

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.

September 6, 1989 Drainage Board Continued

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 alittle 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.

In the absence of Chairman Eugene R. Moore Chairman, Vice Chairman Sue W. Scholer called the recessed meeting of September 6, 1989 to order at 9:00 A.M. Wednesday, September 13, 1989.

Those present were: Bruce V. Osborn, Board member; Fred Hoffman, Drainage Attorney; Michael J. Spencer, Surveyor; Todd Frauhiger, Drainage Consultant of the Chris Burke Engineering, LTD; and Maralyn D. Turner, Executive Secretary; Don Sooby City Engineer others present are on file.

ORCHARD PARK

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September 13, 1989 Reconvened Drainage Board Meeting from September 6, 1989 ORCHARD PARK

Michael Spencer reported that he has received a Petition to Establish Legal Drain in the Orchard Park Subdivision submitted by Joseph T. Bumbleburg, Attorney for Petitioner John B. Scheumann, Mr. Scheumann owns ten percent (10%) in acreage of the land to be affected by the proposed improvement.

Michael asked if Fred had seen the petition? He has not seen the petition, and Michael had not reviewed the petition, but wanted it to be put on record that the petition had been received.

Michael stated he had received a report from Chris Burke Engineering. Mr. Burke and Todd Frauhiger have gone over the drainage calculations their recommendation to the board is to give conditional approval to Orchard Park with two conditions. The two conditions are:

1. The downstream conditions are addressed.
2. Proper erosion control methods are incorporated during construction.

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.

David Dilling property owner downstream from Orchard Park. The outlet pipe for the development and a large area offsite upstream all drains through Mr. Dillings back yard, beside and around behind his home.

Michael stated to alleviate the drainage problem in the area that is a priority to reconstruct downstream pipe system some how and some way.

Mr. Dilling stated they welcome that and they have presented a preliminary request along those lines. It has not been formalized because they feel they need the input of Mr. Spencer and the Board as to how the reconstruction should take place, and what would be appropriate and workable methods. This they are very concerned as the existing drain is very over whelmed in a rain like we had this last week the street drain was over whelmed in less than 15 minutes, putting the water right back upon the Orchard Park.

Mr. Dilling stated that Michael's recommendations is certainly in order and they certainly welcome the recommendation of how it should be done and any other input along those lines.

Discussion of petition submitted, petition is for just the subdivision area. Michael again stressed that the legal drains should be combined as they share the same outlet. A description of Mr. Dillings lot and his drainage easement should be included in the petition submitted and have Mr. Dilling sign the petition. Then hearings will be held for the reconstruction. Mr. Dilling is in agreement to be a part of the petition.

Mr. Hoffman stated the petition submitted meets his approval.

Mr. Hoffman asked Mr. Bumbleburg if he was willing to have Mr. Dilling join in his petition to establish a legal drain. Mr. Bumbleburg stated he didn't think there would be any problem to add Mr. Dillings lot on, he felt his legal description could be added to Exhibit A. Michael stated they would have Mr. Dilling read the petition to make sure he would be willing to sign it. Discussion of downstream continued. Michael stated he is like Mr. Dilling he can't speak for the other property owners downstream as far as the watershed area the pipe is not on the other property owners lots. The reason Michael feels it is important that Mr. Dilling signs the petition is that the structure is actually on Mr. Dilling's lot. That portion would be the part that will be reconstructed. His signing the petition adds to the legal description the area that has the pipes physically located. A hearing process will be heard later. Mr. Dilling has no problem with what has been discussed.

Michael will get with Mr. Dilling and discuss what has been presented and discuss. Mr. Bumbleburgs client is willing to go along with having Mr. Dilling sign the same petition.

Discussion of Mr. Dilling signing away his rights by joining a petition.

Bruce V. Osborn moved to give final approval to Orchard Park Subdivision with one stipulation that proper erosion control methods be incorporated during construction, seconded by Sue W. Scholer, unanimous approval.

BROOKFIELD HEIGHTS

Michael stated that a petition had been received to establish a legal drain. Mr. Hoffman has seen the petition and meets his approval. Review and study of calculations of construction plans has been done by Chris Burke Engineering through Todd Frauhiger. They had a list of comments which they presented to Dale Koons, Michael has received a reply to all the concerns, all are satisfactory. Michael recommended to the Board give approval.

Todd Frauhiger stated that approval should be given with one condition need to take a look at the concrete block chute structure. It is a structure that has been known to fail at the transition joint between the bottom of the chute and side slope of the chute. Michael stated it has been recommended to study the structure as there may be different designs or alternatives. Alternative may include chutes or possibly half pipe installations.

RECONVENED MEETING SEPTEMBER 13, 1989 BROOKFIELD HEIGHTS

Rita Michael Property Owner, from Heritage Estates Subdivision stated the property owners in the subdivision had concerns as to the storm sewer hook up. Mr. Koons stated they would not be hooking on to the storm sewers of Heritage Estates. Mr. Koons was to meet after the meeting with Ms. Michael and go over their Brookfields drawings.

Mr. Bennett attorney for the developers stated Exhibit C has not been attached to the petition to establish a legal drain as he did not have the internal tiles of the subdivision. Michael stated he has that with the construction plans. This can be attached to the petition.

Mr. Hoffman stated today we are looking at the final approval of the plans, it will not be a final approval of the legal until we have an order. Nobody else will be needed for a hearing as no one is affected; it is all within the subdivision. No action is taken today.

Michael asked if Mr. Curtis signed off on the petition? Mr. has looked at it and approved it and the Executrix of the Dunbar Estate will be joining Mr. Curtis in regards to the legal rights. Mr. Curtis is the contract buyer. Proper procedures will be taking place.

Mr. Hoffman asked Mr. Bennett to give an order after all other things concerned are finalized.

Michael stated an assessment amount per lot is going to have to be filed. There has been discussion to this subject.

Bruce V. Osborn moved to give final approval to Brookfield Heights with one condition item number 4 of letter to Dale Koons of September 12, 1989 from Todd Frauhiger regards to the concrete block chute, seconded by Sue W. Scholer, unanimous approval.

PS LAND

PSLAND

Robert Grove representative for Lafayette Bank & Trust stated they have submitted revised plans to PSI. Final can not be completed until they receive a final determination from PSI.

Todd Frauhiger stated CBBEL would recommend Conditional Approval of the PSLand drainage plan based upon the following conditions:

1. The County does not require further TR-20 input review.
2. Proper erosion control methods are incorporated during construction.

Sue W. Scholer stated PS Land will be continued pending the finalization of PSI work.

TYWCKENHAM

TWYCKENHAM

Mark Smith had talked with Mr. Hoffman. They have not got the work finalized as requested, therefore they were not heard, they will be heard at the October 4, 1989 meeting.

BLACKBIRD FARMSBLACKBIRD  
FARMS

Tom McCully spoke in behalf of Blackbird Farms.

Michael stated at the August 16, 1989, special meeting approval was given with one condition subject to letter of August 15, 1989 from Chris Burke.

1. What are the additional reservoirs simulated with your computer model, and where are they located?
2. With what material is the proposed levee going to be constructed?
3. Have soil borings been taken for the proposed levee material?
4. When you determined whether or not McCormick Road would be overtopped, what size culvert crossing did you analyze?
5. What method did you employ to analyze the McCormick Road culvert?
6. What method did you employ to analyze the proposed pipe/spillway outlet structure to determine the discharges for your TR-20 model?

Conditional approval had been given to Blackbird PD Drainage plans and finding if additional acreage belonged in the water shed area. Mr. Grove upon further study found that the additional acres of 35 did belong to the water shed.

Michael stated offsite drainage area information had been received from Robert Grove.

The conditions have been meant verbally, not in written form.

Mr. McCully stated an approval is needed today as Area Plan Commission is meeting next Wednesday, September 21, 1989.

Michael stated he has no problems with approving it, if they can get a letter to Michael before the hearing with Area Plan and the items in the August 15, 1989 are addressed satisfactorily. Michael asked how the City is responding to their drainage review.

Robert Grove stated the City has a report back from their consultant, he has not seen the report to this date, they have not proposed any problems to Mr. Grove.

Bruce V. Osborn moved to give approval to Blackbird Pond as soon as Michael receives a satisfactory letter stating that the items of concern stated in the letter of August 15, 1989 have been met, so Michael can sign off before the meeting of APC Wednesday, September 21, 1989, seconded by Sue W. Scholer, unanimous approval.

**KIRKPATRICK  
ONE  
DITCH**

KIRKPATRICK ONE DITCH

Michael stated that he had met with Doug Ridenour of Michigantown who is the apparent low bidder for the Kirkpatrick One ditch clean out. Michael has looked at his work, he has no problem in awarding the work to Mr. Ridenour. Michael needs to meet with two property owners in regards to fence removal and crop damage before signing a contract with Mr. Ridenour. This is OK with Mr. Ridenour as he isn't quite ready to start the project. Michael is hoping to meet with the farmers in the next week so Mr. Ridenour can get his performance bond in and have contract signed. Michael requested to wait to approve the bid until the next Drainage Board meeting, October 4, 1989

**QUAIL RIDGE**

QUAIL RIDGE SUBDIVISION

Michael stated he has an item to come before the Board, it is an agreement which Mr. Bumbleburg has prepared between Deluxe Homes and the Drainage Board.

Mr. Hoffman stated it was an encroachment agreement for Lot 41 in Quail Ridge Subdivision. Home is not over easement, it is pretty close 2 1/2 feet, sits on the easement. The house was staked out by a surveyor and found there was a drainage easement there. The easement a platted drainage easement. Discussion.

Mr. Hoffman stated he had no problem with the form presented, the only question he has is the extent of the encroachment.

Mr. Hoffman stated that is not his field, it is Michaels.

Michael stated the only alternative is to have re-platting of the lots and relay the storm pipes.

Michael and Mr. Hoffman are to go look at the project, and decide what needs to be recommended.

There being nor further business to come before the board, Bruce moved to adjourn the September 6, 1989 until next regular meeting October 4, 1989.

*Eugene R. Moore*

Eugene R. Moore, Chairman

NOTE EUGENE R. MOORE WAS PRESENT FOR 9/6/89, NOT PRESENT FOR THE RECONVENED MEETING 9/13/89.

*Bruce V. Osborn*

Bruce V. Osborn, Board Member

ATTEST:

*Maralyn B. Turner*

Maralyn B. Turner, Executive Secretary

*Sue W. Scholer*

Sue W. Scholer, Board Member-Vice-Chairman

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

It is a struggle to believe that this developer has an interest in the good of the community unless it can be done at no cost. I took some photographs of the illegal construction and noticed the developer has left a trench for his surface water to drain toward Kensington Drive in the direction of the catch basins near Mr. Dilling's property.

I request my protests be recorded against the developer's drainage plan and/or petition and I request further action by the Drainage Board be denied because the developer's proposals stands in violation of the drainage code of Tippecanoe County and/or Indiana law. Should the Drainage Board decide to proceed with a hearing on the developer's plan/petition, I ask that the protests described here be applied to those proceedings.

Very truly yours,  
Leonard F. Dible cc: Michael Spencer  
J. Frederick Hoffman

October 2, 1989

Honorable Eugene R. Moore, Chmn.  
The Tippecanoe County Drainage Board  
20 North 3rd Street  
Lafayette, Indiana 47901

Dear Mr. Moore:

As a result of the actions of the Board on September 13, 1989, which meeting your were, unfortunately, unable to attend, there is considerable confusion and uncertainty.

I was asked to meet with Mr. Spencer following this meeting to determine what exactly was done and intended at that meeting, and to be advised as to how to proceed on my own commitment to the Board and also with respect to my proposed regulated drain petition which was presented, through Mr. Spencer, to the Board, on about August 15, 1989.

The result of my meeting with Mr. Spencer was that Mr. Spencer appealed to ignorance. That is, he claimed that he did not recall either what he said in the Board Meeting of September 13, 1989, or what he intended by it. Instead, he appealed to the official minutes of that meeting which he produced in writing for me. I am now in possession of copy of these minutes.

I would like to report to you, on the basis of more than 15 years of professional service in the evaluation of written documents at the university level, that the official minutes of your Board meeting--which are appealed to as the final arbiter of what actually transpired at the meeting, together with the official interpretation thereof--are largely unintelligible, and to the extent that they intelligible, self-contradictory.

I have partially documented these allegations in a letter which was presented to you on September 23, 1989.

For this reason, I am appealing to you to include the matter of the Orchard Park Drain problem on the agenda of the Board meeting for October 4, 1989.

Specifically, I would like to have considered by the Board at the meeting, the following:

1. The question of whether or not the Board intended to reject the Burke report and why.
2. The question of why the Board is willing to encourage an obviously unscrupulous developer to proceed with a plan of action which clearly violates the recommendations of a qualified consultant which the Board used public monies to employ.
3. The question of why the Board continues to permit the continued construction work of the developer in the absence of either construction permits or a resolution of the "downstream conditions."
4. The question of exactly what I was asked by the Board, in their September 6 meeting, to do.
5. The question of why my petition to the Board for a regulated drain crossing my property is not given priority to the petition of Mr. Scheumann which came to the Board more than a month later.

I respectfully appeal to your good graces to lead the Board to do what is right. Nothing could be clearer that the continual suffering of multitudes in our county as the result of past instances of the sort of quick-profit, poorly planned, short-sighted, development of Mr. Scheumann's is another example. Our community deserves to be protected from self-serving developers. For this task we have elected you to help us. Please do your duty in this regard.

Thank you for your consideration.

Cordially,  
David R. Dilling

Per Mr. Dilling's letter of September 23, 1989 states his concerns plus his great concerns in regards to joining the Petition of Mr. Scheumann's , his Lot 76 Potters Hollow Subdivision. Maintenance concern of the regulated drain proposed for Orchard

## 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 there's 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 input 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.

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

*Sue W. Scholer*

Sue W. Scholer, Board Member

ATTEST:

*Maralyn D. Turner*

Maralyn D. Turner, Executive Secretary

TIPPECANOE COUNTY DRAINAGE BOARD  
REGULAR MEETING  
SEPTEMBER 7, 1994

The Tippecanoe County Drainage Board met Wednesday, September 7, 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; Acting Drainage Board Attorney 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 August 3, 1994, Commissioner Yount moved to approve the minutes, seconded by Commissioner Haan. Motion carried.

WESTRIDGE ESTATES

Richard Fidler, Craig & McKnight Engineers and Architects, represented Mr. Weildbaker who is the current property owner and developer of Westridge Estates, located off Taft Road north of Klondike Road. The proposed Subdivision involves 13 acres and will contain 12 lots. Indian Creek is to the east of the development and is planned to be the outlet for the runoff.

Mr. Weildbaker plans to use 10 acres west of the development for his personal use.

Mr. Fidler asked the Board for two variances:

1. Section 14.f.2 to exceed the four foot depth in a 100 year storm event.
2. The dry-bottom detention pond to be a part of lots 1 and 2.

They requested the first variance to exceed the four foot depth because more trees would have to be removed due to the existing ravine. The second variance was requested because the responsibility of maintenance will be attained by the landowner.

Mr. Spencer recommended final approval with three conditions.

1. The 100 year pool elevation of the pond must be shown on the plans.
2. An emergency spillway must be provided as required by Section 14.f.8 of the Ordinance.
3. Section 14.f.13. states that no residential lots shall be used for any part of a detention basin or for the storage of water. It appears that the current plan includes lot lines that extend into the proposed detention pond.

Commissioner Haan stated the concern of having a dry bottom detention pond as part of lots 1 & 2 is the landowners assume ownership of the property and landscape over the easement restricting the flow.

Commissioner Gentry suggested putting all the pond area in the easement.

Mr. Fidler stated the entire area of the pond is within the easement.

Commissioner Yount moved to grant final approval of Westridge Estates with the two variances and subject to the three conditions, seconded by Commissioner Haan. Motion carried.

Drainage Easement Vacation lot 61, Brookfield Heights

Mr. Spencer presented the Board with a signature page that will acknowledge the approval from the Board to vacate the Drainage Easement in lot 61 of Brookfield Heights Subdivision.

Commissioner Haan moved to acknowledge and recommend Ordinance 94-34-CM, seconded by Commissioner Yount. Motion carried.

Valley Forge Drainage

Richard Chafin, 3920 George Washington Road lot 9, and Joseph Seele, 3932 George Washington Road lot 6, came to the Board to express their concern on the drainage of Valley Forge Subdivision. There are two drains one from Church and another from the intersection of Valley Forge and 9th Street that outlet into a manhole in Mr. Chafin's lot then north through one drain. The system works fine until the single pipe outlets onto the lots north of Mr. Chafin's lot and causes water to stand in their lots. Mr. Chafin wanted to know what the County was going to do about this problem. He suggested putting an open ditch in front of his lot and the adjoining lots to direct the water to the J.N. Kirkpatrick Ditch. Mr. Chafin had heard the County was going to tile the water in the back of his lot and adjoining lots.

Mr. Spencer explained that the County Highway Department has been doing field work and collecting data. The data will help determine what action needs to be taken to correct the drainage problem of Valley Forge.

Commissioner Gentry reassured Mr. Chafin and Mr. Seele there will be notification as to when a discussion on the alternatives to the drainage problem will be held.

Mr. Chafin brought to the Board's attention the easement in the back of his lot. He stated there is a 15' easement, but the pipe is 5' outside the easement.

Commissioner Yount stated the Board is aware of the easement situation, but they do not know the reason the pipe is outside the easement.

ORDINANCE DISCUSSION

Commissioner Gentry suggested getting the various Surveyor/Engineers together to discuss the upcoming changes to the Drainage Board Ordinance. The fee schedule which will incorporate a review time limit of a maximum of 10 hours and the fence issue on a wet bottom basin design.

ROWE TRUCKING AGREEMENT

Mr. Spencer presented the Board with the properly executed Rowe Trucking Agreement, which the Commissioner acknowledged and signed.

CUPPY MCCLURE - up-date

Mr. Spencer informed the Board of a letter he received from J.F. New stating he can do the tree mitigation work for the Cuppy McClure Drain for \$1,300.00.

Commissioner Haan moved to accept the price for the tree mitigation plan, seconded by Commissioner Yount. Motion carried.

Mr. Spencer stated he will send Mr. New a letter letting him know of the Board's acceptance, also ask him for a letter stating the price per hour and he will stay within the agreed cost.

JOHN HOFFMAN DITCH - Easement

Mr. Spencer received a letter from a landowner along the John Hoffman Ditch requesting the easement through his property be reduced from 150 feet to 50 feet. Mr. Spencer felt that the easement reduction should not be granted until the Board knows the tile is in good working order.

being no further business Commissioner Yount moved to adjourn until October 5, 1994, seconded by Commissioner Haan. Motion carried.

DRAINAGE BOARD MINUTES    SEPTEMBER 7, 1994 REGULAR MEETING    09/15/9409/06/94

**Tippecanoe County Drainage Board**  
**Minutes**  
**November 5, 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 October 1, 2003 Minutes**

John Knochel motioned to accept the Regular Meeting minutes of October 1, 2003 and the Special Meeting minutes of October 20, 2003 as written. KD Benson seconded the motion; the minutes were approved as written.

**Lindberg Village Planned Development**

Tim Beyer of Vester & Associates appeared before the Board to present the Lindberg Village Planned Development for final approval. The proposed project had been previously approved as Lindberg Village Subdivision Phase 6 in September 2001 and would contain 146 single-family residential lots on approximately 32 acres. The project was located in the east/northeastern portion of the overall development.

The site was located west of County Road 300 West (Klondike Road) between County Road 200 North (Lindberg Road) and County Road 250 North. Stormwater runoff would be directed to yard inlets via drainage swales and street drains within the proposed storm sewer system. The proposed system would connect to the existing storm sewer system for Phases 1,2, and 3 of the development. Some previously installed sewer lines were located on-site in the south half of the project area. All runoff would eventually reach the three (3) on-site detention ponds.

The Surveyor stated the plans showed an ample system of swales and inlets to divert water to the west and southwest ponds. It had appeared the top of the bank of swales in a few areas were outside the easements. A closer review of the system was needed to insure the swales and berm's shown were within easements and was a condition of approval. Mr. Larry Sturgeon and Mrs. Frances Gaylord had previously appeared before the Drainage Board with concerns as downstream owners. The Drainage Board had assured Mr. Larry Sturgeon previously the Development's storm system was adequate and would not allow additional runoff to his property. There was a catch basin and tile located at the southeast corner of Mr. Sturgeon's property that appeared to run along the west Right of Way of Klondike Road. The Surveyor had spoke with Mr. Derrin Sorenson about the possibility of regrading the side ditch along Klondike Road and including the tile into his drainage system. Mr. Sorenson stated he would be willing to review it. KD stated that would be a sensible solution to the downstream owner's concern. The Surveyor stated those concerns would be addressed during the final construction plan approval phase of the project. Tim Wells Highway Engineer and the Surveyor were both very familiar with the area due to many site visits made. The Surveyor felt a reasonable solution would be arrived at. The Surveyor recommended final approval to the Board with the concerns noted in addition to the conditions stated on the October 31, 2003 Burke memo.

John Knochel moved to grant Lindberg Village Planned Development final approval with conditions stated on the October 31, 2003 Burke Memo and those stated by the Surveyor.

**Petition To Remove Obstruction**  
**Fitzgerald/Mitchell versus Brooks/Fox- Lahrman Subdivision**

The Surveyor presented a Petition to Remove an Obstruction received from Patrick G. Fitzgerald 6124 Wyndotte Road and Jay O. Mitchell 6130 Wyndotte Road. The Surveyor stated he had visited the site numerous times and it appeared that a solution between the private parties was not possible. Ruth Shedd inquired to the number of parties involved. The Surveyor stated the petition sited three landowners with obstructions that were causing problems. Mr. And Mrs. Kenneth Brooks, Lahrman Subdivision (Jack Lahrman), and Mr. and Mrs. Ronald Fox were cited on the petition.

It appeared that sometime between the late 1950's and early 1960's someone had straightened the course of the ditch. The Surveyor referred to a copy of a 1963 aerial. There was also a 1957 aerial that showed the ditch running in a more natural serpentine fashion. The watershed extended to the south and picked up ground east and west of U.S. 52. The ditch outlets

into the Ilgenfritz Regulated Drain (Dismal). At least two homeowners along Wyndotte Road had basement drains which outlet into the private ditch and had trouble with water backing up into their basement. It appeared the ditch had slowly grown up with silt and vegetation and was in need of being cleaned out. There was a pipe behind Mr. Brook's home that appeared to be slightly undersized. The pipe was a 30-inch concrete pipe and might be contributing to the problem of the water backing up. The Surveyor made a site visit over Labor Day and the ditch was flowing completely full. The tile outlet was submerged approximately a couple of feet. While Mr. and Mrs. Brooks planned to clean out their portion, they felt that after doing so, they would be liable to the downstream owners for the increase of water on them and therefore withdrew their plans. They preferred someone else direct the cleanout and lessening their chances of liability.

The Surveyor requested a hearing set no sooner than 60 days due to the required fieldwork before the hearing. Since this was a private ditch with no name, research of the apparent ditch work between 1957 and 1963 was difficult. The Surveyor reviewed the possibilities of who did the work. The Surveyor also recommended the Board make a site visit.

The Attorney stated if the obstruction was found to be of no fault of any particular person then the cost of cleanout would be shared out. If obstructed by fault then the cost would be assessed to the landowner at fault. Short of the 30-inch farm crossing which the Surveyor felt had probably been put in when work of the 1950's or early 1960's was done, he felt there was no fault. As this ditch served several property owners south of Wyndotte Road, the Surveyor stated he thought the cost should be assessed to the entire watershed area by statute. Dave stated if it was found not to be intentional, then the Surveyor's office would then research the landowners within the watershed for notification. Ruth Shedd asked if it was the Surveyor's office obligation to notify the landowners of the upcoming hearing date and time? The Surveyor stated the office was legally obligated to notify those mentioned in the Petition. The Surveyor and the Attorney would review the statutes and go forward.

John Knochel stated in lieu of the work involved, he felt a February meeting date would be in order. John moved to set the hearing immediately after the regular meeting in February of 2004. KD Benson seconded the motion and the Petition to Remove an Obstruction Hearing was set at 10:00 a.m. and will follow the regular Drainage Board Agenda for February 2004.

## **OTHER BUSINESS**

### **Brookfield Heights Complaints**

The Surveyor stated he had a couple complaints on the outfall for Brookfield Heights. The subdivision was located on the North side of S.R.26 East and east. A majority of the subdivision outfalls over a hill down to a pond on County Road 50 North. He reviewed the immediate area for the Board. When the area was developed the intent was to make part of their storm sewer system a County Regulated Drain and that was never followed through on. A culvert was installed under 50 North and an easement was purchased for an outlet ditch across the Curtis property. The easement was granted to the Drainage Board. The question at this time is who is responsible for maintenance of the ditch and pond. The system was never made a County Regulated Drain. The Surveyor would present the file to the Attorney for review.

As there was no other business before the Board, John Knochel motioned 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**  
**February 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, Tim Wells County Highway Engineer, Drainage Board Secretary Brenda Garrison, and Shelli Muller GIS Technician.

**Approval of January 7, 2004 Minutes**

KD Benson moved to approve the January 7, 2004 minutes and Ruth Shedd seconded the motion. The minutes were approved.

**2004 Engineering Service Contract**

KD Benson made the motion to approve the 2004 Engineering Service Contract with Christopher B. Burke Engineering LTD. Ruth Shedd seconded the motion; therefore the 2004 Engineering Service Contract between the Tippecanoe County Drainage Board and Christopher B. Burke Engineering LTD was approved.

**Brookfield Heights/Brookfield Farms Petition for Establishment of Regulated Drain**

The Surveyor invited representatives from Brookfield Heights and Brookfield Farms to address the Board. Norman Arbuckle President of Brookfield Heights Home Owners Association and Karen Hall President of Brookfield Farms Homeowners Association stated their name and position for the official record of the meeting.

Utilizing the County's GIS Website, Steve reviewed the location of both subdivisions for the Board. Brookfield Heights was located north of State Road 26, west of 550 East and south of 50 North, while Brookfield Farms was located south of 26. The Surveyor informed the Board of the following; a review of the files and previous Drainage Board meetings, showed the intent during the development of both Brookfield Heights and Brookfield Farms, was to make the storm sewer system within the two subdivisions into a regulated drain. Due to an inadequate outlet for the site a detention pond and an offsite channel which ran to the flood plain of the Wildcat Creek was required. An Easement was acquired from the property owner North of 50N and dedicated to the County. After review of the files, the Surveyor found that while the intent was to establish the storm system into a County Regulated drain, the developer never filed a signed petition. Recently, the Brookfield Heights Homeowners Association sent out a questionnaire asking if landowners were in favor of establishing the storm sewer system into a County Regulated drain. Those signatures were attached to a petition and represented over ten percent (10%) of the owners within the watershed.

Steve then stated the offsite channel in particular was grown up with brush and beaver dams needed removed. With the exception of the need for the offsite channel to be cleaned the Surveyor was not aware of any other major problems. At this time, the Homeowners Association would be responsible for overseeing the work. As the County deals with this on a regular basis, the Surveyor felt it would be more efficient, once a maintenance fund was established and the assessments were collected, for the County to have the work done. The Surveyor then presented the original Petition with the attached signatures to the Board for acceptance. KD Benson made the motion to accept the Petition and refer it back to the Surveyor for a preliminary report. Ruth Shedd seconded the motion; the Petition was accepted and referred back to the Surveyor for a preliminary report. Steve stated after the report was presented to the Board a landowner hearing would be the next step for the establishment of the **Brookfield Heights/Brookfield Farms Regulated Drain**.

**Fellure Foods**

Mr. Don Fisher of Insight Engineering appeared before the Board and to present Fellure Foods for final approval. The site consisted of approximately 8.8 acres and was located between U.S. 52 and County Road 500 North approximately 0.3 mile east of County Road 900 West in Shelby Township. Two entrance drives would be constructed to provide access to U.S. 52 and County Road 500 North. Runoff would discharge into the Oshier County Regulated Drain.

In response to KD's inquiry, Mr. Fisher noted all pertinent information had been submitted to INDOT for approval. The Surveyor stated that condition was on an earlier memo and would be a condition for final approval as well.

The Surveyor stated it would be required that warning signs be placed at a reasonable distance around the pond. The plans show a safety ramp, however the location of the ramp needed to be adjacent to one of the parking lot areas. Mr. Fisher stated they would make the adjustment as required. The Surveyor was prepared to recommend final approval as stated on the January 30<sup>th</sup>, 2004 Burke Review memo deleting condition six and adding the condition of approval from Indiana Department of Transportation as well as the addition of warning signs and safety ramp for the pond.

KD Benson made the motion to grant final approval to Fellure Foods with the conditions as stated on the January 30, 2004 Burke memo as well as the warning signs as noted by the Surveyor. Ruth Shedd seconded the motion and final approval with conditions was granted to Fellure Foods.

### **Stonehenge Subdivision Phases 2 & 3**

Mr. Tim Beyer of Vester & Associates appeared before the Board to present Stonehenge Subdivision Phases 2 & 3 for final approval. These phases would contain 63 lots. The site consisted of a 24.6-acre tract and was located on the south side of County Road 450 North and east of the intersection with County Road 375 West. Tim noted the Board had previously approved the existing detention facilities for the overall development. The proposed storm sewer system would tie into the existing Phase 1 storm structure and eventually discharge to Indian Creek located to the east of the development.

KD Benson asked if there would be a Phase 4 and Mr. Beyer responded the owner Stonehenge Development Corporation planned on additional phases in the future. In response to the Surveyor's inquiry, Mr. Beyer confirmed the conditions on the February 2, 2004 Christopher Burke memo were noted and understood. The Surveyor pointed out the area on the plans around lots 64 through 73. A temporary easement would be required for the record in the event the conveyance of runoff from the swales to the detention pond fell outside the platted easement.

The Surveyor recommended final approval with conditions as stated on the February 2, 2004 Burke memo. KD Benson motioned to grant final approval for Stonehenge Subdivision Phases 2 & 3 with the conditions as stated on the February 2, 2004 Burke memo as well as the requirement of the temporary easement. Ruth Shedd seconded the motion and Stonehenge Subdivision Phases 2 & 3 was granted final approval.

### **Water Safety Committee**

KD Benson stated the following people have been asked to serve on the newly established Water Safety Committee.

Commissioners Representative - KD Benson

County Surveyor - Steve Murray

County Attorney - Dave Luhman

Surveyors' Representative - Pat Cunningham of Vester & Associates (or designee)

Engineers' Representative - Mike Wylie of Schneider Engineering (or designee)

Developers'/Builders' Representative - Scott Bowers of CP Morgan Communities (or designee)

Parent - Kathy Shedd (or designee)

Sheriff - Smokey Anderson

TEMA Representative- Steve Westtschurack

Red Cross Representative - Debbie Elsner (or designee)

School Representative - Alan Kemper

West Lafayette Representative - Jason Burks

Lafayette Representative - Mike Spencer

Vision 2020 Representative - Kathy Dale (or designee)

KD stated the first meeting would be held February 19<sup>th</sup>, 2004 at 12:00 and would be held in the Grand Prairie Room of the County Office Building. She then thanked Kathy Shedd for her perseverance. The Surveyor stated his office was in the process of determining the number of wet and dry detention facilities outside the city limits within the county. Ruth Shedd moved to approve the committee for the water safety program and John Knochel seconded the motion. The motion carried.

**OTHER BUSINESS**

**Steve Murray**

*Irrevocable Letter of Credit*

The Surveyor presented an Irrevocable Letter of Credit # 532 from Lafayette Bank & Trust in the amount of \$34,315.00 for Raineybrook Part 2 Section 1 for approval. KD Benson made the motion to approve the Irrevocable Letter of Credit as presented and Ruth Shedd seconded the motion. The Irrevocable Letter of Credit # 532 for Raineybrook Part 2 Section 1 in the amount of \$34,315.00 was approved.

*2004 Active and Inactive Drains*

The Surveyor presented the 2004 Inactive and Active Drain list for the Board’s acceptance and approval. KD Benson made the motion to accept the list as presented and Ruth Shedd seconded the motion. The 2004 active and inactive drain list as presented was approved. A copy of the list would be added to the minutes of this meeting and put in the official minutes record.

Steve then informed the Board that Shelli Muller, GIS Technician had been entering drain watersheds on the GIS system. Khalid Hassan from MITS was assisting the office with the development of a drainage layer. The layer among other things would highlight a parcel or tract of land that was not being assessed within a particular watershed. Steve stated this would be a more efficient process for assessment of the drains.

***Berlowitz Reconstruction Project Phase 1***

The Surveyor presented the cover sheet for the Berlowitz Reconstruction Project Phase 1 to the Board for signatures. The project ran from approximately 50 South to I-65. A final bid date had not been set at that time. The Surveyor estimated the project would cost two million dollars (\$2,000,000.00). The project had about 500,000 cubic yards of dirt to be removed. The Surveyor felt half of that amount had been accounted for as Mr. Sorenson from Eastland Development was working with the office on that issue. The last resort would be to stock pile it and offer it to the public at no charge.

KD Benson moved to approve the Berlowitz Regional Watershed Improvement plan as presented and Ruth Shedd seconded the motion. The plan was approved and cover sheet signed.

As there were no public comments John Knochel entertained a motion to adjourn. KD Benson motioned to adjourn and 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  
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**  
**February 23, 2005**  
**Brookfield Heights/Brookfield Farms**  
**Establishment of a New Regulated Drain Hearing**

**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 Secretary Brenda Garrison, member KD Benson was absent. Landowners present for the hearing were as follow: Teena Flook, Mary Dienhart, Mary Myers, Tom Zufall, Sam Gardner, Loren Schroeder, and Gary Schroeder.

Ruth Shedd opened the hearing and welcomed the landowners to the proceedings. She then turned the meeting over to the County Surveyor. The Surveyor stated at the time of development, it was intended by the developers of the Brookfield Heights and the Brookfield Farms Subdivisions to establish a new regulated drain for both subdivisions. This had not been done to date. As a result, several landowners, as well as both subdivisions' Homeowners Associations filed a Petition to Establish a New Regulated Drain on February 2, 2004 with the Surveyor's Office. The majority of lot owners were in favor of the establishment of a County Regulated Drain, and their written approvals were part of the official record. He noted the offsite swale drained both subdivisions toward the Wildcat Creek north of County Road 50 North. The swale and the existing detention pond were in need of maintenance. He reviewed the Surveyor's Final Report for the landowners. The report would be included in the official Drainage Board Minute's book after today's hearing minutes. An estimated amount of \$10,693.03 would be needed to maintain the drain annually. A four (4) year assessment total would be \$47720.00, and would require an assessment of \$25.00 per lot for both subdivisions.

Ruth Shedd asked for public comment. It was unanimously stated by all homeowners present they were very appreciative of the efforts by this Surveyor and Board to establish the drain as a new County Regulated Drain. There was no opposition to the petition - written or stated. The Surveyor explained to the landowners that a general drain fund could be borrowed from for the work to be started on the drain north of 50 North. The swale would be graded back to its original grade contours. This would assist in keeping the beaver population down. He felt the cost of maintenance work would be low enough to be quoted rather than bid which would streamline the process. Generally the Surveyor's office requests five (5) quotes. The Indiana code called for a minimum of three (3) quotes. The farmer would then be able to continue to farm the tract this year.

The Surveyor stated eventually Heritage Cove Subdivision would be added onto the drain as well. The Surveyor felt it would be more efficient to have a separate hearing for the Heritage Cove Subdivision, which drained into the Brookfield Heights/Farms Drain. The landowners would be assessed as well and added to the Brookfield Heights/Brookfield Farms Drain Fund. He then recommended signing the Findings and Order statement, which established a \$25.00 per lot maintenance fee for Brookfield Heights/Brookfield Farms Drain #116 by the Board. Drainage Board Attorney Dave Luhman read the Findings and Order statement for landowners present and the Board. The statement would be included in the official Drainage Board Minute book preceding today's hearing minutes. The attorney then noted an amendment of paragraph one (1) of the F&O statement as follows: "...together with easements as per recorded plats."

John Knochel made the motion to approve the Findings and Order by the board establishing a new Regulated Drain and annual maintenance fund as amended in the F&O statement and read by the Attorney. Ruth Shedd seconded the motion to accept the F&O statement as amended and read by the attorney for Brookfield Heights/Brookfield Farms Drain #116. As there was no opposition, the motion passed.

Tina Flook spoke to the Board to publicly thank the Surveyor for working with the Homeowners Association. She wanted to note that his willingness to tackle the problem was greatly appreciated. As there was no other business before the Board, John Knochel made motioned for adjournment. Ruth Shedd seconded the motion. The hearing 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