drainage ordinance gives them the authority to impose these fees and have reconstruction costs paid back. The assessments would be suspended and reliance on that impact ordinance allowing them to assess upon that ordinance. Then whenever they improve their land again that they need to come back in front of the Drainage Board it kicks in." Mr. Murtaugh "So the difference on this particular parcel itself is the development itself is outside the watershed. So in other words I don't think those assessments would kick in unless that small portion that .79 or whatever it is was somehow developed. Do I understand that correctly?" Mr. Masson "Yes, it is how you implement the Ordinance but yes that is how I would anticipate it working " Mr. Beasley clarified only a small percentage of the Zanik Corporation tract was benefited by Branch #11 for Mr. Brand. He reiterated Mr. Zanik's entire parcel did not drain into Branch #11 watershed. Mr. Murtaugh

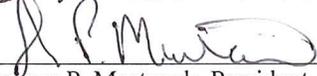
asked if any other individuals would like to speak: Mr. Gary Schroeder approached the Board again "I appreciate Mr. Brand's comments as a Developer and I understand that's a very risky business as best. That's why the Schroeder's are the Schroeder's Trust we are not developers that is a tough tough business. I think we talked about before I mean there's a lot of issues with Option C not being a direct discharge. It would appear to me that a direct discharge about ponds and that sort of thing. In my discussions with Steve Murray when he explained to me at that time why he allowed the Brands to develop was at that time they would need a pond anyway because of elevations between their site and F-Lake, there just wasn't enough fall to make all that flow. I don't have any engineering data to back it up its just his comments to me is why they were allowed to develop cause they would need a pond anyway. It's not that they could develop with complete direct discharge and I don't know the accuracy of that, but that was my understanding." Mr. Masson:" It seems fair to let you respond if you have any disagreement about that Mr. Brand" Mr. Jerry Brand:" I am confident with Zach and his consultant to give any validity to that statement" Mr. Byers stated: If I could put this in simple layman's terms. This is directed at you Zach or Dave. If we keep the pond the whole pond Mr. Brand is asking for some fair credit- it's understandable on that side. By doing that -the pipe gets smaller and the project gets cheaper. If a riser was used on the corner and it would catch the water so that dirt would not have to come in and then if it ever was developed they would have to pay for dirt to come in? Would it make the project simple so that you would not have to redirect the water? You do not have to answer this yet. The other question I am hearing is : if this project is paid through EDIT Funds we could – anybody who is currently developed there we could say you do not have to pay into this but any brand new development would pay in to pay back this project. Is that currently what we're looking at or are we looking at everybody supposedly benefited by this project will pay?" Mr. Beasley" Yes the original thought or idea was that everybody in the watershed would pay if the lot/ ground whatever if it had already been developed then they would pay up front cause they already developed it. Then the ground around it when developed would pay as well." Mr. Byers stated "However, we could say your already there, they have paid their fees already theoretically. So we could look at it if EIDT puts it in if new development happens then they would have to pay into the project." Mr. Eichelberger stated " Pat you've made mention of this a multiple times there is a lot of different ways to drain the property , we were coming up with alternatives that seemed to make the most since and use of the easement while keeping cost as low as we could. Some options had full pond had half pond. What we have to do is go back and re-engineer (we've only done prelim. Engineering at this point) but re-engineer regarding the use of the pond and pipe sizes etc. " Mr. Byers stated We hope to come up with a solution that all involved can walk away and shake hands. . (Mr. Brand began to speak out) "Mr. Knochel stated "Jerry wait just a minute I have comments to make. It does not appear that that will happen as this has been an issue since I have been on the Drainage Board since 1997. We finally got a Surveyor that would get a hold of this project and take a look at it. It's been recommended by the Chamber and by the City of Lafayette that this project move forward. It is certainly in the best interest of Tippecanoe County that it moves forward. We can take our money and go elsewhere if we have to, but I would like to see some movement by both parties. Now Jerry did you have something to say?" Mr. Jerry Brand "The area we are talking about (Mr. Zanic's property) is a different scenario than when we talk development on our three buildings. I want to say this to be fair. We discussed that if you draw a line to any future development, you need to put an asterisk on that cause we talked about the solution of this if it utilizes the pond, we should be going through having those buildings already there participating. You can't go through and go alright we're gonna have those few participate but everybody else like somebody like the property right next to me that was actually built after mine or remodeled. I just want to make sure it is fair from the standpoint either I call it his rules or the reason I'm not is we're putting actual work that we had not into the actual plan. I don't care which one but I want to put an asterisk on it you're not stopping total payment by any development. What you're doing on the Zanic property is there's no development in the property." Mr. Murtaugh stated "I don't think there would be" Mr. Jerry Brand stated" Unless he's going to build a shed in back this is a redundant discussion for that particular topic." Mr. Murtaugh stated "Right" Mr. Byers stated " I was looking at it a little different Jerry as I was thinking not charging a development fee for those three buildings as part of the credit , they're already there, they already built the pond and that's part of the credit. Maybe I am thinking this wrong but that way if those other lots do develop they're paying in. Those buildings are already there so you've paid part of the project, that's what I'm looking at. "Mr. Jerry Brand stated" What I am saying is I will agree with Mr. Knochel, this is 13 plus years of process- I don't want to go back and tell them to redo it again. We've did that for the last 13 years. I met with Zach and said tell me the way you're gonna go – you can't make it different for another property owner. We're operating the same rules but I see that Zanic will not pay anything. But they will not build anything on their property. Zach gave a good solution it wasn't because he thought my eyes were pretty brown it was because he thought it was a good solution. " Mr. Byers "But right now if I am understanding this right, we can have this doen cheaper if we use the whole pond, use a smaller pipe have it done cheaper so that if anybody does develop it would cost them less to pay it back into the project – am I interpreting it wrong? " Mr. Beasley "No, you are correct." Mr. Byers " By using the whole pond it allows Mr. Brand some credit, allows the project to proceed further by saving us funds.' Mr. Murtaugh "And it changes the whole fees of assessments as it reduces the cost of the project" Mr. Jerry Brand " Whole pond or half a pond we've already talked about we need at least half we have a value – but if we use the whole pond we use the same value I'm not increasing it. My rationale on that is we're getting real close to exact dollars because by the time I fill the pond in and use 3.7 acres of development it's going to be about a wash by the time you fill the pond in. So in the spirit of cooperation we would look at that we want to move forward." Mr. Murtaugh "I agree with Commissioner Knochel I think

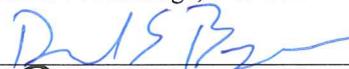
this needs to move forward, I also think there's some numbers we need to ask Zach to put together for us in relation to revising Option C to including the entire pond. I think at this point we do a motion to ask the Surveyor to put those numbers together and continue this to our November meeting." Mr. Byers "Do you think you can have that by our November meeting or at least earlier so that both of them have the option to look at it again?" Mr. Beasley "It will put pressure on us but I think we can turn it around yes. I personally would rather try for the November meeting because I don't want to push it off to December, so yes we will make every attempt possible to do that. Early as possible so we can get it to everybody" Mr. Byers " Jerry I understand you want an answer today, but if we can A. Offer you some credit. B. Get the project cheaper C. Hope that you (Schroeder) won't have to move dirt in but still be able to get your water away D. Down the road protect those three buildings already there not having to pay into the project. Only new development paying on the project, I think it is worth sitting on it another 2-3 weeks. That's the way I look at it." Mr. Jerry Brand "I have no problem with it in the spirit of cooperation, if the Schroeder's don't want to develop and I was hoping the County would come up with a plan that if they farm for the next 500 years it is a non event for them and that's what you've come up with." Mr. Byers " I think we're that much closer to it we need to dot a few more I's and cross a few T's we're closer than we've been in 13 years probably! I would like to move that we have Zach and Burke come back with more finalized numbers to our November Drainage Board Meeting." Mr. Knochel seconded the motion. Mr. Murtaugh stated that would be November 2, 2011. Mr. Jerry Brand" I will be out of town" Mr. Murtaugh "Can you send a representative?" Mr. Jerry Brand "Well Uh Are we going to meet before them in terms of going over the values?" Mr. Murtaugh "That is something the two of you can discuss after the meeting." Mr. Beasley "Yes I think so." Mr. Murtaugh " We have a motion and a second to continue this discussion at the November 2, 2011 Regular Drainage Board Meeting. The motion passed. Mr. Schroeder "To clarify are we looking at Option C and direct discharge is that an option?" Mr. Murtaugh " I would say they will be looking at varying Option C to include using the whole pond and see what type of cost reaction that brings to the project as a whole and then consequently how that changes the assessments for each individual property owner." Mr. Beasley" To answer your question Gary, the initial goal is to revise alternative C to include the entire pond. Now if we could do a sub category that we address the issue where the property north of State Road 38 drains directly into the pond or directly into the pipe , maybe that's a sub option I am not entirely sure . We will probably look at it from the standpoint which would be the cheapest and best use as we are supposed to be doing- does that answer your question?" Mr. Schroeder " I just would like to restate our wish from the advice of my engineers is that we not have an option we have to fill in our land excessively so that a future purchaser would have to move an excessive amount of dirt to make our property drain uphill if you will into the existing pond where the direct discharge would leave us the most flexibility. I would consider that a no damage if we could do that." Mr. Eichelberger" Can I request Mr. Jarboe's numbers with the anticipated excessive not insignificant fill to show us what you anticipate is the difference of fill that might reasonably be expected to fill up the site and then the fill that would be required to get it to drain up to the pond?" Mr. Masson "Yes as a procedural matter the Board can solicit written evidence as one reason to continue this hearing. " Mr. Eichelberger" It might be beneficial to have that as we have talked about it in general and I have heard 6-8 feet numbers such as that. "Mr. Murtaugh "Are we agreed on that?" Mr. Schroeder, Mr. Jarboe and Mr. Austin "Alright" Mr. Byers made a motion to recess the hearing until November 2, 2011 at 10:00 A.M. Mr. Knochel seconded the motion. The S.W. Elliott Regulated Drain #100 Branch #11 Reconstruction Hearing was recessed until November 2, 2011 at 10:00 A.M.

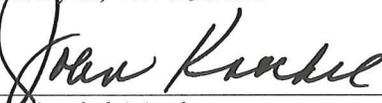
Petition to Annex

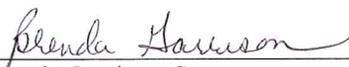
Mr. Murtaugh stated the Petition to Annex regarded a property located just north of McCarty Lane which had been annexed into the City of Lafayette previously by the Board of Commissioners. However a portion of that property involved a drainage easement therefore the Drainage Board needed to act upon this as well. The Key/Parcel number 790830351004000009/112030001171 involved 6.69 acres. The Berlowitz Regulated Drain would remain the responsibility of the County as required. David Byers made a motion to approve the Petition as presented. John Knochel seconded the motion. The Petition to Annex was approved as submitted. There was no public comment.

David Byers made a motion to adjourn. The meeting was adjourned.

  
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Thomas P. Murtaugh, President

  
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David Byers, Vice President

  
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John Knochel, Member

  
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Brenda Garrison, Secretary

**Tippecanoe County Drainage Board**  
**November 2, 2011**  
**S. W. Elliott Regulated Drain Branch #11 Reconstruction Hearing**  
**Minutes**

**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.

The President Tom Murtaugh reconvened the S.W. Elliott Regulated Drain Branch #11 Reconstruction Hearing from the October 19, 2011 Hearing. The Hearing was as follows:

Tom Murtaugh: "Zach do you want to start us off by giving us a brief update?"

Zach Beasley: "Yes, briefly since the last meeting -I believe on October the 19<sup>th</sup>- I have provided a Supplemental Reconstruction Report that was sent out. The final version the signed version was sent out yesterday evening I believe everyone has a copy of that- basically the changes in this was that there is different Alternative being proposed now. That Alternative is Alternative E, which includes the entire Haggerty Pointe Pond. Then the second issue is that there were some credits developed for a couple of the landowners. So unless there's any question I'll turn it over to the Board".

Tom Murtaugh:"Any points of order Mr. Luhman before we turn it over for public comment?"

Davie Luhman: "Just reflect the fact that there were two supplemental reports from the Surveyor, one dated October 28<sup>th</sup> and then the second November 1 which are available for inspection and I expect the Surveyor can summarize those in detail as you discuss the project. Also there was received on November 1, 2011 an additional letter from Gary W. Schroeder to Zach Beasley the Tippecanoe County Surveyor which will was distributed to the Board members and is available and will be made part of the record as well."

Tom Murtaugh:"O.K. public comment?"

Jim Austin: "Good Morning again Gentlemen- Jim Austin- representing the Schroeder family and the Schroeder Land Trust. I think that we adjourned the last meeting in order to get additional information on what the impact of the at least in part what the impact of the fill was going to be on the Schroeder property. Alternative E that's now proposed in addition or combined with the information which has been submitted yesterday by my client regarding the cost of that fill, clearly shows that any benefit to Schroeders is far exceeded by the damages that are going to be incurred by Schroeders. You now have before you only the following evidence that if Schroeders are going to have this drain put in proposed in Alternative E, if they ever do develop and they have stated they have no plans to do that, but if they ever do- it is going to cost them \$380,000.00 to install this fill. You also have evidence in our previous objection that there is no reason to believe at this point that their land, the Schroeder land, will increase in value at all because of the Branch 11 Reconstruction. So applying the requirements of the statute: you got a \$380,000.00 damage a zero increase damages exceed any benefit by far. The statute leaves you in that situation with two alternatives- either dismiss it- or if you want to go ahead-you have to assess the cost to somebody else and add in that \$380,000.00 of fill cost on to the cost of construction. That still leaves Schroeders paying zero because the evidence is their land is not going to increase in value, even if this construction's done. I'm gonna let the Brand people address whether they think the benefits exceed the damages on their end of this deal. That's for them to speak to; we're not commenting on that, but with this evidence I don't think you got any alternative but to go in this direction. If you're going to go forward essentially the \$380,000.00 of fill has got to be paid by somebody other than Schroeders, cause they don't need it and their land isn't gonna benefit from it. I think it's important to keep in mind this all started as near as I can tell; from looking back at minutes -I'm going to let Gary address this cause he's been around this issue longer than I have- but I think this started because we were trying to get INDOT to pay for the cost under the highway in order to lower the cost of the project. I don't think that's where we're winding up but we wanted information of what it's gonna cost to fill, we got it and its pretty much as we suspected. I know there's been a comment made in one of our meetings that well you're gonna have to fill to develop anyway. Well, Pat Jarboe's addressed that. If you're going to develop you might have to fill 5000 cubic yards. We're talking about 20,000 cubic yards to drain into Haggerty Point Pond. We don't need that; Schroeders don't need that in order to develop. I will turn it over to Gary since it's been a long morning."

Gary Schroeder: "Good Morning, Gary Schroeder 5650 East 700 South Lafayette. Some of you have already seen this, I apologize for the review but I thought I would kinda follow up on how we got to this point. I got the Drainage Board minutes notes from 1998 and I'd like to start out there. I tried to highlight some of those under Haggerty Point. This is when they first

presented the project. In the proposal as you can read -would ask the Board's opinion for the agreement Haggerty Point Subdivision storm water design to utilize the retention basin as being designed for Elliott ditch known as F-Lake. So their initial study showed they need 13.4 acres of storage in F-Lake and they asked the Board to proceed with an agreement. Part of this agreement the developer would ask for fill dirt to be used on site. The only reason that's kind of important is that area out there is low -everybody wants fill dirt to get their site up so it can drain. So dirt is not in abundance out there. It really is a premium. Mr. Spencer pointed out they were in agreement with Lighthouse Homes. Light House Homes had gifted some money to the County in return for that dirt. So basically they had to pay for their fill dirt. Down at the bottom Commissioner Knochel moved for approval for the Vacation of Branch #11 on the Brand property development in agreement and storage in the Elliott Ditch F-Lake- which was being designed at that point. So I think the point is from the start this project-their project -was designed to go into F-Lake. Just for ease of continuity, I'd like to skip to the 4<sup>th</sup> page which is the March 24<sup>th</sup> 2006 Special Meeting of the Drainage Board down under number two Branch 11 at State Road 38 near Tractor Supply that's page 437 of Drainage Board in the lower right hand corner. Surveyor stated Branch #11 Southwest Elliott served the property north of State Road 38 previously Brands were told they would have to reconstruct Branch 11 themselves. Reconstruction costs proved too much as two 60" pipes were required under State Road 38. INDOT would not agree to place those pipes at their expense. Surveyor suggested formal reconstruction to the owners; INDOT would have to shoulder the expense of the pipes under State Road 38. So I think, to follow up that's how this got from a private to a public, was try to reduce the cost to the developers. I did have a conversation with Mr. Murray about that, and I'm not opposed to working with a public project to have the state or the gas company reduce the cost to developers. So I'm not trying to stand in the way of that, but I think this is turned in to not only getting the state to pay for the pipes under 38, but to shift the cost to other landowners - that a developer needs or wants to have their property developed. Just the next page that's just a comment out of your own Drainage Ordinance under Enforcement on the last page, it just talks about you can appeal certain issues if they are extraordinary difficulties. However that extraordinary difficulty shall not include the need for the developer to incur extreme expense in order to comply with the Ordinance. I just went out of order cause it made a little more sense, but if we go back to the second page that's the October 5<sup>th</sup> 2005 drainage minutes notes that's 2/3 of the way down; Haggerty Point Phase 1 this is when they request approval of their first phase. So plans on a 50 acre site were to construct a wet bottom detention pond. The phase would utilize an existing 36 inch culvert under 38 as a final outlet until the reconstruction of Branch 11 Elliott Ditch of F-Lake has been completed. Development of the remaining portion of the site for Phase 2 would proceed upon completion of the reconstruction of said tile branch. So we talked about we had an appraisal submitted, said our land could not be developed. I think the appraiser was confused at best but it's actually the Haggerty Point 1 that could not be developed without the Reconstruction of Branch 11. Continuing on in the last paragraph, the Board recommended Reconstruction of Branch 11 Elliott Ditch earlier in the year. A portion of the Branch was vacated in 1998 on the Brand property. The remaining said Branch as it continues south F-Lake need to be converted from existing agricultural drain. I think that's right out of the state's statute. When you convert an agricultural drain to an urban drain- which it's been reclassified -there's a procedure to look at benefits and damages. Who would benefit, who's damaged, and how you allocate cost. So as it stands we were in agreement with Reconstruction of Branch 11, Department of Transportation be responsible for placement of new pipes under State Road 38. That would significantly reduce the cost to property owners as well as developers within the area. Also they would agree to waive objections to future reconstruction as condition of final approval. So I am just kinda breezing over this I'm sure you guys can read that. In the final, the next page which is 411, they received final approval subject to September 29, 2005 Burke memo with detention basin within Phase 1 would be on site during the 2<sup>nd</sup> phase of project. The Surveyor noted that credit would not be given for detention basin. Also conditions to that added as already stated -a waiver of objection concerning reconstruction of the Southwest Elliott Regulated Drain. Then the last paragraph just talks about the approval. There's an added condition of an objection waiver which was mentioned a couple times. Before that, also written permission from Mr. Schroder for the aforementioned surface work was required as an additional condition. KD Benson seconded the motion. So just kind of reviewing how we got to this point and it was clearly to get the state to help should that cost reduce the cost. I was in favor of cooperating with that process, but clearly not in favor of sharing those costs. We've been hearing this a long time; I think we've presented a lot of evidence; I'll leave that to the other people. I did hear at the last meeting some frustration expressed. I share that frustration but Mr. Knochel wanted to see some movement, and I would propose as a compromise to try to get this project to move forward. When this project put forth by the City of Lafayette, they have a procedure in place, containing a waste water utility system participation fee program. I've briefly talked with Opal about this- who use to be the City Engineer and is familiar with this project. I didn't want to put her on the spot it's pretty basic. It basically says the City of Lafayette would allow credit against the participation fee charged for material cost, only for over sizing a utility line extension -beyond the code minimum size or what's required for future development. So as a compromise if the Brands project needs a x pipe -48 inch pipe and somebody determines that future development may require 54 inch pipe -the cost difference of that pipe would be paid for or could be assessed to me. I've agreed to look at that process to come to some compromise. But it's very clear- underlying material costs only. That's not engineering costs, that's not installation costs, legal costs, any other cost associated with that. That's all I have on that. Thank you".

Tom Murtaugh: "Any other public comment?"

Mike Molter: "Good Morning gentlemen and young lady, I am Mike Molter owner of Zanik Corporation, I was here at the October 19<sup>th</sup> meeting and frankly after hearing some of the discussion and the sums of money that we're talking about, I feel like comparably speaking -my claim here is somewhat insignificant. We do in fact have an interest in this. As I presented to the Board a couple of weeks ago at the 19<sup>th</sup> meeting, my contention is that due to the recent development on our property and the fact that we expended substantial sums of money, tens of thousands of dollars on drainage, and that surface and subsurface drainage and devices, aqua swale devices and so forth to maintain water quality- that our particular property should be exempt from this assessment. There was some questions about the acreage last week or a couple weeks ago at the meeting and I wasn't able to adequately address that. On page 5 table 2 again shows our total acreage at 3.37 and it shows watershed acreage at .79. I have a survey with me; I shared that with you a couple weeks ago, that shows our total acreage at 3.07 and I don't know where the watershed acreage came from. Obviously I assumed and maybe somebody can clarify this for me, but my assumption is the perimeter dimensions of the lot were taken. My contention is simply this, that the surfaced and developed portions of the property being unchanged. If we go from perimeter acreage of 3.37 and reduce those dimensions down to a 3.07 it only seems reasonable then that the watershed acreage or the sod area around the perimeter of the lot would be reduced by that same amount. So that's one point, the other point I'd like to make and again I do have the drawings here that were prepared by Fisher and Associates when we did our site development -these were submitted and approved- of course prior to construction. This does encompass and enclose include the drainage requirements for all 3.07 acres, not just the hard surface area of the property. So the entire the drainage plan for our property does encompass the entire 3.07 acres of the site. All of that was taken in the calculation. Since our last meeting and I'll present these to you, I've taken some photos of the site and again I don't know how familiar each of you are with that property. Again if you look at the overhead you can see that the really the only remaining sod area is around the perimeter of the property and no further development is possible. As a point of the development and drainage plan for that property, the sod area that is around the perimeter actually is sloped toward the hard surface area. I can show you again photographs of the way the curving was designed so that there are openings so any runoff from sod area drain inward toward our property. I have these photos for you. So again my I respectfully request- due to the substantial sums of money that we've expended on the drainage and the fact that the drainage calculations are based on the entire property that we own -that we should be exempted from this assessment." Any questions for me I would be happy to try and address them."

John Knochel:"I have none."

Mike Molter:" If not, I thank you"

Tom Murtaugh:"Thank You"

Mike Molter:"Thank you very much"

David Byers:" I just want to make sure I am on the same path with you sir. Under construction assessment Zach- Because there will be no more construction on this piece of property, Zanik Corp. would not have to pay that \$3,362.00,if the project proceeds forward. The only fee that supposedly assessed that might be applied to you right now would be the maintenance cost which is \$83.94 cents."

Tom Murtaugh:"Even that would not be in effect"

David Byers:"Part of the maintenance cost of it."

Zach Beasley:" That \$83.93 cents would not however the maintenance the current maintenance rate for the entire Elliott Ditch watershed would still apply, which their paying currently and have been for years."

David Byers:"so he'll still be charged the maintenance fee he is currently being charged, the rest of these two numbers would not happen"

Zach Beasley:" That is correct. I believe if we go back to the minutes of the last meeting that was decided upon at the last meeting yes. "

Tom Murtaugh:" So you won't incur any of the fees."

Mike Molter:" Ok alright thank you."

John Brand: "Good morning, I'm John Brand I'm representing my brother Jerry, Butler Fairman Seifert the firm that I'm employed has worked on the engineering portion for this project for the parcel that's Haggerty Point or LB Associates. I'm here speaking on his behalf today he's out of town. I want to thank the Drainage Board and Zach and Dave and others involved for continued efforts on this project. It's been a number of years, I think Jerry told me to say 13, I don't know

whether that's accurate or not that this has been discussed as drainage board reconstruction. We've had a chance to take a quick look and I had some conversation with Jerry and Zach on some follow up with last week's amendment and even yesterday's amendment. There's been a lot going on in a short period of time in the last couple of months. One of the comments I want to make from some previous public comments is we believe land values do increase when suitable drainage is provided. I want to make that comment. The particular development their involved with here that's illustrated you have by your appraisal reports by Traynor and Associates reflects that. We agree with that. The revisions in the amendments that reflect credits we appreciate that effort, want to make the point similar to another presenter that the credits is proposed in some cases significantly are less than what the contribution has been. I'll make the point on the Haggerty LB Development Sept. 1 letter recognized two components- land value and also the original construction of the pond it's benefits, we put numbers to those report within those in justification and for the record to say that the \$90,000.00 credit is proposed is ah I'll use the right words – grossly underestimates the contribution which they believe is around \$500,000.00 worth of documentation and wanted that to be noted. Feel like also the credits are not proportionate when you look at credits to Schroeders versus the actual cost there recognized on a basis not proportionate with the land value and construction cost from the previous pond, but realize that a determination needs to be made in those regards. This particular development that I'm speaking to is will be in the end will pay the assessment. Has already paid for a pond that will benefit has regional benefit and also F-Lake fees, feel like for that particular landowner that is those three components are more onerous than any other property owner in the watershed. We would request the amendment didn't request an elevation for alternate E. Had a conversation with Zach through information provided by Mr. Eichelberger that the elevation of the proposed pond is about 48, 48 ½ anything that can be done to minimize that elevation- that will impact the future development of the LB parcels and having to have additional fill, just as the Schroeder parcel has made the comment the same effect is there for the LB site. We would just be make that request make the detention pond be as low as possible and still work for regional benefit. We had noted in our Sept. 1 letter that the hydraulic grade line be checked for the existing developments in place with the higher grade. I understand that's on the list of things to be done. Our understanding is the County would own and maintain the detention pond that currently resides on the LB parcel – would be owned and maintained. I'm not sure I understood the comments from the previous property owner as he was asking for a credit for a land that's already been developed. It is what I understood that to be, with no recent construction. If those sorts of credits are given to property owners within the watershed, Jerry and the developers of his parcel would request that the same thing be done for the Haggerty Point portion that's already been developed. Where the buildings are already constructed those improvements have been that have been made and adequate drainage does exist, so to be treated fairly in the same manner on that if you do with the other property owner. “

Tom Murtaugh:”Who are you talking about, Mr. Molter?”

John Brand:”Yes”

Tom Murtaugh:”His building, his improvements- are not in the watershed”

John Brand:” But anything that's in the watershed that there's some credit for previous construction, just to use the same criteria related to that. So lastly is we'd like to see the project move forward, there's been 13 years of effort of various scenarios of partnering, the number of arrangements, it's clear to us for this project to move forward at the least cost is for it to be a legal drain reconstruction- would like to see the project move forward as alternate E. The fact that full extent of credits for previous construction, we're not able to be I'll say recognized fully in this. I'm sure Jerry will want to have a conversation on another point on F-Lake fees based on what's been done with existing detention. I'll get that out there, he's kinda held comment on that to wait and see what happen with for what he was proposing for credits with the previous pond construction. So we'll have that on record as well. We would like to see the project move forward as a legal drain reconstruction. Thank you.”

Tom Murtaugh:” Thank you”

David Byers:” John, when you're talking the credits are you talking the possibly Haggerty Point 1 and 2 and 3?”

John Brand:”Dave, the existing buildings that are constructed that have suitable drainage based on the detention pond that's out there today.”

David Byers:” Is that Point 1 Point 2 Point 3?”

John Brand:” its 1, 2 and 3 where the existing I can follow up with let me look –let's see.”

David Byers:” I just want to make sure I was looking at the right numbers.”

John Brand:" That would be 8,9 and 10 on the shareholder interest by acreage exhibit 4 that would be parcels 8,9 and 10 that already have buildings on them, there's suitable drainage there's not been development occur or there has been development occur on those 3. That's the cleaned up version of the land values and the comments I got from Jerry, we won't debate how you arrived at the \$12,000 per acre for that value, we understand it, we think that's lower than what it could be, even what it shows in your report but understand Zach's methodology on how he came up with the credit. We'd like it to be higher obviously, but ultimately to see the project move forward is important. Appreciate the Drainage Board's efforts on taking it forward, I saw Mr. Spencer in the room back there I think he can verify the time frame of when the first conversation took place that made the request for reconstruction. That's still valid today. Thank you".

Tom Murtaugh:"Zach do you have any comments?"

Zach Beasley:" No I don't think so, I would be happy to answer any questions, but at this time I don't believe so. I guess the only thing I can say if there is any questions to the credits, I can explain that to the Board real quick.. There's been mention of that, basically in the report itself vaguely stated in past projects, basically, the credits the \$12,000.00 per acre land value for LB Associate property- was based on a few different factors but basically, a combination of looking at what our appraisal from Traynor and Associates indicates at the current land value, also took into consideration other agreements that we had in other watersheds, other developers in the county there's precedent been set on that and so those items combined is how the logic was used to arrive at those numbers. The same scenario occurs for the \$4.00 per cubic yard value for the Schroeder property owned north of State Road 38. We have contracts that are recent within the last few years, so that moving dirt on site for other county regulated drains and those numbers basically came off of other contracted jobs. So that's really all I have to say as far as justifying or explaining the logic that was used for those numbers. So that being stated, I have no further comments unless there is further questions."

Dave Luhman:" I have a question, in your most recent supplement to your report I believe you recommended increasing the credit to the Schroeder Land Trust for the cost of required fill from the original \$50,000.00 to \$59,600.00. What was the basis for that recommended increase?"

Zach Beasley:"Yes very good question I'd be happy to explain, the original \$50,000.00 was based on calculations we had done internally. We recently as in yesterday I believe or Friday morning I don't remember exactly what day it was, received the numbers from Mr. Schroeder's consultant TBird Engineers and I believe that is stated in the Supplement 2 that is been submitted to the board. "

Dave Luhman:" My next question is to whether either you or Mr. Eichelberger could address the disparity between your \$59,600.00 credit and Mr. Schroeder's estimate that the cost of fill is \$380,000.00."

Zach Beasley:" I'll say something real quickly and I'll let Mr. Eichelberger go into detail on this, but basically there was an assumption made on our part that anytime a site is designed the engineers are gonna try to balance the site. On our end it's based on moving dirt onsite. Mr. Schroeder's numbers that were submitted I believe are based on purchasing number 1 and number 2 importing the dirt from off location. Mr. Eichelberger can- do you have anything to add Dave?"

Dave Eichelberger:" He's kinda hit the nail on the head. It really comes down to an issue of where the dirt's coming from. What we pulled off is an assumption that if this site were ever developed in the future -which they acknowledge they certainly don't plan on developing it, that he has some high ground less than 1000 feet away and you would probably in most cases try to balance the site in moving dirt from the higher ground to the lower ground to fill the site. That's probably where you will be getting it and so we used as an estimate about \$4.00 a yard to move and compact that material, and what the Schroeder's numbers show is basically a standalone project as if you were just going to fill the site. You know by itself up to I think you had 20,000 yards. So going to a clay borrow pit- buying the clay- trucking it in -placing it -compacting it and I think he even had the engineering compaction testing numbers was in there to equal the \$380,000.00 total. So that's the basic difference. We would not- I would not disagree with the compaction numbers I think that comes up to about \$1.75 yard. I would suggest that the 20% added was like \$63,000.00 for the engineering and the compaction testing would not normally be involved. It would be part of a bigger and overall project and not a standalone project and so it all comes down to if you were to remove the 20% and if you were to agree with the compaction numbers -it all comes down to \$280,000.00 give or take that it costs to import the fill versus what I'm suggesting which is something like \$2.25 a yard to just move the fill from another portion of the property. Does that make any sense?"

Dave Luhman:"I think that describes the rationale as to why there is a difference between \$59,600.00 and \$380,000.00 hopefully it will be helpful for the Board."

Dave Eichelberger:"Right"

David Byers: "Could this project proceed without any fill? For example the fields -since their staying ag. , although your digging up over to get the pipe from one end to the other. Could we proceed without having to put any fill in and the field stay as ag. other than the distraction of putting the pipe in? Could any of that be done? "

Dave Eichelberger: "You're asking me?"

Tom Murtaugh: "The fill doesn't have to be used unless it's developed."

David Byers: " I'm just saying could this pipe be put in without having to bring any dirt in, I mean you're gonna distract the ground to get the pipe in under and move over, you put it back to where it was, hopefully and it stays as ag."

Dave Eichelberger: " If it stays as ag. ground, then yes you would be fine. You would not need any fill – no"

Zach Beasley: " That's correct."

Tom Murtaugh: " And the reason-if it were developed- the reason for the fill is to get the water to the pond?"

Dave Eichelberger: " The reason for filling was to get water from this area into the pond to try to minimize the pipe sizes downstream to reduce the cost."

Tom Murtaugh: " So what if you didn't utilize the pond?"

Dave Eichelberger: " If you did not utilize the pond, you could still develop the site. You would just have to limit your discharge from that site to the capacity of what's left in the pipe downstream of the pond. You could do that by detention or limiting the development."

Tom Murtaugh: "O.K."

David Byers: " I guess I'm getting back to my original question- so if we don't- if it this did not have to bring in any dirt- the field stays as ag, so down the road what would be their- are they still going to have to pay for reconstruction assessment *if* it ever gets developed on that end of it? Or does this project could go through without them having to pay funds?"

Zach Beasley: " Yes."

Dave Eichelberger: " I'll have to let Zach or Dave answer that."

Zach Beasley: " The intent is they wouldn't pay - the landowners in the watershed would not pay until they develop, the ones that have already developed would pay after completion of the project. OK so in theory if it was never developed they'd never pay."

David Byers: " So the pipe comes through – I assume you have to give a little bit of damages to them or would that be considered down the road – damages-or something like that on running the pipe through"

Tom Murtaugh interjected: " And that's in the initial report."

David Byers: " That's in the initial report- but then there would be no more expense to them- unless they ever sold this to develop the ground?"

Zach Beasley: "Yes."

David Byers: " And if we went that route right now we wouldn't have to pay for any dirt. They wouldn't have to worry about any dirt and we could leave it as is.

Zach Beasley: " Yes."

David Byers: " And then on the other point Mr. Brand brought up: this 48 -didn't you say the height of pond elevation 48."

Dave Eichelberger: " I mean the bottom line is – is that we are looking at having an elevation at 48 to 48 ½, I think that what John is suggesting is that you know some previous analysis that show maybe an elevation of 46 or 47's. According to design plans, the pond rim was around 49 so either way we're gonna basically stay below the pond. I have the design plans from

2005 that show this area is going to be filled at 51 or above. So I don't see where, whatever elevation we have in here is really gonna impact anything there. They can already be 2 feet above according to these 2005 plans that they had before. We even talked about this- changing the elevation any- so the ground right now is already 2 feet above roughly. It's around 51 there's a small little segment that's slightly above it. My suggestion is that it would be worked on anyway to get it to drain. So I don't think we have quite the same situation here as we do with Schroeders – their already above. They were even gonna fill it more already 6 years ago.”

John Brand:” I think what reflects is fill's required in this area. The lowest area in this watershed is the bowl that was on the Schroeder property. The LB and Haggerty Point parcels were adjacent to it- they had to be filled in order to develop. That was a depressional area that was a bowl and in some parts of it still in its current state. To be fair and to realize what amount of responsibility as a developer to develop the parcel-if recognition on the Brand or LB properties are zero in that regard, why that's different on the other parcels- we want to make that point. Clearly some fill out in that area is required. The Schroeder parcel is two to three feet below and in a bowl area it floods. It just sits there with water. It was not able to be developed in its current state. One equity in that evaluation is the point data- so we recognize that fill is required for a lot of this area in the watershed. It was recognized on the parcel south of 38 being brought in now. It's a question of responsibility.”

Dave Eichelberger:” I think the response to that is Pat Jarboe has figured out- I should say TBird has figured out -that approximately 5500 yards of fill would be required to do something there without the branch 11 reconstruction. He has taken that into account. We were subtracting the difference between what it would take to get fill to actually go into the pond versus the fill that would be required. So that has been taken into account.”

Tom Murtaugh: ”Any other questions?”

Jim Austin:” We're opening it up for comments again. Number 1 -appreciate Dave's efforts to design development I don't want to be too facetious-but if you're going to make decisions today based on assumptions of what may or may not happen in the future in development, I think that's dangerous. In essence Dave is saying you can take dirt from another part of this place and put it down and use fill and that's going to lower the cost. We don't know that that's practical now and/or may not be practical in the future because you may need that dirt for something else. So my sole observation is be careful if you use that assumption for today, it may prove later not to be true. So we are still looking at \$380,000.00 worth of cost. Now Mr. Byers' comment well can you put the pipe in, yeah sure we don't have to fill anything today because it's draining as ag. and the pipe can get put in. My question is, are you then going to make a decision today about what's going to be assessed in the future based upon assumptions that we're making today which may not prove to be not true, if you follow me?”

David Byers:” But my understanding is and correct me if I'm wrong on this gentlemen, the development can still happen then. However, then it would be a matter of whoever the developer put in detention ponds and other things and not be able to directly line into the ditch. So under that assumption, I'm thinking of, if we're not to bring in dirt, development may still happen. It will be a different avenue whoever that developer may have to do to put in retention ponds and change things. So I guess I mean the point is why are we paying you for dirt right now if we can put this pipe in and they can keep the ag and keep it going. If future development happens, you can handle that problem when it does happen.”

Jim Austin:” It comes down to a choice between direct discharge and using the pond that's there.”

David Byers:” Correct.”

Jim Austin:” If you're going to use the pond that's there which is what Zach has recommended, then we got to fill. You put us in a position where we don't have a choice- we got to fill. We can argue about where the dirt comes from and how much it's going to cost, but we got to do it. If you use a direct discharge, we don't ever have that problem. That's the reason I think that Gary has mentioned- hey you know as a compromise I am willing to pay for upsizing on the pipe, so if I do develop in the future the pipe's there. The part that you needed to put in for me is what I'm paying for and use a direct discharge. With Alternative E we don't have that issue because that's not going to be the method that's going to be adopted here. That's the only thing we're pointing out, so if Schroeders ever develop in the future, would they prefer to have a larger pipe at that point- yeah probably. Again you're guessing about what you're going to want in the future when you haven't even planned to make those demands yet. We don't have that option with Alternative E. If you go that route you've basically boxed Schroeders in a corner where they got to fill. That's our main concern today. If Gary's got something else, I'll let him address that. I see you forming another question so I'm going to stay up here.”

Tom Murtaugh:” If the land though is developed down the road, there are going to be two options. Either fill it and direct discharge to the pond or to do some sort of -limit the development and do some sort of some detention on the site.”

Jim Austin:” It would appear to be those would be your two options.”

Tom Murtaugh:"Exactly and either way that \$59,600.00 credit would be there- right. It wouldn't require- what we may or may not do today -wouldn't require that they fill- correct? They could choose option B."

Zach Beasley:" Yes that option's available, yes."

Tom Murtaugh:"O.K. that's my question. Well there still would be that credit, but they would not have to use that credit for fill, they could use it for construction costs for detention pond"

David Byers:" Why would the credit still be there if we're not?"

Zach Beasley:" That's the question I guess- is what the Board wants to do with that. Either offer it or not offer it."

Jim Austin:" I guess the reason the credit would still be there is because if you're going with alternative E you will have irrevocably put Schroeders in a position over here where they have no choice at that point. If they develop either they got to fill or they got to limit the size of their development."

Tom Murtaugh:" I can see what you're saying you know why should there be that subsidy if the fill is not used, is that what you're saying? "

David Byers:" Right, that is what I'm looking at."

Dave Luhman:"Well one answer to that and you're making assumptions and the outcome is based on those assumptions. But one way of looking at it is Alternate E proposes a reconstruction with a smaller diameter pipe downstream to limit the cost as much as possible. It makes an assumption that in order for that smaller diameter pipe to work, the land north of 38 is required to be drained into that detention pond- limit the release. So because it requires the land to drain into the detention pond it requires fill. So in order for Alternate E to function as designed then some fill is required to make sure the water does go and is held in the retention pond, so that the smaller diameter pipe is sufficient."

Tom Murtaugh:" O.K. Thanks."

David Byers:" Can you refresh me Zach as I haven't looked at these in a while- if you go for a direct discharge pipe what's changing?"

Zach Beasley:" That, Dave can give you some details on that -but that I believe is the Alternative F which drastically – well I should not use the word drastically – it raises the price of the project roughly \$100,000.00, I'll let Mr. Eichelberger clarify."

David Byers: "Go ahead Dave."

Dave Eichelberger:" Basically what we have in Supplemental 2, Alternate E obviously is the lowest one. The total remaining cost to be assessed to the landowners is \$376,606.00. Alternative F, which is allowing the Schroeder property on the north side to drain un-detained or direct discharge downstream of the Haggerty Point pond that causes pipe sizes to go up and the cost of the project to the landowners, goes up to \$454,214.00. So it's a higher cost, which is why it was not a recommended solution."

David Byers:"Is that taking in consideration- I assume that is, above and beyond the/to contract the dirt."

Dave Eichelberger:" Yes that is before any type - that's just purely a cost standpoint - a project cost."

David Byers:" So the dirt- was that figured in on Alternate E?"

Dave Eichelberger:" The credits were figured out on the assessments after the cost to do the project was distributed among the landowners and then on top of that dirt then applied to that."

Zach Beasley:" Right."

Tom Murtaugh:"Comments?"

Gary Schroeder:"Only when you're ready."

Tom Murtaugh:” Go ahead.”

Gary Schroeder:” As we discussed through this, Pat and I were just trying to engineer this on the fly I apologize, I did not see is it option F that was mailed out yesterday at 4:00? “

Dave Eichelberger:” No, it was in the appendix of the supplement.”

Zach Beasley:”Right.”

Gary Schroeder:”O.K. We’re not opposed to doing this project, it’s just where are the cost going to go? Who’s going to get the benefit and as Pat and I talked, I think it’s clear from the notes and any construction north of 38 does not benefit us. The thing that benefits us is the pipe under 38 which will convey our water for future development to F-Lake. I think F-Lake’s been built as a Regional Detention Pond, it’s enormous. I think it should be used for that; to go upstream and create more ponds I think is very very expensive. I’m not opposed to paying the cost to get my water to F-Lake, on the south side it’s already there. on the north side. So just trying to figure out and Pat can comment on this, but if you apply the cost north of 38 to the Brands which that is who benefits- you size the pipe under 38 which the state pays for – and then south of 38 you figure out what the upsize charge is that’s going to benefit land on the north. I would be agreeable to pay for that. I mean that was kind of the proposal before and then F-Lake if you choose- I’m not opposed to paying F-Lake fees, I’ve paid them before. I understand it. I think as the discussions go, these options, these costs are just growing and growing and growing. I don’t think really think it’s headed where this whole thing started out, which is how you get stuff to F-Lake and how you get the state to pay for that pipe. How do you get the gas company to resolve any interference with pipe elevations? So I don’t know if that’s option G.”

Dave Eichelberger:” Can I get a little clarification with you Gary? “

Gary Schroeder:” Yes.”

Dave Eichelberger:” Let me just state the way we did things. The cost for getting the pipe from the Haggerty Point pond to the north side right of way of State Road 38 is a shared cost between everyone that is north of 38. Then the cost to get the pipe *through* the right of way is an INDOT cost. Then the cost for the pipe from the south right of way all the way to F-Lake is a shared cost between everyone. Because everyone needs to get it from that point to F-Lake, now Gary I just want to make sure I’m clear on this. So are you suggesting that you are willing to pay for an up size for your property on the south side or the north side? I’m a little confused on that. Because when you said you were saying we don’t benefit - I didn’t know which property you meant when you said we.”

Gary Schroeder:” Uh O.K. Let me restate that. North of 38 there’s some structures that go in that basically serve the Brand property - those pipes are built to their property. I would suggest that when our land is developed if Pat could advise me – we would take our pipes directly to the pipe that goes under 38.”

Dave Eichelberger:” On the north side?”

Gary Schroeder:” On the north side”

Dave Eichelberger:” So you’re talking about the north side property.”

Gary Schroeder:” On the north side the north side does not benefit from any construction of pipes on the north side of 38. There may have been a meeting- if I understood it correctly where took those costs off because maybe you realized it didn’t benefit us. Basically what I believe – I want to hear what Pat has to say- where our benefit starts for the north side of 38 is really on the south side of 38. The state is going to pay for the pipe; we’ll get our water to the pipe. That land’s fairly narrow down there where the pipe’s going through so to put that pipe through and then have us run it at that point, I don’t know that makes any sense. “

Dave Eichelberger:” Are you suggesting if we took Alternative E solution with those pipe sizes and put in Alternative F pipes, you would be willing to pay that difference?”

Gary Schroeder:” I can’t comment on that because I haven’t seen that whole project or understand it. I guess I’m talking conceptually where is our water going to go?”

Dave Eichelberger:” But that’s what I’m hearing. In essence, I’m hearing you say and Pat you can correct me, but what we’ve got is a schematic showing what the pipe sizes go up on Alternative F as compared to Alternative E. Obviously there’s

a higher cost and what I'm hearing Gary you say, is you'd be willing to pay that additional cost to follow Alternative F- but even though Alternative E is the most cost effective way to do it for everyone else in the watershed."

Jim Austin:" Well at the risk of screwing this up even worse-I'm going to jump in anyway. What I hear Gary saying is north of 38 he'll get his water to the pipe under 38 without any pipe under the ground. In essence you're talking about putting a pipe on the west side of the Schroeder property that's north of 38, that pipe is going to allow the Brand property to get under 38. He's not going to use that pipe at all north of 38. What I'm hearing him say; surface he'll get his to where it goes underneath. The only way he's ever gonna benefit north of 38 is for the extension of that pipe then south of 38 to get to F-Lake and if that's the pipe just to throw a number out -probably has no relation to reality- if it's 48 for the Brands and it needs to be 52 for Schroeder- you know that type of thing."

Dave Eichelberger:" Alternative F is a pipe going from the Haggerty Point pond to a structure under the north side of State Road 38 and the only thing it's serving is the Haggerty Point pond. Our assumptions I believe in Alternative F were to do direct discharge from the north Schroeder property into that structure. So that's exactly what you're describing, and at that point it would go under State Road 38 and then pick up the rest of the Schroeder property from that point on. "

Zach Beasley:" Right."

Dave Eichelberger:" However that is not the most cost effective way. So I'm hearing him say, is that he would like to see that constructed but there's a difference in cost that he's willing to pay over and above what the most cost effective way to do, it which is alternative E. "

Zach Beasley:" Right."

Gary Schroeder:" Well I'm not sure that E is the most cost effective when you start putting in dirt calculations; I mean we can argue about that stuff. I don't think that it's the most cost effective if I understand that."

David Byers:" The difference between E& F was \$100,000.00 you said."

Zach Beasley/Dave Eichelberger: "Roughly."

David Byers:" That would still be divided out amongst all the owners- correct?"

Tom Murtaugh:" Not the 80. "

Dave Eichelberger:" What I'm hearing earlier is that everyone would pay the assessments per the Alternative E and the \$70,000.00 addition that it would take to build Alternative F - Gary was willing to pay."

Gary Schroeder:" No I was not, if I understand you correctly- I'm not agreeing to pay the assessments in E- we think that those do not benefit us. Those costs are too high. I'm saying this clearly benefits the Brands. You start ours at zero, our benefits are zero. Now to give us some benefits- let's give us some real benefits. Our benefit is; you size the pipe have the state put that in at their cost - there's no cost- so my cost really does not start until the south side of 38."

Dave Eichelberger:" Then I think what we're saying is - I was trying to make it easy I don't think it's quite as easy as what I'm suggesting then. - I was just trying to cut to the chase."

Gary Schroeder:" I appreciate that."

Dave Eichelberger:" The point is: that I think we'd have to look at that a little more and relook at the assessments and get a little more feel of what Gary 's suggesting that he would be willing to do, because -just have to look at that. If that's the way it could be done, I have no idea what impact that would be. In my opinion we have a recommended solution that is the most cost effective way to do it for everyone in the watershed. He's making a suggestion that he'd like to do something different. I would assume that we'd want to keep everyone else's assessments the same as if it was the most cost effective solution. We may have to go back and look and see what he would or would not have to pay to make it work that way. He may or may not be paying more than for the assessment for Alternative E."

John Knochel:" How long will it take to do that, half an hour?"

John Brand:" If it's a penny more would they do it? I mean, the number in the report was \$77,000 and some change, if it's an additional cost would they do it-? If the answer to that is yes then it's worth looking at."

Dave Eichelberger:” That’s what I’m hearing Gary say.”

John Brand:” Well don’t we need to know that answer- to be able to go forward?”

Gary Schroeder:” I think I am starting at zero not at \$77,000. I’m starting at zero, our benefits start at zero and you take away having to fill our property and having- I mean those numbers that I gave you for fill are real numbers. You can talk about moving dirt- I think that’s another issue. I don’t think that’s feasible but you start at zero. Our benefits start when the north side water gets to the south side of 38. So we would agree to pay piping, upsizing on the south side of 38. So if it’s a 48 and it goes to a 54 whatever that pipe difference is, we would agree to pay that. That’s the procedure that the city used and that doesn’t mean we share in the cost of the engineering. We don’t share in the cost of whatever else.”

Dave Eichelberger:” You aren’t sharing in the cost of the original 48.”

Gary Schroeder:” No because I think that most of that does not serve us. I mean take out the part that serves us, we would pay the pipe upsize, but I’m not sure what percentage of the 48 is ours. So you’ve taken the whole thing you’ve divided by acres. I’m saying that we don’t see that as an equal benefit to us. Our benefit would be once you get our water under 38. Obviously the Brands want to lower their cost. I think the Board has done a lot of work. I think we’ve cooperated to get those costs down by basically getting the state to put those pipes under 38. That’s where this all started that’s why we’re here today. Now it seems like we’re shifting and trying to share those costs with anybody who can -that’s in the neighborhood.”

Dave Eichelberger:” I don’t understand, I mean to me the cost has done nothing but gone down and you were saying it was going up. I don’t know where I’m getting that.”

Gary Schroeder:” If I understand it correctly – The proposal is- maybe I’m confused I haven’t seen the latest one. Is the current proposal where we have to fill our ground and we go in to the existing pond on the north side of 38? “

Dave Eichelberger:” So you’re basing that on \$380,000.00 to fill it?”

Gary Schroeder:” We believe those costs are real. I respectfully reject the other costs that you’re engineering our property. Are you going to say where we’ll get our dirt? That’s yet to be seen.”

Dave Eichelberger:” I certainly am not intending on saying that’s what would happen. All I was saying and Zach is trying to point out - that is purely a discussion of where one number came from and where the other one came from. So you know don’t misunderstand me, I’m certainly not trying to engineer the property. I have no idea what they’ve be doing if anything, but that is the difference of where the numbers come from- that’s where the rate difficulty is. What I was trying to pinpoint is what it comes down to, and it comes down to where the dirt comes from is why the difference. We have no problem with the compaction number and things like that. It really comes down to- I think it was \$283,000 -to actually import the dirt versus what we’d be saying is like \$30,000. “

Gary Schroeder:” We had two estimates to bring dirt on. One was submitted by Brands and one was submitted by us and their very close. I mean I think those are the costs out there. When you call a contractor and say we need to fill our site. The 20% engineering compaction- I took that off your report. Where you did the report and they add 20% engineering and accessory cost.”

Tom Murtaugh:” I think we have beat this horse to death clearly. I personally have sat in countless meetings on this and I think it’s time to get this rectified. I would like to see a motion to move forward the Findings and Order with the damages assigned as \$90,000 to Haggerty Point and \$59,600 to for the Schroeder Land Trust for the fill material. Move forward with the reconstruction. I think what’s very fair about this is you know the fact that this land is not going to be developed, you know there will be no fees. As long as the land won’t be developed, there will be no assessments annually or for the reconstruction. So I think that’s a very very important point here.”

John Knochel:” Why don’t you have our Attorney state this in a motion for us.”

Dave Luhman:” Well, at the cost of you’re listening to me maybe five minutes, I think it would be best if I go ahead and read the order that we prepared-that reflects what was in the Surveyor’s report- the comments that Mr. Murtaugh has made. We did this in anticipation of today’s meeting, so there are a couple of edits to reflect activity in the last 24 hours. So my reading would be subject to amendment of my grammar of where I’ve had to fill in those edits o.k.”

John Knochel:” Understandable”

Dave Luhman:" This would be in the Matter of Branch 11 of the S.W. Elliott Ditch Findings and Order Reconstruction and Periodic Maintenance Rates. This matter is before the Tippecanoe County Drainage Board on the report of the Tippecanoe County Surveyor and schedule of assessments filed on or about July 22, 2011 and the Surveyor's supplemental reports filed on or about October 28, 2011 and November 1, 2011. The Board enters the following Findings and Order: 1. The hearing was scheduled for October 19, 2011 at 10:00 a.m. in the Tippecanoe County Office Building at 20 North 3rd Street, Lafayette, Indiana 47901. 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. 2. Written objections were filed more than five (5) days prior to the hearing. Those objections were: A. Objections to Reconstruction report filed on August 31, 2011, by Gary W. Schroeder individually and as Trustee of the W.W. Schroeder Land Trust #2, Loren W. Schroeder, Kevin C. Schroeder, and Donita (MacDonald) Schroeder ("Schroeders"). This objection primarily contends that the current drainage is sufficient for the current, agricultural uses of the watershed, that additional drainage is necessary only for commercial development, and that the Schroeders either will not develop land for commercial purposes or that it is not necessary for them to discharge water into The Branch to conduct such development. The Schroeders also object that the Surveyor's Report fails to account for damage caused by the reconstruction; particularly because, the Schroeders contend, it will be necessary to fill a portion of its property to drain into the existing retention pond. B. Letter from Jerry Brand of INOK Investments, LLC, filed on September 2, 2011. This was not labeled as an objection and the letter does not identify Mr. Brand as a property owner. However, Mr. Brand is known by the Board to have an ownership interest in the Haggerty Point, LLC property owners. The letter generally raises concerns about the treatment of the Haggerty Point pond and its use by the reconstruction plan. C. Supplemental Objections to Reconstruction Report, filed on October 13, 2011. This objection primarily contends that the Schroeders property is rural land served by an urban drain under IC 36-9-27-69 and that the board's assessments may not be based on future possibilities for the land created by the reconstruction. D. Letter from Gary W. Schroeder to Tippecanoe County Surveyor dated November 1, 2011 in respect to cost of fill related to Alternate E of the Surveyor's Supplemental Report. 3. At the hearing, the Board considered evidence on the Surveyor's Report and in support and against the objections. Witnesses testified on behalf of the Schroeders and Jerry Brand testified on behalf of the Haggerty Point landowners. 4. The Board directed the Surveyor to submit additional information in light of the evidence provided at the October 19 hearing, the Board recessed until November 2, 2011, the Surveyor submitted his Supplemental Reports on October 28, 2011 and November 1, 2011, and the Board reconvened on November 2, 2011 at 10:00 a.m. 5. After consideration of the evidence, the Board makes the following findings: A. The Reconstruction Report of the Tippecanoe County Surveyor and Schedule of Assessments were filed in the office of the Surveyor on July 22, 2011 and supplemented on October 28, 2011 and November 1, 2011. B. 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 the hearing. C. Notice of the time and place of the 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. D. Branch 11 of the S.W. Elliott is located in the Northeast Quarter of Section 2, Township 22 North, Range 4 West. The drain was originally constructed as a tile to provide subsurface drainage to farm fields located north of the Elliott Ditch west of its intersection with SR 38. However, land usage in the area is transitioning from rural uses to urban uses. Without reconstruction, the drain will not provide proper drainage for the urban land within the watershed. With reconstruction, proper drainage for urban land can be provided, a reasonable part of the land within the watershed has been or is being converted from rural land to urban land, and it appears to the Board that one or more tracts within the watershed is or will be changing from rural land to urban land, and that change requires the drainage provided by an urban drain. E. The capacity of the existing tile of Branch 11 of the S.W. Elliott is limited and does not, in particular, support further development of Haggerty Pointe. Reconstruction of the Branch will additionally allow for positive drainage associated with plans of the City of Lafayette to extend Park East Boulevard to SR 38. It will also allow the future possibility for urban development of the other tracts of land served by the Branch. F. There is now \$ -0- owed to the General Drain Fund for past maintenance on this ditch. G. Reconstruction of the Branch is expected to damage the owners as follows 1. Owners of the Haggerty Pointe pond will be damaged inasmuch as the Branch reconstruction plan makes use of its pond. The amount of damage from the use is calculated as \$90,000 pursuant to Alternate E of the Surveyor's Supplemental Report. The Board notes that the prior construction of the pond and the benefits to the watershed already existing and independent of this reconstruction process is not a proper element of damage to be considered by the Board in the reconstruction process. 2. Schroeder Land Trust #2 will be damaged in the net amount of \$59,600 by the necessary placement of fill to drain its property north of SR 38 to the existing Haggerty Pointe pond in order to implement Alternate E as recommended by the Surveyor's Supplemental Report. H. The cost of reconstruction, exclusive of the damage described in G and exclusive of amounts required to be excluded under IC 36-9-27-71 (costs for highway crossing to the Indiana Department of Transportation) and costs under IC 36-9-27-48 (costs for utility equipment relocation) is \$376,606. I. Maintenance costs are expected to remain the same regardless of the reconstruction. J. The Board finds that the costs, damages, and expenses of the reconstruction will be less than the benefits accruing to the owners of the land benefitted by the construction. K. The Board hereby adopts the Reconstruction Report of the County Surveyor and specifically adopts "Alternative E" specified therein. The Board further adopts the Schedule of Damages and Assessments as amended and attached hereto and made part hereof. L. A fund for reconstruction, annual maintenance during reconstruction and annual

maintenance post reconstruction should be established. M. The assessment list filed herewith should be amended for the following reasons: 1. The assessment in the Surveyor's initial report reflects an equal assessment for each acre of the watershed. 2. The factors listed in IC 36-9-27-112 should be considered. 3. The Branch is an urban drain and, therefore, absent special benefits, urban land served by the urban drain should be considered to be equally benefitted under IC 36-9-27-69. 4. The Schroeder's Supplemental Objection that the Board should consider that the Schroeder property is rural land served by an urban drain is well taken. As is the fact that it is currently used for rural purposes and is on the downstream end of the branch. However, the Board may consider future possibilities for the land, and, with reconstruction, commercial development of the Schroeder land becomes a future possibility. Furthermore, pursuant to IC 36-9-27-69(b)(6), that the land is rural but served by an urban drain means that the assessment should be reduced relative to the urban land in the watershed, not eliminated altogether. 5. For these reasons, the Schedule of Assessments is amended and said schedule is attached hereto and made part hereof. N. The assessment list filed herewith is fair and equitable and should be adopted. The assessment should be held in abeyance under paragraphs O and P and collected with the taxes for the year following any year in which the reconstruction repayment mechanism described in paragraph O is invalidated through court action or otherwise and only collected to the extent of the invalidation. O. In order to provide the necessary reconstruction funds, the General Drain Fund shall grant to the reconstruction fund the total cost of reconstruction less the costs attributable to the public highway crossing under IC 36-9-27-71. The Board finds that such a grant from the General Drain Fund is appropriate because these funds were received into the General Drain Fund as part of the Capital Improvement Plan of the Tippecanoe County Economic Development Income Tax, and reconstruction of the drain will result in economic development that can then be used to repay the costs of reconstruction pursuant to Ordinance 2011-02-DB amending and ratifying Resolution 2009-04-DB, both of which provide the S.W. Elliott Regulated Drain Branch #11 Impact Drainage Area. The Impact Drainage Area ordinances permit the Drainage Board to require, among other things, payment by all future developments a pro-rated share, as determined by the Drainage Board, of the cost of reconstruction. The pro-rated share, due at the time of development (deemed for the purposes hereof to be the date of final approval of drainage plans for any such development), shall be equal to the assessment adopted herein for the affected property unless the Board determines, for good cause shown, that an injustice would arise. P. In reliance on the funding mechanism described in paragraph O, the Drainage Board in order to provide the necessary reconstruction funds, the General Drain Fund shall grant to the reconstruction fund the total cost of reconstruction less the costs attributable to the public highway crossing under IC 36-9-27-71. The Board finds that such a grant from the General Drain Fund is appropriate because these funds were received into the General Drain Fund as part of the Capital Improvement Plan of the Tippecanoe County Economic Development Income Tax, and reconstruction of the drain will result in economic development that can then be used to repay the costs of reconstruction pursuant to Ordinance 2011-02-DB amending and ratifying Resolution 2009-04-DB, both of which provide the S.W. Elliott Regulated Drain Branch #11 Impact Drainage Area. The Impact Drainage Area ordinances permit the Drainage Board to require, among other things, payment by all future developments a pro-rated share, as determined by the Drainage Board, of the cost of reconstruction. The pro-rated share, due at the time of development (deemed for the purposes hereof to be the date of final approval of drainage plans for any such development), shall be equal to the assessment adopted herein for the affected property unless the Board determines, for good cause shown, that an injustice would arise. P. In reliance on the funding mechanism described in paragraph O, the Drainage Board hereby determines that the current maintenance assessment should remain unchanged and suspends reconstruction assessments related to this reconstruction for so long as 4 repayment of reconstruction costs is permitted under the Impact Drainage Area ordinances as described in paragraph O. Should that repayment mechanism be invalidated by court challenge or otherwise, the Drainage Board makes the following findings: In order to provide the necessary reconstruction and maintenance funds, the annual assessment per acre and lot benefitted should be: Reconstruction: Assessments adopted under paragraph N should be imposed. Maintenance during reconstruction: \$5.00 minimum, \$10.00 per lot and \$2.00 per acre. This will result in an assessment total of \$15.00 minimum charge, \$40.00 per lot and \$8.00 per acre for a five-year period. Maintenance post reconstruction: \$5.00 minimum, \$20.00 per lot and \$4.00 per acre for a period of eight times the annual assessment. 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 benefitted. 2. A fund for reconstruction, annual maintenance during reconstruction and annual maintenance post reconstruction of the Branch 11 of the S.W. Elliott Ditch should be established. In order to provide the necessary reconstruction funds, the General Drain Fund shall grant to the reconstruction fund the total cost of reconstruction less the costs attributable to the public highway crossing under IC 36-9-27-71 and relocation of utility equipment under IC 36-9-27-48. Maintenance rates should remain unchanged. Following the reconstruction, the fund should be allowed to build to a total of eight times the annual assessment. Repayment of the reconstruction costs advanced by the General Drain Fund shall be made under the Impact Drainage Ordinance through payment of a pro-rated share of the reconstruction cost at the time affected property is developed. 3. Should that repayment mechanism be invalidated by court challenge or otherwise, the reconstruction assessments adopted under paragraph 2N are imposed and shall be collected with the taxes for the year following any year in which the reconstruction repayment mechanism described in paragraph O is invalidated through court action or otherwise and only collected to the extent of the invalidation. Further Maintenance assessments during reconstruction shall be: \$5.00 minimum, \$10.00 per lot and \$2.00 per acre. This will result in an assessment total of \$15.00 minimum charge, \$40.00 per lot and \$8.00 per acre for a five-year period. Maintenance post

reconstruction: \$5.00 minimum, \$20.00 per lot and \$4.00 per acre for a period until the maintenance fund reaches eight times the annual assessment. So dated this 2nd day of November, 2011. Signature lines of the County Drainage Board. "

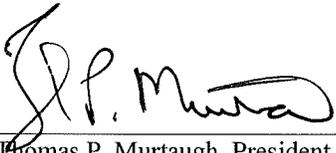
John Knochel: "Move for approval of these Findings and Order for the Reconstruction and Maintenance rates of the Southwest (Corrected to S.W. by the secretary) Elliott Regulated Drain Branch 11."

David Byers: "Second."

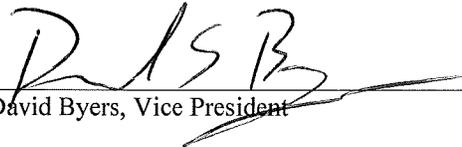
Tom Murtaugh: "I have a motion and a second on the floor any further discussion on this? Hearing none all in favor say Aye"- all were in agreement and said Aye Opposed? None opposed" "Ok Motion passes. Thank you for all your time, comments on this and for all the work the Surveyor's put into it. I know it's been countless hours, Eichelberger as well. Alright I'll take a motion to adjourn the hearing."

John Knochel: "Motion to adjourn."

Tom Murtaugh: "We're adjourned."



Thomas P. Murtaugh, President



David Byers, Vice President



John Knochel, Member



Brenda Garrison, Secretary

**Tippecanoe County Drainage Board**  
**Minutes**  
**December 7, 2011**  
**Regular Meeting**

**Those present were:**

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

**Approval of Minutes**

David Byers made a motion to approve the November 2, 2011 Drain Maintenance Hearings and Regular Drainage Board minutes in addition to the S.W. Elliott Branch #11 Reconstruction Hearing minutes. John Knochel seconded the motion. The November 2, 2011 Drain Maintenance Hearings and Regular Drainage Board minutes in addition to the S.W. Elliott #100 Branch #11 Reconstruction Hearing minutes were approved as written.

**Roberts Ridge**

Justin Frazier with TBird Design Services approached the Board to request final approval for Roberts Ridge Subdivision. The site consisted of approximately 59 acres and located on the north side of Co. Rd. 450 South east of Co. Rd. 250 East (Concord Rd.). The JN Kirkpatrick Regulated Drain was located in the northern portion of the site and the project was located within the JN Kirkpatrick Impact Area. The detention ponds, BMP, primary outfalls, emergency outfalls and mass grading was granted preliminary approval by the Board at their previous meeting. The subdivision's storm sewer design was presented today for approval. Justin stated his client agreed with the Nov. 30, 2011 Burke memo and requested final approval from the Board. The Surveyor reviewed the area for the Board. He stated he had been contacted by two concerned landowners located on the south side of Co. Rd. 450 South across the southwest corner of the site. Their concern regarded agricultural (field) tiles in the farm field south of Co. Rd. 450 South which drained north across their site. The Surveyor added a condition of the agricultural tiles to be located and shown on the plans. Responding to Mr. Murtaugh' inquiry, Mr. Frazier stated they would locate any tiles on the project site and incorporate them in the design where warranted. The Surveyor added an additional condition that the field tiles onsite would be located and indicated as such on plans. Justin stated they had three options. One- the tile (s) could be tied into the designed storm sewer, two- the tile could outlet into the swale, three- run the tile under the swale and on into the JN Kirkpatrick Regulated Drain. The Surveyor noted the additional condition of the field tile(s) located prior to earth work on site. He required the invert information gathered prior to the grading. He recommended final approval with the conditions as stated on the Nov. 30, 2011 Burke memo along with the additional condition of locating and incorporating the farm tiles into the design where warranted. David Byers made a motion to grant final approval with the conditions as stated on the Nov. 30, 2011 Burke memo as well as the additional condition of locating and incorporating the aforementioned farm tiles into the design where warranted. John Knochel seconded the motion. Roberts Ridge was granted final approval with the conditions as stated on the Nov. 30, 2011 Burke memo and the additional condition of locating and incorporating farm tiles into the design where warranted. The Surveyor then noted a Petition to Encroach on the JN Kirkpatrick Regulated Drain had been submitted for this project. He recommended approval. David Byers made a motion to approve the Petition to Encroach on the JN Kirkpatrick Regulated Drain as submitted. John Knochel seconded the motion. The Petition to Encroach on the JN Kirkpatrick Regulated Drain regarding Roberts Ridge Subdivision was approved as presented.

**Industrial Pallet Expansion Phase I**

Pat Williams from TBird Design Services approached the Board to request final approval for the Industrial Pallet Phase I Expansion. The existing site was located near the intersection of US 52 and St. Rd. 28, along the East County Line Road. Pat Stated the Master Drainage Study for the overall improvement of the site was approved in December of 2010. Approval of the drainage design and construction plans for the storm water infrastructure was granted approval in May of 2011 as well. The site was currently under construction with the storm water infrastructure near completion. The expansion included a 45,000 square feet building addition to the existing industrial facility on the east side. The site design was in compliance with the Master Drainage Study for the site. He noted two variances were requested with this project. The first related to a loading dock and the second to storm sewer inlets and emergency routing. He noted the December 2, 2011 Burke Review memo explained the variances request made. He noted it was critical the dock's finished floor match the existing floor and stated site restrictions of the grading basically established where the pond elevations needed to be. He stated the bottom of the dock was above the emergency overflow and the finished floor of the building was 4.5 feet above the 100 year flood elevation. He felt there was adequate protection of the building itself. The second was related to a couple small storm inlets on the north side of the building and their emergency routing. The reasons for this design were well documented. The

required pad grades were not met at this location. The client was aware that some onsite flooding may occur, however it was felt the structures were protected as designed. Most importantly he stated the adjoining property owners would not be affected by this design. He then asked for approval and stated they were in agreement with the December 2, 2011 Burke memo conditions and would meet all the conditions stated within the memo. The Surveyor reviewed the site for the Board and stated he recommended approval of the variances as requested and also final approval with the conditions as stated on the Burke December 2, 2011 memo. John Knochel made a motion to grant the two variances as requested. David Byers seconded the motion. John Knochel made a motion to grant final approval with the conditions as stated on the December 2, 2011 memo. David Byers seconded the motion. The Industrial Pallet Expansion Phase 1 was granted two variances as discussed in the December 2, 2011 Burke memo. The Industrial Pallet Expansion Phase 1 was granted final approval with the conditions as stated on the December 2, 2011 Burke memo.

#### **US 231 Road Improvements Spoil Site**

Brad Miller from DJ McQuestion and Sons approached the Board to request final approval for the US 231 Road Improvements Spoil Site project. The site was located between SR 26 (State Street) and US 52 and consisted of a mound approximately 600'x300' and 40' high. Runoff would be conveyed to the proposed detention pond by diversion channels along the base of the said mound. Mr. Miller indicated a detention pond would be constructed by INDOT and located east of the "S curves". The Surveyor then reviewed the site for the Board. Responding to the Surveyor Mr. Miller stated they would truck in approximately 150,000 cubic yards of dirt for the mound. Mr. Eichelberger confirmed there was no development proposed with this project. He noted the diversion channel on the east side of the proposed mound would convey any offsite runoff to the said detention pond. The Surveyor noted the project was reviewed to insure any adjoining developments would not be affected by the proposal. He then recommended final approval with the conditions as stated in the December 2, 2011 Burke memo for the US 231 Road Improvements Spoil Site. David Byers made a motion to grant final approval with the conditions as stated on the December 2, 2011 Burke memo for the US 231 Road Improvements Spoil Site. John Knochel seconded the motion. The US 231 Road Improvements Spoil Site was granted final approval with the conditions as stated on the December 2, 2011 Burke memo.

#### **Ivy Tech Southeast Parking Lot and Pedestrian Bridge**

Kyle Betz from Fisher and Associates approached the Board to request final approval for the Ivy Tech Southeast Parking Lot and Pedestrian Bridge project. The site was located within the city of Lafayette; therefore the Board was reviewing drainage only on this project. A parking lot and pedestrian bridge was planned. A portion of the project would encroach on the S.W. Elliott Regulated Drain easement. There were two encroachments one regarded the parking lot and one regarded a pedestrian bridge. Mr. Betz stated the encroachment was discussed in detail with the Surveyor previously. After much discussion a 15 foot wide strip was planned for access regarding any future maintenance of the drain. The Surveyor agreed to this. Direct discharge was planned into the S.W. Elliott Regulated Drain. Mr. Betz stated they agreed with the comments on the December 2, 2011 Burke memo and requested final approval. The Surveyor then reviewed the area for the Board. He stated the City Engineer's office, Mr. Betz and the Surveyor had discussions regarding the encroachments and he felt compromise with the 15 feet access was sufficient. He noted if the access was any larger the project would not be feasible. Maintenance of the encroached area would be covered by a Maintenance Agreement between the Drainage Board and Ivy Tech Community College. He discussed the slope ratio and suggested a possible retaining wall. Mr. Betz stated they were limited somewhat by the flood plain and floodway to the 4 to 1 slope but would review it again. Mr. Betz stated he would return to the Board with the Encroachment Petitions for approval at a later date. The Surveyor recommended final approval with the conditions stated on the December 2, 2011 Burke Memo as well as the additional condition of the Petition to Encroach regarding both the Ivy Tech Southeast Parking Lot and the Pedestrian Bridge submission. David Byers made a motion to grant final approval with the conditions stated on the December 2, 2011 Burke Memo as well as the additional condition of the Petition to Encroach regarding both the Southeast Parking Lot and the Pedestrian Bridge submission. John Knochel seconded the motion. The Ivy Tech Southeast Parking Lot and Pedestrian Bridge was granted final approval with the conditions stated on the December 2, 2011 Burke Memo as well as the additional condition of the Petition to Encroach regarding both the Southeast Parking Lot and Pedestrian Bridge submission.

#### **Zach Beasley**

##### **Other Business**

##### **Revised Comprehensive Stormwater Management Ordinance Tippecanoe County: 2<sup>nd</sup>/final reading #2011-27-CM**

The Surveyor noted the Revised Comprehensive Stormwater Management Ordinance for Tippecanoe County was passed on its first and second reading by the Commissioners prior to this date. He requested the 2<sup>nd</sup> and final reading by the Drainage Board. He noted changes to the Ordinance were discussed in previous meetings. David Byers made a motion to approve the Revised Comprehensive Stormwater Management Ordinance for Tippecanoe County on its 2<sup>nd</sup> and final reading. John Knochel seconded the motion. The vote was as follows: David Byers Yes/John Knochel Yes/Thomas Murtaugh Yes. The Revised Comprehensive Stormwater Management Ordinance was approved with a vote of 3-0.

**Petition to Encroach/Berlowitz Regulated Drain #08**

The Surveyor presented the following petition for approval by the Board: Petition to Encroach on the Berlowitz Regulated Drain #08 regarding Lot 1 Monitor Subdivision aka Moose Lodge. John Knochel made a motion to accept the Petition as presented by the Surveyor. David Byers seconded the motion. The Petition to Encroach on the J. Berlowitz Regulated Drain#08 submitted by TBird Design Services regarding Moose Lodge on Lot 1 of the Monitor Subdivision was approved.

**Petition to Reconstruct/ Mary McKinney #52 Regulated Drain**

The Surveyor presented a Petition of Reconstruction regarding the Mary McKinney #52 Regulated Drain. John Knochel made a motion to accept the Petition and refer it back to him for his report. David Byers seconded the motion. The Petition of Reconstruction regarding the Mary McKinney #52 Regulated Drain was accepted as presented by the Surveyor and referred to him for a report.

**Petition to Reconstruct/Alonzo Taylor #77 Regulated Drain**

The Surveyor presented a Petition for Reconstruction regarding the Alonzo Taylor #77 Regulated Drain. John Knochel made a motion to accept the Petition as presented by the Surveyor and refer it back to him for his reconstruction report. David Byers seconded the motion. The Petition of Reconstruction regarding the Alonzo Taylor Regulated Drain #77 was accepted by the Board and referred to the Surveyor for a report.

**Maintenance Bonds**

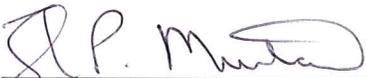
The Surveyor then presented the following Maintenance Bonds for approval by the Board: Maintenance Bond #6010890 from Ohio Famers Ins. Co. in the amount of \$23,510.80 submitted by Merritt Construction regarding Wyandotte Elementary School project, Maintenance Bond#929537947 from Western Surety Co. in the amount of. \$6,190.00 submitted by TWG Construction regarding Chapelgate Sr. Apts. David Byers made a motion to accept the Maintenance Bonds as presented by the Surveyor. John Knochel seconded the motion. Maintenance Bond #6010890 from Ohio Famers Ins. Co. in the amount of \$23,510.80 submitted by Merritt Construction regarding Wyandotte Elementary School project, Maintenance Bond#929537947 from Western Surety Co. in the amount of. \$6,190.00 submitted by TWG Construction regarding the Chapelgate Sr. Apts. were accepted by the Board.

**2012 Meeting Dates**

The Surveyor presented the 2012 Drainage Board Meeting Dates Request for the Boards approval. David Byers made a motion to accept the proposed 2012 meeting dates as presented by the Surveyor. John Knochel seconded the motion. The 2012 meeting dates as presented by the Surveyor were approved by the Board.

**Public Comment**

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



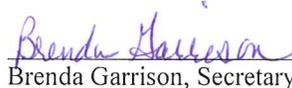
Thomas P. Murtaugh, President



David Byers, Vice President



John Knochel, Member



Brenda Garrison, Secretary

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

**Those present were:**

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

**Approval of Minutes**

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

**Winding Creek Section 6**

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

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

**Reserve at Raineybrook Phase II**

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

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

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

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

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

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

### **Zachariah Beasley/Petitions**

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

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

### **Zachariah Beasley/ BONDS**

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

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

### **Regulated Drain Updates**

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

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

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

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

This matter came to be heard upon the reconstruction report and schedule of assessments prepared by the Tippecanoe County Surveyor and filed on July 15, 2011 and **amended on March 13, 2012**. Certificate of mailing with notice of time and place of original hearing to all affected landowners was filed. Notice of publication of time and place of hearing in the Lafayette Journal & Courier, Lafayette Leader were filed. Remonstrances were filed. Evidence was presented by the Tippecanoe County Surveyor and landowners affected were present at original hearing date and time. A list of those present is filed herewith. After consideration of all the evidence, the Board does now FIND THAT:

- (1) The reconstruction report of the Tippecanoe County Surveyor and schedule of assessments were filed in the office of the Surveyor on April 18, 2011.
- (2) The Petition for Establishment of the John L. Hengst Drain as a regulated drain was filed November 30, 2010 and thereafter referred to the Tippecanoe County Surveyor for a report.
- (3) Notice of filing of the reconstruction report and the schedule of assessments and their availability for inspection and the time and place of this hearing was mailed to all those landowners affected more than thirty (30) and less than forty (40) days before the date of this hearing.
- (4) Notice of the time and place of this hearing was given by publication in the Journal & Courier and The Lafayette Leader newspapers of general circulation in Tippecanoe County, Lafayette Indiana more than ten (10) days prior to this hearing.
- (5) The legal drain consists of 200.00 feet of open ditch.
- (6) The legal drain consists of 9100 lineal feet of main tile and 2815 lineal feet of branch tile.
- (7) The present condition of the ditch is poor and in need of repair.
- (8) The ditch needs the following maintenance at present:  
Replace 2800 lineal feet of 18"(inch) tile and clearing.
- (9) There is now \$2626.16 owed to the General Drain Fund for past maintenance on this ditch.
- (10) **The total watershed acres was amended on March 13, 2012 by the Tippecanoe County Drainage Board to correct a clerical error only and reflect the true and correct amount of 492.085 acres of which the ditch drains.**
- (11) Estimated annual benefits to the land drained exceed repairs and maintenance costs and consists of general tile replacement.
- (12) A fund for annual maintenance should be established.
- (13) In order to provide the necessary maintenance fund, a reconstruction assessment of \$26.00 per Acre and a \$150.00 minimum over a five year period is recommended. This will generate \$12,832.50 per year and a total of \$64,164.00 over a five year period. Assuming the reconstruction and improvements are complete and the General Drain Fund has been repaid after the five year period,

the Tippecanoe County Surveyor recommends the per acre assessment be lowered to a maintenance rate of \$12.00 per acre with a \$75.00 minimum.

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

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

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

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

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

(2) In order to provide the necessary maintenance fund, a reconstruction assessment of \$26.00 per acre and a \$150.00 minimum over a five year period is recommended. This will generate **\$14,026.18** per year and a total of **\$70,130.90** over a five year period. Assuming the reconstruction and improvements are complete and the General Drain Fund has been repaid after the five year period, the Tippecanoe County Surveyor recommends the per acre assessment be lowered to a maintenance rate of \$12.00 per acre with a \$75.00 minimum.

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

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

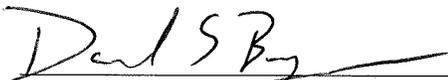
**DATED** at Lafayette, Indiana this **13th day of March 2012**. Tippecanoe County Drainage Board signature lines and attested by the Secretary. Tom Murtaugh made a motion to approve the Amended Findings and Order on the John Hengst #117 Regulated Drain as presented by the Attorney. John Knochel seconded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

**Hearings**

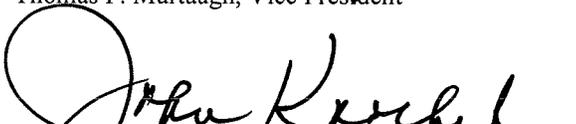
The Surveyor requested a reconstruction hearing date for the Combs Ditch located in Perry Township. His office received a Petition to Reconstruct for this ditch. Tom Murtaugh made a motion to schedule May 4, 2012 for a reconstruction hearing regarding the Combs Ditch to immediately follow the regular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

**Public Comment**

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

  
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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**  
**August 1, 2012**  
**Regular Meeting Minutes**

**Those present were:**

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

**Approval of Minutes**

Tom Murtaugh made a motion to approve the July 11, 2012 regular minutes as written. Dave Byers seconded the motion. The July 11, 2012 regular meeting minutes were approved as written.

**Calvin Lesley #48 Regulated Drain/Tile Project Bid Opening**

The President referred to the Attorney for the opening of the Calvin Lesley #48 Tile Project Contract submittals. Seven companies submitted contract bids for consideration. He read the following contract bids into the record: Dwenger Excavating in the amount of \$249,386.65: Fairfield Contractors in the amount of \$423,888.64: Lauramie Excavating in the amount of \$245,812.00: Merryman Excavation in the amount of \$527,782.00: Earth Resources in the amount of \$336,017.00: Maxwell Farm Drainage in the amount of \$195,303.36: Paul Pence/Viverde by Stonecraft in the amount of \$244,272.71. The Attorney then recommended the contract bids to be taken under advisement to assure compliance with the contract specifications. Tom Murtaugh made a motion to accept the submitted contract bids as presented for review of compliance with the contract specifications. Dave Byers seconded the motion. He thanked all the contractors for their submissions. The Calvin Lesley #48 Tile Project Contract submittals were accepted by the Board. The Surveyor would review the Contracts submitted for consideration to assure compliance with the contract specifications prior to awarding the Contract at a later date.

**Petitions**

**Waples McDill #85 Petition for Reconstruction**

The Surveyor presented a Petition to Reconstruct on the Waples McDill #85 Regulated Drain submitted by Bob Devault. He asked the Board to refer it to him to complete a Surveyors Reconstruction Report. Tom Murtaugh made a motion to refer the Petition for Reconstruction on the Waples McDill #85 Regulated Drain to the Surveyor for the completion of a reconstruction report. Dave Byers seconded the motion. The Petition to Reconstruct on the Waples McDill #85 Regulated Drain submitted by Bob Devault was referred to the Surveyor for a Reconstruction Report as requested.

**Bonds**

The Surveyor presented Maintenance Bond #9295545916 in the amount of \$16,775.00 from Milestone Contractors regarding Lindberg Village Phase 2 Part 2 to the Board. He recommended approval by the Board. Tom Murtaugh made a motion to approve the Maintenance Bond #9295545916 in the amount of \$16,775.00 from Milestone Contractors regarding Lindberg Village Phase 2 Part 2. Dave Byers seconded the motion. Maintenance Bond #9295545916 in the amount of \$16,775.00 from Milestone Contractors regarding Lindberg Village Phase 2 Part 2 was approved by the Board.

**Other Business**

The Surveyor presented an Amendment to Agreement submitted by Christopher B. Burke Engr. regarding the S.W. Elliott #100 Regulated Drain / Branch #11 reconstruction in the amount of \$25,732.00. He noted this was an amendment to the existing contract and recommended approval. Tom Murtaugh made a motion to approve the Amendment to an Agreement submitted by Christopher B. Burke Engr. regarding the S.W. Elliott #100 Regulated Drain /Branch #11 reconstruction in the amount of \$25,732.00. Dave Byers seconded the motion. The Amendment to an Agreement submitted by Christopher B. Burke Engr. regarding the S.W. Elliott #100 Regulated Drain /Branch #11 reconstruction in the amount of \$25,732.00 was approved as presented.

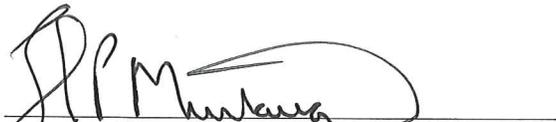
The Surveyor presented a contract submitted by Christopher B. Burke Engr. regarding the S.W. Elliott #100 Regulated Drain/Branch #11 Reconstruction Design in the amount of \$21,750. He noted this contract was to finalize construction plans and final contract documents for Branch #11 of the S.W. Elliott #100 Regulated Drain. Tom Murtaugh made a motion to approve the S.W. Elliott #100 Regulated Drain/Branch #11 Reconstruction Design Contract in the amount of \$21,750 submitted by Christopher B. Burke Engineering. Dave Byers seconded the motion. The S.W. Elliott #100 Regulated Drain/Branch #11 Reconstruction Design Contract in the amount of \$21,750 was approved as presented.

The Surveyor presented a contract submitted by Christopher B. Burke Engr. regarding the J.B. Anderson #08 Regulated Drain Preliminary Engineering and Grant Assistance Professional Svc. in the amount of \$53,500.00 to the Board. He recommended approval of said contract. Tom Murtaugh made a motion to grant approval for the J.B. Anderson #08 Regulated Drain Preliminary Engineering and Grant Asst. Professional Svc. contract in the amount of \$53,500.00. Dave Byers seconded the motion. The J.B. Anderson #08 Regulated Drain Preliminary Engineering and Grant Assistance Professional Svc. Contract with Christopher B. Burke Engineering in the amount of \$53,500.00 was approved as presented by the Surveyor.

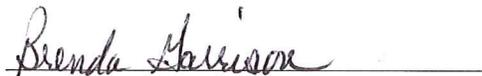
**Public Comment**

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

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.

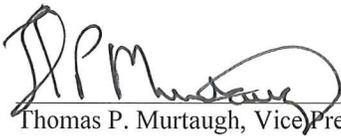
#### **Public Comment**

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.

  
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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

November 7, 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 LLC.

#### Approval of Minutes

Tom Murtaugh made a motion to approve the October 3, 2012 regular Drainage Board meeting minutes as written. John Knochel seconded the motion. The October 3, 2012 regular Drainage Board meeting minutes were approved as written.

#### Kirby Risk Service Center Parking and Building

Pat Jarboe of TBird Designs appeared before the Board to present the Kirby Risk Service Center Parking and Building project. The site was located on the north side of McCarty Lane west of Creasy Lane and consisted of approximately 16.6 acres. Mr. Jarboe noted it was located within Lafayette City Limits so the presentation today regarded the site's drainage release rate into the Layden Ditch Regulated Drain (Wilson Branch of the S.W. Elliott #100 Regulated Drain). He stated the parking area would be increased by five spaces. He acknowledged Condition #3 under Stormwater Quality on the November 2, 2012 Burke memo regarding the requirement of a Master Drainage Plan with any future development of this site. The Surveyor reiterated the site lies within the Lafayette City Limits; therefore the review by the Board regarded discharge into the Wilson Branch of the S.W. Elliott Drain #100 (Layden Ditch Regulated Drain). He noted the City had previously approved the plans and the issue at hand was future development required a Master Drainage Plan submittal prior to the development. His office recommended approval with the conditions as stated on the Nov. 2, 2012 Burke memo as long as the required Master Drainage Plan for future development was agreeable. Mr. Jarboe stated he could not agree or disagree however, the Surveyor's requirement was noted. The Surveyor then recommended approval for the project. Tom Murtaugh made a motion to grant approval with the conditions as stated on the Nov. 2, 2012 Burke memo for the Kirby Risk Service Center Parking and Building. John Knochel seconded the motion. The Kirby Risk Service Center Parking and Building was granted conditional approval with the conditions as stated on the Nov. 2, 2012 Burke memo.

#### Winding Creek Section 5

Jim Pence of the Schneider Corp. appeared before the Board to present the Winding Creek Section 5 project. The site was located south of County Road 600 North west of County Road 75 East just east of Section 4 and consisted of approximately 9.4 acres. Mr. Pence stated this was a project continuation started in 2006-2007. He noted this phase was surrounded by Coyote Crossing Golf Course. He stated they were in agreement with the November 2, 2012 Burke memo and the conditions as stated. He noted they would exceed the allowable release rate in multiple locations and requested a Variance from the Ordinance regarding Stormwater Release Rate requirements. There were four or five locations which runoff routed through platted rear yards to the existing detention pond location at this time. In the developed condition, as much as possible would be routed through the dry detention facility as well as BMP's. However, there were restrictions along the rear yards adjoining the golf course. The second Variance requested regarded Stormwater Quality. He stated they had made every effort to route stormwater runoff through the BMP's to maintain the stormwater quality. He noted site constraints due to the swale designs in the rear yards and discussed those with the Board. Present grading was kept as much as possible especially around the existing pond; therefore they requested a second Variance regarding Stormwater Quality. He stated downstream landowners were notified. He informed the Board that Coyote Crossing Golf Course had given their permission allowing the runoff to cross their site. He then requested approval for both Variances and the Winding Creek Section 5 project. The Surveyor stated they had reviewed the site and had no problems with the plans. Responding to the Surveyor's inquiry, Mr. Pence stated the owners of the Golf Course would be willing to prepare and record a Drainage Easement regarding the allowed runoff which would cross their property by the development. He noted this would be a binding easement for any future owners of the Golf Course. Tom Murtaugh made a motion to approve the Variance of the Stormwater release rates as requested. John Knochel seconded the motion. Tom Murtaugh made a motion to approve Variance #2 regarding the Stormwater Quality post construction. John Knochel seconded the motion. The Variances for the Stormwater release rates and the post construction Stormwater Quality were approved as requested. Tom Murtaugh made the motion to approve

Winding Creek Section 5 project with conditions as stated on the Nov. 2, 2012 Burke memo along with the added condition for a Recorded Drainage Easement. The Easement was for the offsite drainage through the golf course and granted by the Coyote Crossing Golf Course to Winding Creek Sec. 5. John Knochel seconded the motion. Winding Creek Section 5 was approved with the conditions as stated on the Nov. 2, 2012 Burke memo as well as the added condition for a recorded drainage easement as aforementioned.

### Harrison Highlands Phase II

James Hall with Vester and Associates appeared before the Board to request preliminary approval for Harrison Highlands Phase II project. The site was located east of County Road 50 West and north of County Road 600 North and consisted of approximately 19 acres. The site was east of Harrison Highlands Phase 1. He stated they received the November 6, 2012 Burke memo and agreed with the memo and the conditions. The Surveyor interjected and stated the applicant was seeking Preliminary Approval only today for Harrison Highlands Phase II. A portion of the plans had been reviewed by the consultants; therefore the Surveyor recommended preliminary approval only at this time. Tom Murtaugh made a motion to grant preliminary approval for Harrison Highlands Phase II. John Knochel seconded the motion. Harrison Highlands Phase II was granted Preliminary Approval at this time.

### 2013 Drainage Board Meeting Dates

Tom Murtaugh made a motion to approve the 2013 Drainage Board Meeting Dates as presented. John Knochel seconded the motion. The 2013 Drainage Board Meeting dates were approved as follows: January 9<sup>th</sup>, February 6<sup>th</sup>, March 13<sup>th</sup>, April 3<sup>rd</sup>, May 1<sup>st</sup>, June 5<sup>th</sup>, July 10<sup>th</sup>, August 7, September 4<sup>th</sup>, October 2<sup>nd</sup>, November 6<sup>th</sup> and December 4<sup>th</sup> all in 2013.

### Zach Beasley/Other Business

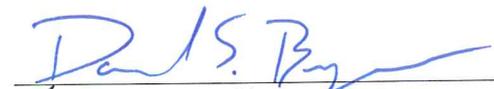
The Surveyor reminded the Board of the USGS Gage Station data collection on the S.W. Elliott Regulated Drain #100 located directly north of the County Highway garage facility. He informed the Board he invited the USGS representative to attend the January 2013 Drainage Board Meeting. The representative would give a presentation regarding the Gage Station and the data collected to date. This would allow the Board to make an informed decision on whether to proceed with the gage station in the future. He also requested the Engineer Consultant to provide him with gage station data to date. He stated he did not believe his predecessor's intent was to continue the collection indefinitely. He noted the County had spent \$40-\$50,000.00 to date and felt a decision to continue or end the agreement with USGS regarding the station was warranted. Responding to the Surveyor, Tom Murtaugh stated he felt that the effected landowners and Ivy Tech Community College representatives should be invited to the January meeting.

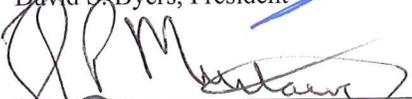
### S.W. Elliott #100 Regulated Drain/Branch #11 Status Update

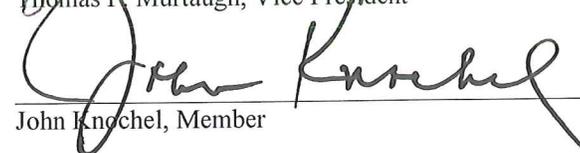
The Surveyor stated he had directed the Board's Engineer Consultants to start preparing reconstruction documents/plans for Branch #11 of the S.W. Elliott Regulated Drain #100 and should have the information by the first of December. He hoped to send the information out to the Contractors for a bid and receive and open bids at the February meeting and hopefully award the bid during the March meeting.

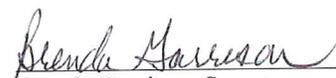
### Public Comment

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

  
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David S. Byers, President

  
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Thomas P. Murtaugh, Vice President

  
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John Knochel, Member

  
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Brenda Garrison, Secretary

**Tippecanoe County Drainage Board**  
**December 5, 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 LLC.

**Approval of Minutes**

Tom Murtaugh made a motion to approve the November 7, 2012 regular minutes as written. John Knochel seconded the motion. The November 7, 2012 regular meeting minutes was approved as written.

**Country Side Storage Phase 4**

Joe Coutts from Starr Associates appeared before the Board to present Countryside Storage Phase 4. The site was located north of intersection State Road 43 and State Road 225 on the east side of State Road 43. Mr. Coutts stated Phase 4 was in essence Phases 3 and 4 combined. (Phases 1, 2 and 3 were designed and prepared by someone else; however Phase 3 was never implemented.) To account for the additional impervious areas the existing detention pond would be expanded. He stated they were not comfortable with the previous freeboard design. The pond design was modified by lowering the maximum water surface elevation in the hundred year storm along with an increase to the pond bank elevation to ensure one foot of freeboard for sufficient capacity to retain the hundred year storm release rates. He noted the developer Mr. David Krueger was in attendance if the Board had any questions. He requested approval by the Board. Responding to the Surveyor, Mr. Coutts confirmed downstream landowners were notified.

The Surveyor noted he recommended conditional approval to the Board with the added condition that the November 30, 2012 Burke memo conditions must be met before ANY construction was started on site. Mr. Coutts stated they were in agreement with the conditions as stated on the Nov. 30, 2012 Burke memo at this time to include the added condition the Surveyor stated. Tom Murtaugh made a motion to approve Countryside Storage Phase 4 with the conditions as noted on the Nov. 30, 2012 Burke memo as well as the added condition that no building would be started prior to the conditions of said memo being met. John Knochel seconded the motion. Gregory Johnson 2114 State Road 225 East Lafayette Indiana approached the Board. He stated his tract was directly east of the subject property. The water table was high on his tract and he was concerned his land would be flooded by the additional development. He stated mainly he was concerned on how it would affect his property value. Mr. Coutts interjected the previously approved release rate was not altered with this phase and would remain the same as approved by the Board with the first phase of the project. Mr. Eichelberger stated Mr. Krueger's tract would not be considered in the flood plain due to the development of the project. The planned expansion of the pond was intended for the storage of any additional runoff. Mr. Johnson stated he had no problem with the pond or its expansion. His concern was he planned to sell the property in 5-10 years and wanted to make sure the future purchaser would not have problems. Mr. Johnson noted he was zoned R1 and did not know what Mr. Krueger's property was zoned. Mr. Murtaugh stated no action today affected the zoning. Mr. Krueger thanked the Board for their time. Countryside storage Phase 4 was granted conditional approval as aforementioned.

**Southern Winds Apartments Phase I**

Joe Coutts of Starr Associates presented the Southern Winds Apartments Phase I project to the Board. The site was located on the northeast corner of Co. Rd. 350 South (Veterans Memorial Parkway) and US 231. It consisted of 10.67 acres on a 15.25 acre site. He noted Brian Walker was in attendance representing Southern Winds LLC. The project was split into two phases. Phase I of the project's drainage drained southwest into the right of way of US 231. Drainage for Phase II of the project would be presented at a later date and was not included in the current phase of the project. A detention pond was planned in the northeast corner of intersection of US 231 and Veterans Memorial Parkway restricting the runoff to an allowable release rate. A storm drainage system would capture the runoff from the planned buildings and parking lots of this phase. A proprietary unit-mechanical separator would be placed just north of the pond for stormwater quality treatment. The dry pond would also treat the stormwater in addition to the runoff restriction. There would be 2 separate pipes at two different elevations (multi-stage outlet). The lower elevation pipe would treat the runoff for stormwater quality and the higher elevation pipe would be the primary outlet for the pond. A storm drainage system as well as constructed swales would route the runoff to the pond. He stated they were in agreement with the November 30, 2012 Burke memo and its conditions and were diligently working to address those conditions. He requested conditional approval from the Board.

The Surveyor stated he recommended approval to the Board with the conditions as stated on the Burke November 30, 2012 conditions. He noted he was aware of the desire to start building as soon as possible however each memo condition MUST be met prior to any construction activity on site. He noted condition No. 7 under stormwater quantity specifically and stated emergency routing and detention storage were main components of drainage and as such must be addressed. He stated he would not release any building permits until the conditions were met as stated on the Nov. 30, 2012 Burke memo. There were no questions from the Board or from the public on this matter. Tom Murtaugh made a motion to grant approval with the conditions as stated on the Nov. 30, 2012 Burke memo and the added condition that no construction would commence until ALL of the stated conditions were met. John Knochel seconded the motion. Southern Winds Apartments Phase 1 was granted conditional approval.

### **S.W. Elliott Gaging Station**

The Surveyor gave an overview of the S.W. Elliott Gaging Station and referred to Dave Eichelberger for further discussion. At the Board's request, a report had been completed and provided to them regarding the gaging station implementation and status to date. He noted \$46,550.00 had been spent to date by the County for installation and yearly maintenance costs. Mr. Eichelberger stated they had requested to utilize the 2000 Elliott Ditch study's discharge rates to DNR. DNR refused to allow this due to the inclusion of private depressional areas within the study. Only government entities were allowed to be used (F-Lake/Wilson Branch Reservoir) within a study for DNR to recognize the discharge rates. Mr. Eichelberger noted there was 4 years of data however there has not been a significant rainfall event within this watershed which could be used for calibration. He stated the Surveyor at that time intended to possibly cost share with the affected landowners of the station at the 5 year mark. As that mark was approaching it was time to revisit the issue and review the cost etc. In 2008 County Surveyor Steve Murray requested a cost allocation analysis to identify affected properties along this reach of Elliott Ditch and to develop a potential cost allocation plan if cost sharing was to be pursued. Five properties were identified that appeared to be impacted by the existing Elliott Ditch floodplain and would benefit from a floodplain reduction. Two plans were developed. One plan was based on a percentage of overall property acreage and a second plan based on a percentage of floodplain acreage. Responding to Mr. Murtaugh's inquiry, Mr. Eichelberger explained that one good rainfall event could produce the numbers to use. However such an event had not happened within the time the gaging station has been implemented. He noted DNR had begun to update the flood insurance studies (FIRM maps) across the state. Elliott Ditch had been recognized by DNR as a priority stream. However it could be approximately two years before new preliminary maps would be issued for review by the County. He noted the Board may want to consider cost sharing for 2014 and 2015 if they in fact keep the station in place through 2015. At that time Mr. Eichelberger referred to the Board. Mr. Knochel requested a copy of the cost analysis which Mr. Eichelberger prepared in 2008. The Surveyor noted he had contacted USGS Scott Morlock and requested his attendance at the January meeting. He also would invite a representative from DNR/Division of Water. He would also invite those landowners affected by the station to the January meeting as well. It was the general consensus of the Board to indeed invite a representative from DNR/Division of Water as well as a representative from USGS to present an overview of the station and its benefits etc. It was also the Board's consensus to invite those landowners affected by the station for their input as well. Mr. Murtaugh would provide the secretary with names from Ivy Tech Community College to invite.

### **The Orchards Pond Maintenance**

The Surveyor stated he has been contacted by a couple landowners living within The Orchard Subdivision as well as the President of the Homeowners Association for The Orchards. There were a couple issues with the Orchard's pond. Mr. Jim Pence of the Schneider Corporation was in attendance since the Schneider Corporation did the design of the concrete weir. He reviewed pictures of the problems for the Board. The first issue was erosion around the concrete weir outlet structure-causing it to not function as designed. Water was eroding the ground around the structure. He informed the landowners that the Homeowners Association was responsible to maintain the common areas or out lots according to their Homeowners Covenants. Landowner Mr. Tim Zaspal requested the Surveyor or the County Drainage Board send a letter to the Homeowners Association to "force the issue" of maintenance of the pond. If the maintenance was not done the Drainage Board had the ability to have the maintenance completed and back charge those landowners within the Subdivision. A letter dated October 17, 2012 sent by Mr. Tim Zaspal was received by the Surveyor. In the letter he requested assistance to force the Homeowners Association to perform the necessary maintenance on the weir. In addition he requested the pond to be dredged and cleaned out. Mr. Zaspal had hired an attorney who wrote a letter to the Homeowner's Association President explaining the covenants and the Association's responsibilities of maintenance for the drainage infrastructure. A meeting was held by the Homeowners Association regarding the maintenance needed. Maintenance on the weir was agreed upon by the landowners present. Regarding the dredging of the pond, the Surveyor stated he did not feel it was the Board's responsibility to force the issue. The second issue was approved plans indicated the pond area was a floodway and wetland area. If this area was indeed a floodway area or wetland area- permits would have to be obtained before any dredging could take place. Mr. Jim Pence approached the Board and stated he provided Mr. Zaspal with all Schneider Corp's documentation used in the planning of the subdivision. This would include all the submittals provided to the County (Drainage Reports, Wetland

reports, FEMA studies, letters etc.). He stated he had not been contacted by Mr. Zaspal since. Conversations he has had with the Homeowner Association President Art Krugal consisted of what could be done based on Schneider Corp.'s understanding the pond area was classified as a wetland. In 1999, 2000 when the development was planned the area was wetland area and left intact and no work was to be done within it. It was his understanding the Army Corps of Engineers or at the very least DNR would have to be involved for any removal of the pond sediment. Responding to Mr. Murtaugh' inquiry, Mr. Pence noted the sediment originated from upstream due to "a huge area to the west draining through the said wetland." The Surveyor then reviewed the area utilizing G.I.S. for the Board. The Surveyor stated both lot owners expressed concern that a potential buyer for a home located on the north side of the pond responded with negative comments due to the unsightliness of the area. Responding to the Attorney's inquiry, Mr. Pence noted the pond existed prior to the project being developed. The attorney stated at this time the Drainage Board had no authority or funds to conduct the work. Responding to the Surveyor's inquiry, the Attorney offered to review the covenants to see if there was any way the Board could assist in the maintenance of the weir (only). He would confer with the Surveyor at that time. Based on Mr. Zaspal's request for a letter to be sent to the Homeowners Association, the Surveyor asked if the Board would want him to send a letter. By consensus the Board agreed for the Surveyor to send the letter to The Orchards Homeowners Association as requested by Mr. Zaspal.

#### **Petition to Encroach/Romney Stock Farm #109**

Mr. Randy Geswein submitted a Petition to Encroach on the Romney Stock Farm Regulated Drain #109. Mr. Geswein was placing a bioreactor on a tile lateral which outlet into the Romney Stock Farm Regulated Drain #109- just south of Co. Rd. 1300 South and west of Co. Rd. 400 East intersection.. He explained the use of a bioreactor and recommended approval of the Petition to Encroach as submitted. Tom Murtaugh made a motion to approve the Petition to Encroach as submitted on the Romney Stock Farm #109. John Knochel seconded the motion. The Petition to Encroach on the Romney Stock Farm #109 was approved by the Board.

#### **Roberts Ridge Phase 1 Maintenance Bond #105827303**

The Surveyor presented Roberts Ridge Phase 1 Maintenance Bond #105827303 in the amount of \$40,112.50 dated November 12, 2012 and submitted by Fairfield Contractors for approval. Tom Murtaugh made a motion to grant approval of Roberts Ridge Phase 1 Maintenance Bond #105827303 in the amount of \$40,112.50 dated November 12, 2012 and submitted by Fairfield Contractors. John Knochel seconded the motion. Roberts Ridge Phase 1 Maintenance Bond #105827303 for \$40,112.50 dated November 12, 2012 and submitted by Fairfield Contractors was approved by the Board.

#### **Public Comment**

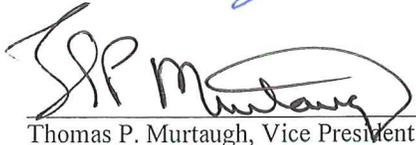
Pat Jarboe TBIRD Design approached the Board and encouraged the Board to utilize the local companies and others when reviewing the FIRM maps once the preliminary maps were presented to the Commissioners for review.

Tom Murtaugh commended the Surveyor on a job well done regarding a drainage issue which Monica Torrez (Lot 82 the Orchards Subdivision) 1285 Priscilla Drive West Lafayette Indiana 47906 brought to the Board in October. Ms. Torrez wrote the Drainage Board a letter expressing her deep appreciation for the Surveyor's time and effort to remedy the problem.

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



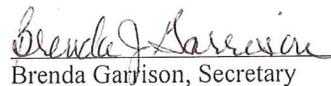
David S. Byers, President



Thomas P. Murtaugh, Vice President



John Knochel, Member



Brenda Garrison, Secretary

**Tippecanoe County Drainage Board**  
**January 9, 2013**  
**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 LLC.

**Election of Officers**

Dave Luhman Attorney for the Board requested motions for President and Vice President of the Drainage Board for the 2013 calendar year. David Byers made a motion to appoint Thomas Murtaugh as President of the Drainage Board for the 2013 calendar year. John Knochel seconded the motion. Thomas Murtaugh made a motion to appoint David Byers as Vice President of the Drainage Board for the calendar year 2013. John Knochel seconded the motion. Thomas Murtaugh was appointed 2013 Drainage Board President. David Byers was appointed 2013 Drainage Board Vice President. There were no comments.

**Appointment of Executive Secretary**

The Attorney requested nominations for the 2013 Drainage Board Executive Secretary. David Byers nominated Brenda Garrison as the 2013 Drainage Board Secretary. John Knochel seconded the motion. Brenda Garrison was appointed the 2013 Drainage Board Secretary.

**Approval of Minutes**

David Byers made a motion to approve the December 5, 2012 regular minutes as written. John Knochel seconded the motion. The December 5, 2012 regular meeting minutes were approved as written.

**John McFarland #51 Regulated Drain Maintenance Contract**

The Attorney stated there were 6 Bids received on the John McFarland Regulated Drain #51 Maintenance Contract. He read the following: Garriott Excavating -\$8009.50; Rick Sutton- \$11,835.55; Dwenger Excavating- \$18,625.10; MCR Excavating Inc. - \$54,210.30; Fairfield Contractors Inc.-\$15,097.00; Lauramie Exc. Inc.- \$8522.00. John Knochel made a motion to take under advisement and review for compliance to the contract requirements. David Byers seconded the motion. The Bids were to be taken under advisement and reviewed. Tom Murtaugh thanked all those that submitted bids on this project.

**2013 Professional Engineering Services Contract**

The Surveyor recommended the approval of the 2013 Professional Engineering Services contract presented by Christopher B. Burke Engineering LLC. Mr. Eichelberger of Christopher B. Burke Engineering noted the hourly rates were unchanged from last year. David Byers made a motion to approve the 2013 Christopher B. Burke Engineering Services for the calendar year of 2013. John Knochel seconded the motion. The 2013 Christopher B. Burke Professional Engineering Services contract was approved as presented.

**2013 Legal Services Contract**

David Byers made a motion to approve the 2013 Legal Services Contract submitted by Hoffman, Luhman and Masson PC. John Knochel seconded the motion. The 2013 Hoffman Luhman Masson PC Legal Services Contract with the Drainage Board was approved.

**S.W. Elliott Regulated Drain #100 Gaging Station Review**

The Surveyor thanked the notified landowners who chose to attend ( John Gambs, Lou Perdue,- Ivy Tech, Loren Schroeder, Gary Schroeder, Jim Shook) as well as the representatives from D.N.R. – Dave Knipe and U.S. G.S. – Scott Morlock, for today's review. He reviewed the history of the Gaging Station. He stated the reason for the review today was to make a decision on future funding of the station. He noted the County had been paying 100% of the gaging station fees for the last five years and that total

areas in the undeveloped areas of the watershed would not be considered. The historical studies would not be considered by DNR due to the fact the study's included areas not considered by DNR.

Mr. Murtaugh thanked David Knipe for opening the line of communication up between DNR and the Drainage Board /Surveyor. Historically it had been difficult to get responses from DNR on this issue. Responding to Mr. Jim Shook landowner, Mr. Byers stated basically in the spring of 2013 the DNR study would be complete. At that time it would be presented to the Board and landowners. It would be from that point approximately 1 year to 18 months before the process of revising the FEMA maps would be completed. During that process, the landowners would have numerous opportunities to give their opinions. Mr. Knipe stated the DNR study would start at the mouth of the ditch up to SR 38- the entire stretch. Mr. Knipe noted with F-Lake and Wilson Branch Reservoir being considered in the current study, he was confident to say it would change the previous information. However he could not positively say what the change would be until he actually saw the numbers. The Board thanked Mr. Knipe for his time today.

The Surveyor gave an overview of the streamgage cost to the Board and attendees. Initial installation cost of the gage to the County installed in 2008 was \$12,000.00, in 2009 and 2010 it was \$8400.00 each year, 2011 it was \$8750.00 and 2012 it was \$9000.00 for a total 5 year cost to the County to date of \$46,550.00. He reviewed the history and intent of the previous Surveyor and Board. It did not appear from discussions at that time -it was their intent to fund the project from here to eternity. Mr. Murray, previous Surveyor had Mr. Eichelberger provide him with a draft cost share amount for affected landowners. Responding to Mr. Knochel, Mr. Gambs confirmed there was discussion with the previous Surveyor on what the shared cost for each landowner could be. Mr. Knochel suggested the landowners present today review the cost share information and resume the conversation at the February meeting. Mr. Murtaugh stated the ditch was an important component for the community. When considering the overall cost of drainage, the cost for this project was relatively inexpensive. As a property owner affected, he stated the County should continue to fund in 2013 and 2014. At that point the Board should revisit the project cost and effectiveness. Mr. Gambs stated \$20,000.00 was spent by the landowners for a study that has not helped them already. Mr. Morlock stated USGS funding runs from Oct. to Sept. and explained the billing process to the Board. No comment was made by Lou Perdue Ivy Tech representative in attendance. The landowners would be notified prior to the meeting in the spring when DNR would present the data. The landowners thanked the Board for this information and working diligently to remedy the issues at hand. The Surveyor stated a decision did not need to be made today on the funding as the Board may want to wait. He would provide the cost share notes from the previous Surveyor to those landowners affected. No comment was made by Lou Perdue Ivy Tech representative in attendance. The gaging station funding would be reviewed at a later date.

### **Other Business**

Responding to the Surveyor, Mr. Knochel made a motion to accept the contract bid for the John McFarland Regulated Drain #51 maintenance received from Fairfield Contractors in the amount of \$15,097.00. This was based on the fact three of the other bidders failed to submit the proper forms for the bid. The Attorney stated he reviewed all submissions. The Request for Quotes required submission of financial statements and experience questionnaires. Three of the bidders did submit those, the remaining did not. The lowest bidder that submitted all the required items in the Request for Quotes was Fairfield Contractors. Mr. Byers stated "we are trying to save money and it is a \$7000 difference... if we don't get a second to the motion on the table, can the bids be rejected and the project rebid?" The attorney stated yes as the Board specifically reserved the right to reject any and all bids and rebid the project for any reason. He further stated, the bid amounts show a tremendous difference between the low and high bids which could indicate confusion among the bidders. The Surveyor stated rejecting bids today would not affect the timeline for the project. He agreed with Mr. Byers as the bid was approximately \$6000-\$7000 above what he estimated for the project. Also there was not a huge amount of money in the drain's maintenance fund. The motion died for lack of second. David Byers made a motion to reject all bids. Tom Murtaugh seconded the motion. The motion passed 2 to 1 with John Knochel voting no. The John McFarland Regulated Drain #51 Maintenance Bids were rejected by the Board. The project would be rebid and submitted again at the February meeting of the Board.

### **Letter of Credit**

The Surveyor presented an Irrevocable Letter of Credit #50440-32 written by Lafayette Community Bank in the amount of \$10,000 for the Winding Creek Section 6 Subdivision submitted by Tippecanoe Development LLC. This was to cover some issues which were left hanging due to weather conditions. He recommended approval. David Byers made a motion to accept the Irrevocable Letter of Credit #50440-32 written by Lafayette Community Bank in the amount of \$10,000 for the Winding Creek Section 6 Subdivision submitted by Tippecanoe Development LLC. John Knochel seconded the motion. Irrevocable Letter of Credit #50440-32 written by Lafayette Community Bank in the amount of \$10,000 for the Winding Creek Section 6 Subdivision submitted by Tippecanoe Development LLC was accepted as presented.

amount was approaching \$50,000.00. He stated he wanted the landowners to be aware of the station and the reasoning behind it and its future use. He referred to U.S.G.S. representative Scott Morlock to present a Power Point on the S.W. Elliott Regulated Drain Gaging Station.

Scott Morlock Deputy Director of United States Geological Survey / Division of Water appeared before the Board. Mr. Morlock started the presentation by thanking the Board for the invitation to speak. He gave a background on U.S.G.S. and explained financing for the Agency. He noted the Agency was not a regulatory agency instead they were a science agency which provided information not regulations. The information gathered by the stations is utilized by D.N.R. and engineers across the state. There are presently approximately 200 gaging stations across the state of Indiana and approximately 8000 nationwide. The gages are a subset for an entire network for Indiana. The network included but is not limited to 66 rainfall sites, 23 lake/reservoir gages and 37 groundwater observation wells, etc. A stream gage is a structure on the bank of the river/stream which measures water level also known as "stage or gage height". The gage also provides "Volumetric" stream flow. (discharge in cfs). The information gathered is also used for bridge design planning, water supply studies, weather service forecasting, floodplain mapping and agricultural operations. An onsite visit is conducted approximately every other month and half of each year. The data collected by the gage is transmitted hourly to a satellite network not impacted by storms etc. He stated they measure the water level to an accuracy of 200<sup>ths</sup> of a foot. Gages also give authorities an advanced warning of a flood. Property damage due to flooding has shown to be reduced approximately 27% when gages are utilized. There are some gages that have been in use for one hundred years in Indiana. Annual funding is approximately \$13,000.00 yearly. The money finances site inspections, instruments, technical staff, govt. provided insurance and provides 35,000 data points per parameter- all quality assured to national standards and unbiased peer reviewed. USGS matches the funds from each entity at approximately 44.50 %. Two federal agencies, 3 state agencies, 9 counties, 10 cities, 3 river basin commissions, 11 private firms, 1 NGO, 1 University and 1 airport authority fund the Statewide Network. He noted Indiana is one of the lowest cost gage station states in the country. The stream gage data is available at real time seven days a week 365 days a year. Links to online access to the data was given to the attendees and listed in the PowerPoint presentation. He explained a free service online which can be accessed to follow the data you prefer to follow and provided the address as: <http://water.usgs.gov/wateralert>. Responding to Mr. Knochel's inquiry, Mr. Morlock stated the USGS is working closely with Purdue University regarding the Wabash River Gage Station's data collected for use within a study on floodplains. He felt this would provide more accurate floodplain mapping in the future. He thanked the Board for their time to review the S.W. Elliott Regulated Drain #100 streamgage information and opened the floor for questions from the attendees. No comments were made at that time. His contact information is [smorlock@usgs.gov](mailto:smorlock@usgs.gov) / 317-600-2753. The Surveyor thanked him for his presentation of the streamgage.

Dave Knipe of D.N.R. (Department of Natural Resources) Division of Water, Engineering Section Manager, appeared before the Board to discuss the DNR's position. Mr. Knipe addressed the Board and landowners present. He began by reviewing the history between DNR and the county relating to the S.W. Elliott Regulated Drain and current flood elevation data. Recently a grant was obtained by DNR which in part will be used for a DNR hydraulic study on the S.W. Elliott Regulated Drain throughout the stretch of the ditch in Lafayette. (A contract is presently pending for a revised study of the hydraulics of SW Elliott drain.) Surveys (for the planned study) of all the bridges which cross the stream had been completed. In the process of this DNR has reviewed historical hydrology studies completed for this watershed. DNR has set up their own model using information in the studies and are currently looking at those calibrations. He noted it is at this stage when the gaging station data is pertinent. Since there has not been a large rainfall event in the last five years not a great deal of data was available for use. He stated he felt in the spring (April or May possibly) of 2013 they should have completed the revised SW Elliott Drain Hydraulic Study. It is at this point that the process for revisions of the current FEMA mapping would begin. Prior to going to FEMA and working the mapping out, Mr. Knipe would revisit the Drainage Board and provide the information collected in the study. Any areas of concern can be discussed at that time. Any changes required could be made prior to working with FEMA on revisions to their maps. Mr. John Gambbs landowner thanked him for coming and speaking to them. He noted Mr. Knipe was the first DNR representative in 15 years to speak directly with them about this issue. He stated he had been trying to receive a response from DNR concerning the inaccurate FEMA Mapping for this watershed area for twenty years. He stated there is no way the County would have placed the Highway Garage Salt Storage within a floodplain if it indeed was the case. The current maps were based on a historical letter from the 1970's which no one seems to know where it originated. Human experience has shown the area has never flooded. Even the oldest residents cannot remember any flooding of that area. At present the salt storage at the county highway garage site is located within the floodplain according to the FEMA maps. Mr. Gambbs continued he felt one of the problems with DNR was they have not considered the dedicated storage ponds and the natural depressional areas within the watershed. He asked Mr. Knipe the following "while doing the current study will DNR take into consideration those areas of detention within the watershed?" Mr. Knipe stated there are specific criteria that detention ponds must meet to be considered. Most of the smaller depressional areas do not meet the criteria. F-Lake and Wilson Branch Detention Ponds (largest detention areas) data would be considered. Mr. Eichelberger reiterated F-Lake and Wilson Branch data would be considered, however the smaller ponds and the depressional

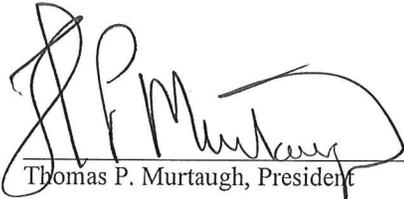
Section 6 Subdivision submitted by Tippecanoe Development LLC. John Knochel seconded the motion. Irrevocable Letter of Credit #50440-32 written by Lafayette Community Bank in the amount of \$10,000 for the Winding Creek Section 6 Subdivision submitted by Tippecanoe Development LLC was accepted as presented.

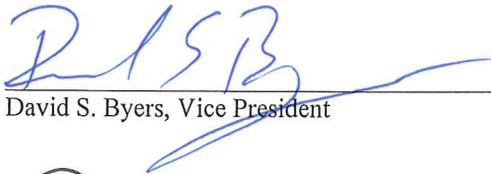
**Leader Newton Regulated Drain #115**

The Surveyor asked the Board to set a March 2013 hearing to follow the regular scheduled meeting for the Leader Newton Regulated Drain #115 Maintenance project. John Knochel made a motion to set a March 13<sup>th</sup>, 2013 Leader Newton Drain #115 Maintenance Hearing to immediately follow the regular scheduled meeting on that date. David Byers seconded the motion. A Maintenance Hearing for the Leader Newton Regulated Drain #115 was set for March 13, 2013 to immediately follow the regular meeting.

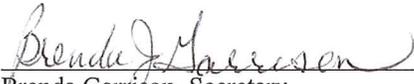
**Public Comment**

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

  
Thomas P. Murtaugh, President

  
David S. Byers, Vice President

  
John Knochel, Member

  
Brenda Garrison, Secretary

**Tippecanoe County Drainage Board**  
**February 6, 2013**  
**Regular Meeting Minutes**

**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 Secretary Brenda Garrison and Drainage Board Engineering Consultant Dave Eichelberger from Christopher B. Burke Engineering LLC.

**Approval of Minutes**

David Byers made a motion to approve the January 9, 2013 Drainage Board minutes as written. John Knochel seconded the motion. President Murtaugh complimented the Secretary regarding the drafting of the minutes. The January 9, 2013 regular Drainage Board meeting minutes were approved as written.

**Contracts:**

**John McFarland Regulated Drain #51 Maintenance Contract**

The attorney stated there were two bids submitted regarding the 2013 John McFarland #51 Regulated Drain Maintenance. He stated the first bid was received from Tony Garriott in the amount of \$8,512.00. The second bid was received from Lauramie Excavating in the amount of \$8,522.00. The attorney recommended the submitted bids be reviewed for compliance with the specifications. John Knochel made a motion to take under advisement for review of compliance with the bid specifications. David Byers seconded the motion. The President noted the Surveyor's Project Manager would review during the course of the meeting and if compliant the bid would be awarded at end of today's meeting.

**S.W. Elliott Regulated Drain #100 /Branch #11 Reconstruction Contract**

The attorney began by opening the bids for the S.W. Elliott Regulated Drain #100 /Branch #11 Reconstruction Contract. He stated the first contract bid submitted for the S.W. Elliott Regulated Drain #100 Branch #11 Reconstruction was received from Fairfield Contractors in the total amount of \$415,909.66. The second submission was received from Milestone Contractors in the total amount of \$238,565.95. The third submission was received from Reith Riley Construction in the total amount of \$335,024.00. The fourth submission was received from Yardberry Excavating in the total amount of \$334,784.50. The fifth submission was received from Earth Resources in the total amount of \$327,082.49. The sixth and final submission was received from Atlas Excavating in the total amount of \$275,433.95. He then recommended that the Board take the bids under advisement for compliance with the specifications of the request for bids.

John Knochel made a motion to take the S.W. Elliott Regulated Drain #100 Branch #11 Reconstruction Contract bids under advisement. David Byers seconded the motion. The President noted the submissions would be reviewed for compliance with the request for bids specifications. The Board would award the contract at their next meeting to be held on March 13<sup>th</sup>, 2013. The Surveyor then thanked the Contractors in attendance for submitting their bids. The Surveyor confirmed that Reconstruction for Branch #11 S.W. Elliott Regulated Drain would be paid from EDIT / Drainage funds.

**Harrison Highlands Phase II**

Pat Cunningham of Vester and Assoc. appeared before the Board to present Harrison Highlands Phase II for conditional approval. The site was located east of Co. Rd. 50 West and north of Co. Rd. 600 North, consisting of approximately 19.3 acres and immediately east of the existing Phase 1 development. The approved Master Drainage Plan for the overall development would be adhered to with this phase. An existing stormwater detention basin was located to the south of the site along Co. Rd. 600 North and designed for compensatory storage for the entire Planned Development. Along the north and east boundaries - approximately 4.13 acres - discharged runoff directly to Burnett Creek. Drainage infrastructure such as storm sewers and swales would convey the remaining runoff of the site to the existing detention basin to the south. Mr. Cunningham requested 2 variances to the Stormwater Ordinance. The first variance regarded compensation requirement - specifically the approval of .40 acres fill to be placed within the Burnett Creek floodplain (lots 143, 142 and a part of lot 141). The fill for the area/lots was previously approved during the first phase of the subdivision process; however the contractor never completed the fill. The second variance regarded stormwater quality. Mr. Cunningham noted 2 post-construction BMP's would treat the north half of the site and the south half would be treated by one post-construction BMP, however the south half would also drain to the aforementioned existing pond. He stated in addition to the drainage infrastructure, in his opinion it would be sufficient for the site's quality control runoff. The Surveyor stated the project had

received preliminary approval at the December 2012 meeting of the Board. He recommended approval for Variance #01 regarding the compensation storage (he reiterated the fill was previously approved in 2002 as part of the master plan) and Variance #02 regarding stormwater quality (as a larger development which started years ago - there were no requirements for stormwater quality treatment and due to economy the project was put on hold). John Knochel made a motion to grant Variance #01 as requested. David Byers seconded the motion. John Knochel made a motion to grant Variance #02 as requested. David Byers seconded the motion. Variance #01 regarding stormwater compensation and Variance #02 regarding stormwater quality were approved as requested. The Surveyor recommended conditional approval of Harrison Highlands Phase II with the conditions as stated on the January 30, 2013 Burke memo. John Knochel made a motion to grant conditional approval as stated in the January 30, 2013 Burke memo. David Byers seconded the motion. Harrison Highlands Phase II was granted two variances along with the conditional approval as stated in the January 30, 2013 Burke memo.

#### **2013 Regulated Drain Status Report**

The Surveyor presented the 2013 Regulated Drain Status list to the Board for approval prior to submission to the Auditor office for 2013 Tax Assessment season collection. The list indicated regulated drains status (active or inactive) for the calendar year 2013. The Secretary stated the joint drain notification from adjoining counties was received after the lists had been emailed to the Board. She stated the official list contained all status of drains for 2013 and would be submitted to the Auditor once approved by the Board. David Byers made a motion to approve the 2013 Regulated Drain Status list. John Knochel seconded the motion. The 2013 Regulated Drain Status was approved.

#### **2013 Regulated Drain 25% Increase Assessment List**

The Surveyor presented the 2013 Regulated Drain 25% Assessment Increase list to the Board for approval prior to submission to the Auditor office. He stated, by Indiana Drainage Code, the Board had the ability to increase a regulated drain's maintenance rate one time by 25% after an initial drain hearing. John Knochel made a motion to approve the 2013 Regulated Drain 25% Increase Assessment list as presented. David Byers seconded the motion. The 2013 Regulated Drain 25% Increase Assessment list was approved by the Board. The list would be presented to the Auditor for increase of assessments starting with the 2013 tax season.

#### **2013 Meeting Dates Revised**

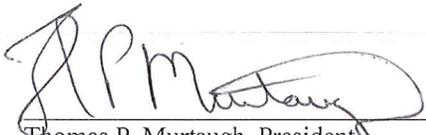
David Byers made a motion to move the April 3<sup>rd</sup> and December 4<sup>th</sup>, 2013 meetings as follows: April 3<sup>rd</sup> to April 17<sup>th</sup> and December 4<sup>th</sup> to December 18<sup>th</sup> due to conflicts of schedules. John Knochel seconded the motion. The Secretary would make the appropriate changes and post the revised list to the Drainage Board Web page. The April and December meetings of the Drainage Board were changed as indicated.

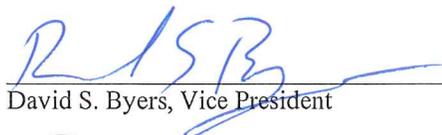
#### **John McFarland #51 Contract Award**

The Attorney noted the lowest quote received was from Tony Garriott in the amount of \$8,512.00. John Knochel made a motion to award the John McFarland Regulated Drain #51 Maintenance Contract to the lowest bidder, Tony Garriott. David Byers seconded the motion. The John McFarland Regulated Drain #51 Maintenance Contract was awarded to Tony Garriott.

#### **Public Comment**

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

  
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Thomas P. Murtaugh, President

  
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David S. Byers, Vice President

  
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John Knochel, Member

  
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Brenda Garrierson, Secretary

**Tippecanoe County Drainage Board**  
**March 13, 2013**  
**Regular Meeting Minutes**

**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 Secretary Brenda Garrison and Drainage Board Engineering Consultant Dave Eichelberger from Christopher B. Burke Engineering LLC.

**Approval of Minutes**

David Byers made a motion to approve the February 6, 2013, 2013 regular minutes as written. John Knochel seconded the motion. The February 6, 2013 regular meeting minutes was approved as written.

**S.W. Elliott Regulated Drain Branch #11 Reconstruction Contract Award**

The Surveyor referred to the Attorney for the status of his review of the bids previously received by the Board in the February 6, 2013 meeting. The Attorney stated he reviewed all the submitted bids and they conformed to the requirements of the specifications of the contract. The Surveyor recommended the Board accept the lowest bid submitted by Milestone Contractors in the amount of \$238,565.95. David Byers made a motion to accept the lowest bid for the S.W. Elliott Regulated Drain #100 Branch #11 Reconstruction Contract submitted from Milestone Contractors LP in the amount of \$238,565.95. John Knochel seconded the motion. The S.W. Elliott Regulated Drain #100 Branch #11 Reconstruction Contract submitted by Milestone Contractors LP in the amount of \$238,565.95 was accepted by the Board. .

**S.W. Elliott #100 Regulated Drain Branch #11/ Construction Observation Contract**

The Surveyor presented the S.W. Elliott Regulated Drain Branch #11 Reconstruction Part –Time Observation Contract submitted by Christopher B. Burke Engineering LLC in the amount of \$40,000.00. He recommended approval of the contract. David Byers made a motion to approve the S.W. Elliott Regulated Drain Branch #11 Reconstruction Part –Time Observation Contract submitted by Christopher B. Burke Engineering LLC in the amount of \$40,000.00. John Knochel seconded the motion. The S.W. Elliott Regulated Drain Branch #11 Reconstruction Part –Time Observation Contract submitted by Christopher B. Burke Engineering LLC in the amount of \$40,000.00 was approved as presented.

**Resolution #2013-01-DB/Establishing Indian Creek Impact Drainage Area**

The Surveyor reviewed the history of drainage issues within the Indian Creek watershed. Within the last 2-5 years his office has received numerous drainage complaints, in the area from US 52 and Klondike or Taft Road to County Road 400 West and US 52 intersections. He noted there were other areas of concern within the watershed; however this area was the most problematic. In 2010 the Board determined a Drainage Study of Indian Creek was warranted. Phase one of the study proposed stricter release rates for development within the watershed. The resolution presented would assist in lowering development discharge rates located within the watershed. (Note: See Sept. 2010 minutes: a petition for a new regulated drain was also provided to Judy Bowers, landowner which has not been submitted to Surveyor to date.) The Attorney read the resolution into the record as follows: 2013-01-DB-RESOLUTION ESTABLISHING INDIAN CREEK IMPACT DRAINAGE AREA: WHEREAS, the Tippecanoe County Comprehensive Stormwater Management Ordinance as established by Ordinance No. 2011-27-CM authorizes the Tippecanoe County Drainage Board to classify certain geographical areas as Impact Drainage Areas and to enact and promulgate regulations in respect thereto; and WHEREAS, the Tippecanoe County Drainage Board has found that Indian Creek within the Indian Creek Impact Drainage Area, is a natural stream which receives runoff from a large watershed area as well as additional runoff associated with overflow from the Hadley Lake watershed; that an existing restrictive railroad culvert which is inadequate to accommodate the tributary stream flows is located approximately 4,700 feet downstream of the U.S. 52 crossing of Indian Creek; and that based on the size of the Indian Creek watershed, the introduction of Hadley Lake flows, and the limited capacity of the existing restrictive railroad culvert, there is not an adequate outlet for the watershed, resulting in documented Indian Creek flooding of the Elks Golf Course, the Capilano Estates sole entrance drive, portions of Taft Road, and several residences along Taft Road, and that such flooding has caused or threatens damage to property, endangerment of life, and hinders emergency vehicle access; and WHEREAS, the Tippecanoe County Drainage Board has found and determined that the protection of the public health

and general welfare requires the imposition of special requirements for development within the Indian Creek Impact Drainage Area. NOW, THEREFORE, BE IT RESOLVED that the geographical area more fully described on Exhibit A attached hereto and by reference made a part hereof be and it is hereby designated as an Impact Drainage Area pursuant to Chapter 6, Section 8 of the Tippecanoe County Drainage Code and shall be known as the Indian Creek Impact Drainage Area. BE IT FURTHER RESOLVED, that in addition to complying with all other requirements of the Tippecanoe County Drainage Code, any sub divider, property owner, developer, or contractor, as a condition of approval of any new business, commercial and industrial development, residential subdivision, planned unit development, and any redevelopment or other new construction located within the Indian Creek Impact Drainage Area shall comply with such further and more restrictive stormwater quantity and quality measures than those set forth in the Tippecanoe County Drainage Code or in the Indiana Stormwater Quality Manual as the Drainage Board may from time to time determine to be required to meet the purposes of the Tippecanoe County Drainage Code, which may include, without limitation thereby, the following:

- A. All future developments within the Indian Creek Impact Drainage Area must utilize post-developed allowable release rates as defined on Exhibit B;
- B. Overflow/diversion paths in the reach of Indian Creek between Morehouse Road and U.S. 52 and into and out of Hadley Lake, as defined on Exhibit C, must be protected. If changes to the flow capacity in these areas are proposed, appropriate compensation will be required.

PASSED AND ADOPTED THIS 13th day of March, 2013. TIPPECANOE COUNTY DRAINAGE BOARD

Thomas Murtaugh, President, David Byers, Vice President, John Knochel/ ATTEST: Brenda Garrison, Executive Secretary  
End of Resolution

The Attorney stated Exhibit A indicates the Drainage Impact Watershed, Exhibit B indicates the Maximum Allowable Release Rates for sub areas within the watershed, Exhibit C indicates Overflow Diversion Paths that must be protected. There was no public comment. Responding to the Mr. Byers inquiry, the colors on Exhibit B differentiated the sub basins. David Byers made a motion to approve Resolution #2013-01-DB Establishing Indian Creek Impact Drainage Area. John Knochel seconded the motion. Resolution #2013-01-DB Establishing Indian Creek Impact Drainage Area was approved as presented.

#### **Regulated Drain Classification Report/Surveyor**

The Surveyor presented the 2013 Regulated Drain Classification Report to the Board. According to I.C. 36-9-27-34 the County Surveyor shall from time to time prepare and submit a regulated drain classification report. His report included the following information: "Drains in need of Reconstruction, Hearing and Rates Increased established in 2011 and 2012, Urban Drains, and Drains in need of Maintenance, Insufficient Maintenance Funds, and Drains with a 25% Increase in Assessment, Drains that should be vacated and Proposed Drains for Hearings in the near future". He noted the attached Exhibit A reviewed all the County regulated drains and actions taken and that which did include the 25% increase passed by the Board last month as well as previous years. The Surveyor stated those drains marked "not maintained" currently did not have maintenance fund established. Petitions have been provided to those interested landowners on these drains. The Attorney stated when a drain is included on the report as in need of reconstruction; it did not require a signed Petition to start the process for reconstruction. The two drains (Edwards and Verhey noted) were in need of reconstruction prior to establishing a maintenance fund for each of them. David Byers made a motion to accept and approve the 2013 Surveyor's 2013 Regulated Drain Classification Report as submitted to the Board. John Knochel seconded the motion. The 2013 Surveyor's 2013 Regulated Drain Classification Report was accepted by the Board.

#### **Raineybrook Phase 3 Part 2 Section 2 Maintenance Bond#105852502**

The Surveyor presented Travelers Casualty Insurance Maintenance Bond#105852502 in the amount of \$6,747.00 submitted by Fairfield Contractors Inc. for Raineybrook Phase 3 Part 2 Section 2. He recommended approval. David Byers made a motion to approve Raineybrook Phase 3 Part 2 Section 2 in the amount of \$6,747.00 submitted by Fairfield Contractors Inc. John Knochel seconded the motion. Maintenance Bond#105852502 was approved as aforementioned.

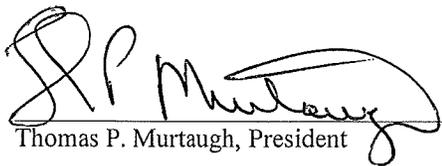
#### **Petition to Encroach with a Bioreactor Bone Private Drain/Josh Cox Maintenance Agreement Bone Private Drain/Josh Cox**

The Surveyor presented a Petition to Encroach on a Regulated Drain Easement with a Bioreactor on the Bone Private Drain along with a corresponding Maintenance Agreement for said encroachment and area around it on farmland owned by Josh Cox and located at County Road 660 South. Specifically the encroachment was just east of the culvert approximately 1250 feet south of County Road 660 South. He noted a bioreactor was a bypass system which consisted of a pipe coming off of

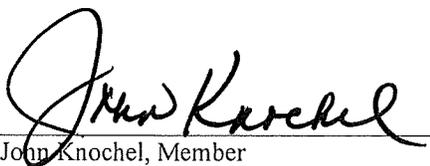
the main tile which leads to a woodchip bed and an outward pipe located under the woodchip bed returned the runoff into the main tile during low flow conditions only. It is relatively new to the area. He recommended approval. David Byers made a motion to accept the Petition to Encroach on a Regulated Drain Easement with a Bioreactor on the Bone Private Drain along with a corresponding Maintenance Agreement for such encroachment and area surrounding it. John Knochel seconded the motion. The Petition to Encroach on a Regulated Drain Easement along with a corresponding Maintenance Agreement was approved as presented to the Board.

**Public Comment**

There was no Public Comment. John Knochel made a motion to adjourn. The meeting was adjourned.

  
Thomas P. Murtaugh, President

  
David S. Byers, Vice President

  
John Knochel, Member

  
Brenda Garrison, Secretary

**Tippecanoe County Drainage Board**  
**June 5, 2013**  
**Regular Meeting Minutes**

**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 Secretary Brenda Garrison and Drainage Board Engineering Consultant Dave Eichelberger from Christopher B. Burke Engineering LLC.

**Approval of Minutes**

David Byers made a motion to approve the May 1, 2013 regular minutes as written. John Knochel seconded the motion. The May 1, 2013 regular meeting minutes was approved as written.

**Market South Lots 3&4 Valley Lakes Shoppes Subdivision**

Justin Frazier from TBIRD Design Services appeared before the board to present Market South Lots 3&4 project. The site was located within the City of Lafayette's limits and specifically the Valley Lakes Shoppes Subdivision (Regal Valley Place) on the Southwest corner of Veterans Memorial Parkway and Regal Valley Drive. The site consisted of approximately 3.80 acres. He stated the drainage infrastructure was constructed in 2003 with the Regal Valley Place project. The site was previously granted an onsite detention waiver in 2003. The site is presently in accordance with the 2003 waiver as granted by the Board. The Surveyor stated the project was reviewed due to the discharge into the JN Kirkpatrick Regulated Drain. He recommended approval to the Board with the conditions as stated on the May 21, 2013 Burke memo. David Byers made a motion to grant approval with the conditions as stated on the May 21, 2013 Burke memo. John Knochel seconded the motion. Market South Lots 3&4 Valley Lakes Shoppes Subdivision was granted conditional approval as stated on the May 21, 2013 Burke memo.

**Southern Winds Apt's. Phase 2**

Randy Peterson from Starr and Associates appeared before the board to present the Southern Winds Apt.s Phase 2 project. The site was located on the northeast corner of County Road 350S (Veterans Memorial Parkway) and U.S. 231. It consisted of approximately 4.58 acres of the overall 15.25 acre site. The site ultimately discharges to the non-regulated portion of the S.W. Elliott Ditch. Mr. Peterson stated this project had been ongoing for approximately a year and the latest memo recommendation from Christopher Burke Engineering (Burke) did not recommend approval of the project (memo dtd May 31, 2013). Mr. Peterson stated he had spoke with Mr. Eichelberger from Christopher Burke Engineering and discussed the two main issues along with the other comments stated on the memo. He noted the majority of the comments were drafting cleanup issues other than the aforementioned two main issues. Mr. Peterson explained those issues regarded emergency routing/pad grades and the size of the detention basin as planned. He informed the board revisions were made on the detention basin's size. (He noted he had an 8x11 drawing with him which reflected the change.) In respect to the emergency routing, the pad grades in question would be adjusted slightly to meet the ordinance as required. He then referred to the Board for comments. The Surveyor stated he had three issues to discuss specifically. He noted the May 31, 2013 memo had a total of 30 issues to be addressed prior to approval. The size of the detention pond was the first issue as it was not designed sufficiently for the site. The emergency routing and pad grades were the second issue. According to the most recent submitted drainage plan the emergency routing appeared to be directed at some of the buildings. The third issue was the project did not meet the Ordinance's allowable discharge rate. He stated the Surveyor's office was not ready to recommend approval at this time. He recommended the project be tabled by the Board until the July Drainage Board meeting. This would allow the consultant time to address these issues as well as the other issues listed on the May 31, 2013 Burke memo. Mr. Murtaugh stated these issues were major and he agreed the board should table until the July meeting as recommended by the Surveyor. Mr. Byers stated it seemed that some of the revisions were put together last minute and the Surveyor's office had not had time to review. Responding to Mr. Knochel's inquiry, Mr. Peterson stated he went through the comments of the May 31, 2013 memo and the Board would have to take his word that he did have the comments addressed. He noted the allowable release rate and pond design had been addressed and the pad elevations would be revised to what they have to be by Ordinance. (Note: a revised plan or revised drainage report has not been submitted for review to date -06.10.13) Mr. Peterson reiterated the Board would have to take his word that the issues were being revised and what needed adjusted would be adjusted. Mr. Peterson again requested conditional approval so they would not have to appear in front of the Board again. Mr. Murtaugh stated the issues were not small and it was unfortunate the revisions were not submitted to the Surveyor for

review prior to today's meeting. Mr. Byers made the motion to table the project until the July 10, 2013 meeting. John Knochel seconded the motion. Southern Winds Apt.'s Phase 2 was tabled until the July 10, 2013 Regular Drainage Board meeting- at which time the aforementioned project would be heard by the board.

**Other Business/Zach Beasley**

The Surveyor requested a Public Reconstruction Hearing on the E. K. Lois Private Drain as well as a Public Maintenance Hearing on the Harrison Wallace Regulated Drain #82 to directly follow the regular scheduled meeting set on August 7, 2013. John Knochel made a motion to schedule a Public Reconstruction Hearing on the E. K. Lois Private Drain and a Public Maintenance Hearing for Harrison Wallace Regulated Drain #82 to directly follow the regular scheduled meeting scheduled for August 7, 2013. David Byers seconded the motion. A Public Reconstruction Hearing on the E. K. Lois Private Drain as well as a Public Maintenance Hearing on the Harrison Wallace Regulated Drain #82 was scheduled for August 7, 2013 directly following the regular meeting on that date.

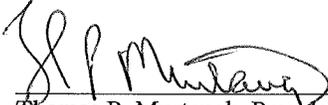
**S.W. Elliott Regulated Drain#100 /Gaging Station Update**

The Surveyor referred to Mr. Eichelberger for a status report to the Board on the S.W. Elliott Drain Gaging Station data. Mr. Eichelberger stated the recent rainfall received in April (15-18<sup>th</sup>) over the seven stations recorded was approximately 4-5 inches. There was 5.7 inches recorded at the West Lafayette station only. The rainfall events produced a discharge from the Elliott ditch at approximately 400cfs. He noted the peaks recorded (approximately 400cfs to 500cfs) were not sufficiently higher than previously obtained. He stated it did not produce significant data to present to DNR.

**Public Comment**

Sandy Kopf 1206 North 675 East appeared before the Board to complain about the flooding of her tract from surrounding property. She stated increased runoff had caused significant flooding and a substantial increase of mosquitoes. She noted she had lived in this location for approximately 12 years. She stated four residential lots (a Minor Subdivision) were constructed directly across from her tract on Co. Rd. 675E. in the last couple of years. Since the construction of the lots flooding had increased dramatically. She noted previously, the Co. Hwy. Supervisor and Co. Hwy. Engineer conducted a site visit. After inspection of the area, it was determined her tract was the low area of the surrounding properties and runoff naturally drained to ravines located on her property. They offered suggestions for improvements to the ravines and erosion of.. She stated the runoff would, at a high rate of speed, cross over the county road and "swirl" into the natural ditch behind her home causing damage to the ravine. She stated it was not legal to reroute water onto a neighbor's property and the Board approved the minor subdivision project in the first place so she felt that was the cause of the problem. Due to that, they should take care of the cost for improvements to her tract to improve the drainage and eliminate the erosion. She stated she is getting the runoff from both sides of the road and it was a massive problem. The Surveyor stated he had investigated this issue and spent time with Ms. Kopf discussing the issue in length. He noted they discussed different options to reduce any damage to the ravines and improve drainage for her property. He found it was a natural waterway for approximately 12 to 20 surrounding acres. The ravines located on her tract were the receiving ravines as it was the natural lay of the land and a natural erosion issue. She stated "Point is you guys are directing it to my property. The culverts under the road should be moved and it would not cost that much." She noted she had called the Co. Hwy. office 2 to 3 weeks ago and they had not responded to her call. The runoff which traveled under the road travels beside her driveway to the ravine in her yard. Mr. Murtaugh stated he would meet with the Highway Engineer and be in contact with her soon to discuss the issue further. She thanked the Board for their time.

As there was no further business before the Board, John Knochel made a motion to adjourn. The meeting was adjourned.

  
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Thomas P. Murtaugh, President

  
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David S. Byers, Vice President

  
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John Knochel, Member

  
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Brenda Garrison, Secretary

**Tippecanoe County Drainage Board**  
**July 10, 2013**  
**Regular Meeting Minutes**

**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 Secretary Brenda Garrison and Drainage Board Engineering Consultant Dave Eichelberger from Christopher B. Burke Engineering LLC.

**Approval of Minutes**

David Byers made a motion to approve the June 5, 2013 regular minutes as written. John Knochel seconded the motion. The June 5, 2013 regular meeting minutes were approved as written. David Byers made a motion to approve the June 5, 2013 hearing minutes as written. John Knochel seconded the motion. The John McFarland #51 Regulated Drain Hearing minutes were approved as written.

**Crop Production Services**

Nicole Kalck with USI Consultants Inc. appeared before the Board to present Crop Productions Services. The site was located south of the existing facility at the southwest corner of State Road 28 and State Road 25 consisted of approximately 6 acres. An 80'x120' pre-engineered steel building would be constructed and used for seed storage onsite. A gravel drive off of State Road 25 was planned and additional parking located onsite as well. Ms. Kalck noted there was a low area in the northwest corner of the site; however the majority of the site's drainage currently sheet flowed to the south and the west. She noted there would be no net increase of runoff from the property. A small swale and proposed inlet will outlet the runoff northeast of the existing low area onsite. In addition to the decrease in runoff to the south, due to the nature of the land there would be a decrease in runoff to the west. There were no regulated drains involved. She requested a variance to the allowable release rates and approval for the project. The Surveyor stated he recommended approval of the variance as requested. David Byers made a motion to grant a variance of the allowable release rates. John Knochel seconded the motion. The Surveyor recommended conditional approval as stated in the June 17, 2013 Burke memo. There was no public comment. John Knochel made a motion to grant conditional approval as stated in the June 17, 2013 Burke memo. David Byers seconded the motion. Crop Production Services was granted a variance to the required release rates in addition to the conditional approval as stated on the June 17, 2013 Burke memo.

**Winding Creek Section 7**

Jim Pence with the Schneider Corporation appeared before the Board to present the Winding Creek Section 7 project. The site was located on approximately 13.6 acres at the southwest corner of CR. 600N and CR. 75E. The project was a continuation of the existing Winding Creek Subdivision and would be the last section to be developed. This section would be developed along the northeastern boundary of the existing Coyote Crossing Golf Course. Mr. Pence requested a variance to the allowable release rates. He stated the majority of the existing runoff from the site which currently flowed through the Golf Course ponds would be rerouted to a direct discharge point at Burnett Creek. He stated he had read the Burke memo and was in agreement with the conditions as stated. He requested the variance and approval for the project. The Surveyor stated he recommended approval of the variance as stated in the June 19, 2013 Burke memo. There was no public comment. David Byers made a motion to grant the variance to the allowable release rates. John Knochel seconded the motion. The Surveyor stated he recommended approval with the conditions as stated on the June 19, 2013 Burke memo. John Knochel made a motion to grant conditional approval as stated on the June 19, 2013 Burke memo. David Byers seconded the motion. Winding Creek Section 7 was granted the variance as requested and conditional approval as stated on the June 19, 2013 Burke memo.

**Legacy Sports Club Phase 2**

Randy Peterson with Starr associates appeared before the Board to present the Legacy Sports Club Phase 2 project. This indoor soccer facility site was located at the south side of Conservation Club Road north-northwest of the intersection with State Road 25 consisting of approximately 4.7 acres. The first phase of the project included an indoor and outdoor facility. This phase included both an indoor facility and gravel parking lot. He noted he was in agreement with the conditions as stated on the July 5, 2013 Burke memo and requested approval. The Surveyor recommended approval with the conditions as stated on the July 5, 2013 Burke memo.

Mr. Murtaugh asked for public comment. Mr. Kenneth E. White 2937 Conservation Club Road Lafayette In. 47903 approached the Board. He requested to be shown the discharge point for the site's runoff. He stated he knew that drainage resulting from the development of the first phase caused sink holes on the 2900 Conservation Club Rd. property. He expressed his concern regarding any additional drainage which would result from the construction of additional buildings and

parking. He noted it was his understanding the Club's Corporation had bought all the parcels surrounding his with the exception of the Spring Vale Cemetery tracts. He stated with the closing of the Wabash and Erie Canal along Conservation Club Road he was concerned what the discharge from the additional development would cause on his tract as well as the cemetery tract. Mr. Peterson reviewed the plan for Mr. White at the Surveyor's request. Mr. White stated he was an on the road truck driver and all the certified mail regarding the planned project was mailed to his son Kenneth White JR. He had no knowledge of past proceedings regarding this development. He explained there were drainage concerns already due to the construction of the gravel pits and worried that any additional development would cause erosion issues to his property. The runoff from his property was directed to the cemetery today. He further noted the water stands in that location for a number of days. Discussion was held regarding the current and proposed drainage. Mr. Eichelberger explained the following: with a detention pond included in the first phase and a detention pond included with this phase the peak discharges would be reduced. Due to the additional hard surfaces the volume of water would be increased; however peak discharge to the west would be reduced. Mr. White then stated since the initial phase of this development- during heavy rainfalls- his septic alarm goes off. He stated he was concerned of what effects to his system this would cause. The Surveyor assured him he takes this very seriously and would discuss with the Health Dept. He stated he would have his staff look into this issue and follow up with Mr. White. Mr. White ended by saying as the only individual landowner left on Conservation Road; he wanted the Board to know that there were no drainage issues on his property prior to the development. He stated this was why he was present voicing his concern and thanked the Board for their time.

Joe Canady representing the Spring Vale Cemetery 2580 SR 25N Lafayette In. 47905 approached the Board. He stated the Cemetery Board also had concerns about the project's drainage. He noted there were plans to expand the cemetery on their property for future burial plots. He expressed his concern regarding any sink holes in the area and asked the drainage of this project be reviewed closely. Mr. Tad Miller President, Conservation Club located at 2799 Conservation Club Road approached the Board. He stated at this time they did not have any issues. Randy Peterson, Starr Assoc. Project Engineer responded to Mr. Miller's inquiry and stated there would be no additional runoff to the east and/or the Conservation Club site. Dr. David Buguay Developer of Rolling Maul 2920 Conservation Club Road approached the Board. He noted the property on 2900 Conservation Club Road was recently purchased for Phase 2 of the project (a new indoor sports facility), a total of approximately 23 acres had been acquired (including 2660, 2666 (by Legado Inv. Group) for the Sports Complex. Mr. Buguay stated he contacted Mr. White of the previous meeting for the original phase of the project as well as the present phase. He inspected the 2900 property on Tuesday prior to this meeting and found no sink holes as stated by Mr. White. He noted during the as built process of the original phase, a beehive on the north south property line of 2900 and 2920 tracts was replaced and a deeper cut made to the planned swale as directed by the Surveyor office prior to their approval of the plans. He noted as a member of the community wanting to do the right thing, he hired the Engineers to plan accordingly. The soccer outdoor field was more than 25 feet off the property line between their tract and Mr. White's property. An underground sprinkler was run every other day- depending on the weather- on the soccer field. He stated there was no runoff from his property flowing in Mr. White's septic field direction. The Surveyor stated his job was to insure the projects were in compliance with the ordinance. He reminded the public, the conditions as stated on the July 5, 2013 Burke memo would be met prior to his office signing off on the plans. He reiterated he would further investigate the septic system issue with Mr. White with the Health Dept.

The Surveyor recommended at that time approval with the conditions as stated on the July 5, 2013 Burke memo. Mr. Byers stated with the addition of the 2<sup>nd</sup> detention pond onsite, he would support the project. Responding to Mr. Knochel's inquiry, Mr. Eichelberger stated both phases of the project outlets to the detention ponds onsite. The Surveyor noted the lay of the ground naturally drained that way. He then reviewed the drainage in the area utilizing G.I.S. for the Board. David Byers made a motion to grant approval with the conditions as stated on the July 5, 2013 Burke memo. Tom Murtaugh seconded the motion. John Knochel objected. He stated he thought the project should be tabled for a closer review. Mr. Murtaugh stated he was confident the Surveyors office would review the project closely due to issues raised and would not sign off until all concerns were addressed. The Legacy Sports Club Phase 2 was granted approval with the conditions as stated on the July 5, 2013 Burke memo.

#### **Norfleet Commercial Co. Rd. 350S- Mass Grading**

Mr. Randy Peterson from Starr Associates appeared in front of the Board to present the Norfleet Commercial Co. Rd. 350S Subdivision - mass grading of the project. The site consisted of approximately 4.8 acres and was located at the southeast corner of County Road 350 South (Veterans Memorial Parkway) and on the East side of US 231. He noted the intent of the developer was to grade the site for future commercial use. He further stated there were no improvements -drainage or otherwise-other than grading of the property planned at this time. He then requested approval for the grading request.

The Surveyor reviewed the project and the area for the Board utilizing G.I.S. He noted any future development of the lots would have to comply with the ordinance and would be reviewed separately as submitted. The Surveyor recommended

approval with the conditions as stated on the July 5, 2013 Burke memo. There was no public comment. John Knochel made a motion to grant approval with the conditions as stated on the July 5, 2013 Burke memo. David Byers seconded the motion. Norfleet CR 350S Commercial – Mass Grading was approved with the conditions as set forth on the July 5, 2013 Burke memo.

### **Southern Winds Apts Phase 2**

Mr. Randy Peterson from Starr Associates appeared in front of the Board to present the 2<sup>nd</sup> phase of the Southern Winds Apts project. The site consisted of approximately 4.5 acres on the northeast corner of Co. Rd. 350 South (Veterans Memorial Parkway) and US 231. He noted this phase of the project was continued by the Board from last month's meeting. The Surveyor referenced for the record three items which caused the Board to table the issue. The emergency routing, detention basin size, and discharge rate were the issues to be addressed. He stated those issues had been addressed by the Engineer therefore he recommended approval with the conditions as stated on the July 2, 2013 Burke memo. There was no public comment. John Knochel made a motion to grant approval with the conditions as stated on the July 2, 2013 Burke memo. David Byers seconded the motion. Southern Winds Apts Phase 2 was granted approval with the conditions as stated on the July 2, 2013 Burke memo.

### **Swan Holdings Subdivision Ph 2 Section 1 Lot 2**

Doug Hall from Vester and Associates appeared before the Board to present Swan Holdings Subdivision Ph 2 Section 1 Lot 2 for approval. The site consisted of approximate 3.3 acres and located on the North side of Amelia Avenue East of the intersection with Creasy Lane. This site was within the City of Lafayette boundaries. Lot 2 was part of the original Crosspointe Commercial Subdivision Development. Mr. Hall stated due to the majority of the lot covered by the floodplain, mass earthwork was planned. He noted approximately 2200 yards of dirt would be excavated from the eastern portion of the site for fill and compensatory storage on the west side for building purposes. Any excess dirt would be used as additional fill for building pad elevations. He noted his client agreed to a Maintenance Agreement regarding the Treece Meadows Relief drain (coordinated with the Surveyor Office) and a Petition to Encroach on a Regulated Drain as submitted. He requested approval from the Board. There was no public comment. The Surveyor recommended the approval of the Petition to Encroach and Maintenance Agreement on the S.W. Elliott Regulated Drain #100 /Wilson Branch aka Treece Meadows Relief Drain. David Byers made a motion to grant approval for the Petition to Encroach and the Maintenance Agreement on the S.W. Elliott Regulated Drain #100 /Wilson Branch aka Treece Meadows Relief Drain as presented. John Knochel seconded the motion. The Surveyor recommended approval with the conditions as stated on the June 20, 2013 Burke memo for Swan Holdings Subdivision Ph 2 Section 1 Lot 2. David Byers made a motion to grant approval with the conditions as stated on the June 2, 2013 Burke memo. John Knochel seconded the motion. Swan Holdings Subdivision Ph 2 Section 1 Lot 2 was granted conditional approval as stated on the June 20, 2013 Burke memo along with approval of the Petition to Encroach and Maintenance Agreement as submitted.

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

#### **Orchard Pond Maintenance/ H.O.A. and Residents**

The Surveyor gave an update to the Board regarding the requested Orchard Pond maintenance. He reminded the Board in Dec. 2012 Tim Zaspal appeared before the Board and requested the Drainage Board take action on the Orchard Pond. The Board directed the Surveyor in December 2012 to send a letter to Art Kruggle the Orchard Homeowners Association President regarding pond dredging and maintenance of the concrete weir. He was to notify Mr. Kruggle that there were no funds for the County to pay for pond dredging or repair of the concrete weir. His office sent the letter in January this year. Since that time he was informed maintenance on the concrete weir had been taken care of by the Homeowners Association; however they had not approved dredging of the pond. Mr. Tim Zaspal an Orchard Subdivision homeowner took it upon himself to notify the Army Corps of Engineers regarding a possible permit requirement to dredge the pond. Mr. Zaspal received a reply stating the Corp of Engineers did not require a permit for the dredging of the pond. (a copy of which is on file) The Surveyor stated his office also received a letter from Art. Kruggle (Orchard Community Association President) which stated the Association would not approve the pond dredging at this time due to the lack of knowledge of amount to be dredged. The Surveyor reiterated the Drainage Board's interest was the storage volume or the capacity of the pond. The capacity or volume was measured from the normal pool elevation to the 100 year flood elevation. At this time, the Surveyor stated he did not have any reason to believe the pond had silted up above the normal pool elevation. This means it was more of an appearance issue. A topographic survey would need to be completed to obtain the volume of erosion within the pond at this time. This would indicate if the pond was silted up higher than the normal pool elevation and would affect the functional aspect of the drainage structure itself. He then referred to the Board and/or public comment.

The President asked for public comment. Mr. Tim Zaspal 2509 Redfree Drive Lafayette Indiana 47906 approached the Board. Mr. Zaspal stated he had lived at this location for more than ten years. He continued in his opinion the pond was no longer functioning as intended. He further stated there was strong evidence it had more than half silted in over the last nine

years. He stated as a result he felt it would start putting homes that adjoin it at risk. Previous years after a rainfall, water would overflow the banks 10-18 inches. In the last two years water has overflowed up to 15-18 feet of the closest house east of the pond. He stated clearly what was approved by the Board 9-12 years ago no longer met the requirements. He stated the risk was increasing for those homeowners close to the pond. He stated it did affect the appearance and at present looked like a cesspool. Comments have been made by homeowners trying to sell their home around the pond that the pond was a detriment to the sale of their property. He stated he was not before the Board due to the appearance but because of the lack of function of the pond. He stated he felt it was not functioning today as intended when approved. He took it upon himself to approach the Army Corps of Engineers, IDNR and receive waivers as needed. (The pond was shown as a wetland on original drawings from Schneider Corp.) He stated he gave Scott Mathews from the Corps of Engineers a personal tour of the pond and the letter from the Corp was issued. He requested the Board direct the Homeowners Assoc. to dredge the pond. He stated he felt the "County Surveyor should uphold and ensure the types of structures- as this pond has -would be maintained to the correct level." Mr. Byers interjected without a topographic survey the right level had not been determined to date. Mr. Zaspal stated he could physically see that the pond had silted up three foot on one end since he moved there. The Surveyor stated while he did not necessarily disagree with the fact there was silt in the pond; the issue was the Board's authority to enforce work to be done regarding the capacity of the structure. In this case the structure is the pond. Due to the fact the amount of buildup had not been determined, he cannot advise the Board whether to authorize or not authorize dredging of the pond without this information. Per the Stormwater Ordinance, the Board only has interest in the storage capacity of the pond, i.e.: normal level to 100 year capacity. At this time that information is not available to the Board and the Board cannot make a decision without that information. Except for the concrete weir, the Surveyor noted he did not have reason to suspect the pond was not functioning as intended. In his opinion tax payer dollars should not be spent for his office to inspect or survey the private development's pond. There was a Homeowners Association set up to maintain the infrastructure of the development as needed. If this pond was causing downstream homeowners problems, then yes he would agree that his office should take action on it. The one hundred year flood elevation line was close to one of the homes built by the pond however that was included in the design of the development. Responding to the Surveyor's inquiry, Mr. Zaspal stated one home which adjoined the pond had on three occasions water in the basement. Mr. Zaspal state he felt the homeowners association's decision to not work on the pond due to not knowing how much silt to remove was just a stall tactic. Responding to Mr. Murtaugh's inquiry, Mr. Zaspal stated in his opinion the association did not want to pay for the dredging of the pond. They felt it was the adjoining landowners' responsibility only not the entire associations. Mr. Murtaugh asked if the homeowners whose homes were located around the pond would be willing to bear the cost. Mr. Zaspal answered no. He did not believe it should be only their responsibility as it is stated in the covenants that the area is a common area. The Surveyor reiterated until a topographical survey was completed which showed the amount of silt in the pond, he could not advise the Board whether it was in need of dredging or not or if it was functioning as intended. At this time he has no reason to believe it is not functioning correctly. He did not feel taxpayer money should be spent to investigate a private pond when there was no reason to believe it was not functioning as intended. He felt in his opinion, the issue was the appearance more than the lack of functionality of the structure/pond.

Dave Luhman Board Attorney stated this issue was prevalent throughout the County and this pond was not a regulated drain. Therefore the Drainage Board had no authority to maintain the pond or perform maintenance to it. It appeared that the Subdivision's infrastructure was constructed per the Drainage Ordinance in force at that time. The pond area along with other areas within the subdivision, were determined to be common areas which were owned by the homeowners association. The covenants required the homeowners association to maintain those areas. The Drainage Board did not have funds they could legally use for maintenance on behalf of the homeowners association. The lot owners subject to the covenants have a right to enforce those covenants. Part of which was to proceed and force the association to do what was required per the covenants. While the Surveyor's office can advise private landowners/homeowners associations, they cannot use the general drain fund to perform any work. He explained the Board's responsibility ie: review the original plans for a development and approve. Once a project was approved and the property deeded to landowners it was their responsibility to maintain. The Board could advise, however they could not fund. He stated this was an authority as well as a funding issue. The Surveyor reiterated this was not a county regulated drain therefore the Board could not by state law use taxpayer funds to dredge the pond. Mr. Byers stated a letter of advisement to the association regarding the need for a topographic pond survey was warranted and could possibly encourage the association to act upon it. The Surveyor stated Mr. Zaspal and neighbors had a legitimate concern and he felt it was warranted as well. Mr. Zaspal then asked if the association did not act upon the advisement, what then? The Attorney stated he would have a private action as a lot owner to enforce the covenants. The covenants require the homeowners association to maintain the structure which in this case was the pond. If this is not done, as a lot owner in the association -he would have a private action. Mr. Zaspal thanked the Board. Maureen Zaspal then asked the Surveyor if a copy of the letter from Art Kruggle could be obtained. The Surveyor agreed to provide a copy.

Mr. David Kovich developer approached the Board. He stated during Phase 1 of The Orchard; the Drainage Ordinance was followed. He stated there was an erosion issue in that area; however in his opinion the issue came from east of the

development. There were three pipes which came from the east on Priscilla Drive which outlet to the pond. Erosion from the east through the pipes and entered the pond. He had spoken with the previous Surveyor about the pond issue numerous times to include making it a Legal Drain. However there was no interest in making it a Legal Drain. He stated there were two problems with the pond: erosion and nitrogen coming into the pond which caused the large growth of plants. It was a shallow pond to begin with. In his opinion the major problem was offsite to the east of Phase 1 of the Orchard. He felt the answer was to put the development on as a County Regulated Drain. Mr. Murtaugh stated the Board was still accepting Petitions for New Regulated Drains if that was the avenue the landowners chose to take. Mr. Knochel stated the landowners would have to agree to participate in a legal drain and a new tax for that. A maintenance fund would have to be built up for maintenance to be conducted on the drain. He stated he thought with the information provided today he felt the pond was probably silted in and needed to be removed.

Mr. Byers made a motion for the Surveyor and the President of the Board to send a strong advisement letter on behalf of the Board recommending a topographic survey be completed. John Knochel seconded the motion. A letter of advisement would be sent on behalf of the Board to the Orchard Homeowners Association.

#### **Other Business**

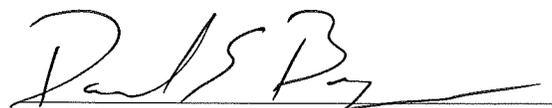
The Surveyor informed the Board he would like to schedule a meeting on the JK O'Neal Regulated Drain Maintenance to follow the regular schedule meeting on Oct. 2, 2013. David Byers made a motion to set a Public Hearing on the JK O'Neal Regulated Drain Maintenance. John Knochel seconded the motion. A public hearing was set for Oct. 2, 2013 immediately following the regular scheduled Drainage Board meeting.

#### **Public Comment**

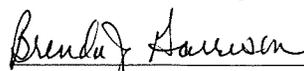
David Kovich developer approached the Board regarding Phase 4 of The Orchard development. He asked the Surveyor to recap their discussion held yesterday. The Surveyor stated basically Phase 4 was before the Board for approval in April of this year. At that time the Board tabled the project in order to give the developer time to meet with the Surveyor and Mr. Eichelberger regarding the earthen structure which impounded approximately 15 acre feet of water immediately upstream of single family homes. The Surveyor reminded the Board of the issue regarding the structure. (See April 2013 Board minutes for details) A dam analysis was done by Mr. Kovich's consultants. He noted since that time he had met with Mr. Eichelberger, Mr. Kovich and Mr. Sky Medors P.E. of Lawson Fisher and Associates who did the original dam analysis. Options were discussed as follows: remove the dam completely; obtain a more detailed elevation data study; provide proof the dam meets current industry standards. Mr. Kovich decided to obtain the more detailed analysis of the dam. That study was completed and submitted to his office. The study showed 8-10 scenarios concerning pool elevations. Some of which were breaching the dam, showing results from the culvert under the St. Rd. 26 completely open- completely clogged and 50% clogged. The report showed no matter what scenario you looked at least one structure was still in the flood inundation zone. The Surveyor offered to meet informally to reach a common resolution regarding the dam. Mr. Kovich stated the aforementioned study with the worst case scenario indicated approximately 5 inches of water in the lowest elevated residential home. He stated the dam averages 2-3 feet of water in it. There were actions which could be taken and these would be discussed in the informal meeting. As a public safety factor still remained he stated he was willing to work this issue out during the informal meeting. The Surveyor would send him a few dates and times and they would meet.

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

  
Thomas P. Murtaugh, President

  
David S. Byers, Vice President

  
John Knochel, Member

  
Brenda Garrison, Secretary

# Tippecanoe County Drainage Board

August 7, 2013

## Regular Meeting Minutes

### Those present were:

Tippecanoe County Drainage Board President Thomas Murtaugh, Vice President David Byers, member John Knochel, 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.

### Approval of Minutes

David Byers made a motion to approve the July 10, 2013 regular minutes as written. John Knochel seconded the motion. David Byers made a motion to approve the July 10, 2013 landowner hearing minutes regarding the Thomas Ellis #27 Regulated Drain. John Knochel seconded the motion. The July 10, 2013 regular meeting and the July 10, 2013 Thomas Ellis #27 Regulated Drain Hearing minutes were approved as written.

### TKO Graphix/ Lafayette Operations

Randy Peterson from Starr Associates appeared before the Board to present TKO Graphix Lafayette Operations. The site was located on the north side of County Road 450 South and consisted of approximately 30 acres. A new commercial building with additional parking and a drive was planned. While a drainage tile existed in the depressional area onsite it was in poor condition and would not be utilized. The entire site's runoff would be contained in an infiltration basin that will be located in the northern portion of the site. A vegetative filter strip would be placed along the end of the gravel area to capture the runoff prior to entering the basin. He stated the site's runoff would not impact the private drive to the east of the site. He requested conditional approval for the project at that time. The Surveyor inquired if a Petition on the S.W. Elliott Regulated Drain (tile onsite) had been submitted for review as noted in the August 2, 2013 Burke memo under Variances/Encroachments. Mr. Peterson stated it had not to date. However he would submit the Petition as soon as possible. The Surveyor noted the drainage tile was a branch of the SW Elliott #100 drain which ended just west of the private drive located on the east property line. There would be no runoff discharged into that tile. He directed Mr. Peterson to submit the required petition for his review and Board's approval during the September meeting. Responding to Mr. Byer's inquiry, Mr. Peterson stated the parking area would be compacted stone and would basically become an impervious area draining to the infiltration basin. Mr. Peterson noted there was ½ % slope for 1400 feet to the north end of the tract. The discharge would flow overland to the rear of tract. Responding to Mr. Byers, the Surveyor stated homes adjoining the northern portion of the site were at a higher elevation. Mr. Eichelberger noted presently, east of the project site, runoff sheet flows to the west during large rain events. This would not change, as it would flow to the depressional area within the project site and discharge out of the basin to the northwest.

The Surveyor recommended conditional approval as stated in the August 2, 2013 Burke memo. The required Petition would be submitted for Board's approval during the September meeting. David Byers made a motion to grant conditional approval as stated in the August 2, 2013 Burke memo. John Knochel seconded the motion. Tom Murtaugh asked for public comment.

Jack Ricks 5502 East 430 South Lafayette Indiana 47905 approached the Board. Mr. Ricks stated he is the landowner to the east of the project site. He stated currently when the drain tile located on his tract was full - water would stand for a period of time. He expressed his fear the addition of impervious area on the project site would cause additional standing water on the private drive. At that point attendee Bruce Collings Jr. 5504 East 430 South Lafayette Indiana approached the Board. Mr. Collings stated the Board was having private conversations and he did not appreciate it. He stated he could not hear anything the Board was discussing and did not learn anything today. Tom Murtaugh stated if he was having a hard time hearing the Board's discussion, a headset was available for his use. He declined and asked the audience if anyone else was having trouble hearing, at that point he left the meeting. Responding to Mr. Rick's statement, the Surveyor stated the basin would be constructed in the natural depressional area. The drainage analysis conducted for the project indicated if and when the water got high enough it would flow out of the basin to the northwest. Mr. Peterson stated the high water elevation of the project site would be approximately 1 ½ feet lower than the low point of the private drive between the properties. Mr. Peterson answering Mr. Eichelberger's inquiry stated the existing 100 year water elevation condition was roughly a foot lower as he did not have the exact numbers with him today. Mr. Eichelberger replied the 100 year existing condition elevation of the site was 668.14 and the existing road elevation was 666.74. He continued, the drainage analysis for the 60 acres which drained through the depressional area indicated water would be 1.4 feet above the road in existing condition. Mr. Byers stated due to the elevation change, runoff from the tract on the east side would leave quicker than in present conditions. Mr. Peterson stated based on the ordinance and the present design, the pond should drain within approximately 37 hours. He further stated the pond would be maintained after development as required by Ordinance. IE: mowing etc.

Tammy Ricks 5502 East 430 South Lafayette Indiana 47905 approached the Board and stated there was a drain under their lane. At times they could hear water flowing to their tract. The Surveyor stated the SW Elliott branch tile under their lane flowed to the east and was a county regulated tile for ground water NOT stormwater. He noted the developer was not allowed to discharge water into this tile. The tile's present discharge point was just east of Newcastle Road and south of the railroad track. He noted

the SW Elliott was one of the largest drainage systems in the county and had miles of tile. There was no other comment. The motion on the floor was passed as stated. TKO Graphix was granted approval with the conditions as stated on the August 2, 2013 Burke memo. The outstanding condition of the required petition would be addressed in the Sept. meeting.

#### **The Orchard Phase 4 (Continued)**

Dave Byers made a motion to take the project "The Orchard Ph. 4 off the table and John Knochel seconded the motion. The Surveyor stated Mr. Dave Kovich developer for The Orchards development had presented his office with a maintenance agreement for the earthen dam structure on the project site. He reviewed the agreement which included among other items, structure maintenance, soil borings, a maintenance inspection program, etc. with the Board. (Agreement would be recorded and located in the project file) The main item of the agreement was the creation of one spillway. That spillway would be located on the west side of the earthen dam structure. Currently there was a spillway on the east side of the structure. Per the agreement, the spillway on the east side of the structure would be blocked off and the spillway on the west side of the earthen dam would be utilized. The Surveyor then recommended approval of the three variances referred to in the April 12, 2013 Burke memo. He then recommended conditional approval as stated on the April 12, 2013 Burke memo. Mr. John Knochel made a motion to approve Variance #1,#2 and #3 as stated in the April 12, 2013 Burke memo. David Byers seconded the motion. Variances 1, 2 and 3 were granted approval by the Board. John Knochel made a motion to grant conditional approval as stated in the April 12, 2013 Burke memo. Dave Byers seconded the motion. The Orchard Phase 4 was granted three variances and conditional approval as stated on the April 12, 2013 Burke memo.

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

##### **Hester Mottsinger #58 Regulated Drain**

The Surveyor requested a maintenance hearing regarding the Hester Mottsinger #58 Regulated Drain be scheduled immediately after the regularly scheduled November 6<sup>th</sup>, 2013 Drainage Board meeting. Responding to Mr. Byers, the Surveyor noted a petition was not required for a maintenance increase hearing. This regulated drain was approximately \$5000 in the red and with the present assessment as stands it would take 15-20 years to pay off. Therefore a maintenance increase was warranted. Dave Byers made a motion to schedule the Hester Mottsinger #58 Regulated Drain maintenance hearing to directly follow the regularly scheduled Nov. 6, 2013 Drainage Board meeting. John Knochel seconded the motion. The maintenance hearing on the Hester Mottsinger #58 Regulated Drain would be held on Nov. 6, 2013 directly following the regular Drainage Board monthly meeting.

##### **Waterstone Subdivision**

The Surveyor stated he had attended a meeting of the landowners in the Waterstone Subdivision regarding the JN Kirkpatrick Regulated Drain and Nanshan America's pumping of ground water into the open ditch. He noted the subdivision was located at the southwest corner of 18<sup>th</sup> street and Veterans Memorial Parkway (CR350S). He investigated the situation thoroughly and had met with the landowners. He received a letter from Mr. Doug Griffin 1121 Stoneripple Circle Lafayette In. 47909 (resident of Waterstone Subdiv.) regarding the situation. The letter was read as follows by the Surveyor into the minutes: "Drainage Board: Please accept this written request in place of an in-person testimony at the August 7<sup>th</sup> board meeting, as I am unable to attend. Over the past several weeks, the residents of Waterstone (of which I am one) that live along the J.N. Kirkpatrick Ditch have recently had a perception altering experience as Nanshan America was forced to drain ground water into the ditch. Over the years, the Kirkpatrick Ditch has functioned very well. The engineering of the ditch for high-level storm water retention and drainage is quite impressive. Up until recent events, the pilot channel has also functioned exceptionally well in retaining the nominal or low-level flow rate. So well, that most of the residents in Waterstone are able to keep their yards, right up to the pilot channel, very well manicured. The recent events surrounding the increase of the nominal flow rate has raised some concerns, specific to Waterstone residents, for the future. The concerns are as follows:

1. Another Nanshan (one-off) type event in which the nominal flow rate exceeds what the pilot channel can effectively handle for an extended period of time.
2. Future commercial and or residential development, along the ditch, which results in an aggregated increase in the nominal flow rate that exceeds the pilot channel's capacity.

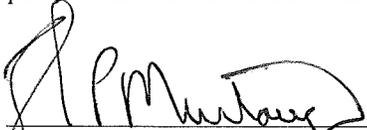
I am fully aware that we live on a drainage ditch and that there is an easement in play on either side. However, I would suggest that the section of the Kirkpatrick ditch between 18<sup>th</sup> St and 9<sup>th</sup> St. represents a unique portion of the ditch. It is unique in that we own property and manage upkeep on both sides. This creates a section of ditch in which the state of nominal flow rate is quite significant to our quality of life. In light of this reality, I am formally requesting that the drainage board consider approving a kind of 360 degree study that considers all relevant factors related to the current and future concerns regarding the ditch. I would personally like to thank Zach Beasley for his handling of the Nanshan situation, and Tom Murtaugh for his efforts to support best interests. As a constituent, I greatly appreciate your time and attention. Sincerely, Doug Griffin"

The Surveyor stated as it stands now pumping of uncontaminated ground water is one of the exempt discharges within the Ordinance. In the area between 18<sup>th</sup> street and 9<sup>th</sup> street the flow capacity was generally between 900 and 1000 cubic feet per second. Nanshan America was at one time pumping up to 8000 gallons per minute. This equated to approximately 7-10 cubic feet per second. The capacity was not an issue. The issue for the landowners was the detriment it caused to their properties. They had not been able to mow their yards during this time and the extra water killed some of their vegetation. He requested Nanshan America test the ground water for contamination and they complied. The testing indicated the water was not contaminated. He stated he had reviewed that extensively. Ms. Elizabeth Butler 1201 Stoneripple Circle Lafayette In. 47909 approached the board at that time. Ms. Butler stated properties east of the subdivision were being developed and she wondered how the new

development would affect the ditch and its surrounding properties. The Surveyor stated the ditch was designed as what is now referred to as a two stage ditch. There was a pilot channel and then the ditch banks were "stair stepped" designed. He noted this was also designated an "Urban Drain". He noted this situation was unique and an anomaly. Nanshan America's property site was within the city of Lafayette limits and drainage plans for the site was approved by the City of Lafayette. The County Drainage Board's responsibility was to review and approve the proposed discharge rates into the J.N. Kirkpatrick Ditch only for the project. Since the pumping of uncontaminated ground water was allowed by ordinance, he was not aware of actions which could be taken to control it. He stated he planned to work with Consultant Christopher B. Burke Engineering and investigate further to see if any communities within the state had experienced this issue and if so their response. He noted the ditch was designed for stormwater use and not the pumping of ground water continuously 24 hours 7days a week over an extended period of time. The ditch would handle it, however the killing of vegetation in and surrounding the ditch was a concern for those landowners who owned property on both sides. John Knochel stated the pumping of the ground water was due to Nanshan America digging a pit for one of their presses. If a new industrial company came in that required something similar it was safe to assume this could happen again. The Surveyor stated the watershed of J.N. Kirkpatrick was designated a "Drainage Impact Area." This required a stricter set of release rates (lower volume) to be followed by developers within the watershed boundaries. Mr. Murtaugh expressed appreciation to the landowners at Waterstone Subdivision for their patience and understanding of the situation. He also expressed his appreciation to Nanshan America for their prompt attention to the matter. Mrs. Ricks stated her neighbor Doug Griffin had made a site visit with a Nanshan representative. The press pit being dug was complete and the level of water in the ditch has receded. She thanked Tom Murtaugh and the Surveyor for their quick responses to the issue.

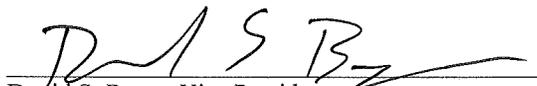
### Public Comment

Pat Jarboe of TBIRD Design Services approached the Board. Mr. Jarboe stated he needed clarification of the Drainage Ordinance. TBIRD Designs had an opportunity to complete a Master Drainage Study for large tract of land approximately 90 + acres remaining to be developed with approximately 42 acres having been developed over the last decade or so. The tract had drainage challenges due to the numerous developments in and around the tract. A "Master Drainage Study" was suggested to the developer. In addition the developers were not sure when construction would begin and it could be several decades. He asked the Board what constituted a master drainage study. He stated he did not expect an answer today however did request guidance. He read the following from the Ordinance: "Chapter 2 of Prohibited Discharge and Connections"- Finally any construction project which has had its drainage plan approved by the Board prior to the effective date of this Ordinance shall be exempt from all requirements of this Ordinance" etc... Assuming this happens in future Ordinances, what is meant by drainage plan and construction project? Traditionally, any construction plans which were approved prior to a particular Ordinance were requested to meet the in force Ordinance as much as possible. The developer asked how a Master Drainage Study benefited them. Construction plans could be a large investment that they would not get a return from. He stated his guidance inquiry was as follows: What constitutes a construction project that can be approved by the Drainage Board for a large area with a non-defined scope of use in the future. The Engineer Consultant Dave Eichelberger stated he brought up a good point. He would be willing to look at this inquiry and provide a response after consulting with the Surveyor. He asked Mr. Jarboe to request this in writing to the Board/Surveyor Office. Mr. Eichelberger agreed completing a Master Drainage Study for a large area in the county was a winning situation for the county as well as developer. Mr. Eichelberger stated in years past Eastland Development did a Master Drainage Study for their properties within the Berlowitz Watershed. Mr. Jarboe thanked the Board for their time. As there was no other public comment John Knochel made a motion to adjourn. The meeting was adjourned.



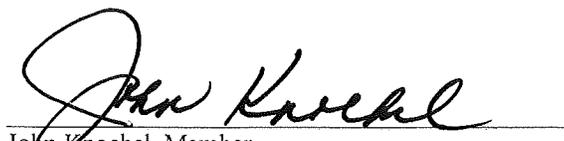
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Thomas P. Murtaugh, President



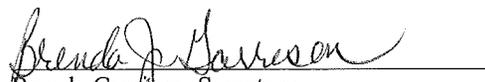
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David S. Byers, Vice President



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John Knochel, Member



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Brenda Garrison, Secretary

**Tippecanoe County Drainage Board**  
**September 4, 2013**  
**Regular Meeting Minutes**

**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 Secretary Brenda Garrison and Drainage Board Engineering Consultant Dave Eichelberger from Christopher B. Burke Engineering LLC.

**Approval of Minutes**

David Byers made a motion to approve the August 7, 2013 Regular Meeting minutes as written. John Knochel seconded the motion. David Byers made a motion to approve the August 7, 2013 E. K. Lois #119 Drain and the H. Wallace#82 Drain Hearing minutes. John Knochel seconded the motion. The August 7, 2013 Regular Meeting minutes was approved as written. The August 7, 2013 E. K. Lois #119, H. Wallace#82 Drain Hearing minutes were approved as written.

**Clarks Hill Fire Station**

The Surveyor presented the Clarks Hill Fire Station project for approval by the Board. The site was located within the Town of Clarks Hill and specifically bounded by Silver, Pearl, Fulton and White Streets. Entrances to the planned 6200 feet building would be from Pearl and White Streets. A detention basin would be located in the northwest corner of the site. Dave Eichelberger at the Surveyor's request reviewed the variances listed within the August 29, 2013 Burke memo to the Board. The Surveyor then recommended an additional condition to the Board regarding public safety. He stated he felt it necessary to require a fence around the portion of the detention basin which aligned with streets. The fence should be located between White Street and the detention basin as well as between Silver Street and the detention basin. He recommended the three variances as stated on the August 29, 2013 Burke memo- with the additional condition (regarding variance #2) of fence construction. He then recommended approval with the conditions as stated on the August 29, 2013 Burke memo and the additional condition of a fence to be constructed between the detention basin and Silver Street as well as between the detention basin and White Street. David Byers made a motion to grant the variances as stated on the August 29, 2013 Burke memo- with the additional condition (regarding variance #2) of fence construction between the detention basin and Silver Street and between detention basin and White Street. John Knochel seconded the motion. John Knochel made a motion to grant approval with the conditions as stated on the August 29, 2013 Burke memo along with the public safety condition (fence) as aforementioned. Clarks Hill Fire Station was granted approval with conditions as aforementioned.

**Zach Beasley/Other Business**

**S.W. Elliott Regulated Drain #100 Branch #11 Reconstruction**

The Surveyor presented Change Order #01 to the S.W. Elliott Regulated Drain #100 /Branch #11 Reconstruction contract with Milestone Contractors LP. The Surveyor noted due to the judicial decision regarding the Gary W. Schroeder, Trustee of the W.W. Schroeder Land Trust #2, et al vs Tippecanoe County Drainage Board et al lawsuit, a change order to the reconstruction contract with Milestone Contractors LP was warranted. The change order was in the amount of \$627,760.00. David Byers made a motion to approve Change Order #01 to the S.W. Elliott Regulated Drain #100 /Branch #11 Reconstruction contract with Milestone Contractors LP. John Knochel seconded the motion. Change Order #01 in the amount of \$627,760.00 to the S.W. Elliott Regulated Drain #100 /Branch #11 Reconstruction Contract with Milestone Contractors LP was approved as presented by the Surveyor. The Surveyor noted due to the stated lawsuit and agreement thereof a redesign was in order and the redesign resulted in the change order as presented.

He informed the Board Vectren Utilities have been notified by certified mail of the planned reconstruction project. To date he had not received any correspondence or communication resulting from the notifications sent. He requested the Drainage Board Attorney contact them concerning the project and their obligation as stated within Indiana Code 36-9-27-48. The Attorney stated he would contact them regarding their responsibility in this matter.

**Petition to Partially Vacate Branch #08 of the SW Elliott #100 Regulated Drain**

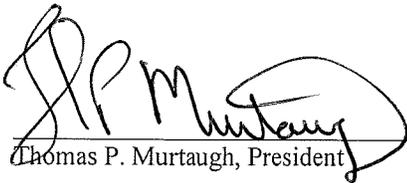
The Surveyor presented a Petition to Partially Vacate Branch #08 of the S.W. Elliott Regulated Drain #100 submitted by TKO Graphix. He stated the Petition was a condition on the August 2, 2013 Burke memo and the project was given approval in the August meeting with the conditions on the memo. He recommended approval. No other landowner would be affected by the partial vacation. David Byers made a motion to approve the Petition to Partially Vacate Branch #08 of the S.W. Elliott Regulated Drain #100 as submitted by TKO Graphix and presented by the Surveyor. John Knochel seconded the motion. The Petition to Partially Vacate Branch #08 of the S.W. Elliott Regulated Drain #100 as submitted by TKO Graphix was approved by the Board.

**Franklin Resor #65 Regulated Drain Maintenance**

The Surveyor requested a landowner hearing regarding the increased maintenance assessment on the Franklin Resor #65 Drain to be held directly following the scheduled December 18, 2013 Drainage Board regular Meeting. David Byers made a motion to set a landowner hearing regarding Franklin Resor #65 Regulated Drain on December 18, 2013 following the regular meeting of the Drainage Board. John Knochel seconded the said motion. Franklin Resor #65 Regulated Drain Maintenance Hearing will be held on December 18, 2013 following the regular scheduled meeting of the Board.

**Public Comment**

Tom Murtaugh asked for public comment. There was no public comment. John Knochel made a motion to adjourn. The meeting was adjourned.

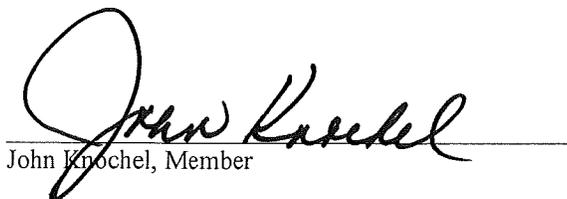


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Thomas P. Murtaugh, President

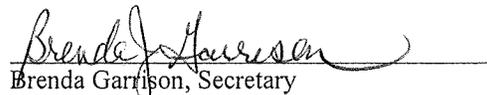
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David S. Byers, Vice President



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John Knochel, Member



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Brenda Garrison, Secretary

## Tippecanoe County Drainage Board

November 6, 2013

### Regular Meeting Minutes

#### Those present were:

Tippecanoe County Drainage Board President Thomas Murtaugh, Vice President David Byers, Drainage Board Attorney Dave Luhman, Drainage Board Secretary Brenda Garrison, Surveyor's Office Project Manager James Butcher and Drainage Board Engineering Consultant Dave Eichelberger from Christopher B. Burke Engineering LLC. County Surveyor Zachariah Beasley and member John Knochel were absent.

President Tom Murtaugh opened the meeting and introduced James Butcher, Project Manager of the Surveyor's Office. He informed attendees Mr. Butcher was sitting in for the Surveyor in his absence due to illness. The President noted it was the first attendance absence by the Surveyor in ten years.

#### Approval of Minutes

David Byers made a motion to approve the October 2, 2013 regular Drainage Board Meeting minutes and the October 2, 2013 J.K. O'Neal #59 Regulated Drain Hearing minutes as written. Tom Murtaugh seconded the motion. The October 2, 2013 Regular Drainage Board Meeting minutes and the October 2, 2013 J.K. O'Neal #59 Regulated Drain Hearing minutes were approved as written.

#### Buffalo Wild Wings

Attorney Joe Bumbleberg introduced Mike Deboy of Deboy Land Services Inc. regarding the ongoing parking issue associated with the Buffalo Wild Wings tract. The said tract -aka Lot 2 of Creasy at the Crossing Sec. 1- was located within the City of Lafayette limits more specifically at the intersection of Creasy Lane and S.R. 38. Mr. Deboy stated due to Branch #13 of the S.W. Elliott #100 Regulated Drain's (two 66 inch metal corrugated pipes) onsite location and the Buffalo Wild Wings desire to expand their parking (westward), the culvert and pipes were examined to determine their status. He noted the pipes were located on the east side of S.R. 38 and continued easterly under S.R. 38 making a circular motion and continue south parallel or adjacent to Creasy Lane. The issue at hand was a recent request to expand parking with additional parking spots. It was previously determined that the said drain shall be removed and replaced with reinforced concrete pipe with any expansion of the parking area by the Board. (See 2005 Drainage Board minutes) One of the issues with the pipes was that they were installed in the approximate year of 2000 as part of a reconstruction and the Surveyor's office to date were unable to locate the original plans for the reconstructed pipes. Therefore they requested a pipe status investigation. An investigation was completed by SLB Pipe Solutions for Deboy Land Development Services and forwarded to the Surveyor Office for their review. Other than normal wear and tear there was no apparent damage to the pipe. He noted the pipes were approximately half full at the time of inspection. An in depth review was conducted of the drainage system. He requested the Board approve the request for additional parking without replacing the existing system as previously directed. He stated his client would maintain the proper cover over the said system and bear the financial responsibility for replacement of parking area if maintenance on said drain was required. The County would not be financially responsible for the removing and replacement of the parking materials. He stated his client was willing to maintain the cover and place a Geo-Mat with a stone cover across the pipes once the sod has started to grow as an added protection. As far as future use of the area it would accommodate service trucks deliveries and additional parking only. At that time he again asked the Board's approval for the building of an additional parking area on the Buffalo Wild Wings site. He noted no drainage issues have arose since Buffalo Wild Wings was completed.

Tom Murtaugh stated he understood from a previous informal mtg with Mr. Deboy that a structural report would be completed as well. Mr. Deboy noted he had contacted numerous structural engineer firms. All structural Engineer Firms contacted were reluctant to certify as this would require the complete excavation of the pipes. Referring to the televised report of the pipes already completed as requested, he stated he did not feel there were issues with the pipes condition that could be identified. Tom Murtaugh stated what was not known if the pipes were installed the same way on the subject property as it had been previously under S.R. 38. Mr. Deboy stated the firms he had contacted stated the only to find the structural status would require the exposure of the entire 300 feet of pipe. Tom Murtaugh asked if it could be completed by exposing a smaller portion of the pipe instead of the entire length. Mr. Deboy asked if exposing a small amount of pipe and certifying it would be sufficient for the Surveyor's consultant. Mr. Butcher interjected the Surveyor's office required a Structural Engineers certification and they would defer to the Structural Engineer hired to determine what he would need exposed for the certification. Drainage Board Consultant David Eichelberger suggested they seek the cmp manufacturer's structural engineer's certification. Mr. Deboy stated he had and they chose not to certify for numerous reasons not related to the structure but internal. Mr. Butcher stated if a certification which included the statement that no future problems were anticipated due to additional parking on top of the pipes were submitted to his office for the record, then his office would not have issues with the additional parking request. Tom Murtaugh stated the Board would not have any issues as well once a Structural Engineer Certification was obtained and the Surveyor's office was satisfied. Responding to Mr. Deboy's inquiry, David Eichelberger stated the Structural Engineer's report should also include a review of all areas where asphalt /polymer lining had exposed the cmp as

well in addition to the pipe's ability to handle the loads. The Certification report should also include any repair requirements prior to construction of the additional parking project is applicable. Mr. Deboy stated his client would agree to the requirement of a covenant to run with the property which stated the owner would be responsible to bear the costs resulting from removal of any of the asphalt parking area during maintenance performed. David Byers stated as a safety issue the Board had the responsibility to keep the public safe. This would not only protect the public but also Buffalo Wild Wings. Mr. Deboy would inform the Surveyor's office how his client elects to proceed in this matter.

#### **Ivy Towns and Flats Offsite Borrow Area**

Jim Pence of Schneider Corp. appeared before the Board to present Ivy Towns and Flats Offsite Borrow Area to the Board. The offsite area is planned for the east side of the Cuppy McClure Branch of Hadley Lake #109 Regulated Drain to provide fill to the west side of Cuppy McClure Branch of the said drain. The site was located on the north side of the future Cumberland Ave. Extension just west of U.S. 52. An approximately 1.35 acres would consist of a wet detention pond utilized for this project site only. The pond and its outlet would be required to be analyzed prior to any possible future development's use for Stormwater Quality or Quantity. The design of this project met the Indian Creek release rates as required in the Indian Creek Resolution #2013-01-DB. This site was strictly designed for the Borrow area. He then requested final approval for his project. James Butcher stated the Surveyor's office recommended approval with the conditions as stated on the October 31, 2013 Burke memo. There was no public comment. David Byers made a motion to approve the Reduction of Easement and Encroachment on the Cuppy McClure Branch of the Hadley Lake #109 Regulated Drain. Tom Murtaugh seconded the motion. The Petition for Easement Reduction and Encroachment on the Cuppy McClure Branch of Hadley Lake #109 Regulated Drain was approved as submitted. David Byers made a motion to grant final approval with the conditions as stated on the October 31, 2013 Burke memo. Tom Murtaugh seconded the motion. Ivy Towns and Flats Offsite Area was granted final approval with the conditions as stated on the October 31, 2013 Burke memo.

#### **Lot 5 Valley Lakes Shoppes**

Justin Frazier of TBIRD Design appeared before the Board to present Lot 5 Valley Lakes Shoppes to the Board. Lot 5 consisted of approximately 21 acres of which approximately 1.12 acres is planned for this project. The project site was located on the southwest corner of Regal Valley Drive and Regal Valley Place. He stated runoff from the development would outlet into the JN Kirkpatrick Regulated Drain #46. There was no detention planned as the entire site met the allowable curve number (cn). A waiver for detention was granted previously for Phase 1 and Phase 2 of the overall development on June 4 and December 3 2003. He noted this was located within the City of Lafayette limits. The Drainage Board was reviewing the site's allowable release rates only. There was no public comment. James Butcher stated the Surveyor's Office recommended approval with the conditions as stated on the October 25, 2013 Burke memo. David Byers made a motion to grant final approval with the conditions as stated on the October 25, 2013 Burke memo. Tom Murtaugh seconded the motion. Lot 5 Valley Lakes Shoppes project was granted final approval with the conditions as stated on the October 25, 2013 Burke memo.

#### **SIA Proposed Additions**

Stan Jones of R.Q.A.W. appeared before the Board to present to the Board. The site was located along S.R. 38 between C.R. 475 East and I65 within the City of Lafayette limits. A Revised Master Drainage Plan includes the revisions of all previous reports and the proposed changes to the existing Pond#01 onsite. Mr. Jones noted the site met the allowable release rates to the Parker Ditch Regulated Drain#61. The Board was reviewing the allowable release rates only for this project. The runoff would be collected and conveyed to the existing storm sewer and basin system prior to discharge to Parker Ditch #61 Regulated Drain. There was no public comment. David Byers made a motion to grant conditional approval with the conditions set on the November 1<sup>st</sup>, 2013 Burke memo. Tom Murtaugh seconded the motion. The SIA Proposed Additions was granted conditional approval with the conditions on the Nov. 1, 2013 Burke memo as presented.

#### **Other Business**

##### **Petition to Encroach Cuppy McClure Branch of the Hadley Lake #109 Drain /West Lafayette**

James Butcher presented a Petition to Encroach on the Cuppy McClure Branch of the Hadley Lake #109 Drain submitted by the City of West Lafayette for approval. He stated the Surveyor's office recommended approval. There was no public comment. Dave Byers made a motion to accept the Petition to Encroach on the Cuppy McClure Branch of the Hadley Lake #109 Drain. Tom Murtaugh seconded the motion. The Petition to Encroach on the Cuppy McClure branch of the Hadley Lake Drain #109 and submitted by the City of West Lafayette was granted approval by the Board.

##### **Petition to Reconstruct Amanda Kirkpatrick Regulated Drain #45/Forest Goings**

James Butcher presented a Petition to Reconstruct the Amanda Kirkpatrick Regulated Drain #45 which was submitted by landowner Forest Goings. James Butcher reviewed the drain area utilizing GIS for the Board. He noted well over 50% of the affected landowners had signed the Petition. He recommended the Board accept and refer the Petition back to the Surveyor's Office for a Reconstruction Report to be presented at a future date. There was no public comment. Dave Byers made a motion to accept the

Petition to Reconstruct the Amanda Kirkpatrick Regulated Drain #45 submitted by landowner Forest Goings and refer it back to the Surveyor Office for a Surveyor's Reconstruction Report. Tom Murtaugh seconded the motion. Petition to Reconstruct the Amanda Kirkpatrick Regulated Drain #45 was accepted and referred back to the Surveyor's Office for a Reconstruction Report.

**Petition to Establish a New Legal Drain /Shepherds Point**

James Butcher presented the Petition to Establish a New Legal Drain for the Shepherds Point Subdivision. The site was located Southeast of C.R 500 North and Salisbury intersection. He explained this was an older subdivision. There were some developed as well as undeveloped lots within the subdivision. He stated it was the intent of the submitter- Brian Keene for the storm system to be regulated by the County and included in the Drain Maintenance program. The Petition was signed by the vacant lots owner Brian Keene. David Byers stated he was reluctant to accept due to the fact only the vacant lot owner signed the petition. No owners of the lots developed had signed it. However he then made a motion to accept the Petition as submitted and refer it back to the Surveyor Office for a Report "with hesitation". The Attorney then explained no action by the Board was required regarding acceptance into the system at this time. The steps required a landowner hearing prior to approval. Tom Murtaugh seconded the motion. The Petition to Establish a New Legal Drain for Shepherds Point Subdivision was accepted and referred back to the Surveyor Office for a Surveyor's Report back to the Board.

**Maintenance Bond # 9029580854 /Harrison Highlands Phase 2 Section 1**

James Butcher presented Maintenance Bond #9029580854 in the amount of \$17,800.00 regarding Harrison Highlands Ph. 2 Sec. 1 Subdivision and written by Continental Insurance. Mr. Butcher explained this was for the storm sewer system outside the public right of way. David Byers made a motion to accept the Maintenance Bond as presented. Tom Murtaugh seconded the motion. Maintenance Bond #9029580854 in the amount of \$17,800.00 regarding the Harrison Highlands Ph. 2 Sec. 1 Subdivision and written by Continental Insurance was accepted by the Board.

**Maintenance Bond # B-0353260 /Tippecanoe County Indoor Soccer Facility**

James Butcher presented Maintenance Bond # B-0353260 in the amount of \$8570 regarding the Tippecanoe County Indoor Soccer Facility and written by Cincinnati Insurance Company. Mr. Butcher noted this was for Phase 1 of the Tippecanoe County Indoor Soccer Facility project. David Byers made a motion to accept the Maintenance Bond as presented. Tom Murtaugh seconded the motion. Maintenance Bond #B-0353260 in the amount of \$8570 regarding the Tippecanoe County Indoor Soccer Facility and written by Cincinnati Insurance Company was accepted by the Board.

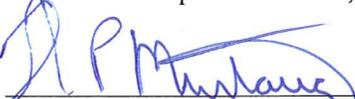
**Performance and Payment Bond #929580837/S.W. Elliott Regulated Drain #100 Branch #11 Reconstruction Project**

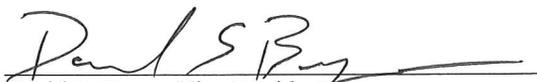
James Butcher presented Performance and Payment Bonds both numbered 929580837 and both in the amount of \$627,760.00 regarding the reconstruction of Branch #11 of the S.W. Elliott Regulated Drain #100, written by Continental Casualty Company and submitted by Milestone Contractors Inc. for acceptance. David Byers made a motion to accept the Performance and Payment Bonds as submitted by James Butcher. Tom Murtaugh seconded the motion. Performance and Payment Bonds numbered 929580837 in the amount of \$627,760.00 regarding the reconstruction of Branch #11 of the S.W. Elliott Regulated Drain #100, written by Continental Casualty Company and submitted by Milestone Contractors Inc. were accepted by the Board.

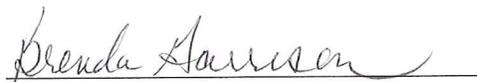
Tom Murtaugh announced once the meeting was adjourned there would be a five minute break before the scheduled Hester Mottsinger Regulated Drain#58 Hearing would begin.

**Public Comment**

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

  
Thomas P. Murtaugh, President

  
David S. Byers, Vice President

  
Brenda Garrison, Secretary

**ABSENT**

John Knochel, Member

# Tippecanoe County Drainage Board

December 18, 2013

## Regular Meeting Minutes

### Those present were:

Tippecanoe County Drainage Board President Thomas Murtaugh, Vice President David Byers, member John Knochel, 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. Surveyor's office Project Manager James Butcher and G.I.S. Technician Evan Warner were also in attendance.

### Approval of Minutes

David Byers made a motion to approve the November 6, 2013 regular minutes and the November 6, 2013 Hester Motsinger Regulated Drain Hearing Minutes. John Knochel seconded the motion. The November 6, 2013 Hearing and Regular meeting minutes were approved as written.

### Contracts

#### Eugene Johnson #41 Regulated Drain Maintenance

The Attorney Doug Masson opened the contract bids received for the Eugene Johnson Regulated Drain #41 Maintenance project. The bid amounts were stated as follows: Rinehart Excavating: \$42,970.50- Anderson Tree Company: \$41,159.50- Fairfield Contractors Inc.: \$16,001.00- Tony Garriott: \$26,563.00- F&K Contractors: \$64,467.00. David Byers made a motion to take the bids under advisement. John Knochel seconded the motion.

#### Moses Baker #114 Regulated Drain Maintenance

The Attorney Doug Masson opened the contract bids received for the Moses Baker Regulated Drain #114 Maintenance project. The bids were stated as follows: Tony Garriott: \$35,475.00- Rinehart Excavating: \$94,738.50- Fairfield Contractors Inc.: \$50,625.00- F&K Contractors: \$152,659.50- Heartland Excavating: \$57,697.00. John Knochel made a motion to take the bids under advisement. David Byers seconded the motion. The President stated the maintenance project (s) bids would be tabulated by the Surveyor's Office Project Manager during this meeting. The contracts once reviewed for compliance would be awarded at the end of today's meeting. Continued-

### Faith Ministries East Campus Master Plan

Jim Pence from Schneider Corporation appeared before the Board to present Faith Ministries East Campus Master Plan. The East Campus site was located on the northeast corner of St. Rd. 26 and Co. Rd. 550 East and consisted of approximately 45 acres. An additional 90 acres to the northeast of the site was acquired by Faith Ministries. He stated the Master Drainage plan was prepared to analyze the existing conditions and to provide guidance for future expansions. Multiple buildings and ball fields were planned to be added in the future. The existing pond on the original site would be expanded to facilitate additional improvements on the Campus site. The Master Drainage Plan included 5 ponds for the entire site. Mr. Pence noted the current site drained four separate directions; Northeast, Southeast, West and South. Any other future development within the site would require Drainage Board approval. Mr. Pence stated their client agreed with the comments stated on the December 12, 2013 Burke memo and requested Drainage Board approval at that time. He noted Mr. Joe Blake of Faith Ministries was in attendance today. The Surveyor asked the Board for any questions. Responding to Dave Byers inquiry, Mr. Pence stated currently four of the five ponds were dry ponds; however one of the ponds would have a two foot water surface to be used to convey the runoff to the natural ravine onsite. The Surveyor recommended conditional approval as stated on the December 12, 2013 Burke memo. David Byers made a motion to grant the conditional approval stated on the December 12, 2013 Burke Review memo. John Knochel seconded the motion. There was no public comment. Faith Ministries East Campus Master Plan was granted conditional approval as set within the December 12, 2013 Burke Review Memo.

### Zach Beasley

#### 2014 Drainage Board Hearing Dates

The Surveyor proposed 2014 Drainage Board Meeting Dates for approval. John Knochel made a motion to approve the 2014 Drainage Board Meeting Dates as presented. David Byers seconded the motion. The 2014 Drainage Board Meeting dates were approved as presented by the Surveyor (The list will appear immediately following the December Meeting minutes in the official Drainage Board Minutes book).

#### Petition to Vacate Br. #08 S.W. Elliott Regulated Drain #100

The Surveyor presented a Petition to Vacate regarding the S.W. Elliott Regulated Drain #100 Branch #08 and located on the TKO Graphix project site. He noted the TKO Graphix project was previously approved by the Board. This Vacation Petition was a condition for approval set by the Board at time of conditional approval. John Knochel made a motion to approve the

Petition to Vacate Branch #08 of the S.W. Elliott Regulated Drain #100 located on the TKO Graphix project site. David Byers seconded the motion. The vacation of Branch #08 of the S.W. Elliott Regulated Drain #100 located on the TKO Graphix site was approved by the Board. There was no public comment.

**Bonds/Letters of Credit**

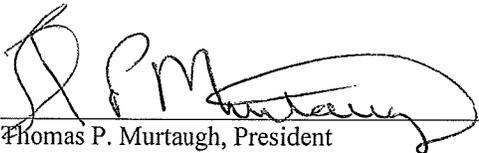
The Surveyor presented Maintenance Bond #5040959, dated Dec. 2, 2013, in the amount of \$14,627 and submitted by Bond Safeguard Ins. Co. regarding the Hawthorne Lakes Sec 3 project for approval. John Knochel made a motion to approve Maintenance Bond #5040959, dated December 2, 2013, in the amount of \$14,627 and submitted by Bond Safeguard Ins. Co. regarding the Hawthorne Lakes Sec 3. David Byers seconded the motion. The Surveyor presented Letter of Credit #S503912, dated December 5, 2013, in the amount of \$40,000, submitted by Fifth Third Bank regarding the Pro-Axis 2<sup>nd</sup> Expansion project. David Byers made a motion to approve the Letter of Credit #S503912, dated December 5, 2013, in the amount of \$40,000, submitted by Fifth Third Bank regarding the Pro-Axis 2<sup>nd</sup> Expansion. John Knochel seconded the motion. Maintenance Bond #5040959 and Letter of Credit #S503912 were approved as presented.

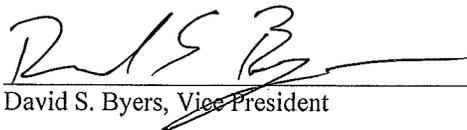
**Hearing Request/Mary McKinney #52 Regulated Drain**

The Surveyor requested a landowner hearing regarding reconstruction of the Mary McKinney #52 Regulated Drain. He requested to hold the hearing directly following the March 5, 2014 regular meeting of the Board. He stated the drain was located just south of the town of Otterbein on the northwest side of the County. He stated he had met with many of the landowners. This was roughly a \$300,000 project, approximately one and half miles of 18 and 24 inch tile and potentially approximately \$325 per acre cost. He stated approximately 78% of the affected landowners were in favor of the project. David Byers made a motion to set a landowner hearing on March 5, 2014 regarding reconstruction of the Mary McKinney #52 Regulated Drain. John Knochel seconded the motion. A landowner hearing regarding reconstruction of the Mary McKinney #52 Regulated Drain was set for March 5, 2014. It would be held directly following the regular 10:00 a.m. meeting of the Board.

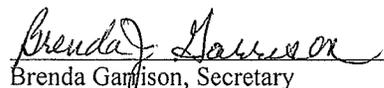
**Contracts-continued**

The Surveyor's Office Project Manager James Butcher reviewed the submitted regulated drain maintenance contract bids and found them in compliance. He stated the following low bids as follows: Eugene Johnson #41 Regulated Drain maintenance project bid submitted by Fairfield Contractors at \$16,001.00 and the Moses Baker #114 Regulated Drain maintenance project bid submitted by Tony Garriott at \$35,175.00. John Knochel made a motion to award Fairfield Contractors Inc. the Eugene Johnson Regulated Drain #41 Maintenance project and Tony Garriott the Moses Baker Regulated Drain #114 maintenance project. David Byers seconded the motion. There was no public comment.

  
Thomas P. Murtaugh, President

  
David S. Byers, Vice President

  
John Knochel, Member

  
Brenda Garrison, Secretary

Tippecanoe County Drainage Board  
20 North Third Street  
Lafayette Indiana 47901  
765-423-9228  
surveyor@county.tippecanoe.in.gov



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201313027839  
FILED FOR RECORD IN  
TIPPECANOE COUNTY, IN  
ONETA TOLLE, RECORDER  
12/20/2013 11:01:24AM  
MISCELLANEOUS 27.00

**Petition to Partially Vacate**  
**BRANCH #08 of**  
**S.W. Elliott Regulated Drain #100**  
**Submitted by:**  
**TKO Graphix**

**Dated November 27, 2013**

Approved and accepted this 18<sup>th</sup> day of Dec. 2013

Thomas P. Murtaugh, President

David S. Byers, Vice President

John Knochel, member

Attest:

Brenda Garrison, Secretary

DULY ENTERED FOR TAXATION  
SUBJECT TO FINAL ACCEPTANCE  
FOR TRANSFER.

DEC 20 2013

*nm*

AUDITOR OF TIPPECANOE CO.

STATE OF INDIANA ) BEFORE THE BOARD DRAINAGE BOARD  
 )SS: OF TIPPECANOE COUNTY  
COUNTY OF INDIANA )

**PETITION FOR PARTIAL VACATION**  
**OF BRANCH #8 OF THE SW ELLIOTT REGULATED DRAIN #100**

TO THE DRAINAGE BOARD OF TIPPECANOE COUNTY:

SMT Properties, LLC, by Gary Meunier, Member, respectfully petitions the Drainage Board of Tippecanoe County and shows the following:

1. Your Petitioner is the Owner of 100% certain real estate described in Exhibit A attached hereto and incorporated herein by reference.
2. That said real estate constitutes all of the TKO Graphix Lafayette Operations development. The proposed drainage plan for the development has received conditional approval from this Board.
3. Your Petitioner petitions the Drainage Board to vacate that portion of the Drain that runs across the legal description attached hereto as Exhibit A and which portion of the Drain is more particularly shown by the drawings on Exhibits B, C and D which has attached thereto a legal description (Exhibit E).
4. That the Drain, as currently constructed, will not be adequate to hold post-development runoff for this development and will no longer perform the purpose for which it was intended, but that the drainage design to be approved by the Developer and the Board will do so.
5. Any reconstruction of the Drain will cost more than the benefits to be derived from the reconstruction.
6. This abandonment will not be detrimental to the public welfare.
7. No persons other than the Petitioner will be directly affected by this vacation.
8. The Representative for Petitioner is Todd A. Starr of the firm STARR ASSOCIATES, LLC, 413 Teal Road, Lafayette, Indiana 47905, telephone (765) 471-8813.



## **EXHIBIT "A"**

**Parcel No.: 118-01700-0035 (Parent Tract)**

**A part of a tract of land owned by McAlpine, LLC as recorded in Document Number 05013094 as recorded in the Office of the Recorder of Tippecanoe County, Indiana (ORTCI), and being a part of the East Half of the Fractional Northwest Quarter of Section 18, Township 22 North, Range 3 West, Sheffield Township, Tippecanoe County, Indiana, described as follows: Beginning at a Starr Capped Rebar marking the Southeast corner of the Fractional Northwest Quarter of said Section 18; thence North  $89^{\circ} 56' 28''$  West (Bearings are based on WGS84) 831.04 feet along the South line of the East Half of the Fractional Northwest Quarter of said Section 18 and the approximate center line of County Road 450 South to a Mag Spike; thence North  $00^{\circ} 05' 04''$  West 1,572.48 feet to a Starr Capped Rebar and the South line of a tract of land owned by The Revocable Trust of Betty H. McKinnis as recorded in Document Number 201111007988 (ORTCI); thence South  $89^{\circ} 56' 28''$  East 831.04 feet along the South line of the McKinnis property to a Starr Capped Rebar on the East line of the Fractional Northwest Quarter of said Section 18; thence South  $00^{\circ} 05' 04''$  East 1,572.48 feet along the East line of the Fractional Northwest Quarter of said Section 18 to the Point of Beginning and containing 30.000 Acres.**

PROPOSED VACATION

BRANCH #8 OF SW ELLIOTT  
REGULATED DRAIN #100

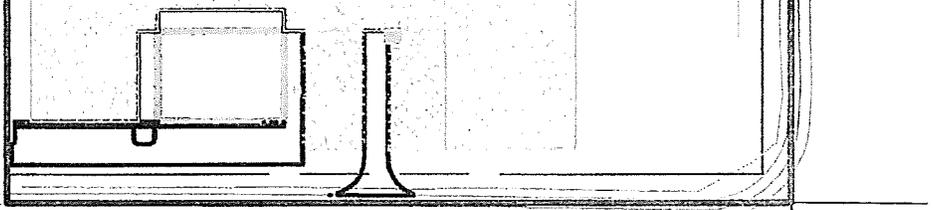
TKO GRAPHIX

30.00 ACRES

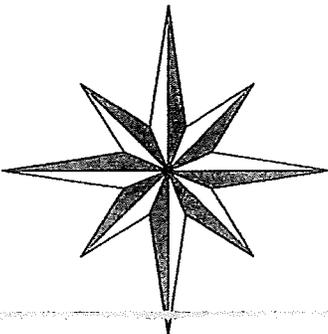


Scale 1" = 200'

PREPARED FOR: TKO GRAPHIX  
PROJECT #20134111  
11/15/13 E.J.F



COUNTY ROAD 450 SOUTH

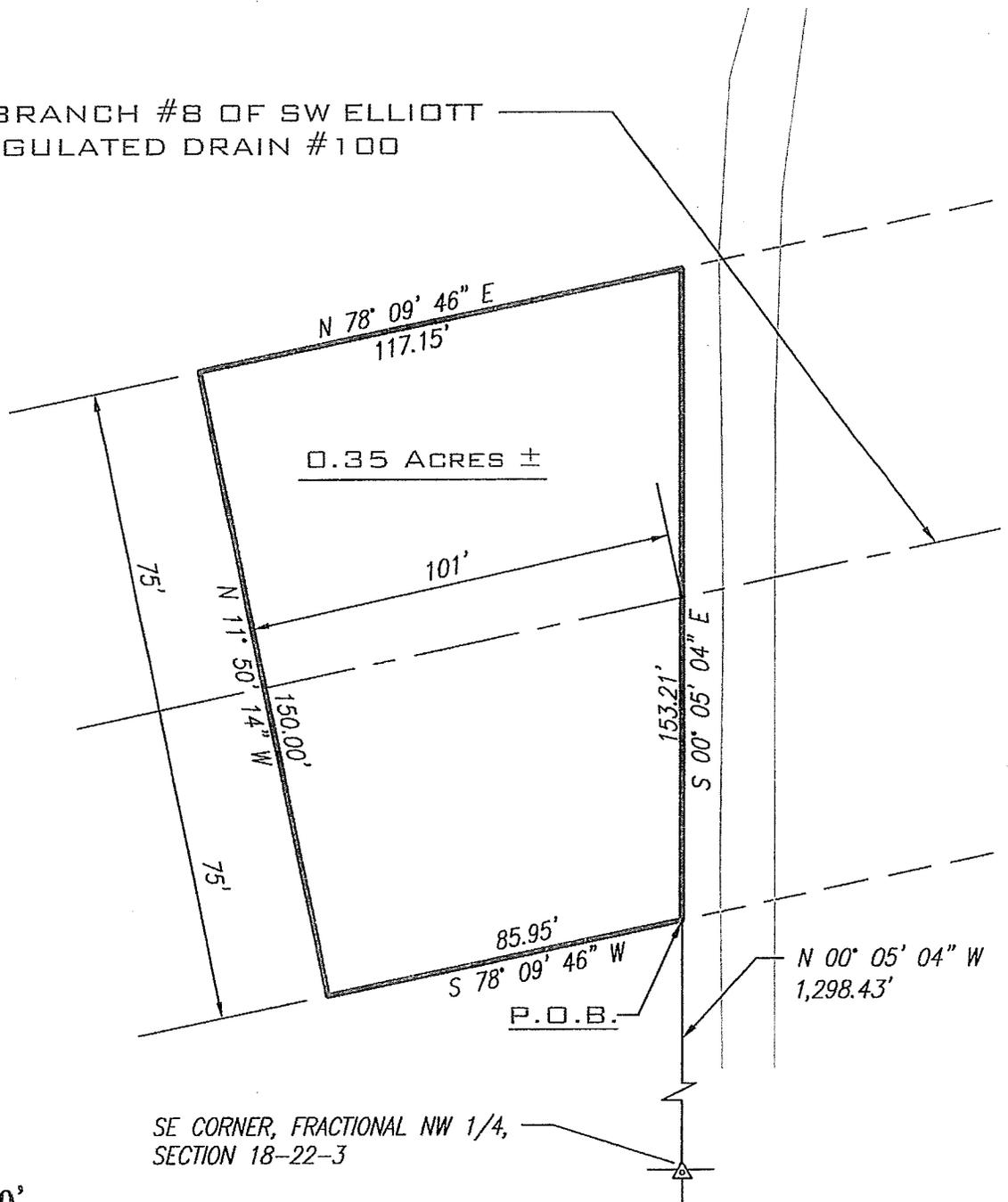


PARTIAL VACATION - EXHIBIT B  
BRANCH #8 OF SW ELLIOTT REGULATED DRAIN #100

**STARR ASSOCIATES**  
LAND SURVEYING & CIVIL ENGINEERING

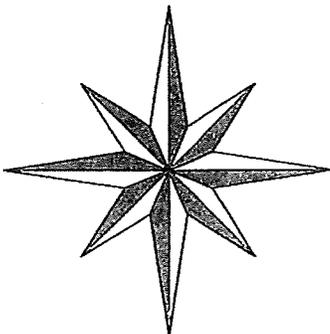
413 TEAL ROAD  
LAFAYETTE, INDIANA 47905  
(765) 471-8813

☐ BRANCH #8 OF SW ELLIOTT  
REGULATED DRAIN #100



Scale 1" = 40'

PREPARED FOR: TKO GRAPHIX  
PROJECT #20134111  
11/15/13 EJJ



PARTIAL VACATION - EXHIBIT C  
BRANCH #8 OF SW ELLIOTT REGULATED DRAIN #100

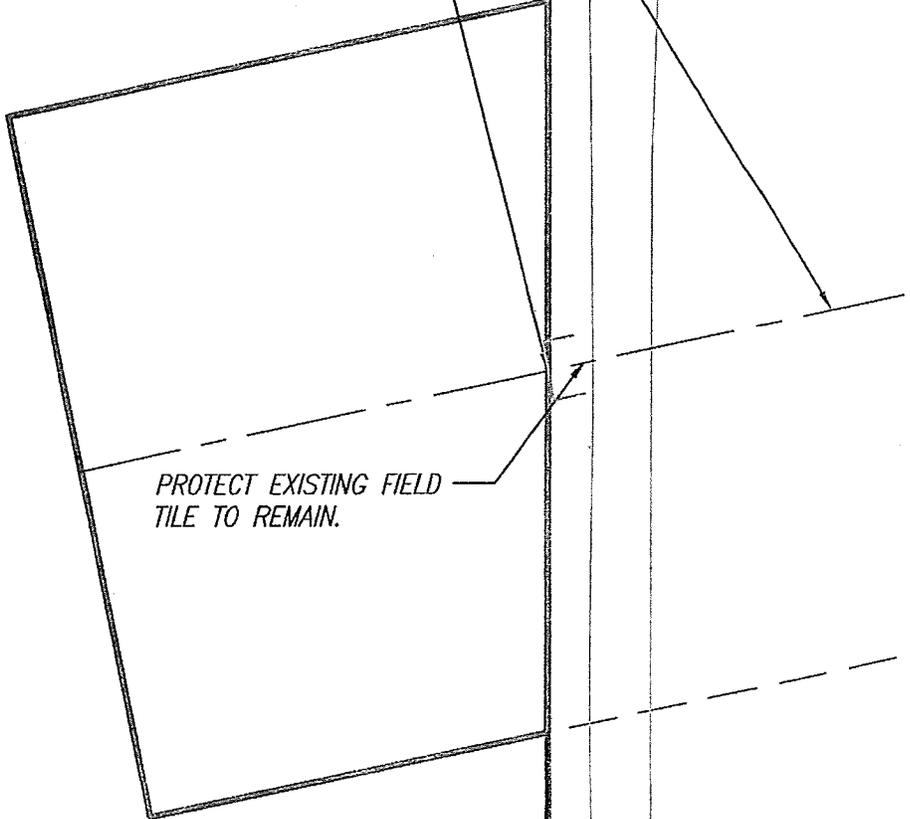
**STARR ASSOCIATES**

LAND SURVEYING & CIVIL ENGINEERING

413 TEAL ROAD  
LAFAYETTE, INDIANA 47905  
(765) 471-8813  
(765) 471-0365 FAX

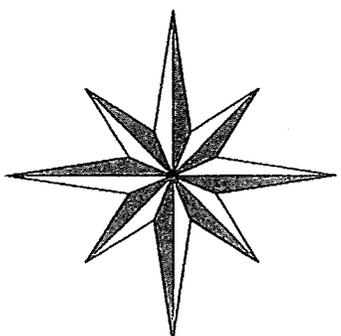
☐ BRANCH #8 OF SW ELLIOTT  
REGULATED DRAIN #100

FIELD-VERIFY LOCATION AND SIZE OF EXISTING TILE; EXCAVATE  
AND REMOVE PIPE TO EAST PROPERTY LINE AND CAP WITH  
APPROPRIATE SIZE AND MATERIAL. COORDINATE WORK WITH  
COUNTY SURVEYOR AND DOCUMENT PROCESS WITH PHOTOGRAPHS.



Scale 1" = 40'  
PREPARED FOR: TKO GRAPHIX  
PROJECT #20134111  
11/15/13 EJF

SE CORNER, FRACTIONAL NW 1/4,  
SECTION 18-22-3



PARTIAL VACATION - EXHIBIT D  
BRANCH #8 OF SW ELLIOTT REGULATED DRAIN #100

**STARR ASSOCIATES**  
LAND SURVEYING & CIVIL ENGINEERING

413 TEAL ROAD  
LAFAYETTE, INDIANA 47905  
(765) 471-8813  
(765) 471-0365 FAX

## **EXHIBIT "E"**

### **Legal Description (Portion of Branch #8 of the SW Elliott Regulated Drain #100 to be Vacated)**

**A portion of Branch #8 of the SW Elliott Regulated Drain and associated 150' County Drainage Easement lying within a part of the East Half of the Fractional Northwest Quarter of Section 18, Township 22 North, Range 3 West, Sheffield Township, Tippecanoe County, Indiana, described as follows: Commencing at the Southeast corner of the Fractional Northwest Quarter of said Section 18; thence North 00° 05' 04" West (Bearings are based on WGS84) 1,298.43 feet along the East line of the Fractional Northwest Quarter of said Section 18 to the Point of Beginning of this description; thence South 78° 09' 46" West 85.95 feet; thence North 11° 50' 14" West 150.00 feet; thence North 78° 09' 46" East 117.15 feet to the East line of the Fractional Northwest Quarter of said Section 18; thence South 00° 05' 04" East 153.21 feet along the East line of the Fractional Northwest Quarter of said Section 18 to the Point of Beginning and containing 0.35 of an Acre.**

**The above description is based upon record information and is intended to include, abandon, and vacate that entire portion of Branch #8 of the SW Elliott Regulated Drain #100 lying within the Overall Land Description found in Exhibit "A".**

# Tippecanoe County Drainage Board

January 8, 2014

## Regular Meeting Minutes

### Those present were:

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

### Election of Officers

Drainage Board Attorney Dave Luhman opened the floor to accept nominations for 2014 Drainage Board President. John Knochel made a nomination of Dave Byers for President of the Drainage Board in 2014. Tom Murtaugh seconded the nomination. Dave Byers was elected as the 2014 President of the Tippecanoe County Drainage Board. Tom Murtaugh nominated John Knochel as the 2014 Vice President of the Drainage Board. Dave Byers seconded the nomination. John Knochel was elected as the 2014 Vice President of the Tippecanoe County Drainage Board. There was no public comment.

### Annual Tile Bids

The Attorney stated due to County Commissioners declaring a Weather Emergency from which affected the mail delivery for two (2) days, the Board could defer the opening of the annual tile bids to the Feb. meeting. Bids received by the Surveyor Office postmarked on or before January 7<sup>th</sup> would be considered. The Attorney noted two bids had been received to date, one from CDI Supply and one from ADS. John Knochel made a motion to defer the opening of the Annual Tile Bids to February 5, 2014. Tom Murtaugh seconded the motion. The Annual Tile Bids received as aforementioned and those received with a postmark of January 7, 2014 or before would be opened at the Feb. 5, 2014 Drainage Board meeting. There was no public comment.

### Appointment of Executive Secretary

Tom Murtaugh made a motion to appoint Brenda Garrison as the 2014 Tippecanoe County Drainage Board Executive Secretary. John Knochel seconded the motion. Brenda Garrison was appointed as the 2014 Tippecanoe County Drainage Board Executive Secretary. There was no public comment.

### Approval of Minutes

Tom Murtaugh made a motion to approve the December 18, 2013 regular minutes as written. John Knochel seconded the motion. The December 18, 2013 regular meeting minutes were approved as written. Tom Murtaugh made a motion to approve the December 18, 2013 Franklin Resor #65 Regulated Drain Hearing minutes as written. John Knochel seconded the motion. The December 18, 2013 Franklin Resor #65 Regulated Drain Hearing minutes were approved as written.

### Contract for Legal Services

The Attorney stated due to the recent snow emergency, the Legal Services Contract was not available for today's meeting. The contract would be presented at the Feb. 5, 2014 meeting of the Drainage Board for acceptance. John Knochel made a motion to defer the opening of the Legal Services Contract to the Feb. 5, 2014 meeting of the Board. Tom Murtaugh seconded the motion. The Contract for Legal Services would be presented at the Feb. 5, 2014 Drainage Board meeting for approval.

### Contract Amendment S.W. Elliott Regulated Drain #100 Branch #11 Reconstruction Project

The Surveyor presented a Contract Amendment to the Christopher B. Burke Part Time Construction Observation of the S.W. Elliott Regulated Drain #100 Branch #11 Reconstruction to the Board for their approval. He stated the amendment to the current contract was due to Vectrens delay of relocating and lowering their gas main and the discovery of an unknown abandoned 6" gas line under State Road 38. These issues set the project back approximately 3-4 weeks. The Part Time Construction Observation Contract Amendment was in the amount of \$17,000. This brought the total amount of the

Christopher B. Burke Part Time Construction Observation Contract for the S.W. Elliott #100 Regulated Drain Branch #11 Reconstruction to \$57,000.00. He recommended approval by the board. John Knochel made a motion to approve the Contract Amendment to the Christopher B. Burke Part Time Construction Observation of the S.W. Elliott Regulated Drain #100 Branch #11 Reconstruction in the amount of \$17,000. Tom Murtaugh seconded the motion. The Christopher B. Burke Part Time Construction Observation of the S.W. Elliott Regulated Drain #100 Branch #11 Reconstruction in the amount of \$17,000 was approved as presented by the Surveyor.

#### Woodland Elementary School Additions and Renovations

Pat Jarboe of TBIRD Design appeared before the Board to present the Woodland Elementary School Additions and Renovations. The site was located on the north side of County Road 450 South and east of County Road 250 East. Additions to the existing building on the north and the south side as well as the playground area and drives were planned. Due to the project location within the J.N. Kirkpatrick Regulated Drain Impact Area, a variance to Chapters 6 and 8 Channel Protection Volume of the current Stormwater Ordinance was requested. The existing pond presently located on the northeast portion of the site would be expanded and the outfall of the pond would be relocated away from the school. The Surveyor noted the original project was approved by the Board prior to channel protection requirements. He recommended approval of the requested variance as well as the project with the conditions as stated on the January 3, 2014 Burke memo. John Knochel made a motion to grant the variance as requested. Tom Murtaugh seconded the motion. The variance to Chapters 6 and 8 regarding channel protection volumes was approved by the Board. John Knochel made a motion to grant approval with the conditions as stated on the January 3, 2014 Burke memo for the Woodland Elementary School Additions and Renovations project. Tom Murtaugh seconded the motion. Woodland Elementary School Additions and Renovations was granted approval with the conditions as stated on the January 3, 2014 Burke memo.

Zach Beasley

#### Eldora K. Lois Regulated Drain Reconstruction Update

The Surveyor stated this project was located approximately at County Road 125 West and County Road 925 South and southwest of the Southwestern Middle School. He stated approximately 5200 feet of 24" tile was installed by the Contractor. The project had been completed with the exception of a couple items to be completed as the weather allowed. He noted it was an interesting project to complete and landowners were satisfied with the work.

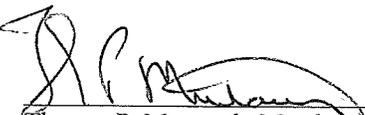
#### Public Comment

There was no public comment. John Knochel made a motion to adjourn the meeting. The meeting was adjourned.

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

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

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

  
\_\_\_\_\_  
Thomas P. Murtaugh, Member

# Tippecanoe County Drainage Board

August 6, 2014

## Regular Meeting Minutes

### Those present were:

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

### Approval of Minutes

John Knochel made a motion to approve the July 9, 2014 regular minutes as written. Tom Murtaugh seconded the motion. Motion carried.

### CSXT Raub Siding

President Dave Byers stated the CSXT Raub Siding project was rescheduled for the September 3, 2014 Drainage Board meeting.

### G.E. Aviation Mass Grading

Jim Pence from Schneider Corp. appeared before the Board to present the G.E. Aviation Mass Grading project. The project consisted of approximately 45 acres west of the U.S. 52 and Co. Rd. 450 East intersection. The project was located within the City of Lafayette and would outlet into the J.N. Kirkpatrick Regulated Drain #46. Mr. Pence informed the Board the J.N. Kirkpatrick Regulated Drain was located across the southern portion of the tract. He presented a petition to reduce and encroach upon the drainage easement of said drain for approval by the Board. He stated he had reviewed the August 1, 2014 Burke review memo and was currently working on the comments noted within the memo. He stated the project's construction plans would be submitted at end of this month as it was planned to present the complete project for drainage approval at the October meeting of the Board. He stated he agreed with all the conditions stated on the August 1, 2014 Burke memo and asked for approval of the site's mass grading as presented.

The Surveyor stated the Petition to Reduce and Encroach into the easement of the J.N. Kirkpatrick Regulated Drain must include verbiage for the underground gas line with all utilities involved and the planned landscape berm. In addition, a Maintenance Agreement would be required prior to a final approval. The Surveyor stated the exhibit was not clear and needed to be revised to reflect the area of reduction and encroachment with the aforementioned additions. Mr. Pence agreed to revise the petition and the exhibit as required. Mr. Pence stated with the reduction requested- the walking trail and emergency spillway would not be involved.

The Surveyor then recommended approval of the Petition to Reduce and Encroach on the J.N. Regulated Drain Easement; with the condition of the added verbiage within the petition document and the additions to the exhibit as previously stated. John Knochel made a motion to approve the Petition to Reduce the Easement on the JN Kirkpatrick Regulated Drain with the conditions as stated by the Surveyor. Tom Murtaugh seconded the motion. Motion Carried. John Knochel made a motion to approve the encroachment as presented. Tom Murtaugh seconded the motion. Motion carried. John Knochel made a motion to grant approval for the G.E. Mass Grading with the conditions as stated on the August 1, 2014 Burke memo and those which the Surveyor stated today. Tom Murtaugh seconded the motion. Motion carried.

### Frank Kirkpatrick Regulated Drain #45 Amended Schedule of Assessments

The Surveyor informed the Board there was a clerical error on the (previously approved by the Board) Frank Kirkpatrick #45 Reconstruction and Maintenance Schedule of Assessments. A duplicate parcel/key number was included. He stated the duplicate key/parcel number and corresponding information had been deleted. He requested approval by the Board for the Amended Schedule of Reconstruction and Maintenance Assessments on the Frank Kirkpatrick Regulated Drain #45. John Knochel made a motion to grant approval of the Amended Schedule of Reconstruction and Maintenance Assessments on the Frank Kirkpatrick Regulated Drain #45. Tom Murtaugh seconded the motion. Motion carried.

### Petitions

#### F.E. Morin Regulated Drain #57/ Petition to Reconstruct

The Surveyor presented a Petition to Reconstruct the F.E. Morin #57 Regulated Drain submitted to his office by landowner Les Christianson. He recommended approval to complete a Surveyor's Reconstruction Report for the Board and present it at a later date. John Knochel made a motion to grant approval for a Surveyor's Reconstruction Report to be completed on the F.E. Morin Regulated Drain #57 and presented at a later date. Tom Murtaugh seconded the motion. The motion carried.

#### S.W. Elliott #100- Branch #13 Amended Petition to Encroach on Easement

The Surveyor informed the Board a Petition to Encroach on the S.W. Elliott #100 Branch #13 and submitted by Buffalo Wild Wings Restaurant (located within City Limits of Lafayette Indiana) was approved by the Board. During the project's construction a storm sewer pipe was located in a different area than previously thought. This affected the Drainage Board's approval of the petition approved at that time. Therefore the Surveyor required an amendment to the petition with the correct location of the storm sewer pipe. He recommended approval of the Amended Petition to Encroach on the S.W. Elliott #100 Branch #13 Regulated Drain as presented. John Knochel made a motion to grant approval of the Amended Petition to Encroach on the S.W. Elliott #100 Branch #13 Regulated Drain. Tom Murtaugh seconded the motion. Motion carried.

**S.W. Elliott #100- Wilson Branch/ Petition to Reduce and Encroach on Easement**

The Surveyor presented a Petition to Encroach on the S.W. Elliott #100 Wilson Branch Regulated Drain. The site was located on the Bob Rohrman property at 1600 South Creasy Lane Lafayette Indiana. The Treece Meadows Relief Drain crossed Creasy Lane immediately north of the St. Elizabeth Hospital site and this ditch was south of that location and west of Creasy Lane. He noted the project was also within the City of Lafayette's limits. The easement reduction would be from the current 75 feet to 25 feet. He stated he reviewed the petition and recommended approval for it by the Board. John Knochel made a motion to grant the easement reduction on the S.W. Elliott #100 -Wilson Branch Regulated Drain. Tom Murtaugh seconded the motion. Motion carried. John Knochel made a motion to grant approval for the Petition to Encroach on the S.W. Elliott Regulated Drain #100 Wilson Branch as presented by the Surveyor. Tom Murtaugh seconded the motion. Motion carried.

**Maintenance Agreements**

The Surveyor submitted an Amended Maintenance Agreement on the S.W. Elliott #100 Branch #13 Regulated Drain submitted by Buffalo Wild Wings Restaurant Lafayette Indiana. He noted this was in conjunction with the aforementioned Amended Petition presented earlier in meeting and approved for the project site. This Amended Maintenance Agreement would take the place of the previously recorded agreement from Buffalo Wild Wings. The Amended Maintenance Agreement when recorded would be cross-referenced with the originally recorded agreement. He stated he recommended approval by the Board. John Knochel made a motion to approve the S. W. Elliott #100 Branch #13 Regulated Drain Amended Maintenance Agreement with Buffalo Wild Wings Restaurant as presented. Tom Murtaugh seconded the motion. Motion carried.

The Surveyor presented a Maintenance Agreement for the S.W. Elliott #100 Wilson Branch located on the Bob Rohrman Creasy Lane project site. He noted this too was in conjunction with the aforementioned Petition presented earlier in meeting and approved for this project site. He stated he had reviewed the agreement and recommended approval by the Board. John Knochel made a motion to approve the Maintenance Agreement for the Wilson Branch of the S.W. Elliott #100 Regulated Drain. Tom Murtaugh Seconded the motion. Motion carried.

**Bonds/Letter of Credit**

The Surveyor presented a Maintenance Bond #929593016 in the amount of \$62,268.38 for the S.W. Elliott Br#11 Reconstruction and recommended approval. John Knochel made a motion to approve the Maintenance Bond for the S.W. Elliott #100 Branch #11 Reconstruction project as presented. Tom Murtaugh seconded the motion. Motion carried.

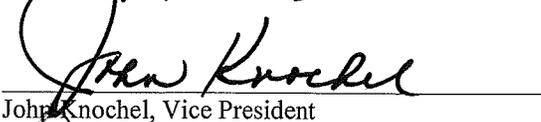
The Surveyor presented Maintenance Bond #929593017 in the amount of \$11,300.00 for the Harrison Highlands Ph. 2 Sec. 2 project and recommended approval. John Knochel made a motion to grant approval of the Maintenance Bond for the Harrison Highlands Phase 2 Section 2 project. Tom Murtaugh seconded the motion. Motion carried.

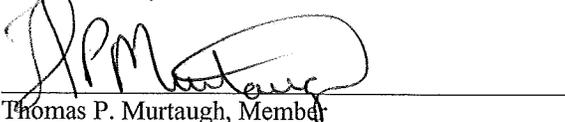
The Surveyor presented Letter of Credit #S503912 in the amount of \$4000.00 for the Proaxis 2nd Expansion project and recommended approval. John Knochel made a motion to grant approval for the Letter of Credit #S503912 in the amount of \$4000.00 for the Proaxis 2nd Expansion project. Tom Murtaugh seconded the motion. Motion carried.

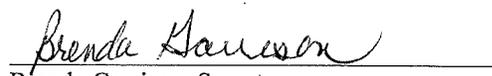
**Public Comment**

The President asked for public comment. There was none. John Knochel made a motion to adjourn. The meeting was adjourned.

  
David S. Byers, President

  
John Knochel, Vice President

  
Thomas P. Murtaugh, Member

  
Brenda Garrison, Secretary

**Tippecanoe County Drainage Board**  
**October 1, 2014**  
**Regular Meeting Minutes**

**Those present were:**

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

**Minutes Approval**

Tom Murtaugh made a motion to approve the September 3, 2014 regular meeting minutes as written. John Knochel seconded the motion. Motion carried. Tom Murtaugh made a motion to approve the September 3, 2014 Shepherd's Point Part Two Regulated Drain hearing minutes as written. John Knochel seconded the motion. Motion carried.

**TKO Graphix Addition**

Randy Pearson working with Starr and Assoc. appeared before the Board to present the TKO Graphix Addition project. A parking expansion project was planned for the western side of the TKO Graphix facility located on the north side of Co. Rd. 450 South east of U.S. 52 on approximately 30 acres. The facility was granted construction approval with conditions by the Board during the December, 2013 meeting and he noted the expansion would not change the drainage analysis for the overall site. The previously approved drainage patterns were followed. The existing detention basin would capture and store the developed site runoff as the parking expansion would sheet flow to the detention basin. Mr. Peterson stated they agreed with the September 24, 2014 Burke memo conditions and requested approval from the Board. The Surveyor reminded the Board the overall project was approved in 2013 by the Board. He then reviewed the site utilizing GIS. He noted along with the prior Drainage Board approval for the project, a portion of Branch #08 of the S.W. Elliott was vacated as requested by the developer in 2013. (E1/2 Fractional NW ¼ Section 18 Twp 22N R 3W) That portion was vacated up to the western edge of the driveway which served the residential homes and capped as planned. His office staff was present when the vacation of the drain was completed and capped. Photos were located in the County Regulated S.W. Elliott #100 Drain file. He stated his office was ready to recommend approval with conditions as stated on the September 24, 2014 Burke memo to the Board. Commissioner Knochel asked for public comment.

Mr. Tim Ford 5500 East 430 South Lafayette approached the Board. Mr. Ford stated on the northern perimeter of the site and more specifically the west side of the lane; there was a "buffering wall" dug out and piled with rocks in place which makes it look like a spillway. He stated "if the water rose high enough it would cross our lane." He stated "water has been in that area since construction started and we have not had any good rains yet" He reiterated if a three inch rain came it would cross the spillway and the lane and cause no access to their property. He stated he lived in that location 18 years and has saw water run over the lane twice during that time. Mr. Randall Peterson (Project Engineer) stated the adjoining tracts elevation was higher than the project site. He noted the storm drainage plans call for storm runoff to route east to west away from the adjoining tracts and ultimately into the detention pond on the project site. Therefore the sites and the adjoining tracts runoff would route through the project site's infrastructure (detention pond) and would not cause drainage problems for adjoining property owners. The storm drainage runoff would run west then north through the site.

Tammy Ricks 5502 East 430 South Lafayette approached the Board. She expressed her concern regarding standing water currently onsite. She also expressed her concern of future stormwater ponding and runoff obstructing the adjoining lane after a large storm. Mr. Peterson noted onsite construction of the first phase had not been completed; once the construction was completed there would be no standing water onsite. Dave Eichelberger clarified Mr. Peterson's remarks stating: the east spillway is higher than the west spillway. The Surveyor stated he gave permission for the semis currently parked there. However the site work was not complete at this time. His office would review as built's once the construction was completed and ensure the work was completed as designed and approved by the Drainage Board. There was no other public comment.

Tom Murtaugh made a motion to grant approval for TKO Graphix Addition with the conditions as stated on the September 24, 2014 Burke memo. John Knochel seconded the motion. Motion carried.

## **Power Place Industries**

Joe Coutts from C&S Surveying appeared before the Board to present Power Place Industries Warehouse Addition project to the Board for drainage approval. The site consisted of approximately 10 acres was located north of US 52 on the west side of US 231. Mr. Coutts stated the project area onsite was under a half an acre and technically would receive an exemption from Stormwater Quantity and Quality. However due to a couple additions onsite in recent years, the Surveyor felt the project's drainage plan should be reviewed. The Surveyor wanted to ensure there was no adverse impact up or downstream from the site. Mr. Coutts noted there was a private tile placed onsite years ago by the Soil Conservation Service in the 1970's which outlet to a County Regulated Drain known as the Box Ditch. He stated the site's elevation of the emergency overflow path was lower than adjoining tracts and would not adversely affect adjoining tracts. He requested approval from the Board. The Surveyor reviewed the project site and noted the breakout point/depressional area to outlet to the Box Ditch was approximately 2.5 feet lower than the lowest adjacent grade of the home to the west. He noted he did speak with Mrs. Emily Farley (homeowner to the west) and Mr. John Robert Howell who owned the woods as well. The Surveyor stated they were satisfied with the plans. He recommended construction approval with conditions as stated on the September 25, 2014 Burke memo. John Knochel asked for public comment. There was no public comment. Tom Murtaugh made a motion to grant construction approval with conditions as stated on the September 25, 2014 Burke memo. John Knochel seconded the motion. Motion carried.

## **Oak Ridge Subdivision Section 1**

Justin Frazier from TBird Design appeared before the Board to present Oak Ridge Subdivision Section 1 for approval by the Board. The site was located north of County Road 500 North on the west side of County Road 75 East and consisted of approximately 48 acres. Coyote Crossing Golf Course and Winding Creek Subdivision were located to the west of the site. He noted there were three discharge points for the site. 1. The east side of project drained northerly through a drainage channel to Burnett Creek 2. The central area of site drained northerly through existing ravine channel systems to Burnett Creek 3. The western portion of site drained westerly to an existing tributary of Cole Regulated Ditch (located on entire length of property) and eventually to Burnett Creek. He stated there would be 104 single family residential lots onsite. The majority of the site would drain through storm infrastructure to an onsite detention pond in the northwest corner of site. A portion of site in the northeast corner would drain un-detained to a ravine tributary to Burnett Creek. He requested two Stormwater Quality Variances due to design limits 1. A variance for the proposed basin DEV-3- 2 separate stormwater BMP measures would be utilized and would maintain the riparian corridor 2. A variance for basin DEV-1A - vegetative swales and mechanical stormwater quality units and a wet pond would be utilized for 90% of the area. He then requested approval from the Board and stated they agreed with the September 26, 2014 Burke memo. The Surveyor stated his office supported the variances and recommended approval with the conditions as outlined in the September 26, 2014 Burke memo. John Knochel opened the floor for public comment. There was none. Tom Murtaugh made a motion to approve the two variances to Stormwater Quality measures as requested. John Knochel seconded the motion. Motion carried. Tom Murtaugh made a motion to grant approval with the conditions as outlined in the September 26, 2014 Burke memo. John Knochel seconded the motion. The motion carried.

## **GE Aviation Site Plan and David Howarth Drive Extension**

Jim Pence from Schneider Corporation appeared before the Board to present the GE Aviation Site Plan and David Howarth Drive Extension project for approval. The site was located within the City of Lafayette limits west of the intersection of US 52 and County Road 450 East and consisting of approximately 100 acres. Mr. Pence noted approval for the mass grading plan and encroachment on the JN Kirkpatrick Regulated Drain was granted in August 2014. He requested 2 variances for this project. He noted detention for the site would meet the restricted release rate requirements (due to the site location within JN Kirkpatrick Regulated Drain watershed). However the timing requirements would not meet the channel protective and water quality volume release while meeting the aforementioned required restricted release rates. Therefore they requested variances for both. He stated they agreed with the September 26, 2014 Burke memo and asked for approval to outlet into the JN Kirkpatrick Regulated Drain as well as approval for the variances from the Board. The Surveyor noted regarding the September 26, 2014 Burke memo - variance #1 listed is no longer requested- therefore only the 2 variances as explained by Mr. Pence were requested. The Surveyor stated his office reviewed the requests and recommended approval with the conditions as stated on the September 26, 2014 Burke memo regarding the variances and the project. John Knochel asked for public comment. There was none. Tom Murtaugh made a motion to grant approval for Variance #2 and Variance #3 listed on the September 26, 2014 Burke memo. John Knochel seconded the motion. The motion carried. Tom Murtaugh made a motion to grant conditional approval as stated on the September 26, 2014 Burke memo. John Knochel seconded the motion. Motion carried.

**Zach Beasley/Other Business**

The Surveyor stated his office received a letter from the Carroll County Surveyor requesting a waiver from the Board to participate in the landowner hearing regarding the Julien Bowen Joint Drain. He noted Carroll County has the largest amount of acreage within the watershed with 4508.122 acres benefited. Tippecanoe County has approximately 462.16 acres benefited. He recommended approving the waiver request as presented. If a county has fewer than 10 % of the benefited acres, the statute allows a drainage board to waive their rights to participate on a Joint Drainage Board. Tom Murtaugh made a motion to waive the Tippecanoe County Drainage Board's right of participation on the Julien Bowen Bi-County Drainage Board. John Knochel seconded their motion. Motion carried.

**Petition to Encroach on a Regulated Drain/Jerry Rooze**

The Surveyor stated he had received from landowner Jerry Rooze a Petition to Encroach on the Otterbein #112 Regulated Drain. He noted the verbiage on the document was not correct as the document states "encroach" and should state "reduce" the statutory easement from the 75 feet to 30 feet total perpendicular from top of bank. He stated he would work with the landowner to get the correct verbiage on the document prior to signing if the Board would approve with that condition today. Tom Murtaugh made a motion to grant the requested reduction of the Otterbein Regulated Drain #112 with the correction on the document as outlined by the Surveyor. John Knochel seconded the motion. Motion carried.

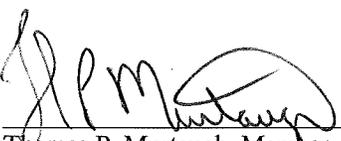
**Public Comment**

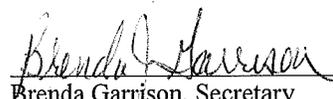
John Knochel asked for public comment. There was no public comment. John Knochel made a motion to adjourn the meeting. The meeting adjourned.

**ABSENT**

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David S. Byers, President

  
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John Knochel, Vice President

  
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Thomas P. Murtaugh, Member

  
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Brenda Garrison, Secretary

**Tippecanoe County Drainage Board**  
**December 10, 2014**  
**Regular Meeting Minutes**

**Those present were:**

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

**Approval of Minutes**

John Knochel made a motion to approve the November 5, 2014 regular minutes as written. David Byers seconded the motion. Motion carried.

**Bob Rohrman Property**

Tori Tripp of Bunnell Land Surveying and Engineering appeared before the Board to present the Bob Rorhman Property project for approval. The existing site was located within the City of Lafayette, specifically a quarter (1/4) mile from State Road 38 and Creasy Lane intersection on the west side of Creasy Lane- across from St. Elizabeth East. The site was also located within the S.W. Elliott Drainage Impact Area and the Drainage Board review regarded the release rate only. Ms. Tripp stated Wilson Branch (aka Treece Meadows Relief Drain) of the S.W. Elliott Regulated Drain was located on the site's western boundary and the project outlet to three locations on the said Branch. Two of the three outlets were pre-existing and would be maintained by the owner. The third outlet would be a storm sewer replacing the existing swale. She reminded the Board during the August 6, 2014 Drainage Board meeting a drain encroachment of 75' from the top of the bank on the Wilson Branch of the S.W. Elliott Regulated Drain was approved for this project. The Surveyor reiterated the project was located within City Limits and stated the approval by the Board regarded the release rate only. Responding to the Surveyor, Ms. Tripp stated they did not anticipate additional encroachments. The Surveyor recommended approval with conditions as stated on the Dec. 4, 2014 Burke memo. There was no public comment. John Knochel made a motion to grant approval with the conditions as stated on the December 4, 2014 Burke memo. David Byers seconded the motion. Motion carried.

**Purdue Agronomy Center (ACRE)**

Jim Pence of Schneider Corp. appeared before the Board to present the Purdue Agronomy Center project for approval. The center's expansion was northwest of the existing Beck facility. The site was consisted of approximately nine (9) acres and located on the Purdue Agronomy Farm approximately 1,300 feet east of Co. Rd. 500 West on the north side of U.S. 52. This site was located within the Indian Creek Drainage Impact Watershed. Two dry detention basins were planned for the project. Due to the restricted nature of the area's release rates, due diligence was exercised to reach the required rate or as close to the required rate as possible. He stated they were requesting three variances due to the strict release rate required for this watershed area.

The Surveyor stated Randy Baum of IDEM (Indiana Dept. of Environmental Mgmt.) would review this project for compliance with the Rule 5 SWPPP (Stormwater Pollution Prevention Plan). He stated any future Purdue projects would be submitted through SWCD and IDEM will review the Rule 5 information. He stated three variances were required due to the very restrictive rates required under the Impact area resolution. He noted if the said resolution was not in place, the ordinance would allow the 5.4cfs release rate. The said resolution required .13cfs release rate, the design had a .81cfs release rate. The detention ponds would function as designed within the 48 hour perimeter as required. Though not adhering to the resolution's required release rates, the detention draw down requirements were being met and the design release rates were substantially lower than the standard rates. Based on this, the Surveyor stated he was recommending the three variances as requested. He recommended approval with the conditions as stated on the December 4, 2014 Burke memo. There was no public comment. John Knochel made a motion to grant the variances (1, 2, and 3) as outlined in the Dec. 4, 2014 Burke memo along with the additional conditions listed in the Burke memo. David Byers seconded the motion for the variances and the conditional approval. Motion carried.

**Soleado Vista Subdivision**

Patrick Williams of TBIRD Design Services appeared before the Board to present Soleado Vista Subdivision for approval by the Board. The site consisted of 31 acres located on the east side of Morehouse Road ½ mile north of Kalberer Road (Co. Rd. 350North) near the Tippecanoe County Memorial Gardens Cemetery. The Dempsey Baker County Regulated Drain was located along the south side of the property and was the primary outlet for the site. The project site was located within the Indian Creek Watershed Impact Area. Mr. Williams stated they agreed with the conditions as stated on the December 5, 2014

Burke memo, however one condition warranted discussion. He stated, when this project began it was located within the City of West Lafayette. As of December 9<sup>th</sup>, 2014 it was dis-annexed from the City of West Lafayette. As such, it was their assumption the Drainage Board would adopt the comments prepared by the City prior to dis-annexation. He then asked the Board for their approval.

The Surveyor stated there were two items of concern and were additional conditions: 1. All items related to the offsite water from the east on PRF (Purdue Research Farm) and anything to do with that or the discharge of the water into the Dempsey Baker County Regulated Drain (open ditch and/or tile) will be required to be addressed as it was a major concern. 2. The Petition to Encroach and the Petition to Reduce the Easement on the Dempsey Baker Regulated Drain must be corrected and revised prior to approval by the Board. He recommended the variances as requested on the December 5, 2014 Burke memo. He then recommended approval of the project with the two aforementioned conditions along with those conditions listed on the December 5, 2014 Burke memo. Responding to John Knochel, the attorney clarified the petitions could be approved by the Board conditionally: subject to the Surveyor's approval of the corrected documentation. There was no public comment.

John Knochel made a motion to approve the variances requested on the December 5, 2014 Burke memo subject to the Surveyor's approval of the revised encroachment petition and reduction of easement petition documents aforementioned. The Board approval was subject to conditions on the December 5, 2014 Burke memo relating to the Dempsey Baker Regulated Drain specifically conditions #3 and #4 under Stormwater Quantity close review. Responding to David Byers inquiry, the Surveyor stated while there would be an increase in discharge to Hadley Lake, it would be released over a longer period of time due to onsite detention. David Byers seconded the motion. Motion carried.

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

The Surveyor presented a list of the 2015 Drainage Board Meeting dates for approval by the Board. John Knochel made a motion to approve the 2015 Meeting Dates as presented by the Surveyor. David Byers seconded the motion. Motion carried.

The Surveyor requested a March Reconstruction Hearing for the Alonzo Taylor Regulated Drain. John Knochel made a motion to conduct a March 4, 2014 Reconstruction Hearing for the Alonzo Taylor Regulated Drain. David Byers seconded the motion. Motion carried.

The Surveyor requested an April 1, 2015 Reconstruction Hearing for the Clymer Norris Private Drain. John Knochel made a motion to conduct an April 1, 2015 Reconstruction Hearing for the Clymer Norris Private Drain. David Byers seconded the motion. Motion carried.

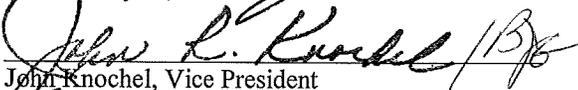
#### **Petitions:**

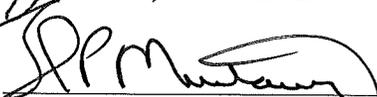
The Surveyor recommended approval for a Petition to Vacate the Treece Meadows Relief Drain (aka Wilson Branch) of the S.W. Elliott Regulated Drain located on Lot 2 of the Crosspointe Commercial Subdivision submitted by the Schneider Corporation. John Knochel made a motion to grant approval for the Petition to Vacate the Treece Meadows Relief Drain (aka Wilson Branch) of the S.W. Elliott Regulated Drain located on Lot 2 of the Crosspointe Commercial Subdivision. David Byers seconded the motion. Motion carried.

#### **2014 STATUS UPDATE**

The Surveyor stated his office had installed/constructed approximately 5 miles of new county regulated drains (tile sizes 24"-12" range), constructed/installed ½ mile of new county regulated ditch aka open drain, and moved in excess of 35,000 yards of dirt for Berlowitz Pond#3 all within the calendar year of 2014. He was pleased with his office staff and the Board's work in these projects. He expressed his appreciation of Commissioner John Knochel's public service during his time in County Government. He stated Mr. Knochel had been a pleasure to work with and wished him well on his retirement.

  
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David S. Byers, President

  
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John Knochel, Vice President

  
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Thomas P. Murtaugh, Member

  
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Brenda Garrison, Secretary

# Tippecanoe County Drainage Board

January 7, 2015

## Regular Meeting Minutes

### Those present were:

Tippecanoe County Drainage Board President David S. Byers, Vice President Tracy Brown, member Thomas P. Murtaugh, 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.

### Election of Officers

Doug Masson, Drainage Board Attorney opened the floor for 2015 Drainage Board Officers nominations. Tom Murtaugh made a motion for David Byers to serve as President of the 2015 Drainage Board. Tracy Brown seconded the motion. Nominations for Presidents were closed by motion of Tom Murtaugh and second of Tracy Brown. Motions carried. Tom Murtaugh made the motion for Tracy Brown to serve as 2015 Drainage Board Vice President. David Byers seconded the motion. Nominations of Vice President were closed by motion of Tracy Brown and second of Tom Murtaugh. Motions carried. The President David Byers welcomed new Commissioner and 2015 Vice President of the Drainage Board Tracy Brown to the Board.

### Approval of Minutes

Tom Murtaugh made motions to approve the December 10, 2014 Regular meeting minutes, the December 10, 2014 Harrison Meadows Regulated Drain #37 Hearing minutes and the December 10, 2014 James Kellerman #42 Regulated Drain Hearing minutes as written. David Byers seconded the motions. Motions carried.

### Norfleet Commercial Phase 1 Subdivision

Patrick Cunningham of Vesters and Associates approached the Board to request approval for the Norfleet Commercial Phase 1 Subdivision. The site was located on the southeast corner of the US 231 and Veterans Memorial Parkway (Co. Rd. 350S) and consisted of approximately 4.8 acres. He noted at this time they were in the process of preparing the site for a future buyer, therefore the lots configuration would be completed at a later date. The site's runoff was proposed to outlet into Wea Creek via the confluence of the S.W. Elliott Regulated Drain #100. Mr. Cunningham noted an exemption to the Stormwater Quantity portion of the Ordinance was requested and stated they agreed with the December 31, 2014 Burke memo conditions. He asked for approval of the plan as presented.

The Surveyor stated one bmp for water quality was planned for the overall site. The Surveyor office would require future development(s) onsite to provide an additional bmp for each lot as configured in the future to meet the BMP Ordinance requirements. The Surveyor noted this site did not require onsite detention as it met the Ordinance criteria for direct release into Wea Creek. Responding to the Surveyor's inquiry, Mr. Cunningham stated downstream certification of notifications would be completed and provided to the Surveyor office. He then recommended approval with the conditions as stated on the December 31, 2015 Burke memo. Tom Murtaugh made a motion to approve the submittal with the conditions as stated on the December 31, 2014 Burke memo. Tracy Brown seconded the motion. Motion carried.

### Zach Beasley/Other Business

The Surveyor presented a 2015 Regulated Drain Status list of activity. He noted this list reflected only those drains with a county maintenance fund. Active status reflected the drain would be on assessment, inactive reflected no assessment would be charged in current year. The monetary cap of the drain maintenance fund determines - along with other factors - whether the county maintained drain assessment should be on assessment (Active) or off assessment (Inactive) during the current calendar year. County Maintained Regulated Drains are set up on with a 4, 6 or 8 year monetary collection period and that total would be the cap. Responding to Mr. Murtaugh's inquiry, the Surveyor noted upcoming reconstruction hearings were scheduled for the Alonzo Taylor #77 County Regulated Drain (March) and Clymer Norris Private Drain (April). He stated he hoped to complete three or four additional maintenance increase hearings this year as well.

### Drainage Board 2015 Legal Services Contract

The President noted the Legal Service Contract from Hoffman Luhman and Masson PC was received. The rates per hour were in line with the rates of the Commissioner's 2015 Legal Service Contract with same firm. Tom Murtaugh made a motion to approve the 2015 Legal Service Contract from Hoffman Luhman and Masson PC as presented. Tracy Brown seconded the motion. Motion carried.

**Drainage Board 2015 Engineer Review Service Contract**

The Surveyor stated he had reviewed the 2015 Christopher B. Burke Engineering 2015 Engineer Review Service Contract with the Drainage Board. The attorney noted the contract was in legal order. The Surveyor noted the rates were slightly increased for the first time since 2007. Upper level reviews increased by \$5.00 per hour, lower level reviews by \$10.00 per hour. He recommended approval of the 2015 Christopher B. Burke Engineering LLC Engineering Review Contract with the Board. Tom Murtaugh made a motion to approve the 2015 Christopher B. Burke Engineering LLC Drainage Review Services Contract with the Drainage Board as submitted for approval. Tracy Brown seconded the motion. Motion carried.

**2015 Drainage Board Secretary Appointment**

The President opened the floor for nominations of 2015 Tippecanoe County Drainage Board Secretary. Tracy Brown made a motion to appoint Brenda Garrison as the 2015 Tippecanoe County Drainage Board Secretary. Tom Murtaugh seconded the motion. The president noted the secretary performs efficiently in her position. Motion carried.

**Joint County Regulated Drain Waiver**

The Surveyor noted his office received a Drainage Board Joint Regulated Drain Hearing Waiver request regarding the Arbegust Young #106 Joint Regulated Drain from Clinton County Drainage Board. He noted the watershed acreage of the joint drain consisted of approximately 808 acres total with 116 acres of that located within Tippecanoe County. He reviewed the drain and the letter and recommended the waiver be granted. The acreage resting in Tippecanoe County are less than 20% of the total acreage within the watershed. Responding to Mr. Byers, the Surveyor noted the current maintenance rate on the drain was \$1.00 per acre with a \$5.00 minimum. The proposed rate would be \$2.00 per acre with a \$20.00 minimum. Tom Murtaugh made a motion to grant the waiver as requested. Tracy Brown seconded the motion. Motion carried.

**February 2015 Meeting Date Change**

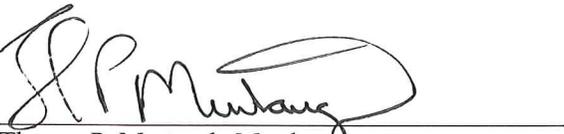
The President entertained a motion to revise the February 4, 2015 scheduled meeting date due to conflicting schedules of two of board members. Tracy Brown made a motion to change the date from February 4, 2015 to February 11, 2015 due to conflicting schedules. Tom Murtaugh seconded the motion. Motion carried.

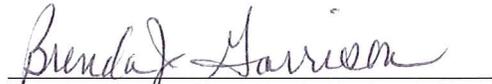
**Public Comment**

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

  
David S. Byers, President

  
Tracy Brown, Vice President

  
Thomas P. Murtaugh, Member

  
Brenda Garrison, Secretary

## 2015 REGULATED DRAIN(S) STATUS

Number	Account	Location	Joint (Bold / Co. Maint.)	Per Acre Assessment	Minimum Tract Assessment	Status
001	Amstutz, John	R3W, T23N, S. 2		\$ 3.75	\$ 6.25	Active
002	Anderson, Jesse	R3W, T21N, S. 10		\$ 1.25	\$ 6.25	Active
003	Andrews, E. W.	R5W, T24N, S. 27		\$ 3.13	\$ 6.25	Active
004	Anson, Delphine	R4/5W, T24N, S. 7		\$ 5.00	\$ 25.00	Active
005	Baker, Dempsey	R4/5W, T23N, S. 8/1,2		\$ 1.25	\$ 6.25	Active
006	Baker vs Newell	R3W, T22N, S. 28		\$ 1.25	\$ 6.25	Inactive
007	Ball, Nellie	R3W, T24N, S. 13		\$ 1.25	\$ 6.25	Active
008	Berlovitz, Julius (Drainage Impact area)	R4W, T23N S. 25		\$ 1.56	\$ 6.25	Active
010	Binder, Michael	R6W, T23N, S. 13		\$ 5.00	\$ 50.00	Active
011	Blickenstaff, John	R3W, T21N, S. 5		\$ 10.00	\$ 50.00	Active
012	Box, N.W.	R5W, T24N, S. 29		\$ 0.94	\$ 6.25	Active
013	Brown, Andrew P.	R4,5W, T24N,S5-9	White	\$ 1.25	\$ 6.25	Active
014	Buck Creek Drain	R2,3W, T24N, S. 25-27	CARROLL	\$ 2.00	\$ 5.00	Inactive
015	Burkhalter, Alfred T	3W, T22N, S. 13	Clinton	\$ 1.88	\$ 6.25	Active
016	Byers, O.J.	R5,6W/5W, T21/22N,S6,7		\$ 0.94	\$ 6.25	Inactive
017	Coe, Floyd	R3W, T21N, S. 20		\$ 2.19	\$ 6.25	Inactive
018	Coe, Train	R4W, T21N, S. 13-15		\$ 6.00	\$ 50.00	Active
019	Cole, Grant D.	R5W, T24N, S. 13,		\$ 1.25	\$ 6.25	Inactive
020	County Farm	R4W, T24N, S. 29		\$ 1.25	\$ 6.25	Active
021	Cripe, Jesse A.	R3W, T24N, S. 24,25	Carroll	\$ 0.63	\$ 6.25	Active
022	Daugherty, Charles E.	R3W, T21N, S. 21,28,29		\$ 1.25	\$ 6.25	Active
023	Devault, Fannie	R5W, T21N, S. 21,28		\$ 1.25	\$ 6.25	Inactive
025	Dunkin, Marion	R6W, T21,22N.S 1,2,11		\$ 1.88	\$ 6.25	Active
026	Darby-Wetherill	R6W, T24N, S 10,11	BENTON	\$ 1.50	\$ 5.00	Active
027	Ellis, Thomas	R3,4W, T21N, S. 18,19		\$ 5.00	\$ 20.00	Active
028	Erwin, Martin	R5W, T23N,S5		\$ 1.25	\$ 6.25	Active
029	Crist & Fassnacht	R3W, T23N,S5-8		\$ 0.94	\$ 6.25	Active
030	Fugate, Elijah	R4W, T21N, S. 33,28	Montgomery	\$ 5.80	\$ 25.00	Inactive
031	Gowen, Issac	R4W, T24,25N,S4-6	WHITE	\$ 1.25	\$ 5.00	Active
032	Gray, Martin P.	R3W, T21N, S. 26,27,	Montgomery	\$ 1.25	\$ 6.25	Inactive
033	Grimes, Rebecca	R4W, T21N, S. 35,	Montgomery	\$ 3.75	\$ 6.25	Inactive
034	Haffner, Fred (Drainage Impact Area)	R4,5W, T24N, S. 19,30,24		\$ 10.00	\$ 100.00	Active
035	Haywood, E.F.	R5W, T21N, S. 21,22		\$ 3.50	\$ 50.00	Active
036	Haywood, Thomas	R5W, T21N, S. 21,22,		\$ 1.25	\$ 6.25	Inactive
037	Harrison Meadows	R4, T24N, S. 22		N/A	\$ 75.00	Active
039	Inskeep, George	R4W, T21N,S,16,17,		\$ 1.25	\$ 6.25	Inactive
040	Jakes, Lewis P.	R5W, T24N,S9-11,		\$ 3.00	\$ 15.00	Active
041	Johnson, E. Eugene	R3W, T21N, S. 29,32,33		\$ 3.75	\$ 6.25	Active
042	Kellerman, James S.	R4,5W, T21N, S. 18,		\$ 5.50	\$ 25.00	Active
043	Kerschner, Floyd	R3W, T21,22N, S. 1,		\$ 1.25	\$ 6.25	Active
044	Kirkpatrick, Amanda	R5,6W, T21N, S. 18,		\$ 1.25	\$ 6.25	Active
045	Kirkpatrick, Frank	R4W, T21N, S. 27,	Montgomery	\$ 6.00	\$ 25.00	Inactive
046	Kirkpatrick, James N. (Drainage Impact Area)	R4,3W, T22N,S8-17,		\$ 1.25	\$ 6.25	Active
047	Kuhn, J.A.	R3W, T24N, S. 25,		\$ 0.94	\$ 6.25	Active
048	Lesley, Calvin	R3W, T23,24N, S. 3,		\$ 10.00	\$ 50.00	Inactive
050	McCoy, John	R4W, T22N, S. 21,		\$ 1.25	\$ 6.25	Active
051	McFarland, John A.	R5,6W, T24N, S 17-19,		\$ 3.00	\$ 20.00	Active
052	McKinney, Mary	6W,23,24N,2,	Benton, Warren	\$ 5.00	\$ 30.00	Inactive

**2015 REGULATED DRAIN(S) STATUS**

Number	Account	Location	Joint (Bold / Co. Maint.)	Per Acre Assessment	Minimum Tract Assessment	Status
053	Mahin, Wesley	R4W, T24N, S. 15,		\$ 3.25	\$ 6.25	Active
054	Marsh, Samuel P.	R3W, T21N, S. 32,	MONTGOMERY	\$ 0.56	\$ 5.00	Active
055	Miller, Absalom	R5W, T21N, S. 4,		\$ 0.94	\$ 6.25	Active
056	Montgomery, Ann	R5W, T21N, S. 3,		\$ 1.25	\$ 6.25	Active
057	Morin, F.E.	R4W, T21N, S. 22,		\$ 1.25	\$ 6.25	Active
058	Mottsinger, Hester	R5W, T24N, S. 16,		\$ 7.00	\$ 20.00	Active
059	O'Neal, J. Kelly	R4W, T22N, S. 20,		\$ 4.00	\$ 20.00	Active
060	Oshier, Audley	R6, T24N, S. 22,		\$ 7.50	\$ 50.00	Active
061	Parker, Lane	R3, T23, S. 31,		\$ 1.25	\$ 6.25	Inactive
063	Peters, Calvin	R3W, T23N, S. 25,		\$ 1.25	\$ 6.25	Active
064	Rayman, Emmett	R6W, T24N, S 1,	WHITE	Variable / \$ <del>5.00</del> minimum		Active
065	Resor, Franklin	R3W, T22N, S. 31,		\$ 5.75	\$ 10.00	Active
066	Rettereth, Peter	R3W, T23,24N,S5,		\$ 0.94	\$ 6.25	Active
067	Rickerd, Arthur E.	R3W, T23N,S4,		\$ 3.75	\$ 6.25	Active
068	Ross, Alexander <small>Urban Drain</small>	R4W, T23N, S. 24,		\$ 1.25	\$ 6.25	Active
069	Sheperdson, James	R3W, T23,22N, S. 34,		\$ 0.94	\$ 6.25	Active
070	Saltzman, John	R3W, T23N, S 1,	Carroll	\$ 2.50	\$ 6.25	Active
071	Skinner, Ray	R3W, T21N,S5-8,		\$ 1.25	\$ 6.25	Active
072	Smith, Abe	R3W, T23N, S. 2,		\$ 1.25	\$ 6.25	Active
073	Southworth, Mary	R6W, T23N, S 11,		\$ 5.50	\$ 50.00	Active
074	Sterrett, Joseph C.	R3,4W, T24N, S7,		\$ 0.44	\$ 6.25	Active
075	Stewart, William	R3W, T23,24N, S 2,		\$ 1.25	\$ 6.25	Active
076	Swanson, Gustav	R3W, T21N, S7,		\$ 1.25	\$ 6.25	Active
077	Taylor, Alonzo	R6W, T21,22N S 2,		\$ 1.25	\$ 6.25	Active
078	Taylor, Jacob	R6W, T21,22N, S 3,	Fountain	\$ 0.94	\$ 6.25	Active
079	Toohy, John	R3W, T22N, S 11,		\$ 1.25	\$ 6.25	Active
081	Vannatta, John	R4W, T24N, S 1,		\$ 0.43	\$ 6.25	Active
082	Wallace, Harrison B.	R6W, T21N, S 1-15,		\$ 4.25	\$ 20.00	Active
083	Walters, Susanna	R3W, T23N, S. 25,		\$ 0.94	\$ 6.25	Active
084	Walters, William J.	R4W, T24, S. 2-5,	White	\$ 1.25	\$ 6.25	Active
085	Waples-McDill	R4W, T21N, S. 10,		\$ 1.25	\$ 6.25	Active
086	Wilder, Lena	R5W, T24N, S. 1,	White	\$ 1.25	\$ 6.25	Active
087	Wilson-Nixon	R6W, T21N, S. 10,	FOUNTAIN	\$ 1.00	\$ 5.00	Inactive
088	Wilson, J.J.	R4W, T22N, S 20,		\$ 0.63	\$ 6.25	Inactive
089	Yeager, Simeon	R4,5W, T23,24N,S6,		\$ 1.25	\$ 6.25	Active
090	Yoe, Franklin	R3W, T24N, S. 24-26,	Carroll	\$ 8.50	\$ 100.00	Active
091	Dickens, Jesse	R6W, T23N, S. 13,		\$ 6.00	\$ 100.00	Active
092	Jenkins Ditch	R3W, T21N, S 26,	Montgomery	\$ 1.25	\$ 6.25	Active
093	Dismal Creek	R3W, T22N, S 18,		\$ 1.25	\$ 6.25	Active
094	Shawnee Creek	R5,6W, T21N, S. 31,	Montgomery	\$ 1.25	\$ 6.25	Inactive
095	Beutler & Gosma	R5W, T24N, S. 3-9,	White	\$ 1.38	\$ 6.25	Active
096	Kirkpatrick One	R3W, T21N, S 31,	Montgomery	\$ 1.56	\$ 6.25	Active
100	Elliott S.W. (Urban Drain) <small>(Branch #11 Drainage Impact Area)</small>	R4W,T23N,25-27,	VARIABLE RATES: Ag- \$3.75/ac; Res- \$5/ac; Hi -Density Res - \$6.75/ac; Local Bus - \$9.38/ac; Industrial - \$7.88/ac; Gen. Bus - \$9.36/ac. \$15.00 minimum			Active
101	Hoffman, John	R3W,T23N,13,	Carroll, Clinton	\$ 4.00	\$ 5.00	Active
102	Brumm, Sophia	R6W, T24, S 2,	BENTON	\$ 1.00	\$ 5.00	Active
103	Moore-Lateral	R6W, T24, S 34,	BENTON	\$10.00 PER ACRE, \$24 PER LOT WITH \$10.00 MIN.		Inactive

FILED

JAN 07 2015

*Mark W. Harty P 08*  
AUDITOR OF TIPPECANOE CO.

2015 REGULATED DRAIN(S) STATUS

Number	Account	Location	Joint (Bold / Co. Maint.)	Per Acre Assessment	Minimum Tract Assessment	Status
104	Hadley Lake/ Cuppy Mcclure	R5W, T23N, S. 1,		\$ 5.00	\$ 10.00	Inactive
105	Thomas, M. & A.	R3W, T24N, S 13,	CARROLL	\$ 1.50	\$ 5.00	Active
106	Arbegust & Young	R3W, T21N, S. 36,	CLINTON	\$ 1.00	\$ 5.00	Active
108	High Gap Road	R5W, T21N, S 3,		\$ 1.88	\$ 6.25	Active
109	Romney Stock Farm	R4W, T21N, S. 16,		\$ 10.00	\$ 100.00	Active
110	Darby Wetherill #2	R6W, T24N, S 10,	BENTON	\$ 2.00	\$ 5.00	Active
112	Otterbein Ditch		Benton	OPEN: \$10.00 PER ACRE, \$24 PER LOT WITH \$10.00 MIN.		Active
114	Moses Baker	R3W, T21N, S9,		\$ 3.00	\$ 6.25	Active
115	Leader Newton	R5W, T21N, S 29,	Montgomery	\$ 14.00	\$ 50.00	Active
116	Brookfield Heights / Brookfield Farms	R3W, T23N, S 19,		JUST LOTS	\$ 25.00	Active
117	Hengst, John	R3W, T23N, S 13, 22, 23, 24		\$ 12.00	\$ 75.00	<i>IN</i> Active <i>BSH</i>
118	Combs Ditch	R3W, T23N, Sec 23		\$ 10.00	\$ 50.00	<i>IN</i> Active <i>BSH</i>
119	Lois, Eldora K	R5W, T21N, S. 01, 11, 12		\$ 4.35	\$ 10.00	Inactive
121	Shepherds Point	R4W, T24N, S 31		\$130.00 per lot		Active
212	Otterbein Ditch (H.W. MooreTile)	R6W, T24N, S 22,	Benton	TILE: \$5.00 PER ACRE, \$12 PER LOT WITH \$6.25 MIN.		Active

Status: Inactive = bal. more than 4 or 8 yr assmt total

2015 Drainage Board President :

APPROVED

DATE

X

1-7-15

\* Drains are being charged reconstruction assmts. during this year.  
*Brenda Harrison*

**Tippecanoe County Drainage Board**  
**May 6, 2015**  
**Regular Meeting Minutes**

**Those present were:**

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

**Approval of Minutes**

Commissioner Thomas Murtaugh made a motion to approve the April 1, 2015 regular minutes and the April 1, 2015 landowner hearing minutes for the Clymer Norris Regulated Drain #122 as written. Tracy Brown seconded the motion. Motion carried.

**Alonzo Taylor #77 Regulated Drain Tile Reconstruction**

Commissioner Byers referred to the Attorney for the opening of Reconstruction Bids received for the Alonzo Taylor #77 Regulated Drain Tile Reconstruction. The Attorney stated the following: The first bid submitted was received from ADI (Ag Drainage Inc. Golden Illinois) in the amount of \$123,544.20. The second bid submitted was received from Maxwell Farm Drainage Inc. Crawfordsville Indiana in the amount of \$109,495.25. Commissioner Brown made a motion to take the bids under advisement. Commissioner Murtaugh seconded the motion. Motion Carried. Commissioner Byers stated the project would be awarded at the end of this meeting after the review if the bid packets were in order.

**Villas at Creasy Springs**

Clem Kuns with TBIRD Designs appeared before the Board to present Villas at Creasy Springs for their approval. The site was located within the City of Lafayette's boundaries more specifically on the west side of Creasy Lane north of the intersection of St. Rd. 38 and Creasy Lane. The site consisted of approximately 7.20 acres within the overall 15 acre Trilogy campus site. Due to the location within the city limits, the Board's concern today was discharge to the Wilson Branch of the S.W. Elliott Regulated Drain only. The project would utilize the existing detention facility as well as the outlet structure to said Wilson Branch. The release rates were set for the overall 15 acre site and approved in 2009 by the Board. The existing detention facility would be modified to meet the previously approved 10.79 cfs for a ten year storm event and 21.67cfs for the 100 year storm event. The existing outlet of the detention facility discharged directly into the Wilson Branch of the S.W. Elliott Drain. Mr. Kuns stated there would be no other direct discharge locations from this site into said drain branch. He reviewed the project utilizing G.I.S. He noted they were requesting a reduction in the drainage easement from 75 feet to 30 feet. This was due to the planned location of three units on the west side of the site. A trail was planned to circle the facility and an encroachment into the regulated drain easement was presented for approval as required. A maintenance agreement was also submitted which stated the owners would be responsible to maintain the portion of the ditch reflected within the agreement. He requested approval at that time. The Surveyor reiterated the site was located in the Lafayette city limits therefore approval of the discharge rate was the Board's only concern today. He stated he had reviewed the Maintenance Agreement and Petition to Encroach and approved as submitted. He then recommended approval with the conditions as stated in the April 29, 2015 Burke memo. Commissioner Murtaugh made a motion to approve the Maintenance Agreement and the Petition to Encroach on the Wilson Branch of the S.W. Elliott Regulated Drain. Commissioner Brown seconded the motion. Motion carried. Commissioner Murtaugh made a motion to grant approval with the conditions as stated on the April 29, 2015 Burke memo. Commissioner Brown seconded the motion. Motion carried.

**Gild Estates**

Kyle Betz with Fishers and Assoc. appeared before the Board to present Gild Estates for approval. The site was located east of Interstate 65 (I65) on the south side of Co. Rd. 200 North and consisted of approximately 9.5 acres. He stated this would be a highly vegetated development as only 6 tracts were planned on the 9.50 acres. He noted runoff would be routed through the site via culverts and swales through a dry detention basin in the southwest corner into the I65 right of way and ultimately to Wildcat Creek. He stated at this time they were waiting on INDOT's approval for the discharge into the right of way of I65. He did not anticipate any issues as the runoff naturally routes that direction currently. He stated they agreed with the conditions as stated on the April 29, 2015 Burke memo and requested approval. The Surveyor stated this was a direct release to the Wildcat Creek and the INDOT approval was required prior to final approval. He further stated the requirements listed in Item #7 under Stormwater Quantity on the April 29, 2015 Burke memo MUST be included on the final plat as stated. The Surveyor then recommended conditional approval as stated on the April 29, 2015 Burke memo. Commissioner Brown made a motion to grant conditional approval as stated on the April 29, 2015 Burke memo. Commissioner Murtaugh seconded the motion. Motion carried.

**New East Branch Library**

Robert Langager with the Schneider Corp. appeared before the Board to present the New East Branch Library for their approval. The site was located at the northeast corner of the intersection of Co. Rd. 550East and Co. Rd. 50South immediately north of the Berlowitz Regional Detention facility and consisted of 2.74 acres. He stated originally the site runoff outlet directly to the Berlowitz facility; however the existing outlet would be removed. The site runoff would be routed through newly designed storm sewers and inlets ultimately discharging into the Berlowitz Regulated Drain ditch (north side of Co. Rd. 50South). He stated the site was exempt from detention however provisions were made for water quality. The Surveyor stated in the EXISTING condition a portion of the Lexington Farms Development's runoff routed across this site into a tile under Co. Rd. 50South into the first Berlowitz facility located at the southeast corner of Co. Rd. 50 South and Co. Rd. 550East. In the PROPOSED condition (after development of the East Branch Library), the runoff would be re- routed and discharged into the open ditch located on the north side of Co. Rd. 50South. Due to the proposed route, an offsite drainage easement along with a maintenance agreement would be required to be submitted for the record by the developer. Robert Langager interjected a change in the emergency routing path had been made and the exhibit for such would be submitted for review. He stated the emergency routing path would continue north and east and outlet just south of the first lot as in existing condition currently. He noted there was an existing approved easement with the adjoining landowner for this. Dave Eichelberger stated the new routing information and exhibit had not been submitted to his office for review and as such the May 1, 2015 Burke memo did not reflect the revision Mr. Langager stated. Responding to Commissioner Byers and the Surveyor's inquiries regarding credit for storage in the Berlowitz facility, Mr. Eichelberger stated a review of the signed Berlowitz Storage Agreement - Credit of Fees (with Derrin Sorenson- Developer) would determine this. He would inform the Surveyor the outcome once the agreement was reviewed. The Surveyor reminded the Board Mr. Sorenson gave the County a tract of land for the planned Berlowitz storage facility in exchange for storage credits within the facility -of future projects. It would be determined if this tract was included in the agreement prior to final approval granted. Responding to Mr. Byer's inquiry, Mr. Eichelberger sated the current routing plan would not cause problems in the future. He noted, in essence detention is overly detained in the south so that detention in the north may be undetained. Mr. Langager stated a signed Petition and Maintenance Agreement would be submitted to the Surveyor's office for review prior to final approval. The Surveyor recommended conditional approval as stated on the May 1, 2015 Burke memo. Commissioner Brown made a motion to grant conditional approval as stated on the May 1, 2015 Burke memo. Commissioner Murtaugh seconded the motion. Motion carried.

**Zach Beasley**

The Surveyor informed the Board his office's current work schedule regarding tile maintenance. He noted 6-10 tiles daily are being repaired due to tile holes. He has two crews working on tile repairs at this time.

**Alonzo Taylor#77 Reconstruction Project Bid Award**

Commissioner Murtaugh made a motion to award the Alonzo Taylor #77 Reconstruction project to Maxwell Farm Drainage Inc. in the amount of \$109,495.25. Commissioner Brown seconded the motion. Motion carried.

**Public Comment**

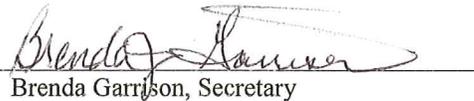
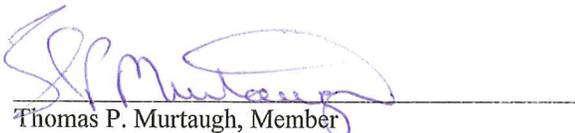
As there was no public comment, Commissioner Brown moved to adjourn. The meeting was adjourned.



David S. Byers, President



Tracy Brown, Vice President

  
Brenda Garrison, Secretary  
Thomas P. Murtaugh, Member

**Tippecanoe County Drainage Board**  
**June 3, 2015**  
**Regular Meeting Minutes**

**Those present were:**

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

**Approval of Minutes**

Thomas Murtaugh made a motion to approve the May 6, 2015 regular minutes as written. Tracy Brown seconded the motion. Motion carried.

**Clymer Norris #122 Regulated Drain Tile Reconstruction**

The President referred to Attorney Mathew Salsbery to open the Clymer Norris #122 Regulated Drain Reconstruction Contractor Bids submitted to the Drainage Board for consideration. Attorney Salsbery noted there were four bids submitted regarding the Clymer Norris #122 Regulated Drain Reconstruction. The first bid opened was submitted by Bedino Construction Company- Terre Haute Indiana in the amount of \$126,838.00; the second bid submitted by Maxwell Farm Drainage LLC-Crawfordsville Indiana in the amount of \$76,745.00; the third bid submitted by Central Indiana Drainage-West Lafayette Indiana in the amount of \$83,939.50; the fourth and last bid submitted was by Atlas Excavating- West Lafayette Indiana in the amount of \$194,309.00. Comm. Murtaugh made a motion to take all bids under advisement. Comm. Brown seconded the motion. Motion carried. The President thanked the Contractors for the submissions and noted the bids would be reviewed for compliance and awarded at end of this meeting.

**Auburn Meadows**

Jim Pence from Schneider Corporation appeared before the Board to present the Auburn Meadows project for approval. The site was located on the east side of Co. Rd. 50 West (aka Salsbury Road) south of Co. Rd. 500 North and consisted of approximately 85 acres. He stated he had received the May 29, 2015 Burke Review Memo and was in the process of addressing the conditions as stated on the memo. He noted they had received Department of Natural Resources Approval (DNR) for the planned outlet into the unnamed tributary of the Grant Cole #19 County Regulated Drain. He stated they were staying out of the area on the site designated as floodplain. Planned for the overall subdivision were 222 lots. This phase of the overall project would be known as Section 1 and would involve 78 lots. He then requested conditional approval for the Master Plan and Section 1 of said plan. The Surveyor stated the presentation today regarded approval of the project's Master Plan in addition to specifically Section 1 only of the overall Master Plan. He noted a variance was requested regarding Chapter 8: Channel Protection Volume and Water Quality Volume. He recommended the requested variance and conditional approval as stated on the May 29, 2015 Burke memo. Comm. Murtaugh made a motion to grant conditional approval as stated on the May 29, 2015 Burke memo for the overall site's Master Plan. Comm. Brown seconded the motion. Motion carried. Comm. Murtaugh made a motion to grant a variance as noted on the May 29, 2015 Burke memo. Comm. Brown seconded the motion. Motion carried. Comm. Murtaugh made a motion to grant conditional approval for Section 1 of the overall Master Plan as stated on the May 29, 2015 Burke memo. Comm. Brown seconded the motion. Motion carried. There was no public comment.

**Greater Lafayette Chinese Alliance Church**

Kyle Betz of Fisher and Associates appeared before the Board to present the Greater Lafayette Chinese Alliance Church project for approval. The site was located on the south side of Co. Rd. 250 North west of Klondike Road and consisted of approximately 4 acres. Mr. Betz noted the site was specifically located at the northwest corner of Lindbergh Village Subdivision. The site plan was designed with two parts in mind, first part as a primary construction site and a second part for the future 2<sup>nd</sup> phase construction (currently the phase 2 timeline was undetermined). An approximate third of the site drained to the northwest -into a portion of the Indian Creek Drainage Impact Area; however the runoff's cfs impact would be reduced from the current amount draining into the impact area. The remainder of the site (approximate 2/3) drained into Lindbergh Village Subdivision's existing drainage infrastructure. Rear yard inlets adjoining the project site and located within the

Lindberg Village Subdivision would route the project's runoff throughout the Lindberg Village Subdivision infrastructure. He noted due to this, owners, contractors and Lindberg Village Home Owners Association met and discussed the drainage plan for the church project. He noted a couple of the Lindberg Village lot owners whose rear lots were affected by this plan met with the owner and contractors to discuss the developer's planned drainage. He stated he thought the landowner's concerns were addressed adequately. He would submit document verification by the parties affected. At that time Mr. Betz requested approval from the Board.

The Surveyor stated under the "Stormwater Quantity" portion of the May 29, 2015 Burke memo- "Items #1 and #2"- must be addressed prior to his signature on plans. As a public safety issue, he would not move forward until the items were addressed. Mr. Betz noted the owner was aware of the requirement and currently working on submitting the documents for future reference if needed. Mr. Betz stated the emergency routing verification would be provided. The Surveyor interjected and stated he felt it would be necessary for the area to be surveyed to insure no modifications have been made since the "As Built Plans" for Lindberg Village were recorded. The Surveyor stated the portion of the site which drained into the Indian Creek Impact Area was an insignificant amount. He directed Mr. Betz to discuss the site's entrance with Tippecanoe County Highway Department to eliminate any concerns they may currently have. Mr. Betz agreed to discuss as soon as possible with the Highway Department. The Surveyor recommended approval with conditions as stated on the May 29, 2015 Burke memo in addition to the added condition of surveying the emergency routing area to insure no modifications had been made since recording of the adjoining development's plans, Lindberg Village. Comm. Brown made a motion to grant conditional approval as stated in the May 29, 2015 Burke memo in addition to the Surveyor's condition of the emergency routing area to be surveyed. Comm. Murtaugh seconded the motion. Motion carried.

Comm. Byers asked for public comment. Kristin Perkis 2460 Hopkins Drive West Lafayette approached the Board. She stated her lot was one of the lots (third lot from intersection) with an existing inlet which runoff from the Greater Lafayette Chinese Church project site would outlet into. She stated her husband and she was in the process of building a fence in their rear yard and had met with the developer and contractor concerning the issue. They were told the fence project would not interfere with the infrastructure/outlet plans. She noted she had written a letter to the Drainage Board addressing concerns and submitted the aforementioned letter for the official record. (The letter will be added to the minutes at end of this transcript and scanned into the digital project file) She provided a copy of the letter to Mr. Betz of Fisher and Associates as well. The Surveyor informed Mrs. Perkis that he took these issues very seriously and would not sign off on the final plans until he was satisfied the developer met all the conditions as safety was of the utmost importance to him. He assured her he would not compromise with public safety as he took this very seriously. He thanked her for her comments. She thanked the Board for their time.

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

#### **New East Branch Tippecanoe County Library/Petition to Encroach & Maintenance Agreement/Berlowitz Regulated Drain #08**

The Surveyor presented a Petition to Encroach and Maintenance Agreement regarding the Berlowitz Regulated Drain and the New East Branch Tippecanoe County Library project, submitted by Schneider Corporation. He stated his office had reviewed both documents and recommended approval. Tom Murtaugh made a motion to approve the Petition to Encroach for the Berlowitz Regulated Drain #08 as submitted. Tracy Brown seconded the motion. Motion carried. Tom Murtaugh made a motion to approve the Maintenance Agreement on the Berlowitz Regulated Drain as submitted. Tracy Brown seconded the motion. Motion carried.

#### **Bob Rohrman Auto Group Expansion/Petition to Encroach and Reduction in Easement/Wilson Br. S.W. Elliott Regulated Drain #100**

The Surveyor presented A Petition to Encroach and Reduction in Easement on the Wilson Branch of the S.W. Elliott Regulated Drain #100 for the Bob Rohrman Auto Group project submitted to his office by Bunnell Land Survey and Engineering for approval by the Board. Tracy Brown made a motion to approve the Petition to Encroach and the Reduction in Easement regarding the Wilson Branch of the S.W. Elliott Regulated Drain #100 as presented. Tom Murtaugh seconded the motion. Motion carried.

#### **G.E. Aviation/Petition to Encroach J.N. Kirkpatrick Regulated Drain #46**

The Surveyor presented a Petition to Encroach on the upper end of the J.N. Kirkpatrick Regulated Drain #46 to the Board which was submitted for approval by Schneider Engineering on behalf of Wintek. He noted he reviewed the document and

recommended approval by the Board. Tom Murtaugh made a motion to grant approval of the Petition to Encroach on the upper end of the J.N. Kirkpatrick Regulated Drain #46 as presented. Tracy Brown seconded the motion. Motion carried.

#### **Clymer Norris Regulated Drain #122 Reconstruction Project Bid Award**

The President referred to the Attorney for announcing the Clymer Norris Regulated Drain #122 Reconstruction Project lowest bid. Atty. Salsbery stated Maxwell Farm Drainage Inc. submitted the low bid in the amount of \$76,745.00. He noted the Bid was in compliance with the contract as written. Tom Murtaugh made a motion to award the Clymer Norris Regulated Drain #122 Reconstruction Project to Maxwell Farm Drainage Inc. in the amount of \$76,745.00. Tracy Brown seconded the motion. Motion carried.

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

The Surveyor asked the Board to set dates for three Public Landowner Hearings regarding the regulated drains. He requested the following: The Peter Rettereth Regulated Drain #66 Reconstruction for August 5<sup>th</sup> 2015, Ann Montgomery Regulated Drain #56 Maintenance Increase for September 2, 2015 and Gustav Swanson #76 Regulated Drain Maintenance Increase for October 7, 2015 and each hearing to immediately follow the scheduled regular meetings on these dates. Tom Murtaugh made a motion to set dates for the Peter Rettereth Regulated Drain #66 Reconstruction on August 5<sup>th</sup> 2015, Ann Montgomery Regulated Drain #56 Maintenance Increase on September 2, 2015 and Gustav Swanson #76 Regulated Drain Maintenance Increase on October 7, 2015 and that the hearings were to immediately follow the scheduled regular meetings on said dates. Tracy Brown seconded the motion. Motion Carried.

#### **Moses Baker Regulated Drain #114**

The Surveyor presented a slide show of the dredging, clearing maintenance work recently completed on the Moses Baker Regulated Drain. The location of the slides was Co. Rd. 1000 South and Co. Rd. 500 East. The pictures were taken from the Bridge on Co. Rd. 500 East just north of Co. Rd. 1000 South. He stated the ditch would function much better now that it had been cleared of the trees in that area.

#### **Alonzo Taylor#77 Regulated Drain Reconstruction**

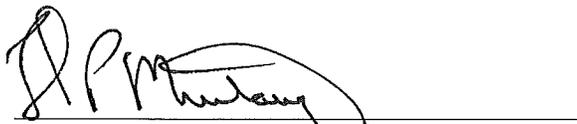
The Surveyor informed the Board the Alonzo Taylor#77 Regulated Drain Reconstruction project would begin at the first of the upcoming week with tile replacement.

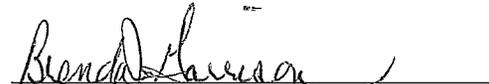
#### **Public Comment**

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

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

  
\_\_\_\_\_  
Tracy Brown, Vice President

  
\_\_\_\_\_  
Thomas P. Murtaugh, Member

  
\_\_\_\_\_  
Brenda Garfison, Secretary

**Tippecanoe County Drainage Board**  
**January 06, 2016**  
**Regular Meeting Minutes**

**Those present were:**

Tippecanoe County Drainage Board President Tracy Brown, Vice President Thomas P. Murtaugh, member David S. Byers, 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.

**Election of Officers**

Attorney Doug Masson opened the floor to accept nominations for the 2016 Drainage Board President. David S. Byers made a motion to elect Tracy Brown as the 2016 Drainage Board President. Thomas P. Murtaugh seconded the motion. Motion carried. David S. Byers made a motion to elect Thomas P. Murtaugh as Vice President. Tracy Brown seconded the motion. Motion carried.

**Appointment of Secretary**

David S. Byers made a motion to appoint Brenda Garrison as the 2016 Drainage Board Secretary. Thomas P. Murtaugh seconded the motion. Motion carried.

**2016 Legal Services Contract**

Thomas P. Murtaugh made a motion to approve the 2016 Hoffman Luhman and Masson PC Legal Services Contract as presented. David S. Byers seconded the motion. Motion carried.

**Approval of Minutes**

David S. Byers made a motion to approve the December 9, 2015 Drainage Board Regular minutes as well as the December 9, 2015 Drainage Board Lydia Hopper #124 Regulated Drain Hearing. Thomas P. Murtaugh seconded the motion. Motion carried.

**Kirkpatrick One #96 Regulated Drain Maintenance Contract Bid Opening**

The Attorney stated the following regarding Maintenance Contract of the Kirkpatrick One #96 Regulated Drain. One bid was received by Tony Garriott in the amount of \$9,581.00. Thomas P. Murtaugh made a motion to take the bid under advisement and award at the end of meeting if all documents were in order. James Butcher, Surveyor's office Project Manager was to review the contract documents for approval by the Board. David S. Byers seconded the motion. Motion carried.

**Samuel (S.W.) Elliott Regulated Drain #100-Branch #12 Maintenance Contract Bid opening**

The Attorney reiterated the regulated drain was named Samuel W. Elliott not Southwest Elliott- as the drain has been referred to from time to time in the past. He stated the following contract bids were received for a maintenance contract of the S.W. Elliott #100 Branch #12; Milestone Contractors submitted a bid in the amount of \$18,895.00- Tony Garriott submitted a bid in the amount of \$3,835.00. Thomas P. Murtaugh made a motion to take the bids under advisement and award the maintenance contracts if all documents were in order at the end of meeting. James Butcher, Surveyor's office Project Manager was to review the contract documents for approval by the Board. David S. Byers seconded the motion. Motion carried.

**Zach Beasley**

**S.W. Elliott Regulated Drain #100 Petition to Encroach**

The Surveyor presented a Petition to Encroach and a Maintenance Agreement on the Wilson Branch (aka Treece Meadows) of the S.W. Elliott Regulated Drain #100 submitted to his office by Del Real Auto Sales owner Tony Del Real. Responding to Mr. Murtaugh's inquiry, the Surveyor stated he worked with Mr. Del Real on the petition. The area in question was the east bank of said ditch on the north side of State Road 38. The dealership put up multiple lights to curve vandalism. Due to a snafu in the process of construction, the poles were placed along the bank of the ditch prior to approval by the Surveyor office. It was agreed they would care and mow the ditch bank at their location. The Surveyor stated while it is closer than he liked to see, he felt it would not be a problem. This was similar to the Bob Rorhman site south of the Wilson Ditch. Twenty (20) feet has been the precedence set historically by the Board. The poles currently sit approximately 7 feet from top of bank. He requested approval of the Petition as presented. Thomas P. Murtaugh made a motion to approve the Petition to Encroach and Maintenance Agreement submitted by Tony Del Real for the Wilson Branch of the S.W. Elliott Regulated Drain #100.

David S. Byers seconded the motion. Motion carried. Responding to Tracy Brown, the Surveyor noted there were numerous areas along the S.W. Elliott Regulated Drain which the business owners mow the ditch bank in their location.

### **Drain Reconstruction projects**

#### **Waples-McDill and J.B. Anderson Regulated Drains**

The Surveyor reviewed Indiana Drainage Code requirements for Reconstruction Assessment collections to the Board. He noted the ten (10) percent interest penalty assessed to the landowner ( if their total assessment for reconstruction was not paid within the first twelve (12) months of receipt of mailing) was a hindrance to getting a reconstruction cost approved by the landowners. The cost of the project was not necessarily the issue; the ten (10) percent penalty if not paid in first twelve (12) months was the issue for the landowners. He stated other counties were looking at several funding sources for drain reconstructions to avoid a reconstruction payment penalty. After several requests from landowners, he met with Attorney Masson and discussed county funding sources which could possibly be used for drain reconstructions. The sources discussed but not limited to: EDIT, Rainey Day and possibly borrowing funds from a local bank.

He stated he would like direction given to him regarding pursuit of funding today if at all possible. He had a reconstruction planned for the Waples McDill Drain (Hearing to be set for April 2016 - landowners voted to proceed in an unofficial meeting Feb. 2016) with a \$475 per acre assessment for a total of approximately \$700,000.00. The Waples McDill Reconstruction would be the most expensive to date since he took office. He noted the benefited landowners expressed their desire to reconstruct the drain in such a way that many future generations benefit from good drainage as well. They did say however they preferred to funding from a different source than the General Drain Improvement Fund (GDIF). Even if that meant borrowing from a bank and pay the bank back at a lesser interest rate. They implored the Surveyor to investigate additional ways of funding these projects. He stated he would like to offer a different funding source if at all possible for the reconstruction.

He noted the future J.B. Anderson Reconstruction project was not as urgent. He reiterated until a way of financing is found without interest penalty; the benefited landowners would not approve the project. He stated until he has an answer for another source of funding he would not be meeting with the landowners benefited as it would not be favorable.

Responding to Thomas P. Murtaugh's inquiry, the Surveyor noted there was no current legislation to lower the rate in the future. Just last year the Bartholomew County Drainage Board and their County Surveyor (25 years plus in office) drafted legislation eliminating the ten (10) percent interest penalty within the Drainage Code reconstruction process. It did not see the light of day. Responding to Thomas P. Murtaugh's inquiry, the Surveyor stated due to smaller or rural county's lack of financing of the General Drain Improvement- use of these monies by depositing them in their General Drain Improvement Fund accounts discouraged any change in the CODE at this time. He referred to Attorney Masson for further discussion. Attorney Masson reviewed the financial reconstruction payments process-payable in one year or spread over five (5) years with interest penalty. The Code also provides an alternative for a construction loan from a bank. This alternative keeps the five (5) year repayment schedule, however the County may choose to absorb the interest charges of the bank loan thereby saving the landowner's interest fees. Regarding repayment over five (5) years, there is a section in the Code which discusses the use of bonds – along with all the government bureaucracy to go with it (expensive option). He noted with the General Drain Improvement fund the Code allows gifts and grants from sources to the fund to assist with fees regarding drain maintenances and reconstructions. Council appropriating the funds from EDIT to the General Drain Improvement funds would be considered in this category. Another option would be to use Economic Development funds. Using EDIT funds would still require going through the legal reconstruction process and could include or exclude interest rates. Landowners would sign agreements set by the County Drainage Board regarding a repayment schedule of five (5) to ten (10) years. Those assessment monies would reimburse the EIDT fund from which the reconstruction was paid. The agreement could be written to account for the risk of interest rates changing over a ten (10) year period. The agreement would be offered to all benefited landowners on each specific project. He stated setting a policy on what cases would qualify and required steps to take when utilizing EDIT or Build Tippecanoe Funds should be established by the Board prior to utilizing a funding source other than the Drain funds. Discussion was then held on what the baseline requirements could be for use of funds other than Drain Funds. Another option would be to setup a revolving fund just for the large reconstruction projects that are upcoming in the near future. Responding to David S. Byers, the Surveyor noted the agricultural tiles currently in the ground have lasted twice their life expectancy; therefore this is a real issue at hand. He reminded the Board the GDIF was not exclusive for reconstructions. This fund also pays for maintenance on multiple county maintained regulated drains. When a drain's maintenance fund does not have enough money to pay for the maintenance, it would be paid from the GDIF and repaid as assessments are collected for that drain. So this fund does not only exist for reconstructions, it is also there to back up the maintenance funds for each drain. The amount of reconstruction costs are increasing due to size of pipes, size of watersheds and inflation. Responding to Mr. David S. Byer's inquiry, the Surveyor stated on an average year, the GDIF has a total of \$400-\$600,000 in expenditures and \$300-\$400,000 receipts. He noted the Urban Regulated Drain projects he planned on

using the Build Tippecanoe Funds for reconstructions. Historically for Economic Development purposes, we have used EDIT monies for these types of drains. The Attorney reiterated the process, an estimate is completed by the Surveyor which may or may not be the final cost. Each landowner is assessed a certain percentage depending on amount of benefited acreage indicating their portion to pay. Once assessments for a regulated drain reconstruction have been certified by the Auditor, the percentage and per acre/lot/minimum amount indicated on the certification is billed to the taxpayer. President Tracy Brown suggested the Surveyor contact his surveyors across the state to inquire if a policy has been set by their county similar to the needs at this time.

The Surveyor requested to form a subcommittee from the Board including himself, the Attorney and a Board representative to meet before the February Drainage Board meeting to discuss the issue, form verbiage for adoption of an ordinance and/or resolution for Reconstructions Funding Options. Thomas P. Murtaugh made a motion to nominate President Tracy Brown to serve on the subcommittee along with the Attorney and the Surveyor. David S. Byers seconded the motion. Motion carried.

#### **Storage Fees Detention Basins**

Regarding Drain Storage Basins, it was never the County's intention that the entire amount spent would be reimbursed. The required storage fees (\$15,000.00 per cubic foot) for developments are intended for future maintenance of that basin. On these particular reconstructions the monies come directly from EDIT or Build Tippecanoe Funds. Responding to Tracy Brown's inquiry, the Attorney stated the form of repayment would be stated within the Findings and Order of the Board.

#### **Joint Board Request /Montgomery County**

The Surveyor presented a letter received from the Montgomery County Drainage Board regarding the George Barnett/William Grimes Joint Legal Drains. The letter requested Tippecanoe County Drainage Board appoint two members to serve on a future Joint Drainage Board landowner hearing regarding the aforementioned drains. Responding to inquiry, the Surveyor noted, the letter did not state a date or time for the hearing. Thomas P. Murtaugh made a motion to grant the President authority to appoint two members from the Board once the date and time was confirmed. David Byers seconded the motion. Motion carried.

#### **Waples McDill Regulated Drain Reconstruction Hearing**

The Surveyor requested an April 2016 Drainage Board Reconstruction Hearing on the Waples McDill #85 Regulated Drain. Thomas P. Murtaugh made a motion to set the Waples McDill #85 Regulated Drain Reconstruction Hearing on April 6, 2016 to immediately follow the Regular Drainage Board meeting scheduled that day. David Byers seconded the motion. Motion carried.

#### **Contract(s) Award**

##### **Kirkpatrick One #96 Regulated Drain Maintenance Contract Bid Opening**

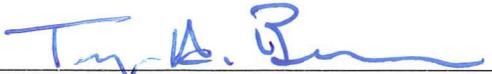
Thomas P. Murtaugh made a motion to award the maintenance contract regarding Kirkpatrick One #96 regulated drain maintenance to Tony Garriott in the amount of \$9,581.00. David Byers seconded the motion. Motion carried.

##### **S.W. Elliott Regulated Drain #100-Branch #12 Maintenance Contract Bid**

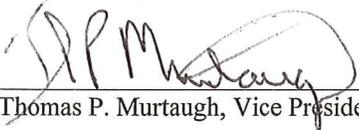
Thomas P. Murtaugh made a motion to award the maintenance contract for the S.W. Elliott Drain #100-Branch #12 regulated drain maintenance to Tony Garriott in the amount of \$3,835.00. David Byers seconded the motion. Motion carried.

#### **Public Comment**

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



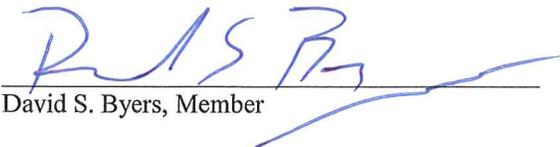
Tracy Brown, President



Thomas P. Murtaugh, Vice President



Brenda Garrison, Secretary



David S. Byers, Member

**Tippecanoe County Drainage Board**  
**July 6, 2016**  
**Regular Meeting Minutes**

**Those present were:**

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

**Approval of Minutes**

Thomas Murtaugh made a motion to approve the June 1, 2016 Drainage Board Meeting Minutes. David Byers seconded the motion. Motion carried.

**Wireless Network Solutions Lot 8 52 South Industrial**

President Tracy Brown informed the Board the Wireless Network Solutions Lot 8 52 South Industrial would not be presented to the Board today. This item was pulled from the Agenda.

**Caterpillar Warehouse Distribution Center**

Robert Langager appeared before the Board and presented the Caterpillar Warehouse Distribution Center for approval. The site was located within the City of Lafayette more specifically on the northeast corner of Veterans Memorial Parkway and County Road 500 East- south of the I.U. Hospital location and consisted of approximately 27 acres. A 6 acre building was proposed with an additional expansion at a later date. The site's runoff discharged to the Berlowitz Detention Facility via two aqua-swirl mechanical water quality units. He noted discussions were held with the drainage consultants regarding stormwater quantity and added there would be some onsite detention on this tract. Responding to David Byer's inquiry, Mr. Langager confirmed the site was modeled for future growth as well. He requested approval at that time. The Surveyor stated the onsite detention basin would assist to control the extra runoff discharge from the east. The design did meet the capacity of the storm sewer system along Veterans Memorial Parkway. He noted their review today was only discharge of the site as it was located within the City of Lafayette limits. He stated there were no variances associated with this project. He recommended approval with the conditions as stated on the June 30, 2016 Burke memo. There was no public comment.

Thomas Murtaugh made a motion to grant approval with the conditions stated on the June 30, 2016 Burke memo. David Byers seconded the motion. Motion carried.

**Zach Beasley**

**S.W. Elliott Drain #100/ D.N.R. David Knipe- Flood Maps/Elevations- Status Update**

The Surveyor informed the Board a gaging station located on the S.W. Elliott drain at the northeast corner of the County Highway Garage on Brady Lane. It is time for the annual renewal of the Joint Funding Agreement Contract with the U.S Department of the Interior /U.S.G.S. Geological Survey. He stated he knew progress had been made on the revisions of Flood Elevation maps by DNR for this area. The area was from Concord Road to just east of Ivy Tech. The cost to the County was \$9200.00 this term. (October 1, 2016- Sept. 31, 2017) It was noted in 2014 to revisit the issue in a couple years and re-evaluate the need of the devise. He stated he felt it prudent to invite David Knipe of D.N.R. to address the Board regarding the status of the aforementioned maps. This was the best way to determine whether to continue the agreement or not. He will make a recommendation to the Board at the meeting in August. The said agreement must be signed and returned by October 1, 2016. The Surveyor welcomed Mr. Knipe and thanked him for his time here today information the Board regarding the Flood Maps/Elevation Revisions in process. David Knipe approached the Board and stated the flood map updates project has been completed. However the legal process which is required to adopt the revised flood maps includes FEMA's approval. This has caused a longer process than expected due to issues which include funds within FEMA. The publication of registering the revised maps through FEMA has been completed and notices for the Newspaper will be published July 7 and 14, 2016. After the second notice on July 14, 2016 the 90 day appeal process begins. A letter of final determination will be issued once the 90 day appeal process and a review of -any comments /complaints received during this period has been completed. Mr. Knipe stated it would be approximately the latter part of December 2016 or first part of 2017. Once this is completed there is a 6month conversion process for communities to update ordinances and maps printed and digitized. The date for the availability of the revised flood elevation maps will be approximately July 2017. Mr. Knipe stated if the contract for the gaging station was not continued through 2017, D.N.R. would remove the equipment but leave the housing for possible future use. The data which the station has previously compiled was reviewed during this revision process of the flood maps. Any further data accumulated could be used in the future for additional revisions of the maps. He

noted if the gage station is removed, then an additional installation cost would be added to any future contract for it again. The Surveyor noted the original cost of installation was \$12,000. Responding to David Byers inquiry, Mr. Knipe stated the statute requires a review of the flood maps every five years. However funding is not available to review the flood maps for the entire stated that frequently. The Surveyor would invite landowners who have been involved with the S.W. Elliott Gaging Station to date to the August 3, 2016 meeting of the Board. The Surveyor stated he would give his final recommendation to the Board regarding continuation of the Funding Agreement for Water Resource Investigation contract between the U.S. Dept. of Interior/ U.S. Geological Survey and the Drainage Board during the August or September 2016 Drainage Board meeting. Thomas Murtaugh thanked Mr. Knipe for his efforts and all his assistance during this process of the flood maps review. There were no land owners present.

**RESOLUTION #2016-02-DB: CERTIFICATION OF ASSMNTS. OF WAPLES MCDILL #85 RECONSTRUCTION**

Doug Masson Atty. presented Resolution 2016-02-DB Certification of Assessments of Waples McDill #86 Reconstruction. The resolution solidifies the reconstruction financing options for benefited landowners who reside within the Waples McDill #85 watershed. The Treasurer is directed to provide landowners with notice of Reconstruction Financing availability along with repayment forms as necessary. He noted the refinancing notice and the additional financial option documents were in draft form. The Treasurer and Attorney Masson would finalize these documents as soon as possible. This resolution (required by statute) certifies the reconstruction costs of the Regulated Drain as stated at the Surveyor's Estimate and will be filed with the Auditor as required and the Auditor provides the information to the Treasurer. The Surveyor stated considering the benefited landowner's individual cost of the project - he felt this was a good option to lessen the financial burden to them. He thanked the Board and the Attorney for their work on this issue. Landowners benefited by the reconstruction of said drain have contacted the Surveyor regarding utilization of the additional financing option.

Thomas Murtaugh made a motion to approve Resolution #2016-02-DB as presented by the Attorney. David Byers seconded the motion. Motion carried.

**ZACH BEASLEY / OTHER BUSINESS**

**S.W. Elliott #100 Petition to Encroach /Vectren Gas Company**

The Surveyor stated he had a Petition to Encroach on the S.W. Elliott Regulated Drain #100. The location of the encroachment was on Veterans Memorial Parkway just north of SR.38 on the west side of Veterans Memorial Parkway. David Byers made a motion to approve the Petition to Encroach on the S.W. Elliott Regulated Drain submitted by Vectren. Vectren would be boring a gas line under the existing S.W. Elliott Regulated Drain. He recommended approval to the Board. David Byers made a motion to approve the Petition as presented by the Surveyor. Thomas Murtaugh seconded the motion. Motion carried.

**Bonds:**

**Blackthorne Phase 3 Subdivision Maintenance Bond**

The Surveyor presented Maintenance Bond #76649195 in the amount of \$12,609.30 submitted by Midwest Paving and written by Zurich American Insurance regarding the Blackthorne Phase 3 subdivision for approval.

David Byers made a motion to approve the Petition as presented by the Surveyor. Thomas Murtaugh seconded the motion. Motion carried.

**Tippecanoe County East Branch Library Maintenance Bond**

The Surveyor presented Maintenance Bond #7664481 in the amount of \$28,300 submitted by Mattcon General Contractors and written by Ohio Farmers Insurance regarding the Tippecanoe County Library East Branch project for approval.

Thomas Murtaugh made a motion to grant approval for the Tippecanoe County Library East Branch as presented by the Surveyor. David Byers seconded the motion. Motion passed.

**S.W. Elliott #100 Regulated Drain Wilson Branch Petition to Encroach**

The Surveyor presented a Petition to Encroach on the S.W. Elliott #100 Wilson Branch Regulated Drain submitted to him by Trilogy Healthcare. The encroachment was located on Trilogy Healthcare site- on the west side of Creasy Lane immediately west of St. Elizabeth Hospital. The petition along with a maintenance agreement was previously approved by the Board. However, during construction it became evident they would need a chain link fence along the approved walking path. For this reason the Petition was revised to reflect the addition of the fence as well. He recommended approval of the revised encroachment petition as presented.

Thomas Murtaugh made a motion to approve the Petition to Encroach on the S.W. Elliott Regulated Drain Wilson Branch as presented. David Byers seconded the motion. Motion carried.

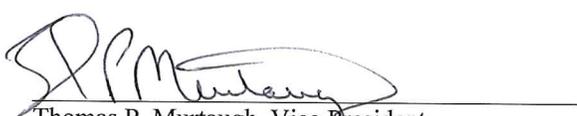
**Project Update**

The Surveyor informed the Board the Waples McDill #85 Regulated Drain Reconstruction project was ¾ completed. He stated he was pleased with the progress considering the rain we have had the first few weeks into the project.

**Public Comment**

As there was no public comment Thomas Murtaugh made a motion to adjourn.

  
\_\_\_\_\_  
Tracy Brown, President

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

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

ABSENT  
\_\_\_\_\_  
David S. Byers, Member

  
\_\_\_\_\_  
EVAN WARNER, GIS TECH.

**Tippecanoe County Drainage Board**  
**August 3, 2016**  
**Regular Meeting Minutes**

**Those present were:**

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

**Approval of Minutes**

Thomas Murtaugh made a motion to approve the July 6, 2016 regular Drainage Board meeting and the July 19, 2016 J.N. Kirkpatrick Regulated Drain #46 Upper End Extension Special Meeting as written. Tracy Brown seconded the motion. Motion carried.

**Zach Beasley/Other Business**

The Surveyor presented the 2016- 2017 S.W. Elliott Regulated Drain #100 Gaging Station Contract, a USGS Geological Joint Funding Agreement while noting it has been a cooperative effort between the Drainage Board and USGS for the past 7 years. He stated \$9775.00 was the County's portion for the station's monitoring during October 1, 2016 to September 31, 2017. He reminded the Board David Knipe of D.N.R. spoke in greater detail about this during their July 2016 meeting. He noted the area east and upstream of Concord had never had a flood elevation study. He noted since 1994 the County Area Plan Commission had been using a notification letter from D.N.R. as the official document detailing the 100 year flood elevations for the area upstream of Concord Road and Brady Lane. During the July Drainage Board meeting, Mr. Knipe noted that D.N.R. is currently in the last stages of implementing revised flood elevation maps for the entire area of Tippecanoe County. He stated the S.W. Elliott Regulated Drain Gaging Station data collection during the past seven years had been helpful during the process. The Surveyor recommended signing the USGS Geological Joint Funding Agreement for one more year- until which time the proposed FIRM maps become official. Responding to Tom Murtaugh's inquiry, the Surveyor noted that WREC (Wabash River Enhancement Corp) has an existing gage however it is located further downstream to the west in the Poland Hill Road area.

Tracy Brown asked for public comment. Pat Jarboe of TBIRD Design Services approached the Board and stated as an Engineer he sees the benefit of the flood elevation level lowered however he looks at these studies cautiously. Mr. Jarboe stated he felt it was a standardized approach to a fuzzy science. In small watersheds like the S.W. Elliott flooding usually occurs by blocking the flow in the ditch . susceptible to flooding that would not be due to rain events but more likely due to flow blockage from structures or downed trees etc. The Surveyor stated maintenance on the S. W. Elliott ditch is ongoing and removal of downed trees is common. The Surveyor stated there are two issues happening with this; a data issue and a policy issue. He is focusing on the policy side of the issue. On the policy side roughly \$90,000 over the last 7-8 years for data collection and felt the contract should be followed through for one more year then discontinue the station next year.

Tom Murtaugh made a motion to approve the Oct. 1, 2016 to Sept. 31, 2017 USGS Geological Joint Funding Agreement as presented. Tracy Brown seconded the motion. Motion carried.

**Petition to Reduce Easement/ Grant Cole Regulated Drain #19**

The Surveyor presented a Petition to Reduce an Easement on the Grant Cole Regulated Drain #19. The area for the reduction was located in the western quadrant of C.R. 600 North and C.R. 175 West. He noted the easement reduction is related to the actual location of the physical tile in the field. He recommended approval by the Board to reduce the easement from 75 foot on each side of the Grant Cole Regulated Drain tile to 30 feet as allowed by Indiana Code. Thomas Murtaugh made a motion to approve the reduction in easement for the Grant Cole Regulated Drain #19. Tracy Brown seconded the motion. Motion carried.

**Reconstruction Projects Update**

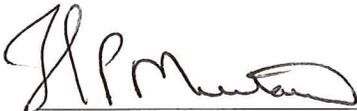
The Surveyor noted the Waples McDill #85 Reconstruction was 98% complete with only a few minor items to complete. The landowners within the watershed are happy with the work. The Ditch Spray program has been completed and the Surveyor noted he had received great feedback from the landowners on various ditches. Landowners have requested the spray data information to use on their private ditches as well. It confirms the fact they are pleased with the results.

**Public Comment:**

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



Tracy Brown, President



Thomas P. Murtaugh, Vice President

**ABSENT**

David S. Byers, Member



Brenda Garrison, Secretary/Absent  
Evan Warner, GIS Technician

**Tippecanoe County Drainage Board**  
**September 7, 2016**  
**Regular Meeting Minutes**

**Those present were:**

Tippecanoe County Drainage Board President Tracy Brown, Vice President Thomas P. Murtaugh, member David S. Byers, Surveyor Office Project Manager James Butcher (proxy for Surveyor), 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 with the Surveyor Office was also in attendance. County Surveyor Zachariah Beasley was absent.

**Approval of Minutes**

Thomas Murtaugh made a motion to approve the August 3, 2016 Drainage Board minutes. David Byers seconded the motion. Motion carried.

**Concord Ridge Subdivision**

Robert Langager from Schneider Corp. appeared before the Board to request approval for Concord Ridge Subdivision project. The site was located between Co. Rd. 450South (north side) and Co. Rd. 500South (south side) and consisted of approximately 70.4 acres. He noted the project was located across from the Roberts Ridge Subdivision. The site's runoff was routed onsite north and south through storm sewers and vegetated swales to two detention basins. One of the detention basins was located in the northern portion as a wet detention basin and one in the southern portion as a dry detention basin. The drainage plan routed the tract's southern portion runoff to the Ilgenfritz Branch of the Dismal Creek Regulated Drain. The northern portion ultimately outlet to the J.N. Kirkpatrick Regulated Drain and was located within the J.N. Kirkpatrick Drainage Impact Area; therefore this portion's runoff rate was more restrictive. The southern portion of the site was not under the restrictive runoff rates as it was not located within the said impact area. He presented the Petition to Encroach on the Ilgenfritz Branch of the Dismal Creek Drain to be approved as well by the Board. He then requested approval of this project. Project Manager James Butcher (proxy for Surveyor Beasley) informed the Board a variance to the runoff rate for the northern portion of the site was requested as well. Mr. Langager agreed. Mr. Langager noted the variance was related to the allowable release rates to the J.N. Kirkpatrick Ditch during the 10 and 100 year storm events. The projects planned drainage would lower the release rates which would directly impact Roberts Ridge Subdivision. Mr. Butcher reviewed the project site and plans utilizing the G.I.S. site for the Board and attendees. He recommended approval by the Surveyors office for the Petition to Encroach on the Ilgenfritz Branch of the Dismal Creek Drain. He recommended approval of the requested variance as recommended in the September 6, 2016 Burke memo. He stated the Surveyors office recommended approval with the conditions noted on the September 6, 2016 Burke memo for Concord Ridge Subdivision.

Tracy Brown asked for public comment on this project. Pam Roberts 3741 East 500South Lafayette Indiana 47909 approached the Board. Ms. Roberts stated the following: "my name is Pam Roberts, my little bitty subdivision is in the southeast corner across the road from said property and I would like to make the Board aware of the terrible drainage condition that continues to exist and has existed forever. Now what you see in the southeast corner is the low spot in that area. (Topographical) Now I have some pictures here to give you some idea of what's going on and what has been going on, if I may." (She presented pictures to the Board at that time.) "I have numbered these pictures and I will explain what they are. To note if you do not live in that area, you are not aware of these problems. This property has been farmed for I don't know how long and they put in a drainage tile without the County's approval. It seriously flooded my property for years. I continued to complain and got no resolution, because the ditching was terribly inadequate. Another problem you have is the water table is at 11 feet, which you don't know unless you live there and try to put in a basement. Now I don't know if they are going to put in a pond there in the southeast corner which was originally suggested to do, if that is still on the table I don't know." Project Manager James Butcher stated "It is. There will be a pond in the southeast corner of the development and that would outlet to a ditch which they are going to build that will take the water straight down" Pam Roberts stated "Right beside me, yes see what happens when you try to put in a pond when the water table is 11 feet?" Dave Eichelberger Engineer Consultant to the Board stated "It is going to be a dry pond as it is not going to be a wet pond" Pam Roberts stated "It will be wet when you dig down 11 feet you are going to hit water." Mr. Eichelberger stated they would not be digging down 11 feet. He noted there would be excavation and berming up at the site t nowhere near 11 feet. James Butcher stated they are not really digging down as they are more digging it back. At the south end it will have similar elevation and then they will peel back at the north end and get the storage that way. Pam Roberts's response:" Do you understand what the grade is on that property?" (Mr. Butcher responded- yes) I don't know if you have seen it, but I have a picture of the grade in there. Like picture #1 gives you a sense of the grade of the property and tells you how steep it is and how much water flows out of there.

#2 is the existing ditch which runs along the property which is very shallow as you can see in the picture. #3 Shows you the ah, I circled the drainage tile that was put in. That seriously caused problems as you can see by the picture of my driveway. It seriously floods every time it rains because of the amount of water that comes off that property and this is just the south half of the property- this isn't the whole property. This is just the amount of water that comes off the south half- which is a tremendous amount of water. #4 shows how far they dug the ditch to help, but they only ran the ditch through the Driscol's property which is next door to this. It ended at the Pilote property which is past the Driscol's. The ditch stops and it drains into the field next to me. Well when that water drains into the field It runs to the back of my property and floods down there. So everything they've done so far has not solved problems it just created more problems. That's my point. There is not much thought or engineering and I don't know you're just not aware of the volume of water that's produced on that half of the property. That's a lot of water; this is my driveway, when it rains." Thomas Murtaugh asked which direction the picture was taken from. Pam Roberts stated" facing south- because we are on the low spot of that area. So all the drainage water comes on to my property and now they put it into the field next to me and then you can see in the back of that picture that there is standing water. Well that water drains into the back and I tried to put in a garden, floods it every year- no garden." Thomas Murtaugh asked James Butcher if the ditch which runs down to Dismal Creek along the west side of her property- is it existing. Mr. Butcher stated no it would be created. He stated he did not see any way this would NOT help her situation. He reviewed the drainage infrastructure and plans for the project area for the board in more detail. There would be a pond which catches runoff to the north and reduces it down to the allowable release rates (which are the rates prior to development) and piped to a ditch west of her property. He explained the site's runoff would be caught in a pond and reduced to a pre-developed rate then outlet into a 24 feet wide and two feet deep ditch on the west side of the Roberts property and ultimately to Dismal Creek and noted there would be a big improvement in the drainage of that area. He explained pre developed and post develop runoff to the attendees. David Eichelberger Engineer Consultant interjected the runoff rate will be less than the pre-developed rate after the drainage infrastructure is completed. Pam Roberts responded:" But you see what I'm saying is your assumptions on the pre-existing drainage was wrong because you have been flooding me for years and I have been complaining about it. I have called dozens of times, I've asked to come to the meetings. I went to the area plan commission meeting and was told I was at the wrong place- you got to go to Drainage Board." James Butcher responding to Commissioner Murtaugh's inquiry stated it was not part of a regulated drain. Pam Roberts stated" No its not part of it, the ditch in front was adequate up until till the time he put in the drainage tile. Then that ditch could no longer handle that flow at all." Thomas Murtaugh stated this would significantly help her situation. Pam Roberts responded" According to what your engineers say, but I am saying when they came and finally said they resolve the problem by putting in a ditch. The ditch they put in was still inadequate because they figured it on allowable rates. Well you know that's not scientifically, well their figures were wrong, because it still was not enough. It just moved it from this corner to the next driveway where it ran into the field on the east side of my property and flooded there. I mean it just creates; it just pushes the problem somewhere else. I don't know that two feet, if it's maintained and cleared at two feet continually without allowing the overgrowth and everything else and the buildup that it will be adequate five years from now. I don't want to be back here complaining again because you know your engineers were not or the ditch wasn't maintained. I know that the ditch being where it's at is not going to be maintained because it going to have to go across several fence rows and everything else that is already existing there. That's my point. I want this to not be a problem that comes again and again and again. One of the problems with that property that was farmed was that there is an area that he does not farm because it is continually mush- it holds water alright- which is why he put in the drainage tile. Well the problem is the water table is really high there obviously or it would not be such mush that he couldn't farm it. I am just not sure that you people are aware of all the problems that already exist with this property." Responding to Tracy Brown's inquiry- Ms. Roberts stated her problems started after the drainage tile was put in, before this the water would stay on that property. He asked how long ago was that put in and Ms. Roberts stated 5-6 years ago. He then stated that was a private tile and the Board had no jurisdiction over it. Pam Roberts said" Yes but aren't they supposed to not put in a tile without approval without knowing if the ditch will hold the flow?" James Butcher stated in a County Regulated Ditch, but this is not a county regulated ditch. Pam Roberts stated" So anybody can put in a tile and flood anybody and it makes no difference, hmm interesting." Thomas Murtaugh stated he thought she would see a real benefit from this. Pam Roberts stated" Well are they going to remove the drainage tile or plug it? Robert Langager stated any tile uncovered would be tied in to their system. Pam Roberts stated" Yeah but that's years away" Mr. Langager noted he would have to know the location of the tile in question to tie it into the system. He noted the southern half runoff coming from the project site tract would be routed to the west of her property. Pam Roberts stated" I would like to have the drainage tile plugged or removed right away so that it stops flooding. I mean this development in the southern portion is not going to take place immediately. It's going to take years to get to that point. Correct?" Ron Whistler -project developer stated she is correct it will be years before the last phase of the development construction is started. Pam Roberts stated" Three to five years would be my estimate so in the meantime I would like to have something done about that drainage tile." Thomas Murtaugh stated it was a private drain and the Drainage Board had no authority over it. Pam Roberts stated "so what do I have to do, sue the owner???" Pam Roberts stated she had not spoken with the owner as "She thought the county put in all the ditches" James Butcher suggested the Surveyor office could contact the current owner of the tract and try to work something out /find resolution for her. Pam Roberts stated: "Sure but the problem I have is I left my name and number with Boards

before and no one has ever contacted me” Responding to Tracy Brown’s inquiry she stated as he motioned to the Secretary “I left it with her”. (Note: The Surveyor’s Office Project Manager James Butcher discussed this issue with her prior to today) James Butcher stated the Surveyor office could possibly facilitate conversation between her and the developer of the site. Pam Roberts stated m” My number is 426-7339. My error was in believing anyone that put in a drainage tile had to get approval by the County to make to make sure they would not be flooding anybody, wrong” James Butcher stated this was a private issue which the Surveyor Office has no authority over, however they can try and make suggestions for possible solutions but that is all about we can do in this situation.” Pam Roberts stated” I just keep thinking my God 160 homes all that asphalt is going to really increase my drainage problems.” James Butcher emphasized he was confident it would not and a big part of the design is to make sure that does not happen. He stated he was confident it would help noticeably. Tracy Brown noted the intent of the Board was first to follow the law and second to leave a neighborhood better off. He continued - the Board has no authority over the private tile, a meeting could certainly be facilitated between the parties for an amicable solution. James Butcher stated he would contact Mrs. Roberts in the near future. Pam Roberts stated: “Alrighty, Thank you”

Thomas Murtaugh made a motion to grant acceptance of the Petition to Encroach on the Ilgenfritz Branch of the Dismal Creek Regulated Drain. David Byers seconded the motion. Motion carried. Thomas Murtaugh made a motion to grant approval of the variance as recommended. David Byers seconded the motion. Motion carried. Thomas Murtaugh made a motion to grant approval of the Concord Ridge Subdivision with conditions as listed on the September 6, 2016 Burke memo. David Byers seconded the motion. Motion carried.

#### **Petition to Vacate Br. #9- S.W. Elliott Regulated Drain #100**

Project Manager James Butcher presented a Petition to Vacate Branch #09 of the S.W. Elliott #100 Regulated Drain. He noted the vacation would not affect landowners other than those that submitted the Petition. He informed the Board there could be agricultural tiles (unknown locations) that tie into this branch. As a result, the Surveyor’s office recommends the approval of said petition to be vacated only at which time development construction begins. David Byers made a motion to approve the Petition to Encroach as presented with the condition that the tile will not be removed until development starts construction. Thomas Murtaugh seconded the motion. Motion carried.

#### **Petition to Encroach –S.W. Elliott #100 Regulated Drain/J. Sedam**

Project Manager James Butcher presented the Petition to Encroach on the S.E. Elliott #100 Regulated Drain submitted by James Sedam. The encroachment would allow enough space for future maintenance of said drain. The Surveyor’s office recommended approval to the Board. David Byers made a motion to grant approval for the Petition to Encroach on the S.W. Elliott #100 Drain as presented by the Project Manager. Thomas Murtaugh seconded the motion. Motion carried.

#### **Petition to Establish a Maintenance Fund /John McGlaughlin Tri-County Regulated Drain**

Project Manager James Butcher presented a Petition to Establish a Maintenance Fund on the John McGlaughlin Regulated Tri-County Drain. He noted this was a tri-county drain with Clinton and Montgomery Counties and requested the Board refer it for a Surveyor’s Maintenance Report. David Byers made the motion to refer the Petition to Establish a Maintenance Fund for the John McGlaughlin Regulated Tri-County Drain to the Surveyor for a maintenance report. Thomas Murtaugh seconded the motion. Motion carried.

#### **Bonds:**

**Soleado Vista Phase 1 Subdivision/Maint. Bond#S001-3914**

**Roberts Ridge Phase 3 Subdivision/ Maint. Bond##106537515**

**Southern Winds Apts. Phase 1 & Phase 2 Subdivision /Maint. Bond#1052750**

Project Manager James Butcher presented the following Maintenance Bonds for approval by the Board: Maintenance Bond #S001-3914 in the amount of \$27,756.03 submitted by R&W Contracting and written by Allied World Specialty Insurance ; Maintenance Bond #106537515 in the amount of \$7,274.50 submitted by Fairfield Contractors Inc. and written by Travelers and Surety Insurance; Maintenance Bond #1052750 in the amount of \$18,530.15 submitted by Atlas Excavating Inc. and written by Hanover Insurance. Thomas Murtaugh made a motion to approve the maintenance bonds as presented by the Surveyor. David Byers seconded the motion. Motion carried.

#### **Reconstruction Projects Update**

Project Manager James Butcher gave an overview of the reconstruction projects the Surveyor’s office had completed since 2010. He noted there were ten (10) agricultural drains reconstructed. He stated there were some issues receiving reconstruction assessment monies from adjoining counties on joint reconstruction projects. The Surveyor’s Office is working to obtain the assessment monies. Warren, Benton and Montgomery Counties have been contacted and are in the process of obtaining the assessments. Warren and Benton County’s stated they will send payment this week. Montgomery County Assessments are currently pending. There was a total of \$78,000 of various reconstruction assessments

not received to date by this County. There were ten landowners in Tippecanoe County that had not paid anything to date on various projects. There were a couple instances where the five year collection period as required by Indiana Drainage Code was over. The Surveyor requests the Board take this into consideration and come to an agreement of how to proceed in these cases. Responding to David Byers inquiry, James Butcher noted he was not sure if they had paid their property taxes but thought so as the properties were not on tax sale. Responding to Thomas Murtaugh's inquiry, the secretary stated the reconstruction assessment billing is a separate process from property tax billing. Drain Maintenance assessment is included on property tax bills, reconstruction assessments are not. The billing is sent out and collected by the Treasurer office; however it is totally separate from property tax billing. Attorney Doug Masson stated he would instruct Atty. Matthew Salsbury to conduct research on legal avenues available for collection in these cases. Thomas Murtaugh stated he felt a letter from the Attorney was in order. Attorney Doug Masson stated he thought it was prudent and would need a list of those landowners located in Tippecanoe County only. (Note the secretary will follow up on the list of names to the Attorney) Project Manager James Butcher informed the Board currently there was approximately 1.1 million dollars in the General Drain Improvement Fund. He stated 1 million dollars of this total was committed for this year's projects. He informed the Board the Surveyor would request 1.5 million from the County Council in the coming week for 2017 drainage projects. The Project Manager stated the concern is that some of the reconstruction assessments would not be repaid in a timely manner. This would cause a lower balance in the General Drainage Improvement Fund which in turn would put a halt to future projects as planned.

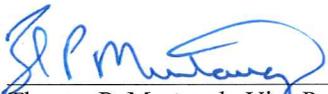
**Martin Erwin Regulated Drain #28**

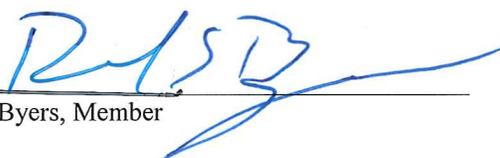
Project Manager James Butcher requested a landowner hearing date on the Martin Erwin #28 Regulated Drain to increase the maintenance assessment from the Board. He asked to hold the hearing on November 2, 2016 immediately after the regular scheduled meeting that day. David Byers made the motion to set the Martin Erwin Regulated Drain #28 landowner Maintenance Rate Hearing on November 2, 2016 to begin immediately after the regular scheduled meeting that day. Thomas Murtaugh seconded the motion. Motion carried.

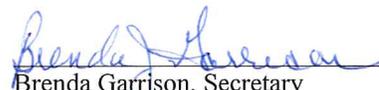
**Public Comment**

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

  
Tracy Brown, President

  
Thomas P. Murtaugh, Vice President

  
David S. Byers, Member

  
Brenda Garrison, Secretary

## Tippecanoe County Drainage Board

December 7, 2016

### Regular Meeting Minutes

#### Those present were:

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

#### Approval of Minutes

Thomas Murtaugh made a motion to approve the November 2, 2016 Regular Meeting Minutes with the following changes: within the Winter Crest Subdivision section the item #01 should read item #1, at the end of paragraph asap should read as soon as possible. David Byers seconded the motion. Motion carried. Thomas Murtaugh made a motion to approve the November 2, 2016 Martin Erwin #28 landowner hearing minutes as written. Motion carried.

#### Whittaker Planned Development

Justin Frazier of TBird Design Services appeared before the board to present the Whittaker Planned Development for conditional approval. The site was located west of C.R. 50 West on the north side of C.R. 500 North and consisted of approximately 16.8 acres. This development would function as a Bed and Breakfast. The Inn and drive would be constructed first, with a barn planned for future construction. He stated the G. Cole Regulated Drain was located along the north side of the property. The site would have prairie type grass and the runoff would discharge to a swale on the west side of the driveway then through vegetative swales with infiltration. He noted there was no onsite detention required. He stated they agreed with the December 1, 2016 Burke memo and requested conditional approval. The Surveyor noted his office agreed the site required no detention or variances and recommended approval as stated on the December 1, 2016 Burke memo. Responding to David Byers inquiry, the Surveyor noted the onsite sewage line was located in the northeast portion and routed southerly to the western side of the project site location. There was no public comment. David Byers made a motion to grant conditional approval as stated in the December 1, 2016 Burke memo. Thomas Murtaugh seconded the motion. Motion granted.

#### 2827 Commercial Subdivision

Justin Frazier of TBird Design Services appeared before the board to present the 2827 Commercial Subdivision for conditional approval. He stated the site was adjacent to the Lockhart Property (Commercial building) which was approved by the Drainage Board in October 2015; this project included expansion of the Lockhart project as well. The current project site consisted of approximately 3.87 acres (3 lots which included Lockhart property) and located on the south side of U.S. 52 east of C.R.300 West (Klondike Road). He noted the underground detention storage infrastructure would collect most of the site's runoff from storm inlets. (An addition to the previously approved underground detention for Lockhart property) The existing swale located in the southeast corner of the site would be the final outlet for detention. He requested a variance to the Ordinance regarding the allowable release rate and channel protection. He stated the underground detention infrastructure did not allow for the requirements. Mr. Frazier explained to the Board the supplemental measures which would offset the required allowable release amounts and channel protection requirements per the ordinance. The underground detention storage has an initial chamber designed to remove sediment from the stormwater, in lieu of placing another preapproved bmp device such as swirl chamber etc.; up stream of the underground detention facility snout and sump structures were planned. These structures were not currently on the bmp preapproved list. The Surveyor stated the Lockhart property had been approved by the Board previously and this was all part of the complex. He noted this would be consistent with the adjoining Lockhart property previously approved underground detention facility. This area was located within the Indian Creek Drainage Impact Area and would be required to follow Indian Creek Drainage Impact Resolution #2013-01-DB requirements. (See December 1, 2016 Christopher B. Burke Memo for details) The Surveyor recommended approval of the Variances as requested as well as the conditional approval of the project. There was no public comment. Thomas Murtaugh made a motion to grant conditional approval as outlined in the Dec. 1, 2016 Burke memo for the 2827 Commercial Subdivision. David Byers seconded the motion. Motion carried.

## **Alexander Ross Regulated Drain Master Plan /Resolution #2016-02-DB**

The Surveyor requested Mr. Robert Foley from the City of Lafayette Engineer's Office to approach the Board and inform the status of the Alexander Ross Regulated Drain Master Plan Resolution. Mr. Foley stated the Resolution was recently adopted by the City of Lafayette Redevelopment Commission and the City of Lafayette Board of Works. He informed the Board the resolution would be presented to the Lafayette City Council for approval during their February 2017 meeting. Responding to David Byers inquiry, Mr. Foley stated streets, sewers etc. would be the individual developer's responsibility not the City of Lafayette.

David Eichelberger Drainage Board Engineer Consultant from Christopher B. Burke Engineering approached the Board to present the Alexander Ross Regulated Drain Master Plan. He noted the Alexander Ross Regulated Drain watershed was located on the east side of the City of Lafayette. Generally speaking the watershed flowed from the southwest to the northeast through a large natural depression area on the west side of Interstate 65. The runoff then crosses through twin covers under the interstate into a pond located on the east side of I65, crosses SR26 into a deep ravine system into the South fork of Wildcat Creek. He noted the watershed was first studied in 1993 due to its development potential and poor area drainage. The goal in 1993 was to provide a positive outlet for the said watershed as well as regional detention for the development occurring at that time. The result was the proposal of two regional detention facilities (ponds) with one located on the east side and one on the west side of I65. The east side pond was constructed as part of the Meijer Store development project. While the need for and amount of the storage capacity was known, location of the second pond (west side of I65) was not determined at that time. However the Wal-Mart project included construction of a pond on the west side of I65 at that time. These two ponds allowed for the immediate area's development. The City of Lafayette and the County have cooperatively hired Christopher B. Burke Engineering to complete the master plan for the west side of the watershed. The goal was to be consistent regarding regional detention with what was started in 1993. Two additional regional detention facilities would be constructed in logical locations instead of forcing it to a certain location (causing access excavation just to make it happen in that area). Provisions for development's regional stormwater quality measures within the watershed, as well as master planning the roads, water, sewer and collection systems was the cooperative goal between the City of Lafayette and the County completing the Master Plan. Responding to David Byers inquiry, Mr. Eichelberger stated the total watershed acreage was approximately 600 acres. The *developable* acreage would be 230 acres on the west side of I65. The aforementioned collection systems were primarily designed to handle the undetained runoff from the developable area and route it to the stormwater detention ponds planned and this was consistent with the 1993 plan. He noted the Berlowitz Regulated Drain Watershed Master Plan was located immediate south of this watershed. I65 would be crossed at two locations for each watershed. He noted the *total developable acreage for both watersheds was 680 acres* that would not require individual stormwater detention facilities for separate projects within those watersheds. Responding to Dave Byers inquiry, new projects developed within these watersheds would be required to pay a onetime regional stormwater detention facility storage fee. Any new developments would be required to obtain the Drainage Board's approval at time of development. Responding to David Byers inquiry, the Surveyor noted as the ground was developed the original clay drain tiles would be vacated. He noted meetings had been held with landowners within the watersheds (Alexander Ross and J. Berlowitz) and they were in favor of the master plans. Mr. Rosenthal, landowner representing the majority of the property north of McCarty Lane was in favor of the plan and excited for the opportunities forthcoming. Utilizing GIS he reviewed the distinct line of new development which was located at the watershed boundaries of the Alexander Ross, S.W. Elliott and the Julius Berlowitz Regulated Drains. A. Ross watershed was located north of McCarty Lane, J. Berlowitz in between McCarty Lane and Haggerty Lane and the Branch #11 of the S.W. Elliott south of Haggerty Lane and north of SR38. The reconstruction of Branch #11 of the Elliott Drain and the two master plans tie everything together from SR38 to SR26 and west of Veterans Memorial Parkway. He noted the total amount of developable ground was over 700 acres. This would also create the possibility of extending Park East Boulevard to SR38, adding another thoroughfare. All three projects, Berlowitz Master Plan, Alexander Ross Master Plan and the reconstruction of Branch #11 of the S.W. Elliott Regulated Drain were tied together. He stated a portion of the Build Tippecanoe monies have been delegated for these plans. At the beginning of 2017 he stated he would start coordinating with INDOT for the installation of the pipe under the interstate. Design plans for intermediate and final outcome and the estimates for planned infrastructure were forthcoming. There was no public comment. Thomas Murtaugh made a motion to approve the Alexander Ross Regulated Drain Master Plan /Resolution #2016-02-DB. David Byers seconded the motion. Motion carried.

## **Waples McDill #85 Reconstruction Assessment Financial Assistance/Jennifer Weston Treasurer**

Jennifer Weston, Treasurer of Tippecanoe County, approached the board to discuss the Waples McDill #85 Reconstruction Assessment Financial Assistance fund availability and submit a contract received by her office for approval by the Board. She referred to the Board Attorney for explanation of the process regarding the reconstruction financial assistance for landowners within the watershed. Attorney Masson stated the financial assistance program was approved by the Drainage

Board and ratified by the Commissioners as well with Resolution #2016-01-DB. This resolution established the Reconstruction Financial Assistance Program in March 2016 by the Board. (See March 3, 2016 Drainage Board Minutes for a detailed explanation of the program and process). Landowners benefited by the Waples McDill Regulated Drain Reconstruction were eligible for the program. The reconstruction was completed and the assessments set. The County Treasurer sent out the reconstruction billing with cover letters explaining the three options available to the benefited landowners for paying their reconstruction (only) assessments. This particular option was a five (5) year payment plan with a 5% interest rather than the statutory 10% interest by Drainage Code. Part of the requirement for the five (5) % option was the landowner must sign a contract with the County Drainage Board. To date, the Treasurer had received one contract from benefited landowner-Kathryn Wilcox. He stated the Board's action today was to formally approve the contract as submitted. He explained the landowner must pay for recording the contract in full (required by Resolution). A claim should then be submitted to the Auditor to pay the assessment from the newly established fund into the fund from which reconstruction costs were paid in full. (Generally the General Drain Improvement Fund) Thus paying the landowner's reconstruction assessment in full and in return the landowner pays the County an annual 5 % interest on repayment over a five (5) year period. Today's board action called for approval of the contract received back from benefited landowner Kathryn Wilcox.

Treasurer Jennifer Weston stated the reconstruction's billing was sent out approximately a month ago. Landowners were given 60 days to enter into the agreement contract if so desired. She noted the total assessment on two parcels owned by Kathryn Wilcox was over \$52,000 and would be billed out over the five year period at the rate of 5% interest as reflected by Resolution 2016-01-DB. She noted it was a savings to the landowner of approximately \$2,600 over the life of the contract. To date the Treasurer has received a total of \$38,000 reconstruction assessments for the Waples McDill Drain Reconstruction since billing was sent out by her office.

The Surveyor reminded the Board the Resolution was a result of landowners asking for reconstruction payment alternatives due to the current day high cost of reconstructions. This was the first drain reconstruction and contract received this fund would be utilized for. He stated the said fund had not been set up to date. He anticipated this fund would be established after the first of the year. The Secretary was coordinating with the Auditor Office and they were fully aware of the need. The Auditor Office planned to establish the fund after the first of the year (2017). The Surveyor stated he thought the setup of the said Assistance Fund and the monies to be included within the fund was handled during the 2017 Council budget proceedings for his office. The Attorney stated since the assistance fund had not been set up to date, the contract should be tabled until the January or February 2017 meetings of the Board. The amounts billed out to the landowners were not due until May and November of 2017. This would allow the Secretary to confirm the steps which may be required to setup the fund. The Surveyor stated he agreed with the Attorney. Thomas Murtaugh made a motion to table the submitted Waples McDill #85 Regulated Drain Reconstruction Assistance Fund Assessment Contract with Kathryn Wilcox until the January meeting. David Byers seconded the motion. Motion carried. Attorney Masson directed the Treasurer to speak with the Auditor to determine whether to hold the check (due to minimal amount) or deposit prior to the upcoming meeting. If the check was deposited the County would pay the recording fee for said contract.

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

##### **S.W. Elliott Branch #11 Reconstruction Settlement Agreement/Brand Properties**

The Surveyor stated this was an agreement settled between the Drainage Board and properties owned by Jerry Brand. He referred to the Attorney for explanation. The attorney noted the Brand properties own several developed and undeveloped parcels within the S.W. Elliott Regulated Drain Branch #11 watershed. The settlement agreement involved these said parcels. A title transfer to the Drainage Board for the existing Haggerty Point Detention pond was finalized. The title for the Haggerty Detention facility (pond) was transferred to Tippecanoe County Drainage Board. The Board now owns the detention pond. F-Lake detention storage fees and Branch #11 reconstruction fees totaled approximately \$65,000. There was ambiguity on whether the reconstruction fees would have to be paid for these parcels. The reconstruction assessments were paid as negotiated. ***The current un-developed properties would be required to pay detention storage fees in the future upon development of the said properties.*** The agreement- if approved today- would bring the S.W. Elliott Regulated Drain Branch #11 Reconstruction to completion. There was no public comment. David Byers made a motion to approve the agreement as presented by the Attorney. Thomas Murtaugh seconded the motion. Motion carried.

##### **Petition to Encroach S.W. Elliott #100-Treece Meadows Branch**

The Surveyor presented the Petition to encroach S.W. Elliott #100-Treece Meadows Branch submitted by Vectren Energy. The Surveyor noted a gas line would be constructed under the two open ditches on the north side of McCarty Lane, immediately east of Creasy Lane. He recommended approval. David Byers made a motion to approve the Petition to

Board and ratified by the Commissioners as well with Resolution #2016-01-DB. This resolution established the Reconstruction Financial Assistance Program in March 2016 by the Board. (See March 3, 2016 Drainage Board Minutes for a detailed explanation of the program and process). Landowners benefited by the Waples McDill Regulated Drain Reconstruction were eligible for the program. The reconstruction was completed and the assessments set. The County Treasurer sent out the reconstruction billing with cover letters explaining the three options available to the benefited landowners for paying their reconstruction (only) assessments. This particular option was a five (5) year payment plan with a 5% interest rather than the statutory 10% interest by Drainage Code. Part of the requirement for the five (5) % option was the landowner must sign a contract with the County Drainage Board. To date, the Treasurer had received one contract from benefited landowner-Kathryn Wilcox. He stated the Board's action today was to formally approve the contract as submitted. He explained the landowner must pay for recording the contract in full (required by Resolution). A claim should then be submitted to the Auditor to pay the assessment from the newly established fund into the fund from which reconstruction costs were paid in full. (Generally the General Drain Improvement Fund) Thus paying the landowner's reconstruction assessment in full and in return the landowner pays the County an annual 5 % interest on repayment over a five (5) year period. Today's board action called for approval of the contract received back from benefited landowner Kathryn Wilcox.

Treasurer Jennifer Weston stated the reconstruction's billing was sent out approximately a month ago. Landowners were given 60 days to enter into the agreement contract if so desired. She noted the total assessment on two parcels owned by Kathryn Wilcox was over \$52,000 and would be billed out over the five year period at the rate of 5% interest as reflected by Resolution 2016-01-DB. She noted it was a savings to the landowner of approximately \$2,600 over the life of the contract. To date the Treasurer has received a total of \$38,000 reconstruction assessments for the Waples McDill Drain Reconstruction since billing was sent out by her office.

The Surveyor reminded the Board the Resolution was a result of landowners asking for reconstruction payment alternatives due to the current day high cost of reconstructions. This was the first drain reconstruction and contract received this fund would be utilized for. He stated the said fund had not been set up to date. He anticipated this fund would be established after the first of the year. The Secretary was coordinating with the Auditor Office and they were fully aware of the need. The Auditor Office planned to establish the fund after the first of the year (2017). The Surveyor stated he thought the setup of the said Assistance Fund and the monies to be included within the fund was handled during the 2017 Council budget proceedings for his office. The Attorney stated since the assistance fund had not been set up to date, the contract should be tabled until the January or February 2017 meetings of the Board. The amounts billed out to the landowners were not due until May and November of 2017. This would allow the Secretary to confirm the steps which may be required to setup the fund. The Surveyor stated he agreed with the Attorney. Thomas Murtaugh made a motion to table the submitted Waples McDill #85 Regulated Drain Reconstruction Assistance Fund Assessment Contract with Kathryn Wilcox until the January meeting. David Byers seconded the motion. Motion carried. Attorney Masson directed the Treasurer to speak with the Auditor to determine whether to hold the check (due to minimal amount) or deposit prior to the upcoming meeting. If the check was deposited the County would pay the recording fee for said contract.

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

##### **S.W. Elliott Branch #11 Reconstruction Settlement Agreement/Brand Properties**

The Surveyor stated this was an agreement settled between the Drainage Board and properties owned by Jerry Brand. He referred to the Attorney for explanation. The attorney noted the Brand properties own several developed and undeveloped parcels within the S.W. Elliott Regulated Drain Branch #11 watershed. The settlement agreement involved these said parcels. A title transfer to the Drainage Board for the existing Haggerty Point Detention pond was finalized. The title for the Haggerty Detention facility (pond) was transferred to Tippecanoe County Drainage Board. The Board now owns the detention pond. F-Lake detention storage fees and Branch #11 reconstruction fees totaled approximately \$65,000. There was ambiguity on whether the reconstruction fees would have to be paid for these parcels. The reconstruction assessments were paid as negotiated. *The current un-developed properties would be required to pay detention storage fees in the future upon development of the said properties.* The agreement- if approved today- would bring the S.W. Elliott Regulated Drain Branch #11 Reconstruction to completion. There was no public comment. David Byers made a motion to approve the agreement as presented by the Attorney. Thomas Murtaugh seconded the motion. Motion carried.

##### **Petition to Encroach S.W. Elliott #100-Treece Meadows Branch**

The Surveyor presented the Petition to encroach S.W. Elliott #100-Treece Meadows Branch submitted by Vectren Energy. The Surveyor noted a gas line would be constructed under the two open ditches on the north side of McCarty Lane, immediately east of Creasy Lane. He recommended approval. David Byers made a motion to approve the Petition to

encroach on the S.W. Elliott #100-Treece Meadows Branch as submitted by the Surveyor. Thomas Murtaugh seconded the motion. Motion carried.

**Petition to Partially Vacate the Fred Haffner #34 Regulated Drain**

The Surveyor presented a Petition to partially vacate the Fred Haffner#34 Regulated Drain submitted by TBIRD Design Services. He noted the petition regarded the Tippecanoe Development II LLC project immediately north of CR 600NBorth and immediately west of the Battleground Middle School. He recommended approval to the Board. Thomas Murtaugh made a motion to grant approval of said petition as presented by the Surveyor. David Byers seconded the motion. Motion carried.

**Petition for Reconstruction Marion Dunkin #25 Regulated Drain**

The Surveyor presented a Petition for reconstruction Marion Dunkin #25 Regulated Drain submitted to him by Mr. Clark Howey for acceptance by the Board. He noted this drain watershed included approximately 1700 acres. It was located in the southwest portion of the county southwest of the intersection of CR's 700 West and 800 South. He noted this reconstruction would be costly and would qualify for the assessment financial assistance program. David Byers made a motion to accept the Petition for Reconstruction on the Marion Dunkin #25 Regulated Drain as presented by the Surveyor. Thomas Murtaugh seconded the motion. Motion carried.

**Bonds:**

**Hawthorne Lakes Sec. 4- Maintenance Bond #106597473**

The Surveyor presented Maintenance Bond #106597473 written by Travelers Insurance in the amount of \$14,886 and submitted by Fairfield Contractors regarding the Hawthorne Lakes Section Four project for approval by the Board. David Byers made a motion to approve Maintenance Bond #106597473 for Hawthorne Lake Section Four as presented by the Surveyor. Thomas Murtaugh seconded the motion. Motion granted.

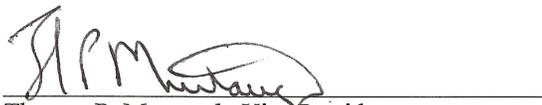
**West Lafayette Apostolic Christian Church- Performance Bond#41355475**

The Surveyor presented Performance Bond #41355475 written by Aspen Inc./Platte River Ins. Company in the amount of \$30,600 regarding the West Lafayette Apostolic Christian Church project for approval by the Board. David Byers made a motion to approve Performance Bond #41355475 for West Lafayette Apostolic Christian Church as presented by the Surveyor. Thomas Murtaugh seconded the motion. Motion granted.

**Public Comment**

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

  
\_\_\_\_\_  
Tracy Brown, President

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

  
\_\_\_\_\_  
David S. Byers, Member

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

**TIPPECANOE COUNTY DRAINAGE BOARD**

**RESOLUTION NO. 2016 - 02 -DB**

*RESOLUTION APPROVING ALEXANDER ROSS  
REGULATED DRAIN 2016 MASTER PLAN REPORT*

**WHEREAS**, in 1993, a master plan for the Alexander Ross watershed drainage area was developed which master plan included two regional stormwater ponds;

**WHEREAS**, one of the two regional stormwater ponds contemplated by the 1993 master plan has been constructed;

**WHEREAS**, the exact location and shape of the second regional stormwater pond to serve the Alexander Ross drainage area was not determined in the 1993 master plan;

**WHEREAS**, Christopher B. Burke Engineering, LLC has developed the Alexander Ross Regulated Drain 2016 Master Plan Report guided by the following four goals:

- 1) Plan a regional detention facility that is consistent with the 1993 master plan for the entire Alexander Ross Watershed drainage area;
- 2) Incorporate post-construction stormwater quality measures at the regional scale so that future development does not have to address it on each individual lot;
- 3) Plan storm water collection systems, roads, sanitary sewers and water; and
- 4) Utilize low impact development principles and green infrastructure practices to manage storm water;

**WHEREAS**, the Alexander Ross Regulated Drain 20 16 Master Plan Report has been presented to the Tippecanoe County Drainage Board;

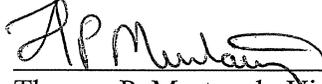
**NOW THEREFORE BE IT RESOLVED** that the Alexander Ross Regulated Drain 2016 Master Plan Report is hereby approved.

PASSED AND ADOPTED THIS 7<sup>th</sup> day of Dec, 2016.

TIPPECANOE COUNTY DRAINAGE BOARD



Tracy A. Brown, President



Thomas P. Murtaugh, Vice President



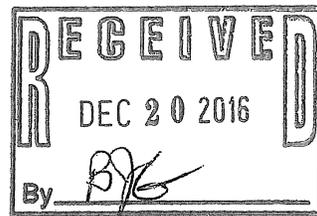
David S. Byers, Member

ATTEST:



Brenda Garrison, Secretary

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**AGREEMENT**

This Agreement is by and between the Tippecanoe County Drainage Board ("Drainage Board") and Haggerty Point I, Haggerty Point II, Haggerty Point III, and L.B. Associates by and through their authorized representative, Jerry A. Brand ("Brand").

**WHEREAS**, the Brand entities own land in watersheds of the F-Lake Regional Detention Basin ("F-Lake") and Branch 11 of the S.W. Elliott Regulated Drain ("Branch 11") in Tippecanoe County, Indiana;

**WHEREAS**, the Surveyor of Tippecanoe County and the Drainage Board have assessed fees and indicated that fees would be assessed in the future against the land owned by the Brand entities for the Branch 11 reconstruction and for detention of water in the F-Lake Regional Detention Basin;

**WHEREAS**, prior to being able to access F-Lake and prior to the Branch 11 reconstruction, the Brand entities constructed a wet detention basin ("Haggerty Pond") on their own land;

**WHEREAS**, the Branch 11 reconstruction makes use of Haggerty Pond to the benefit of the watershed generally resulting in a savings to the overall reconstruction cost;

**WHEREAS**, Brand questions whether the full value of the use of and impact to the land in and around Haggerty Pond was reflected in the reconstruction proceedings;

**WHEREAS**, under the terms of the Branch 11 Reconstruction Order, the timing of Brand's obligations to pay some of the reconstruction assessments would be uncertain in the absence of this agreement; and

**WHEREAS**, the Surveyor and the Drainage Board have requested that Brand execute documents transferring title of Haggerty Pond to Tippecanoe County;

**THE PARTIES NOW THEREFORE AGREE AS FOLLOWS:**

1. Brand or the Brand entities shall pay Tippecanoe County \$64,568.76 within 60 days of the date of this agreement.
2. Brand or the Brand entities shall execute a quitclaim deed transferring title for Haggerty Pond to Tippecanoe County within 60 days of this agreement.
3. Payment of \$64,568.76 and transfer of the title to Haggerty Pond shall constitute satisfaction in full of the F-Lake detention fees and Branch 11 reconstruction fees that may otherwise be owed for the following parcels ("Brand Properties"):

Owner	Parcel	Acres
Haggerty Point I & II	79 11-01-101 005.000-037	4.4
Haggerty Point I & II	79 11-01-101 006.000-037	4.5
Haggerty Point III	79 11-01-101 007.000-037	4.4
LB Associates	79 11-01-101 001.000-037	4.5
LB Associates	79 11-01-101 003.000-037	5.0

(921 A)

LB Associates	79 11-01-101 004.000-037	5.3
LB Associates	79 11-02-226 001.000-037	17.4

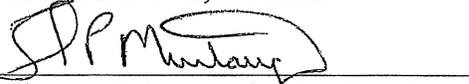
4. The Brand Properties are permitted to continue discharging water into Haggerty Pond: a) for the currently developed parcels (the Haggerty Point I&II and Haggerty Point III parcels as listed in ¶3), at the volumes and rates as are being discharged on as of the date of this agreement and, b) for the currently vacant lots (the LB Associates parcels as listed in ¶3), at the volumes and rates as are currently being discharged and in such additional amounts as approved in the September 29, 2005, Memorandum from David Eichelberger to Steve Murray concerning Haggerty Pointe and approved at the October 5, 2005, meeting of the Drainage Board. Additionally, the Brand Properties are permitted to discharge such additional volumes and rates into Haggerty Pond as are permitted under the Tippecanoe County Drainage Ordinance and other applicable legal authority.

AGREED:

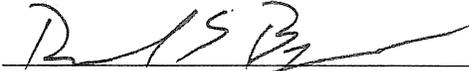
TIPPECANOE COUNTY DRAINAGE BOARD:

  
 Tracy A. Brown, President

Dec. 7<sup>th</sup> 2016  
 Date

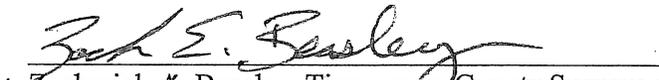
  
 Thomas P. Murtaugh, Vice-President

Dec. 7<sup>th</sup> 2016  
 Date

  
 David S. Byers, Member

Dec. 7<sup>th</sup> 2016  
 Date

ATTEST:

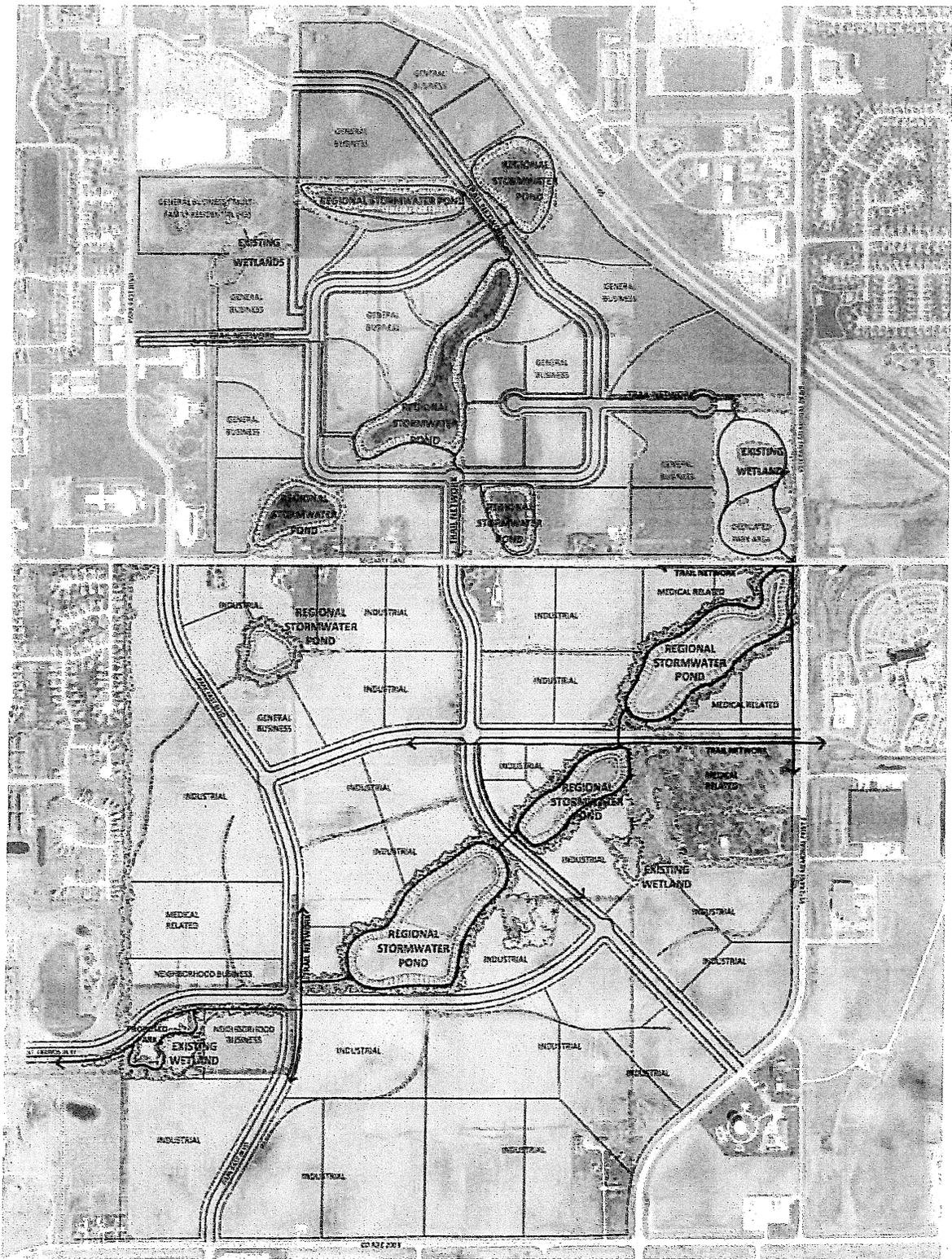
  
 Zachariah A. Beasley, Tippecanoe County Surveyor  
 E.

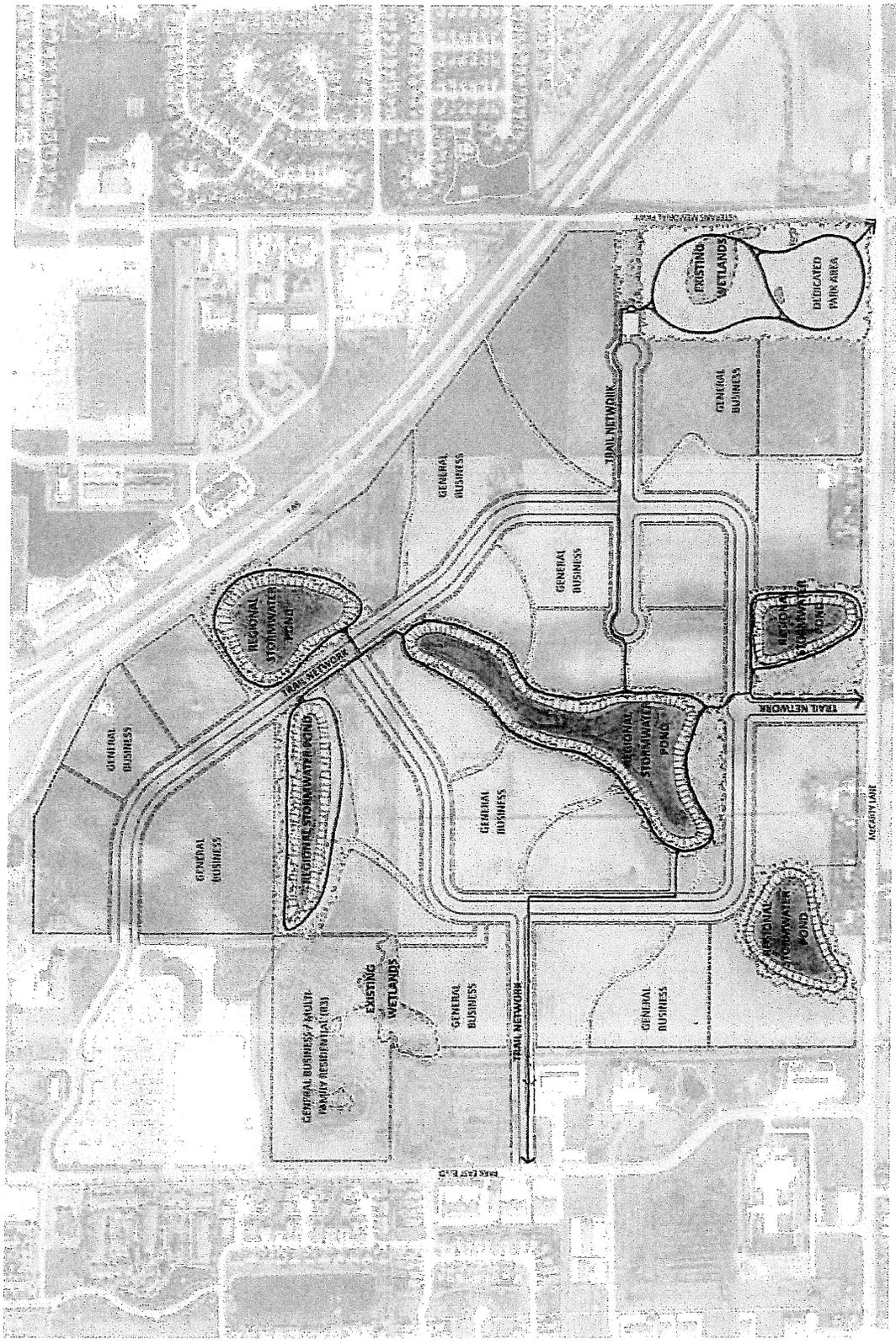
Dec. 7<sup>th</sup> 2016  
 Date

HAGGERTY POINT I  
 HAGGERTY POINT II  
 HAGGERTY POINT III  
 L.B. ASSOCIATES

  
 By Jerry A. Brand

Date: 12/12/16





**ALEXANDER ROSS**  
**COUNTY REGULATED DRAIN**  
**MASTER PLAN**



DATE: 12-15-2018

**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**

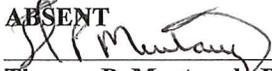
- 1.) Drains in need of Reconstruction
  - a. Elliott, S.W. (#100)
  - b. J.B. Anderson (#02) (Clarks Hill Portion)
  - c. Edwards (Not Maintained)
  - d. McBeth (Not Maintained)
  - e. F.E. Morin (#57)
  - f. Marion Dunkin (#25)
  - g. Huffman-Weimert (Not Maintained)
- 2.) Hearing and Rates Established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

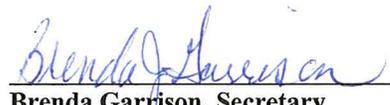
*Please see Classification of Drains- Exhibit Aon file in the Tippecanoe County Surveyor office and Office of the Tippecanoe County Auditor*

ABSENT

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

  
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 David S. Byers, Vice President

  
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 Tracy Brown, Member

  
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 Brenda Garrison, Secretary

# Tippecanoe County Drainage Board

June 7, 2017

## Regular Meeting Minutes

### Those present were:

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

### Approval of May 3 2017 Drainage Board Regular Meeting Minutes

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

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

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

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

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

### Monnig Industries Phase 1 and Master Plan

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

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

## **Barrington Woods Subdivision**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Zach Beasley/Other Business**

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

**Public Comment**

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



Thomas P. Murtaugh, President



David S. Byers, Vice President



Tracy Brown, Member



Brenda Garrison, Secretary

## TIPPECANOE COUNTY DRAINAGE BOARD

March 14, 2018

### Drainage Board Meeting Minutes

#### Those present were:

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

#### Approval February 7, 2018 Regular Meeting Minutes

#### Approval February 7, 2018 Julius Berlowitz Maintenance Hearing Minutes

Thomas Murtaugh made a motion to approve the the regular meeting and the Julius Berlowitz Drain Maintenance Hearing February 7, 2018 Drainage Board Minutes as presented. Tracy Brown seconded the motion. Motion carried.

#### Klondike Elementary School Parking Lot Addition

Pat Jarboe of TBird Designs approached the Board and presented the Klondike Elementary School Parking Lot Addition Expansion (approx.0.4 acre) for approval. The existing parking lot located at the northwest corner of the school would be expanded. A pond immediately adjacent to the parking lot would accommodate the 0.4ac additional runoff. The site was located within the Indian Creek Watershed Impact Area, the project's design adhered to the more stringent release rate as required. Mr. Jarboe stated they agreed with the February 15, 2018 Burke memo and requested construction approval at that time. Responding to Mr. Murtaugh's inquiry, the Surveyor noted anytime a project had only administrative items pending a construction approval would be issued. There was no public comment.

The Surveyor recommended construction approval as stated on the February 15, 2018 Burke memo to the Board. Thomas Murtaugh made a motion to grant construction approval for the project as recommended with conditions stated on the February 15, 2018 Burke memo. Tracy Brown seconded the motion. Motion carried.

#### Bello Terra Site Improvements

Todd Starr of Starr Associates and AbonMarche approached the Board to present Bello Terra Site Improvements Project for approval. A Multi Use Venue was planned for the site. The existing site was located approximately 1/2 mile west of SR43 and on the south side of CR 650 North. Infrastructure designed such as swales and storm drains would convey runoff to two newly designed dry detention basins which would outlet to an existing wet pond. The western pond was designed to accommodate possible future projects as well. The existing wet pond outlet to an unnamed tributary of Burnett Creek. Burnett Creek was located east of the site. Mr. Starr noted if it is determined a wetland (existing stream area) indeed was located on the project site, a crossing permit would be obtained from the proper agency. He noted he agreed with the March 6, 2018 Burke memo and would provide a permit if required for the file in the near future. There was no public comment.

The Surveyor recommended approval with the conditions as stated on the March 6, 2018 Burke memo along with permit(s) when received provided to his office for the record. Tracy Brown made a motion to grant construction approval for the Bello Terra Site Improvement project with conditions as listed on the March 6, 2018 Burke memo and the added condition the submittal of the wetland permit if required. Thomas Murtaugh seconded the motion. Motion granted.

#### Clarks Hill Convenience Mart

Michael Thompson with Hamilton Designs Fishers Indiana approached the Board to present the Clarks Hill Convenience Mart for approval by he Board. The site was approximately 2.9 acres and located at the northeast corner of US52 and SR28 in Clarks Hill Indiana. A detention facility onsite was designed to accommodate the low depression areas around the site. This would greatly enhance the intersection's drainage of SR28 and US52. Mr. Thompson noted it was the goal to improve the intersection drainage from existing conditions and stated he felt the design would handle that aspect. Working with INDOT, Mr. Thompson stated they had worked out a

plan for the intersection which made it safer. There was no public comment. The Surveyor noted they were placing a rather large detention basin on the south end of the property and a large infiltration basin on the north end which would accommodate the additional runoff as well as help eliminate a portion of the surrounding area flooding issues. An inlet in the very southeast corner of their site would pick up the offsite water coming from the east (Lincoln Lodge property) and convey it through the infiltration basin (INDOT permits required for emergency routing to roadside ditch -US52) The Southern pond emergency routes out the southwest side of the property. He recommended approval with the conditions as stated on the March 7, 2018 Burke memo. Tracy Brown made a motion to grant conditional approval for the Clarks Hill Convenience Mart with the conditions as stated on the March 7, 2018 Burke memo. Thomas Murtaugh seconded the motion. Motion granted.

#### **Contracts:**

The Surveyor presented the US Geological Survey of Joint Funding Agreement regarding the funding of a Gaging Station on the S.W. Elliott #100 Drain. He noted administrative reasons held up the signing of this agreement until today. Due to multiple gaging stations within Tippecanoe County the agreement did not reflect correctly what gage(s) was being funded. He recommended signing and reviewing the project again later in the year to determine if the Board would like to continue funding. Thomas Murtaugh made a motion to sign the agreement with addendum as presented. Tracy Brown seconded the motion. Motion carried.

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

##### **John Bone Private Drain/Dean Craig**

The Surveyor presented a Petition to Reconstruct and Establish a New Regulated Drain submitted to his office by Dean Craig. The drain was located in Union Township South and West of the Town of Shadeland. He recommended the Board accept and refer to him for a reconstruction report. Thomas Murtaugh made a motion to refer the John Bone Private Drain Petition to Reconstruct and Establish a New Regulated Drain as presented. Tracy Brown seconded the motion. Motion granted.

#### **Drainage Board Engineer Review Process**

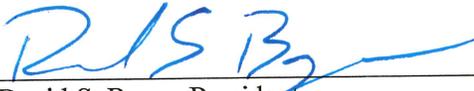
The Surveyor presented documents to outline the new Drainage Board Review Process which was discussed in the last meeting. A sheet indicating established Base Fees (compiled from review of 15 years of data and statewide charges), a notes sheet with helpful notes of the process and requirements, the third sheet listed Project Deadline dates, Technical Advisory Committee (TAC) meeting dates and Drainage Board Meeting Dates. The fourth sheet is a Designer Application Permit Checklist, and lastly the Fee Acceptance Letter. He noted if the County Building or Tippecanoe County Surveyor office is closed on a project submittal date- that date would be moved to the next upcoming business day. He stated he had sent this information packet out to all who may be affected by it and received only one email. He stated he hoped this process could be adopted and move forward. There was no public comment. Tracy Brown asked the Attorney if this document would have to be included in the fee ordinance for the county. The Attorney would investigate and inform the Board. Thomas Murtaugh made a motion to approve the Drainage Review Process as presented by the Surveyor. Tracy Brown seconded the motion. Motion carried. The Attorney would research the proper steps to implement the process as presented by the Surveyor.

#### **Public Comment**

Loria Aschenburg 6425 Whippoorwill Lane Lafayette Indiana 47905 approached the Board. (Country Air Estates across from Boy Scout Camp) She lives at the very end of Whippoorwill Lane and Country Air Drive and noted all homes runoff conveys to her property as it is a "sink hole". She noted the water ran from west to east down Whippoorwill Lane and also south from Country Air Drive to her tract. Her tract was the low tract of the area. She stated she has been suffering for some time with flooding and suggested the County should help her since "taxes should pay for good drainage". The Surveyor interjected the Country Air Subdivision in question had been constructed *prior* to a drainage ordinance developed in the County. It was built in the 1960s with *no drainage ordinance in place*. He confirmed, there were other older subdivisions in the county with issues similar to hers, unfortunately the County Drainage Board cannot assist in these situations. No Drainage Studies were conducted etc. Since there were no regulations to follow at the time of construction there are no regulated violations to follow-up on. He stated his staff had made a site visit recently and he had been onsite at various times and spoke

with her on different occasions. He had found a document dated May 15, 1974 from the Home Owners Assoc. of that time in which it appeared they had worked with the local SCS (Soil Conservation Service) to install some tiling. Based on site observations he stated at least some of their tiles were installed (indicated by plastic stand pipes standing in neighbor's yards etc.). He noted an inlet in the first lot of the southeast corner of the latest section had a storm pipe which ran north of the cul-de-sac angled north to the property line that drained that area. This area has had historical issues of poor drainage due to the time of construction with no regulations to follow. Mrs. Aschenberg stated maybe she could sell her property and a detention pond be placed there since it was the low area. The Surveyor suggested a community meeting between the landowners to determine if the tile system did exist in the subdivision or if it was functioning at all. Responding to Mrs. Aschenberg's inquiry, the Attorney stated he could not give her private legal advice. This was an issue between landowners. A petition would need to be filed for this Board to get involved. He reviewed the process for filing a Petition to Establish a Mutual Drain into a new Regulated Drain. She stated she did not believe the other landowners in the watershed would not sign- as they have no issues with the flooding-only her. President Byers responded when a drain is reconstructed the issues prior to the construction would be remedied and drainage would be improved as that was the point for a reconstruction. Responding to President Byers inquiry, the Surveyor noted the street side ditches would be the County Highways department. She stated she had a survey completed by Starr Associates recently. The survey indicated an adjacent neighbor's pool was partially located on her property. She was concerned she would be liable if someone got hurt. The Surveyor noted that was a private property issue and this Board has no jurisdiction. The Attorney noted as a private issue she could hire a design company to assist her with her particular situation. He reiterated he could not assist her with this private situation. President Byers stated Starr Associates did her survey and they also do engineer work. He thanked her for her information.

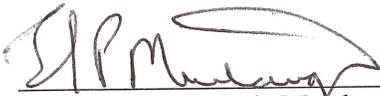
President Byers congratulated the Surveyor for his award from the County Surveyors Association for "Presidents Award for Surveyor of the Year". He stated this County was fortunate to have his services. Tracy Brown made a motion to adjourn as there was no other public comment. The meeting was adjourned.



David S. Byers, President



Tracy A. Brown, Vice President



Thomas P. Murtaugh, Member



Brenda Garrison, Executive Administrator

**TIPPECANOE COUNTY DRAINAGE BOARD**  
**August 8, 2018**  
**Drainage Board Meeting Minutes**

**Those present were:**

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

**Marion Dunkin #25 Regulated Drain Reconstruction Bids/Open**

President Byers referred to Attorney Masson to open Drain Reconstruction Bids for the Marion Dunkin #25 Reconstruction project. The first bid was received from A.D.I. Ag Drainage, Goodland Indiana, in the amount of \$245,810.00. The second bid was received from Maxwell Farm Drainage, Crawfordsville Indiana, in the amount of \$394,560.00. President Byers stated the bids would be taken under advisement, reviewed by the Project Manager James Butcher and checked for the compliance of the specifications.

**Approval of Minutes**

Thomas Murtaugh made a motion to approve the July 11, 2018 Drainage Board Regular Meeting Minutes, July 11, 2018 Marion Dunkin #25 Regulated Drain Reconstruction Hearing Minutes and the July 11, 2018 Huffman Weimert #125 Regulated Drain Reconstruction Hearing Minutes as written. David Byers seconded the motion. Motion carried.

**Old Dominion Freight Line Terminal**

Lonnie Reed from Legend Engineering, Heber City Utah, appeared before the Board to present Old Dominion Freight Line Terminal for approval. This project was being reviewed by the board for drainage release only as it was located in the City of Lafayette. The site was located south of Haggerty Road, east of SR 38 and west of Veterans Memorial Parkway and consisted of approximately 22 acres. The site drained to the S.W. Elliott Drain. More specifically, the western portion drained to Branch #11 of the S.W. Elliott drain and the eastern portion drained east and south to the S.W. Elliott main ditch. This site is also located within the F-Lake Regional Detention Facility Watershed area. A detention basin on site will outlet through Branch #11 to the main ditch and ultimately to the F-Lake facility. He asked for approval and questions from the Board.

The Surveyor stated he appreciated Mr. Reed traveling here today to present the project. He reiterated this project was located in the City of Lafayette and the Board was reviewing drainage only. He reminded the Board this project was located within the Elliott watershed specifically Branch #11 sub-basin watershed which drained to the F-Lake Regional Detention Facility. He reviewed the route of Branch #11 for the Board. He noted there would be a large detention facility along the west side of the tract as well. He stated there would be F-Lake storage fees required and recommended approval with the conditions as stated on the August 2, 2018 Burke memo. There was no public comment.

Thomas Murtaugh made a motion to grant conditional approval as stated on the August 2, 2018 Burke memo. David Byers seconded the motion. Motion carried.

**Zach Beasley**  
**Contracts:**

The Surveyor presented the annual contract for the USGS Gaging Station located at the County Highway Garage facility along Brady Lane in the northwest corner of the site at the Elliott Ditch. He recommended decommissioning the annual contract. He reviewed the history of the annual USGS contract which the Board had entered into agreement in 2006 /2007 due to the base flood elevation (100 year) DNR had published which the Surveyor and most elected officials disagreed with; based off historical observation. A watershed analysis was completed by Christopher B. Burke Engineering as commissioned by the Drainage Board and DNR would not accept it. The gaging station was implemented to back up the watershed study calculations which was submitted to DNR by Christopher B. Burke Engineering LLC. The base flood elevation has been revised by DNR, in addition to that the County has paid in excess of \$100,000 for original cost and annual maintenance fees

since 2008. Now that criteria have been determined, the gaging station has served its purpose. The Surveyor recommended not approving the contract and decommissioning the gaging station. There was no public comment.

Thomas Murtaugh made a motion to authorize the Surveyor to take the necessary steps to decommission the USGS gage station. David Byers seconded the motion. Motion carried.

**Bonds:**

The Surveyor presented Cincinnati Insurance Company Maintenance Bond #B323941, dated July 17, 2018 submitted by F&K construction regarding Winter Crest Phase 1 Subdivision for acceptance by the Board. Thomas Murtaugh made a motion to approve Maintenance Bond #B323941, dated July 17, 2018 for Winter Crest Phase 1 as presented by the Surveyor. David Byers seconded the motion. Motion carried.

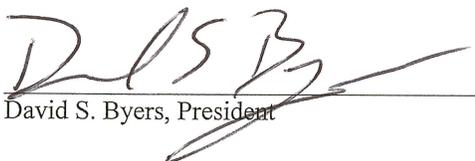
**Marion Dunkin #25 Regulated Drain Reconstruction Award of Bid**

After a review of the submitted bid package documents by both contractors, James Butcher, Project Manager stated all were in order. Thomas Murtaugh made a motion to award the contract for the Marion Dunkin #25 Reconstruction project to A.D.I. Ag Drainage, Goodland Indiana, in the amount of \$245,810.00. David Byers seconded the motion. There was no public comment.

David Byers asked the Surveyor since the bid was lower than the Surveyor's estimate would the rates of assessment be lowered? The Surveyor responded the assessment rates were set previously, however a rate decrease hearing could be held in the future after the project was paid in full and the final amounts were determined.

**Public Comment**

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

  
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David S. Byers, President

  
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Tracy A. Brown, Vice President

  
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Brenda Garrison, Executive Administrator

  
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Thomas P. Murtaugh, Member

**TIPPECANOE COUNTY DRAINAGE BOARD**  
**September 19, 2018**  
**Drainage Board Meeting Minutes**

**Those present were:**

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

**Dismal Creek Regulated Drain #93 Dredging Contract Bids Opening**

The President opened the meeting and referred to the Board Attorney to open the submitted Contract Bids for the Dismal Creek Dredging Project. The Attorney read the bids as follows: Rinehart Excavating \$326,591.36; Huey Excavating \$200,679.00; Garriott Excavating \$313,721.84. The President thank the bidders for their submission and stated they would be reviewed for compliance and the bid would be awarded at end of meeting.

**Approval of Minutes**

Tracy Brown made a motion to approve the August 8, 2018 Drainage Board minutes as written. Thomas Murtaugh seconded the motion. Motion carried.

**Sagamore Commons Master Plan**

Cameron Seymour from Schneider Corporation appeared before the Board to present the Sagamore Commons Master Plan project for approval. The site was located on the west side of Sagamore Parkway West, north of the Cumberland Avenue intersection within the city limits of West Lafayette Indiana. The project consisted of a 6-lot commercial development on approximately 24 acres. The Master plan consisted of preparation of 5 outlots, drainage infrastructure and an access drive from Sagamore Parkway West. Mr. Seymour stated the runoff currently outlets from all directions on site into the Cuppy McClure drain. The plan was to construct a detention pond to collect the site's runoff and release it into the Cuppy McClure Drain at the required rates per ordinance. He stated they agreed with the August 16, 2018 Burke Memo and requested conditional approval as recommended. The Surveyor stated the existing detention basin which will be utilized was originally constructed as a borrow pit as part of the Ivy Townhomes and Flats project immediately west of the Cuppy McClure regulated drain. It would be modified to meet their needs. This had been an ongoing process and followed the Indian Creek Resolution regarding more stringent release rates. He then recommended conditional approval as stated on the August 16, 2018 Burke memo. There was no public comment. Thomas Murtaugh made a motion to approve the Sagamore Commons Master Plan project with the conditions as stated on the August 16, 2018 Burke memo. Tracy Brown seconded the motion. Motion carried.

**Hoffman Nature Center**

Erich Hart of TBIRD Design Services appeared before the Board to present the Hoffman Nature Center Parking Lot for approval. He noted Pat Jarboe from TBird Design Services and Allan Nail from Tippecanoe County Parks Department were also in attendance. The site consisted of approximately 420 acres located on the south side of Old State Road 25 and extended from Sugar Creek Road approximately 1.2 miles to the east. The proposed parking lot would service a future nature center and pavilion. Mr. Seymour noted this was the second phase of the overall project. The first phase consisted of the 800 feet entrance drive presented to and approved by the Board at the September 2, 2015 Drainage Board meeting and constructed in 2016. The conversion of farmland to rain gardens and grass filter strips would compensate for the existing access drive and proposed parking lot which resulted in no change of the volume runoff or discharge rates from the site. The amount of proposed vegetation to be added offset the pervious area of the drive and parking lot. The post project curve numbers peak discharges and volumes were either reduced or the same as pre-project conditions. Future phases of the Hoffman Nature Area would continue the practice of revegetation and added benefit of offsetting project impacts. It is the intent this procedure to become the Master Drainage Plan of future phases for the Hoffman Nature Area. He stated they agreed with the September 12, 2018 Burke memo conditions and requested approval for the project as presented.

Replying to Mr. Murtaugh's inquiry; Mr. Hart stated the exhibits presented today included the entire Master Plan including the future Nature Center and pavilion with the additional parking areas as well. There was no public comment. The Surveyor he instructed a review of the sub-basins by the Engineer's to ensure there would be no increased runoff with this project. He recommended approval with the conditions as stated on the September 12, 2018 Burke memo. Tracy Brown made a motion to approve the Hoffman Nature Center parking lot with the conditions as stated in the September 12, 2018 Burke memo. Thomas Murtaugh seconded the motion. Motion carried.

### **Franciscan St. Elizabeth Health Lafayette East Maintenance Building**

Kyle Bets of Fisher and Associates appeared before the Board to present a Maintenance Building project at St. Elizabeth Health Lafayette East location. The site consisted of approximately 25 acres and was located east of the existing hospital campus within the limits of the City of Lafayette on Creasy Lane. The site along with approximately 3 acres offsite drained into a large depressional area. The release rate was set using a private open ditch which outlet into Branch #13 of the S.W. Elliott Regulated Drain. A wet detention basin would be constructed to compensate for the entire depressional storage and keep an allowable release rate to downstream. He requested Board approval at that time. The Surveyor noted the project was located within the City limits of Lafayette and the City would be approving the project. The Board would be approving the discharge release into the S.W. Elliott Regulated Drain and the F-Lake Detention Storage Facility only for this project. He noted a storage fee for 1.34-acre feet of storage in F-Lake Basin was required to be paid prior to final approval. He then recommended construction approval as stated on the September 12, 2018 Burke memo. There was no public comment. Tracy Brown made a motion to grant construction approval as stated on the September 12, 2018 Burke memo. Thomas Murtaugh seconded the motion. Motion carried.

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

#### **J. Berlowitz Detention Basin**

The Surveyor reviewed an aerial of the three (3) Berlowitz Regulated Drain's Detention Basins with the Board. The first Basin was located at the SE corner of Co. Rd. 550East and Co. Rd. 50South, then the Berlowitz "Hammerhead" pond located immediately upstream on the West side of Co. Rd. 550East which traversed west to Interstate 65 and the Third located west of Interstate 65. The basin or pond located on the corner of the Co. Rd. 550East and 50South was the largest of three within the Berlowitz Regulated Drain system. He noted there would be additional basins built in the future between I.U. Hospital and Franciscan Health St. Elizabeth Hospital.

The Surveyor's office had received complaints regarding the large basin located at the intersection of Co. Rd. 550East and 50 South. The complaints consisted of public safety and environmental concerns, ie: criminal activity, insect population, swimming and fishing. There is currently an annual mowing and spraying contract to control woody vegetation around the basin. As the basin was built to control storm water runoff while preventing downstream flooding, the functionality of the pond was the main concern. Once the woody vegetation grew up, beavers moved in and established a dam obstructing the flow of the outlet. This was causing the basin not to drain as designed. The obstruction was removed. Bids were sought for a six-year mowing and spraying contract for the Berlowitz Regulated Drain detention basins. A contract was signed and is ongoing.

He noted the County Storm Water Ordinance required safety signs around detention basins (ponds). Signs were at one time around the basins however, they have been vandalized or stolen. There are additional signs to be placed around the county's detention basins however they state "No swimming, wading or skating" only. The signs were safety oriented and did not state no trespassing, fishing etc. Viewing the aerial of the area utilizing GIS, the Surveyor noted public were parking in the northwestern portion of the property (owned by the Commissioner's) via the construction access lane. They were using this lane to enter the property and fish in the basin (pond). The access lane was left in place for inspection of the outlet to ensure functionality. It was noted there were a lot of homes in that area which resulted in increased foot traffic near the ponds.

Discussion was held and replying to Tracy Brown's inquiry, the Surveyor noted no discussion with the area's H.O.A.'s (Home Owners Associations) had been held regarding the issue. The Surveyor requested the Board take the matter under consideration to determine what needed to be included on signs for the detention basins (ponds).

Mr. Byers stated since this issue was just brought before them, he would like to think about this further and proposed to continue the discussion at the October 2018 monthly meeting. The Surveyor stated the area is an attractive area to the public. The Hammerhead basin channel has been left in its natural state as the channel stays wet. The intention is to leave the channel in its natural state. The number one purpose of detention basins is to protect landowners against flooding. The Berlowitz Detention Basin discussion will continue in the October meeting.

**Marion Dunkin #25 Reconstruction Update**

The Surveyor informed the Board the Marion Dunkin#25 Regulated Drain reconstruction was approximately 85 percent completed at this time.

**Dismal Creek #93 Dredging Contract/ Award of Bid**

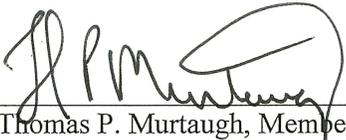
Project Manager James Butcher stated the bids were in order. Low bidder was Huey Excavating in the amount of \$200,679.00. Thomas Murtaugh made a motion to approve the Contract Bid submitted by Huey Excavating in the amount of \$200,679.00 for the Dismal Creek Regulated Drain #93 Dredging project. Tracy Brown seconded the motion. Motion carried.

**Public Comment**

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

  
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David S. Byers, President

  
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Tracy A. Brown, Vice President

  
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Thomas P. Murtaugh, Member

  
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Brenda Garrison, Executive Administrator

## TIPPECANOE COUNTY DRAINAGE BOARD

January 9, 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 Consultant Dave Eichelberger from Christopher B. Burke Engineering LLC and Drainage Board Executive Administrator Brenda Garrison. James Butcher, Surveyor Office Project Manager and Tim Walters, Surveyor's office GIS Technician were also in attendance.

#### **Election of 2019 Drainage Board Officers**

Attorney Masson opened the floor to accept nominations for the 2019 President of the Drainage Board. Thomas Murtaugh made a motion for Tracy Brown to be the 2019 President of the Drainage Board. David Byers seconded the motion. Motion carried. Attorney Masson then opened the floor for nominations of 2019 Vice President of the Board. David Byers made a motion for Thomas Murtaugh to be the 2019 Vice President of the Drainage Board. Tracy Brown seconded. Motion carried.

#### **Appointment of 2019 Drainage Board Executive Administrator**

Tracy Brown opened the floor for nominations of the 2019 Drainage Board Executive Administrator. Thomas Murtaugh made a motion to appoint Brenda Garrison as the 2019 Executive Administrator for the Drainage Board. David Byers "wholeheartedly" seconded the motion. Motion carried.

#### **Approval of December 5, 2018 Drainage Board Minutes**

Thomas Murtaugh made a motion to approve the December 5, 2019 Drainage Board minutes as written. David Byers seconded the motion. Motion carried.

#### **Alexander Ross Regulated Drain #68 Outlet Improvement Reconstruction Contract Award**

Surveyor Beasley stated he had conferred with the attorney regarding the Bids received for the A. Ross Reconstruction project as they were more than 20% of the construction estimate. Attorney Masson stated he had reviewed the bids and, in his opinion, stated they could be accepted as presented. The Surveyor noted reconstruction costs would be paid from the Tax Increment Finance Fund (TIFF) monies and would not be paid from the General Drain Improvement fund (GDI) as is the normal reconstruction process per Indiana Drainage Code. Therefore, the bids were determined to be acceptable and the project would move forward. The Surveyor stated he reviewed similar projects across the state and found several reasons for higher bid prices. The current climate raise in prices of materials and time of year, all factored into the bids. He stated Atlas was the low bidder (\$929,950), and noted they had selected Lowe Construction as their jack and bore subcontractor. He stated the Surveyor's office had worked with Lowe on two other Urban Drain reconstruction projects (Br#11 SW Elliott and the #02 J. B. Anderson Drains) He then recommended awarding the Alexander Ross #68 Outlet Improvement Reconstruction Project Contract to Atlas Excavating. David Byers made a motion to award the Alexander Ross #68 Outlet Improvement Reconstruction Contract to Atlas Excavating in the amount of \$929,950. Thomas Murtaugh seconded the motion. Motion carried.

#### **Alexander Ross #68 Regulated Drain Outlet Improvement Construction Observation Contract**

The Surveyor recommended to the Board to award the Construction Observation Contract for the Alexander Ross #68 Outlet Improvement Reconstruction Project to TBird Design Services as submitted. Thomas Murtaugh made a motion to award the observation contract by TBird Design Services in the amount of \$75,000. David Byers seconded the motion. Motion carried.

#### **Projects:**

##### **CR450/430 South Reconstruction**

Mike Peterson of VS Engineering approached the Board to present the CR 450/430 South Reconstruction project for approval. The site was located at the intersection of US 52 and extended approximately one mile east to New Castle Road. Two existing 90-degree turns would be aligned on said road. There would be resurfacing and widening of the road to 22 feet with new 5-foot shoulders (3-foot aggregate and 2-foot grass). In order to keep access open to local businesses on the road, the project would be conducted in 4 phases. The new alignment would drain into a detention basin designed for the project as the S.W. Elliott Drain tile in the area was not designed for the additional runoff caused by the increase of 3 acres of impervious area. There was no public comment. Mike Spencer Highway Supervisor (attendee) confirmed the project had been reviewed by his office as well. The Surveyor recommended construction approval for CR450/430 South Reconstruction project per the December 27, 2018 Burke memo. David Byers made a motion to grant construction approval per the December 27, 2018 Burke memo. Thomas Murtaugh seconded the motion. Motion carried.

### **McCutcheon High School Renovations and Additions**

Tracy Brown stated the McCutcheon High School Renovation and Addition project was pulled off the Agenda by the designer's request and would be placed on the February 13, 2019 Drainage Board Agenda. There was no public comment.

### **Avalon Bluffs Section Three (Tabled from January meeting)**

Robert Langager approached the Board to review the Avalon Bluffs Section Three for construction approval by the Board. (This project was heard during the October 3<sup>rd</sup> and December 5<sup>th</sup>, 2018 Drainage Board meetings). The project was continued from the December 5<sup>th</sup>, 2018 Drainage Board meeting. Mr. Langager stated this was approximately a 44-acre site with a 200+ lot subdivision and treated as a standalone project due to the timing of design. It was noted that this portion was the final phase of the Hunters Crest Development started in 2005. Portions of the site would drain to existing ponds 1 and 2 in the Hunters Crest Subdivision and an additional Pond 3 would be added to meet the current ordinance standards. Pond 3 would outlet to the southwest and to the east. Storm drainage pipes and swales would direct the runoff to existing and proposed ponds. The northern portion runoff would outlet indirectly to the J.N. Kirkpatrick Regulated Drain and the southern portion would outlet indirectly to the Dismal Creek Regulated Drain. There was an issue with landowner notifications last month therefore it was tabled until this month for consideration of approval. He stated, after the December Board meeting, a meeting was held with those landowners and any issues they had were addressed. Design changes were made to the eastern outlet control structure due to their concerns and he noted they approved the new design. He then requested construction approval for this project. The Surveyor stated he held a second meeting with the downstream landowners to the southwest and southeast of the project and felt the concerns were met as well. There was no public comment. He recommended construction approval according to the January 7, 2019 Burke memo to the Board. Thomas Murtaugh made a motion to grant construction approval as outlined in the January 7, 2019 Burke memo. David Byers seconded the motion. Motion carried

### **2019 Contracts:**

The Surveyor presented the 2019 Legal Services Contract from Hoffman, Luhman and Masson PC with a slight increase (*from 2014 fees*), the 2019 Drainage Board Engineer Review Services for Tippecanoe County from Christopher B. Burke Engineering LLC (CBBEL) with no increase, the 2019 Drainage Board Engineer Review Services for Tippecanoe County from Beutler Fairman and Sieufert (BFS) with a 3% increase for approval by the Board. There was no public comment. David Byers made a motion to approve the 2019 Legal Services Contract from Hoffman, Luhman and Masson PC. Thomas Murtaugh seconded the motion. Motion carried. David Byers made a motion to approve the 2019 Drainage Board Engineer Review Services for Tippecanoe County from Christopher B. Burke Engineering LLC. Thomas Murtaugh seconded the motion. Motion carried. There was no public comment. David Byers made a motion to approve the 2019 Drainage Board Engineer Review Services for Tippecanoe County from Beutler Fairman and Sieufert. Thomas Murtaugh seconded the motion. Motion carried. There was no public comment.

### **Amanda Kirkpatrick Regulated Drain Reconstruction Financial Assistance Satisfaction of Mortgage**

The Surveyor presented a Release of Mortgage document regarding the Amanda Kirkpatrick Drain Reconstruction Financial Asst. Contract with Forest and Marcia Goings. The Attorney noted they had met their financial obligations therefore their mortgage was to be released. Thomas Murtaugh made a motion to approve the Release of Mortgage for Forest and Marcia Goings as presented. David Byers seconded the motion. Motion carried.

### **Surveyor Zachariah Beasley:**

The Surveyor presented the Surveyor's 2019 Regulated Drain Classification Status report to the Board. He recommended the Report be approved as submitted. He noted once approved, the drain status list is submitted to the Auditor for 2019 drain assessment collections. David Byers made a motion to approve the Drain Classification and Drain Status List as submitted by the Surveyor. Thomas Murtaugh seconded the motion, Motion carried.

### **Petition to Reconstruct /Delphine Anson Regulated Drain #4**

The Surveyor presented to the Board a Petition to Reconstruct on the Delphine Anson Regulated Drain #4 submitted to his office by Doug Morehouse landowner within the Anson Drain Watershed. He recommended acceptance and referral by the Board. Thomas Murtaugh made a motion to refer the Delphine Anson Petition to Reconstruct back to the Surveyor for his Report. David Byers seconded the motion. Motion carried. There was no public comment.

### **Bonds:**

The Surveyor presented the following project Maintenance Bonds for approval from the Board. Blackthorne Subdivision Ph. 2 Part 2, Lots 72-75/Maint. Bond#106976463 /by Travelers Casualty Ins./ submitted by Fairfield Contractors/ Amt: \$31,715.00: Hickory Ridge Ph.3 Sec.1/Maint. Bond#1074658/by Hanover Ins. Co./submitted by Atlas Exc./Amt.: \$18,624.20: Barrington Woods Sec.1/Maint. Bond#1073063/by Hanover Ins. Co./submitted by Atlas

Exc./Amt.: \$40,862.00: Country Squire Sec.1/Maint. Bond#9304959/by Fidelity and Deposit Co./submitted by Country Squire Assoc LLC/Amt.: \$25,104.00. Thomas Murtaugh made a motion to approve the four Bonds as presented by the Surveyor for approval. David Byers seconded the motion. Motion carried. There was no public comment.

**February 6, 2019 Drainage Board Meeting**

Surveyor Beasley stated the February 6, 2019 Drainage Board meeting date had a conflict with AIC Legislative Conference. He recommended changing the February meeting date to February 13, 2019 at 10:00 a.m. David Byers made a motion to approve the February meeting date as the 13<sup>th</sup> for the monthly Drainage Board meeting. Thomas Murtaugh seconded the motion. Motion carried.

**Public Comment**

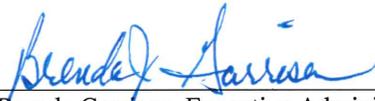
As there was no public comment. David Byers made a motion to adjourn. The meeting was adjourned.



Tracy A. Brown, President



Thomas P. Murtaugh, Vice President



Brenda Garrison, Executive Administrator



David S. Byers, Member