

MINUTES OF THE AUGUST 3, 1971 MEETING.

Minutes of the Regular Meeting of the Tippecanoe County Drainage Board held in the County Commissioners Room in the County Court House at 9:00 a.m., Tuesday, August 3, 1971.

Present at Meeting Those present at the meeting were: Bruce Osborn, Dale Remaly, Edward Shaw, Richard Donahue, Dan Ruth, John Garrott, Larry Clerget, Gladys Ridder and Ruth Schneider.

Minutes Approved Upon motion made from Dale Remaly, seconded by Edward Shaw, the minutes of the July 6, 1971 meeting were approved as read.

Ditches referred to Engineer The Board referred the following ditches to the Engineer for a Maintenance Fund set up: Moses Baker, Lauramie township; Jacob Taylor, Jackson and Wayne townships; Hester B. Motsinger, Wabash township, Romney Stock Farm, Lauramie and Randolph townships.

9:30 a.m. Herman Beutler Hearing At 9:30 a.m., the Chairman of the Board opened the hearing on the Herman Beutler Ditch. Those attending this meeting were as follows: Arnold Burkhardt, Albert Albright, H. S. Congram, Robert L. Smith, Ralph Booher, and R. L. Leonard. There were no remonstrances filed on this ditch. Mr. Congram suggested a channel was needed to protect the main headwall from collapsing. Mr. Ruth said the Drainage Board would be glad to work with the SCS Office to help plan a new open drain. The Engineer recommended \$1.00 per acre assessment be placed on this ditch. Most of those present felt it was hardly enough and asked for the maximum. Therefore the maintenance fund was set at \$1.10 per acre.

10:30 a.m. Crist & Fassnacht Hearing At 10:30 a.m., the Board's Chairman opened the hearing on the Crist & Fassnacht Ditches. Those present at said hearing were: James L. Primmer for Percy McDill, Omer Murphy, Ada Lewis, Everett Berninger, Harry Smith, John Brown and Dale Brown. The Engineer read all remonstrances and his recommendations to the Board. George Berninger's acreage on his notice, should have read 55 acres instead of 80 acres. By Board action these two ditches were combined into one ditch now known as the Crist-Fassnacht Ditch. Although the Engineer felt 75¢ per acre was needed, all persons present were in favor of an assessment of 50¢ per acre. The Board agreed that the maintenance fund be established at 50¢ per acre.

11:30 a.m. Fugate Hearing At 11:30 a.m., the Engineer open the Fugate Ditch Hearing by reading of the maintenance report. There were no remonstrances filed. The following persons were present at said meeting: H.S. Congram, Roy A. Smith, Max DeVault, and Geneva DeVault and Mary Kitsmiller. Mr. Roy Smith stated that there were 70 rods of broken tile; one mile south of county line on Ralph Wise's property. During the discussion it was agreed that the repair of the 70 rods would not come under maintenance but would be a reconstruction project. The Engineer suggested that the Fugate and Kirkpatrick Ditches be combined but those present didn't agree. Because the Kirkpatrick Ditch was in better condition than the Fugate Ditch those people did not want their money to pay for maintenance on the Fugate Ditch. Therefore the ditches were not combined. All land owners attending were in favor of \$1.00 per acre maintenance fund. On motion made and carried the Board established the maintenance fund of \$1.00 per acre.

Order & Findings and Cert. of Assessment Signed Upon establishment of maintenance funds on the aforementioned ditches, the Board signed the Order and Findings and the Certificates of Assessment.

1:30p.m. Frank Kirkpatrick At 1:30 p.m., the Chairman of the Board opened the hearing on the Frank Kirkpatrick Ditch by reading of the maintenance report. Those attending the hearing were: Roy Smith, Mabel McDill Andrews and Mrs. Mary Kitsmiller. In discussing the pros and cons on both Fugate and Kirkpatrick Ditches, it was agreed not to combine them. Because of the condition of the Fugate Ditch it wasn't fair to take maintenance from the Kirkpatrick Ditch to fix the Fugate Ditch. All of the owners were in favor of the \$1.00 assessment. On motion made and carried the Board established the maintenance fund at \$1.00 per acre.

2:30 p.m. McFarland and Oshier Branch Ditch At 2:30 p.m., the Board's chairman opened the hearing of the McFarland and Oshier Branch Ditch. The maintenance report and remonstrances were read by the Drainage Engineer. Those attending said hearing were: Anna Boesch, Marshall Farms representative, Lynn Hawkins, Audley Oshier, and Mark Briar. The land owners on the Oshier Branch wanted to remain by themselves. Attorney Richard Donahue, suggested to continue the hearing until November 2, 1971.

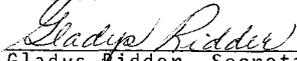
Upon motion by Edward Shaw, seconded by Bruce Osborn, the Board adjourned.


Bruce Osborn, Chairman


Dale Remaly, Vice Chairman


Edward Shaw, Board Member

ATTEST:


Gladys Ridder, Secretary

MINUTES OF THE TIPPECANOE COUNTY DRAINAGE BOARD SEPTEMBER 7, 1971.

The minutes of the regular meeting of the Tippecanoe County Drainage Board held in the Commissioners Room in the Court House at 9:00 a.m., on Tuesday, September 7, 1971.

- Present at Meeting Those present at the meeting were: Bruce Osborn, Dale Remaly, Edward Shaw, Dan Ruth, Dick Donahue, John Garrott, Larry Clerget, Byron Parvis, Gladys Ridder and Ruth Schneider.
- Minutes Approved Upon motion by Bruce Osborn seconded by Dale Remaly the minutes of the August 3, 1971 meeting were approved as read.
- Ditches Referred to Engineer Upon motion by Dale Remaly seconded by Edward Shaw the Board referred the following ditches to the Engineer to prepare for a maintenance report. Floyd Coe (Lauramie Township), Marian Dunkin (Jackson and Wayne Townships), John McCoy (Wea Township).
- Kepner Industrial Tract Mr. Ruth, Drainage Board Engineer, stated on August 5, 1971, Mr. Paul Hamman was in the office with regards to the Kepner property east of town. At that time Mr. Ruth stated, he told Mr. Hamman that a 60 inch pipe would be adequate in the area of the Kepner land if the other recommendations of Dr. Spooner's report were followed.
- Engineers Request Mr. Ruth suggested to the Board that one month we have a meeting but no public hearings. This was done so that we might catch up on uncompleted work. He preferred the month of December. The Board agreed to the suggestion and gave approval.
- John Dooley Maintenance Hearing 1:30 Those present for the maintenance hearing of the John Dooley Ditch were: H. Spencer Congram, Lawrence Treece, William P. Martin, Charles Brown, Iness L. Brown, Chester W. Dill, and Mr. and Mr. Keith McMillin. The engineer opened the hearing by reading the Engineer's report. Mrs. Keith McMillin and Larry Treece were the main objectors and spoke for the rest. They asked the Board not to establish a maintenance fund but to grant them a continuance without date.
- Replacement of Board Member Dale Remaly havein previously disqualified himself to serve in the proceedings concerning the Elmer E. Thomas Ditch and said fact having been duly certified to the judge of the Tippecanoe Circuit Court by Gladys Ridder, Board's Executive Secretary and Warren B. Thompson, Judge Tippecanoe Circuit Court having duly appointed Claude Acheson to serve as a special member of the Board in all proceedings concerning the Elmer E. Thomas Drain. The certification and order of appointment being shown in Judges Journal 138, at page 17, in the records of the Tippecanoe Circuit Court. Claude Acheson appearing is sworn and undertakes his duties and obligations as a member of the Tippecanoe County Drainage Board in the proceedings concerning the Elmer E. Thomas Ditch.
- Elmer E. Thomas Maintenance and Reconstruction Hearing 10:30 The engineer opened the hearing on the reconstruction report by explaining the plans and leaving the meeting open to a question and answer period. Those in attendance were: Dale Remaly, Roy Smith, Robert Gross, Dave E. Gross, Charles Scowden, Katherine and B. Norman DeBoy, Hazel Holmes Gephart, Lawrence Krug, C. Jeanette Dodson, Francis E. Ziegler, Marjorie A. Connolly, Nancy J. Keller, Floyd Lamb, Lucille Banes Williams, Patty W. Garrott, Chester S. Yerkes, R. J. Baker, E. E. Franklin, R. D. Franklin, E. L. Bryant, C. E. Floyd and R. D. Sterrett, of the State Department of Natural Resources, Robert Gross said if the engineer would promise him that the area would be drained and that it would take care of the spring water (that area has several springs) that he would definitely before it. Both Mr. Ruth and Mr. Martin assured them the plans were designed to take care of surface water and it would be up to the individual to see that his own spring water found its way to the drain. Floyd Lamb asked the Board to take his land out of the drainage area for he was sure none of his ground drained that way. The Engineer said he would check it and then inform him of his findings. After lengthy pro's and con's the Board decided to continue this hearing upon motion of Bruce Osborn, Seconded by Ed Shaw, they moved to continue this hearing at 9:30 a.m., on December 7, 1971. Mr. Remaly said if this area was not drained now he felt the situation would continue to get worse and eventually be a health hazard. Mr. Barnett felt if this land was properly drained it could be very valuable.
- Harrison B. Wallace 11:30 At 11:30 a.m. the engineer opened the hearing on the Harrison B. Wallace ditch by reading his report on the condition of this drain. Those in attendance were: Fred B. Pell, Lloyd Howey, representative of Home Investment Company, Inc.; Mrs. C. L. McCorkley, Mr. and Mrs. Harold Freed, and Roy A. Smith. Both the Howey's and the Pell's felt their acreage was in error and that they were double assessed, so the Engineer said we would check the records to see if this were true and notify them later. It was noted that some had taken beautiful care of their ditch while others had done nothing and that it wasn't quite fair to have to charge them all the same with the ditch in such good condition in some parts. The Board agreed to lower the assessment from \$1.00 to \$.75. Upon motion by Bruce Osborn, Seconded by Ed Shaw the maintenance fund was established.
- Mr. William K. Schroeder came to the Board with a personal problem between he and his neighbor and the Board took no action for this was not under their jurisdiction.
- The engineer opened the hearing on the Waples-McDill Drain at 1:30 p.m. by reading to the Board his recommendation. Mr. Floyd Wilcox came in prior to the hearing and ask the Engineer to check his acreage. In

Waples-McDill 1:30 doing so Mr. Ruth corrected the acreage in Section 16 from 120 acres to 40 acres due to a private ditch that drains the balance. Those attending were: Floyd Wilcox, Orville J. Parvis, Gladden Skinner, Ken Rauch, and Velma Brown. No objections had been filed so by motion of Bruce Osborn, seconded by Dale Remaly and made unanimous by Ed Shaw the sum of \$1.00 per acre was established.

Informal Meeting The engineer opened the informal hearing of the Train Coe Ditch by informing the Board that he felt the Train Coe Ditch could be reconstructed for not more than \$17.50 per acre.

Mr. *Cruik* informed the engineer that he had talked to Mr. Barton Maxwell and as he had quoted a good price for the installation of tile ask that a tile ditch be considered rather than an open ditch. He was informed that if there was any indication that a tile drain might be economical it would be given ever consideration.

The engineer told those in attendance and the Board that he would prepare plans and specifications and hold a public hearing; said hearing be perhaps early spring.

Upon motion be Bruce Osborn, seconded by Dale Remaly the Board adjourned.

Bruce Osborn
Bruce Osborn, Chairman

Dale Remaly
Dale Remaly, Vice Chairman

Edward J. Shaw
Edward Shaw, Board Member

ATTEST:

Gladys Ridder
Gladys Ridder, Secretary

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

Present
at
Meeting

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

Ditches
Referred
to
Engineer

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

Engineer's
Specifications
for Bids

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

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

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

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

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

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

Order
and
Findings

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

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

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

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

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

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

Hearing adjourned.

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

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

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

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

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

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

EXAMPLE---

Major Ditch 6000 feet long

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

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

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

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

The Board approved the recommendation by the engineer.

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

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

Twyckenham
Estates
Subdivision

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

Tippecanoe County Area Plan Commission
Court House, Lafayette, Indiana

Gentlemen;

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

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

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

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

Very truly yours,

/S/ A. D. Ruth, Jr.

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

ADR/gr

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

Bruce Osborn, Chairman

Dale Remaly
Dale Remaly, Vice Chairman

Edward J. Shaw
Edward Shaw, Board Member

ATTEST:

Gladys Ridder
Gladys Ridder, Secretary

their descriptions of the John Blickenstaff or William Arndt, as it was once called, ditch. Because there were no records establishing the end of this ditch and because Byron Skinner offered to let them come down on his land and dredge it if they needed more fall, the Board decided to let those doing the repair work also decide where the ditch would end. Those in attendance were: Keith Barger, Charles Kennedy, Ted Dieterle, Byron D. Skinner, John Blickenstaff, and Marvin Hesler.

Mr. Dieterle reported that rip rap at the Bridge was causing most of the trouble in their area and Mr. Osborn said he would check with the highway department and see that it was taken care of. Keith Barger asked Mr. Ruth to set up plans of what was needed to bring this ditch into proper condition and asked the Board if they would grant them one year to get it there. Mr. Osborn said they had done the same on the Moses Baker ditch and found it cheaper and made the motion to grant them the year they requested. The motion was seconded by Dale Remaly and made unanimous by Edward Shaw.

There were no landowners on the Jeremiah Edwards ditch in attendance. The engineer had promised those in attendance at the hearing on this ditch last month that he would take elevations and help determine whether there would be any advantage to establish a maintenance fund on this ditch. The engineer reported his findings by reporting that until the Little Pine Creek was dredged the Edwards ditch was rendered useless and that there would be absolutely no value received to establish a maintenance fund at this time. Upon motion by Bruce Osborn seconded by Dale Remaly and made unanimous by Ed Shaw, the chairman moved to grant an indefinite postponement of establishing a maintenance fund on the Jeremiah Edwards ditch.

1:00 p.m.
Jeremiah
Edwards
Ditch
Hearing

This meeting was called to inform those in the watershed area of the Train Coe ditch the progress made to this point on the reconstruction figures. A map of the whole area with the proposed ditch was passed through the crowd for their inspection while Mr. Ruth explained what he had planned to do with reference to tile or open ditch.

1:30 p.m. After considerable discussion it was agreed that a public hearing should be held at the earliest possible date.

Informal
Hearing
Train Coe
Ditch

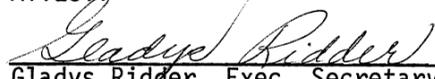
Upon motion by Dale Remaly, seconded by Edward Shaw, the Board adjourned.


Bruce Osborn, Chairman


Dale Remaly, Vice Chairman


Edward Shaw, Board Member

ATTEST:


Gladys Ridder, Exec. Secretary

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

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

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

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

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

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

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

11:30 a.m. Mr. Ruth, the engineer opened the hearing on the Mary Southworth Ditch by reading his report. The following persons were present: Mr. and Mrs. Leo Kerker, Mrs. Helen Shidler, and C. M. Kirkpatrick, representative from Purdue University.

REGULAR MEETING OF THE TIPPECANOE COUNTY DRAINAGE BOARD HELD JANUARY 3rd, 1973.

The Tippecanoe County Drainage Board held it's regular meeting on January 3rd, 1973 at 9:00 o'clock a.m., with the following members present: Bruce Osborn, Edward Shaw, Robert Fields, Fred Hoffman, A. D. Ruth, Jr. and Gladys Ridder.

Election of Officers Upon motion by Bruce Osborn, seconded by Robert Fields, Edward Shaw was elected Chairman of the Board for the year 1973. Upon motion by Edward Shaw seconded by Bruce Osborn, Robert Fields was elected Vice Chairman of the Board. Upon motion by Bruce Osborn, seconded by Edward Shaw, Gladys Ridder was again elected Secretary and Fred Hoffman was re-appointed Attorney. All motions carried.

Minutes Approved Upon motion of Edward Shaw, seconded by Robert Fields and made unanimous by Robert Fields, the Board approved the minutes of the December 6th, 1972 meeting as read.

Bids Accepted The following bids were accepted for 1973:
Corrugated Metal Pipe ---- Ladoga Culvert Division
Logansport Metal Culvert

Back Hoe ---- Fauber Construction Co.
Cohee Construction
Keiser and Keiser Contractors, Inc.

Drag Line ----- Fauber Construction Co.

9:30 a.m. Hearing on the Simeon Yeager ditch Maintenance Fund The Engineer opened the hearing on the Simeon Yeager ditch by reading his report and making his recommendations to the Board. Mr. Willard Kolb was the only person appearing on the Yeager ditch hearing. The ditch only drains 153 acres and the Board felt it would be foolish to place any amount under \$1.00 per acre assessment on this ditch. Mr. Kolb agreed so it was moved by Bruce Osborn, seconded by Robert Fields and made unanimous by Edward Shaw to establish a \$1.00 per acre assessment.

10:30 a.m. James Vanderkleed Ditch Hearing The Engineer opened the hearing on the James Vanderkleed ditch by reading his report and making recommendations to the Board. Mr. Ruth read a letter from Joan and Dennis Jackson stating that one half of the one acre they own is under water most of the time and that this ditch does not benefit them. Most of those present said about the same and although they didn't have the vote of all to vacate indicated this was their wish. The Board respected their wish and asked them to get the signatures of all and come back to them if they wanted this ditch vacated.

11:30 a.m. Dempsey Baker Ditch Hearing The Engineer opened the hearing on the Dempsey Baker ditch hearing by reading his report and making recommendations to the Board. One remonstrance was read. Most of those present felt this ditch was in need of a maintenance fund being established although not all were in favor of the \$1.00 per acre assessment. After much discussion Mr. Bruce Osborn moved to establish a \$1.00 per acre assessment and Robert Fields and Edward Shaw seconded the move.

1:30 p.m. Moses Baker Ditch Hearing The Engineer opened the hearing on the Moses Baker continued hearing by reading his report and suggesting to the Board that a very low assessment is all that would be needed for these people had done a beautiful job of repairing their ditch at their own expenses and labors. The Board had given these people a year to do their own work as they had requested. The Board was most satisfied with the results and when they informed the Board that they had nearly \$2,000.00 left in a fund to do maintenance work the motion was to establish a fund for maintenance only when their money was depleted. Motion carried.

Order & Finding and Certificate of Assessments Upon completion of the ditch hearings, the Board signed the Order and Findings and the Certificates of Assessments on those ditches where maintenance funds were established.

Assessments Upon motion made and carried the meeting adjourned.

ATTEST:

Gladys Ridder
Gladys Ridder, Exe. Secretary

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

Tippecanoe County Drainage Board
Minutes
February 5, 2003
Regular Meeting

Those present were:

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

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

Approval of January 8, 2003 Minutes

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

Appointment of Secretary to Drainage Board

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

Request to Modify Drainage Easement

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

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

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

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

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

2003 Legal Counsel Contract Proposal

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

Steve Murray

Drains: Active and Inactive List

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

Classification of Drains Report

Drains In Need of Reconstruction

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

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

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

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

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

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

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

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

Drains In Need of Periodic Maintenance

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

Surveyor Recommendation of Hearings in 2003

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

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

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

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

Urban Drain Classification for 2003

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

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

Hearing Date and Time Set

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

OTHER BUSINESS

Petition for Removal of Obstruction / Ronald and Marsha Baxter

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

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

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

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

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

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

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

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

KD moved for the two neighbors to share the cost of the obstruction removal by the joint effort of Mr. Baxter and Mr. Beason. John Knochel seconded the motion and the motion carried. John then made the motion for the obstruction to be cleaned up in six months' time and KD seconded the motion. The motion carried. Mr. Beason noted the Estate had to be wrapped up by May of this year. The Surveyor encouraged both parties to work together to accomplish the work needed in a timely and cost efficient manner.

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

Ruth E. Shedd, President

John Knochel, Vice President

Brenda Garrison, Secretary

K.D. Benson, Member

Tippecanoe County Drainage Board
Minutes
March 5, 2003
Regular Meeting

Those present were:

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

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

Approval of February 5, 2003 Minutes

K.D. Benson made the motion to approve the February 5, 2003 minutes and Ruth Shedd seconded the motion. The motion carried.

River Bluffs Subdivision Parts 2 and 4

Tim Beyer with Vester and Associates appeared before the Board to request final approval for River Bluffs Subdivision Parts 2 and 4. Mr. Beyer presented a map of the site which was located south of Greenview Drive and north of the intersection of Pretty Prairie Drive and County Road 500 East. The site contained approximately 14.9 acres and would be developed into twenty-nine (29) single-family, residential lots. The map also included parts one (1) and three (3) of River Bluffs Subdivision. Preliminary drainage approval had been given for the site. The lot configuration was changed from the original submission in 2001 resulting in eight additional lots and a reduction of street surfaces. Due to the size of the lots (3/4 acre) and soil on the site, the increased runoff would be minimal. Additionally, drainage swales conveyed the runoff to a large ravine that ran to Harrison Creek and ultimately to the Wabash River. Due to this, a waiver of detention requirements was requested. The State owns the property between the south boundary of the site and Harrison Creek as part of the Prophetstown State Park. The Surveyor noted due to the direct release attention had been given to insure the runoff was contained in the ravines.

K.D. Benson made the motion to waive the standard stormwater detention requirements and Ruth Shedd seconded the motion. The motion carried and the waiver was granted. The Surveyor informed the Board a final approval was recommended with the conditions of easement width, design and protection or armament within those easements. Due to problems with residents filling in drainage swales, he would need to review final easement widths to insure the swales were completely within the easements and the riprap proposed, particularly within the swales on the south boundary was designed properly.

K.D. Benson made the motion to give final approval to River Bluffs Subdivision Parts 2 and 4 with the conditions listed on the February 27, 2003 Burke Memo as well as the condition noted by the Surveyor. Ruth Shedd seconded the motion as stated and the motion carried.

OTHER BUSINESS

Reconstruction Request/ Main Branch of the Kirkpatrick Regulated Drain Benjamin Crossing

Mike Wylie of Schneider Corporation approached the Board to request approval of reconstruction on the main branch of the Kirkpatrick Legal Drain located within the Benjamin Crossing Planned Development located at Concord Road and 450 S at the NE corner. The project was given final approval with conditions at the December 10th, 2002 Drainage Board meeting. The construction plans had since been signed off on, and the plat approved. This request was the final stage concerning the reconstruction of the Kirkpatrick Legal Drain located in the NE corner of the site. The existing tile would be intercepted at the east property line and rerouted through a new storm sewer which will tie back into the existing tile at the north property line. Steve informed the Board of the provision in the Drainage Code that allowed an individual to relocate and reconstruct a portion of a County Regulated Drain. The relocation and or reconstructed portion must be totally on their property and the work must be done at the individual's expense. The plans must be submitted to the County Surveyor for review.

Once reviewed it would be submitted to the Board for approval. Also a minimum of thirty feet for a drainage easement was required. At that time the Surveyor recommended approval for the relocation/reconstruction of the Main Branch of the Kirkpatrick Legal Drain as shown on the plans.

K.D. Benson made the motion for approval of the relocation/reconstruction of the Main Branch of the Kirkpatrick Legal Drain as presented before the Board. Ruth Shedd seconded the motion and the motion carried.

Reconstruction Request/Portion of Branch #7 & #8 and Reduction of Easement associated with Branch #10 of the Kirkpatrick Legal Drain...The Commons at Valley Lakes

Steve informed the Board the reconstruction request of a portion of Branch #7 & #8 and reduction of easement associated with Branch #10 of the Kirkpatrick Legal Drain at The Commons at Valley Lakes would not be presented as noted on the Agenda for today’s meeting. The Drainage Report for the project had not been submitted in time for review by Christopher Burke. Therefore the request was continued until the April 2, 2003 meeting.

Bonds – Maintenance

Steve presented the Board with Maintenance Bond #5847853 for \$6264.00 from A&K Construction for acceptance concerning the Saddlebrook Subdivision Phase 3 Part 2. The Bond was for Drainage improvement, swales and erosion control outside the public right of way. Steve recommended the acceptance of said Bond. K.D. Benson made the motion to accept the Bond as presented and Ruth Shedd seconded the motion. The motion carried.

Steve Murray

The Surveyor received notification from White, Fountain and Montgomery Counties of their Drainage Board’s approval of the twenty-five percent (25%) increase in assessment of those drains which involved their Counties. The list had been presented to the Tippecanoe Auditor for the upcoming May assessment.

The Surveyor then informed that the Board notices for the Hearing at 10 a.m. on April 2, 2003 for the Elijah Fugate Drain had been sent out and the list of assessments had been completed, copies were provided to the members. He then reviewed the options that would be presented to the landowners at that hearing.

Due to workload and the size of the watershed, the Surveyor reported the Moses Baker Drain Hearing, tentatively scheduled for April 2, 2003 at 11 a.m., would need to be rescheduled. After a discussion of dates, the Board agreed upon April 23, 2003 at 11 a.m.

Dave Luhman presented and read to the Board, the Findings and Order statement from the February 5, 2003 Obstruction Hearing.

Baxter / Beason Obstruction Hearing Findings and Order Statement

STATE OF INDIANA) SS
COUNTY OF TIPPECANOE)

BEFORE THE TIPPECANOE COUNTY
DRAINAGE BOARD
TO THE 2003 TERM

PETITION TO REMOVE OBSTRUCTION IN MUTUAL DRAIN/
RONALD R. BAXTER AND MARCIA BAXTER

FINDINGS AND ORDER

This matter came to be heard on the Petition to Remove an Obstruction in a Mutual Drain or Mutual Surface Water Course filed by Ronald R.Baxter and Marcia Baxter on August 26, 2002. Petitioners Ronald and Marcia Baxter appear in person. Respondent Estate of Kevin Beason, Deceased, appears by Shawn Beason, Co-Personal Representative of the Estate. Hearing is held on the Petition. After having reviewed the evidence and having been duly advised in the premises, the Board now finds as follows:

1. There exists a mutual drain located between the properties of Petitioners Ronald and Marcia Baxter and the property owner by Kevin Beason, Deceased, located at 1237 West 625 South, Lafayette, Indiana, consisting of a swale and ditch.

2. That the mutual drain is obstructed by fill, growth of cattails, and a tree growing in the swale.
3. That the blockage appears to be the result of a natural accumulation due to a lack of maintenance.
4. That the Board does not find that the obstruction of the drain was created intentionally by the Respondent.
5. That removal of the obstruction will promote better drainage of the Petitioners' land and will not cause unreasonable damage to the land of the Respondent.

IT IS THEREFORE ORDERED that the obstruction to the mutual drain be removed through the joint efforts of the Petitioners and Respondent;

IT IS FURTHER ORDERED that Petitioners and Respondent, being the owners of both tracts of land benefited by the drain, which tracts of land are equally benefited thereby, shall jointly pay the cost of removing the obstruction to such mutual drain: fifty percent (50%) by Petitioners and fifty percent (50%) by Respondent.

IT IS FURTHER ORDERED that the Petitioners and Respondent shall cause the obstruction to be removed within six(6) months of the date of this Order.

SO ORDERED this 5TH day of March 2003.

At that time, Dave directed the secretary to send a copy of both the Hearing Minutes and the Findings and Order Statement to both parties by certified mail. Ruth Shedd inquired as to the appeal process if the Order was not followed. Dave reviewed that process for the Board. The Surveyor stated he felt the parties would comply with the Order.

K.D Benson made the motion to approve the Order as written and Ruth Shedd seconded the motion. The motion carried.

As there was no other business before the Board, K.D. moved for adjournment. Ruth Shedd seconded the motion and the meeting was adjourned.

Ruth Shedd, President

John Knochel, Vice President

Brenda Garrison, Secretary

KD Benson, Member

Tippecanoe County Drainage Board
Minutes
April 23, 2003
Moses Baker Regulated Drain
Special Hearing

Those present were:

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

Ruth Shedd called the Special Hearing to order and referred to the Surveyor Steve Murray.

The Surveyor thanked those in attendance and began his presentation by stating the hearing was called in response to a landowners petition submitted to his office on February 18, 1998 requesting a maintenance fund be established for the Moses Baker Regulated Drain located in Lauramie Township, Tippecanoe County and northwest of the Town of Stockwell. The Drainage Board referred the petition to the Surveyor for follow-up. The petition was signed by approximately fifty-five percent (55%) of the owners of the acreage located within the watershed. He stated the statute required ten percent (10%). A maintenance report had been completed and filed, along with the assessment list of those landowners within the watershed. The estimated cost for maintenance and repair was spread among those landowners within the watershed.

The Moses Baker Drain was originally established in Tippecanoe County Circuit Court, Case Number 2878 in 1883, rebuilt and extended to and through the E.M. Platt Ditch in County Commissioner's Court 1938, Commissioners Record 38 Page 471 et seq. Specifically in Sections five (5) through ten (10), fifteen (15) through eighteen (18), twenty-one (21) and twenty-two (22), T21N, R3W and Sections twelve (12) and thirteen (13), T21N, R4W.

Hearings were held on November 3, 1971 and January 3, 1973 to establish a maintenance fund. The conclusion of the first hearing was landowners would pool their own money and improve the ditch after which they would refer back to Board for review again. On January 3, 1973 a second meeting was held. Due to a balance in the private fund of approximately \$2000.00, the Board informed the landowners once the monies were depleted, a hearing would be held to establish county maintenance and assessment. At that time the assessment proposed was \$1.00 per acre. He then stated for whatever reason, it had fell through the cracks. Thus the reason for today's hearing.

Two different proposals were prepared for the hearing. The proposed rates were \$3.00 per acre over an eight-year period, or \$6.00 per acre over a four-year period. The statute allowed for an eight-year accumulative total before the fund would go inactive. To date most of the landowners preferred the eight-year proposed rate of \$3.00 per acre that generated approximately \$75,000.00 for the fund. The Surveyor's estimate of approximately \$75,200.00 would take care of the cleaning and brushing, repair some private tile, outfalls and bank erosion work. He felt the ditch was in fair condition, but would require some maintenance work in isolated spots.

The total watershed acres were 4685 acres that included two sub-watersheds. The Ray Skinner Drain and the Gustav Swanson Drain were the sub-watersheds within the overall watershed of Moses Baker Ditch. During the hearings of the seventies, the general consensus was to keep the two watershed assessments separate from the overall watershed assessment. After discussion with owners within the overall watershed, it was determined to keep the sub-watershed assessments separate and only include the acreage outside the sub-watersheds for this assessment. Therefore the total acreage for the Moses Baker Ditch Assessment excluding the sub-watershed assessments was 3130.058 acres.

Three laterals were included in the maintenance report and the estimate by the Surveyor. The Headwall Tile Branch contained approximately 3484 feet of tile and was located in Section 15 and 16, Township 21N and Range 3W. The Osborn Tile Branch contained 2400 feet of tile and was located in Section 13, Township 21N and Range 4W. The South Branch contained approximately 3800 feet of tile and was located in Sections 21 and 22, Township 21N and Range 3W. The ditch ultimately ran into a branch of Wea Creek.

A slide show was prepared to better inform the Board and attendees of the Ditch's condition at present. The pictures presented represented a normal flow of water. Several of the slides showed areas of grass bars, settlement deposits and erosion of the outer banks. The flow of the channel had made its way around grass bars and sediment deposits, causing erosion of the outer banks. Slides showed the outlet of the Swanson Drain partially obstructed and the Skinner Ditch outlet to be partially submerged. There were some older bridges that could be taken out, to increase the function of the ditch, if the landowners were favorable. Due to sever bank erosion approximately 1000 feet upstream of 500E, landowners had dumped stone and debris in the ditch to help stabilize it. At the completion of the presentation the Surveyor invited comments from the Board and the attendees. Commissioner Benson asked if INDOT would be involved with the maintenance of the culvert at State Road 28. Steve stated not necessarily as the maintenance actually needed done was on the tile not the culvert under the State Road. Commissioner Benson stated the culverts appeared to be oversized due to the water table at that time. The Surveyor asked Mr. Osborn if he had ever seen the ditch to be half to three quarters full. Mr. Osborn responded he felt the culverts were adequate for a normal rainfall and had at times ran full. Ruth Shedd then opened the hearing up for comments from the attendees.

John Mandeville representing the Margaret Sears Trust approached the Board and asked how far back from the eroded ditch banks would the County repair? The Surveyor explained private outlet pipes would be repaired and riprap would be used to assist in stabilizing the banks. The bank's medium to worse spots would be repaired. A phase-in program would be utilized that would assist in decreased damage to the banks. Rock chutes would be installed just below the top of the banks back twenty-fifty feet. The purpose of the assessment was to take the burden off of one or two property owners and spread the cost over all the benefited landowners. Mr. Mandeville asked for assurance the assessments on the two sub-watersheds would remain separate and the landowners would not be assessed within this assessment. The Surveyor assured Mr. Mandeville the assessments to be filed with the Auditor would not include the landowners within the sub-watersheds. He stated as representative for the Margaret Sears Trust, the \$3.00 per acre for eight years was the preferred option.

Mr. Tom Osborne informed the Board he had reviewed the ditch with the previous Surveyor and carried the petition to the landowners himself. In the past landowners got together and pooled their monies to maintain the drains, however those times were gone and the drain was in need of maintenance. He stated most of those landowners he had spoke with were in favor of the eight-year option of \$3.00 per acre. Commissioner Shedd asked if a fund was in existence and the Surveyor replied there was not a fund at present. Mr. Osborne expressed concern for the large headwalls in poor condition and Steve assured him they would be repaired as previously stated in his report.

Mrs. Skinner representing the John Skinner Trust stated she preferred the eight-year \$3.00 per acre option also. At that time Commissioner Shedd asked for any other comments.

The Surveyor stated his office received no objections before this hearing. He stated by letter or verbally forty four percent (44%) of the acreage within the watershed had been confirmed to be in favor of said assessment. He reiterated the Board had, in 1973, concluded once the private funds were depleted, the landowners were to approach the Board again for an established maintenance fund. Due to the increased costs of construction, the \$1.00 per acre recommended in the past hearings would not be sufficient. He felt there was well over fifty percent (50%) in favor of establishing a maintenance fund. He strongly recommended the Board to adopt the \$3.00 per acre for eight years, which would allow accumulation of funds. The maintenance would be phased over a period of four to six years. He stated there were no returned notices by landowners within the watershed. At that time the Surveyor turned the hearing over to the Board's attorney.

Mr. Luhman stated he felt that due to the delay in taxes this year, the assessment could possibly start in May of 2003. The Board agreed. He then read the Findings and Order of the Tippecanoe County Drainage Board.

BEFORE THE TIPPECANOE COUNTY DRAINAGE BOARD

IN THE MATTER OF THE MOSES BAKER:

FINDINGS AND ORDER (ANNUAL MAINTENANCE)

This matter came to be heard upon the maintenance report and schedule of assessments prepared by the Tippecanoe County Surveyor and filed on March 21, 2003.

Certificates of mailing of notice of the time and place of the hearing, to all affected landowners, were filed. Notices of publication of the time and place of the hearing, in the Journal & Courier and the Lafayette Leader, were filed.

Remonstrances were not filed.

Evidence was presented by the Tippecanoe County Surveyor and many of those landowners affected were present. A list of those present is filed herewith.

After consideration of all the evidence, the Board does now FIND THAT:

- (1) The maintenance report of the Tippecanoe County Surveyor and schedule of assessments were filed in the office of the Surveyor on March 21, 2003.
- (2) Notice of filing of the maintenance report and the schedule of assessments and their availability for inspection and the time and place of this hearing was mailed to all those landowners affected more than thirty (30) and less than forty (40) days before the date of this hearing.
- (3) Notice of the time and place of this hearing was given by publication in the Journal & Courier and the Lafayette Leader, newspapers of general circulation in Tippecanoe County, Indiana more than ten (10) days prior to this hearing.
- (4) The legal drain consists of approximately 25,300 feet of open ditch and approximately 9684 feet of tile branches.
- (5) The present condition of the ditch and tile branches are in need of repair as described in (6).
- (6) The ditch needs the following maintenance at present: The open ditch requires general brushing, cleaning and excavation of the channel, bank repair and stabilization, and tile outlet repair. The tile branches need spot repairs and replacements.
- (7) There is now \$0.00 owed to the General Drain Fund for past maintenance on this ditch.
- (8) The ditch and tile branches covered by this Findings and Order drain 3130.058 acres. The overall Moses Baker watershed contains 4685.346 acres, and 3130.058 acres remain after deducting the G. Swanson and the R. Skinner drains, which are currently under assessment.
- (9) Estimated total cost of maintenance is \$75,200.00. The annual cost of maintenance is \$9,400.00.
- (10) Estimated annual benefits to the land drained exceed the repair and maintenance costs.
- (11) A fund for annual maintenance should be established.
- (12) In order to provide the necessary maintenance fund, the annual assessment per acre benefited should be: \$3.00 per acre for eight years.
- (13) The assessment list filed herewith should not be amended.
- (14) The assessment list filed herewith is fair and equitable and should be adopted.
- (15) The assessment should be collected with the 2003 taxes.

FINDINGS AND ORDER (ANNUAL MAINTENANCE) CONT:

NOW, THEREFORE, IT IS ORDERED THAT:

- (1) A maintenance fund be established for the Moses Baker ditch at the annual rate of \$3.00 per acre.
- (2) The Schedule of Assessments filed herewith are adopted and made a part thereof.
- (3) The first annual assessment shall be collected with the 2003 taxes.

DATED at Lafayette, Indiana this 23rd day of April 2003.

COUNTY DRAINAGE BOARD:

Ruth Shedd, President

John Knochel, Vice President

KD Benson, Member

ATTEST:

Brenda Garrison
Tippecanoe County Drainage Board

At that time, Dave requested a motion to adopt the Findings and Order Statement as read with amendments. Commissioner Benson made the motion to adopt the Findings and Order Statement as read with the amendments and Commissioner Knochel seconded the motion. The Findings and Order Statement by the Board was adopted.

The next order of business was to authorize the secretary to the Board to certify to the Auditor the annual assessments; subject to the condition no appeals were filed within the twenty-day waiting period following public notification. Commissioner Knochel made the motion as stated. Commissioner Benson seconded the motion and the motion carried. The Moses Baker Drain Assessment of \$3.00 per acre for eight years was adopted.

Commissioner Knochel moved to adjourn the meeting and the meeting was adjourned.

Ruth Shedd, President

John Knochel, Vice President

KD Benson, Member

Brenda Garrison
Tippecanoe County Drainage Board

Tippecanoe County Drainage Board
Minutes
July 2, 2003
Regular Meeting

Those present were:

Tippecanoe County Drainage Board President Ruth Shedd, John Knochel Vice President, and KD Benson member, County Surveyor Steve Murray, Drainage Board Attorney Dave Luhman, Drainage Board Engineering Consultant Dave Eichelberger from Christopher B. Burke Engineering Limited, and Drainage Board Executive Secretary Brenda Garrison. The Surveyor's Office Project Manager Zachariah Beasley was also in attendance.

Approval of June 4th, 2003 Minutes

John Knochel moved to approve the June 4th 2003 minutes as written. KD Benson seconded the motion on condition the signature blocks were changed to reflect the 2003 officers.

Winding Creek Section 2

Mr. Paul Coates from C&S Engineering representing Winding Creek Development LLC approached the Board to present Winding Creek Subdivision Section 2 for final approval. The project would provide an additional 55 single-family residential lots on 36 acres. The site was located at the southeast corner of the overall Winding Creek Development that extended along the north side of County Road 500 North between County Roads 50 West and 75 East in Tippecanoe Township. The overall drainage plan was previously granted preliminary approval at the December 18, 1998 Drainage Board meeting. Runoff from the North half of Section 2 would discharge to an existing 24-inch diameter storm sewer that extended westward from the rear yard of Lot 158 and would discharge directly to a tributary of Burnett's Creek. Runoff from the South half of Section 2 would discharge to the Burnett's Creek tributary. Runoff from a portion of the developed lots along the east property line would drain uncontrolled to the north and east.

The Board recognized Mr. Tim Wells County Highway Engineer. Tim noted while the report had taken in account the 27 acres of offsite drainage, he was concerned how the drainage crossed 500 North. He stated there had been some drainage problems on the south side. Mr. Murray clarified the inquiry to Mr. Coates as the following: "If you've accommodated the 27 acres and the 100 year flow from it, how have you routed it through your system?" Mr. Coates responded as follows: "Storm drainage calculations were included in the plan. A pipe was not designed obviously for the 100-year flow itself. Typically a culvert pipe is designed for a fifty-year storm. However we have allowed for the collection of the runoff. A pipe was not located at that location, but we have taken a pipe up to the right of way line and actually a little further south that would allow for a pipe to be put in and handle any water from the south side." The Surveyor stated, the question was how would they pass the 100-year flow? A series of swales over the pipe and, or through the property to accommodate the flow was required for the 100-year flow- if it not completely passed through a pipe. The sight to the south once developed would be required to detain as everyone else and this should lessen the flow. The Surveyor also stated the County Highway would like to install a culvert at that location at some point. In particular the County Highway was concerned once a culvert was installed at that location, that there would be a positive fall from the new downstream invert so that it would pass through Winding Creek. He stated the construction plan review addressed these issues as well as others and would be resolved before actual construction began. He wanted to insure the situation was understood and the requirements would be met. Mr. Wells stated that Highway would work with Mr. Coates to insure no constriction would happen.

At that time the Surveyor stated conditions 4,6,7 on the June 27th, 2003 Burke memo still needed to be met. In addition "Condition Eight (8) " should read as follows; "The applicant must address the excess of seven inches of ponding in the street at lots 159 and 160. " He then stated the County Highway would direct the applicant concerning this issue. Tim Wells stated he would insure the ordinance would be complied with and his office would review the design. The Surveyor then stated an additional "condition Nine (9)" as follows; " Drainage Easements would be required from the storm sewer outlets to the detention pond, and to include a drainage easement around the detention pond."

At that time the Surveyor recommended final approval with the conditions 4,6,7 listed on the June 27th, 2003 Burke memo and also to include conditions eight (8) and nine (9) as stated. John Knochel moved to grant the final approval of Winding Creek Section 2 with the conditions listed on the June 7th, 2003 Burke memo along with additional conditions number eight (8) and number nine (9) presented by the Surveyor. KD Benson seconded the motion and the motion carried.

PETITON TO VACATE A PLATTED EASEMENT

Mr. Matt McQueen of the Ball Law Firm representing landowner Ronald Baker addressed the Board concerning a petition to vacate a platted easement in Willowood Subdivision. The easement pertained to drainage, utilities and access. It involved Lot Twenty-Seven (27) in Willowood East Subdivision Part IV Phase One (1), and also twenty-five feet (25') of Lot Twenty-Eight (28) in Willowood East Subdivision Part IV, Phase Two (2). Platted in part of the Northwest Quarter of Section Twelve (12) Township Twenty-Three (23) North and Range Four (4) West. Mr. McQueen stated a hearing date was set for July 21, 2003 at the Commissioner's meeting. The Commissioners had previously directed Mr. McQueen to appear before the Drainage Board for review.

The Surveyor presented a map and digital photos of the area today for the Board to review. While the Crist - Fassnacht regulated drain ran through the plat of the Subdivision, the Surveyor felt it had no bearing on today's request. Mr. Murray stated his office did not have any objections for the drainage part of the easement being vacated. He reiterated this would pertain to the fifty-foot (50') easement in question and did not include any regulated drain easement that may extend over the area.

Mr. John Knochel moved to grant approval of the easement vacation in Willowood Subdivision as presented. KD Benson seconded the motion and the motion carried.

OTHER BUSINESS

Ray Skinner Ditch- Lauramie Township

Mr. Tom Osborn of Lauramie Township approached the Board to discuss the drainage problems in Stockwell. Since the new Sanitary Sewer system would not be in place until sometime in late 2004 or early 2005, he wanted to inform the Board of an immediate need. There were five or six houses blocked off on a tile branch of the Ray Skinner drain. However that branch was not part of the legal drain maintenance at this time. Known blockage existed for lots 1,2,3, and 16. Tom stated more lots might be affected. Mr. Osborn requested funds for jetting open the tile.

The maintenance fund of the Ray Skinner Ditch covered only the portion that crossed 900S and up near the School property at the northwest corner of Stockwell. The Surveyor noted at one time it appeared to be part of the court drain system. When the assessment was set up in 1970's the specific description was 500 feet of open ditch and 3700 feet of tile in the main ditch. This did not cover the tile in question.

Mr. Ron Knowles from the County Health Department approached the Board at that time. Mr. Knowles reiterated the immediate need for financial assistance. Mr. Knowles stated the tile was a combination of storm and sewer. Currently septic tanks had direct discharge into the tile. Other than jetting out the tile, the only alternative would be to put the homes under a pump and haul order. (Pumping their tanks frequently) He stated the tanks were lock joint tanks approximately 250 gallon apiece. That alternative would be financially disruptive to the homeowner. Presently, the tile was blocked and not draining properly. Consequently homeowners were unable to use their facilities. With the present condition of the tile, soon they would not be able to live in their homes due to sewer backup. Mr. Knowles stated the new sanitation system should be operating in early 2005 at the latest.

In addition Mr. Osborn reviewed the need to include the tile branch, which outlets into the Ray Skinner Ditch, with the assessment of the Ray Skinner Ditch for proper maintenance of drainage of that area. While most of the landowners in Stockwell were presently being assessed on the Ray Skinner ditch, some of the landowners are paying into a maintenance fund on the Moses Baker Ditch located at the south side of town.

KD Benson inquired as to the outlet for the tile in question and if it was posted as contaminated, the Surveyor informed her it outlets to Moses Baker Ditch and the ditch is posted with warning signs. Ruth Shedd then asked if the branch tile had always routed to the Skinner ditch. The Surveyor confirmed it had. Through the years, the County Highway had worked on that part of the tile, which was in the right of way. The Surveyor had spoke with Mr. Bill Easterbrook, Lauramie Township Trustee, concerning maintenance work that had been done on the tile branch and it was determined to not be part of the assessed portion of the drain. Therefore reimbursement was not available.

The Surveyor asked Mr. Osborn if the catch basin was full of sediment or water. Mr. Osborn replied it was full of water. KD stated since the funds were unavailable from the Drain Maintenance accounts, the commissioners would review other funds for the immediate need. The Surveyor stated he appreciated the time and money Mr. Osborn had spent on this problem and

was willing to help in any way, however his office was limited to the restraints of Indiana Code. Mr. Knochel stated possibly monies could be used from the Highway department or another source. Mr. Osborn stated while it was a tough situation, something had to be done as soon as possible for these homeowners. KD stated landowners could be without their homes if this situation was not taken care of. In response to the Surveyor's inquiry, Mr. Osborn stated, while tree roots were blocking some of the tile, the tile itself was not in bad shape. The Surveyor stated Mr. Osborn would be provided with a map of the tile route upon the closing of the meeting.

Mr. Osborn stated he would be willing to carry a petition to include the branch of the Ray Skinner ditch in question around to the affected landowners if that would help the situation. He felt it would assist in funding for future maintenance of the branch after the sanitation system was in place. The Surveyor stated the Board would entertain any petition that was presented. He stated due to the tax for the new installation of the system, he felt they would be hard pressed for an additional tax on drain tile maintenance. Mr. Osborn stated he felt they would be willing to pay the tax due to the many problems they have encountered to date. Mr. Osborn also stated he was concerned that in the future more problems could arise and there again the monies would not be available for required maintenance. Responding to Ruth's inquiry, the Surveyor stated all but one section, which cut across the corner of a couple lots, ran along the road. He suggested it might be possible for the County Highway to hire someone to look at the area. Ruth stated a Commissioner's meeting was scheduled for the upcoming 21st of July, at which time a review of possible funding sources would take place. KD asked Mr. Osborn about the amount of cost involved and he estimated approximately \$1000.00. The Surveyor stated he would also confer with the County Attorney. He asked for clarification of the type of sewer system to be installed and if it would be affected by ground water. Mr. Knowles answered, "It would be a vacuum type system and due to the shallow installation, would not be affected by ground water." Ruth then stated the Board would keep Mr. Osborn, Mr. Knowles from the Health Department and the Surveyor informed of the situation.

Restrictive Covenants / Homeowners Associations

The Surveyor informed the board of an issue that kept occurring. While the Board requires covenants to be set up by a Homeowners Association for collection of fees (relating to maintenance of their detention ponds, storm sewer facilities outside the road's right of way, etc.) it appeared that well over fifty percent (50%) of the time it was not implemented. Once lots were sold, without one hundred percent (100%) of the lot owners in agreement, a Homeowners Association was near impossible to set up. He would discuss this with the County Attorney and explore avenues to insure the Associations were being formed.

As there was no public comment, John Knochel moved for adjournment. KD Benson seconded the motion and the meeting was adjourned.

Ruth E. Shedd, President

John Knochel, Vice President

Brenda Garrison, Secretary

KD Benson, Member

Tippecanoe County Drainage Board
March 14, 2012
Regular Meeting Minutes

Those present were:

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

Approval of Minutes

Tom Murtaugh made a motion to approve the January 4th Regulated Drain Hearing and the January 4th Regular Drainage Board Meeting minutes as written. John Knochel seconded the motion. The December 7th Regulated Drain Hearings and the December 7th Regular Drainage Board Meeting minutes were approved as written.

Winding Creek Section 6

Clem Kuns from TBird Design Services appeared before the Board to present Winding Creek Section 6 for final approval. The site was located south of County Road 600 North and west of County Road 75 East on approximately 25 acres. He noted a master drainage plan for this area was approved in 1998 by the Board. This Section was the last section of the overall development. The northern boundary of this section adjoined the Coyote Crossing Golf Course. The onsite detention facility was originally designed to accommodate a portion of this section as well. The existing pond outlet would be modified with stormwater quality measures. Part of the northern portion drained uncontrolled to the Cole Ditch after passing through the Coyote Crossing Golf Course. All minor modifications of the existing pond were indicated on the construction plans. Plans called for lowering the existing spillway 2 feet (presently a grassy Berm). Regarding crossing the Golf Course, they were presently looking for wetlands in the area which may need to be accommodated or mitigated. A signed agreement was obtained from the Golf Course owners in order to proceed with the construction and permitting process. The construction plans were reviewed with the Golf Course owners. The exhibit which indicated the exact locations of the proposed crossings was reviewed with them specifically. IDEM and DNR permitting was presently in the process phase. Responding to Mr. Knochel's inquiry, Clem stated safety signs and flotation equipment were proposed for the pond ramp area. However, the ramp was not on the property being developed for this section. Therefore additional safety accommodations were not included in the plans. He noted there were future development plans for a clubhouse close to the area of the pond. After a lengthy discussion with the Board Attorney, the Board concluded additional pond safety requirements would be addressed at the clubhouse project's drainage approval presentation.

A variance regarding the TSS removal rates was requested and he noted several stormwater quality measures for the majority of the site were planned. He asked for approval of the variance and project at that time. Responding to Tom Murtaugh's inquiry, Clem stated the L-shaped outlot indicated on the plans was designed for Utility and Drainage Easements. A mound was proposed to be located there to block the view of the treatment plant. It was noted American Suburban and Indiana American Water both have infrastructure in this area. Tom Lawrence, 8 Grapevine Court West Lafayette 47906- Lot 118 of Winding Creek Subdivision Section 1, appeared before the Board as the Homeowners Association Representative for Winding Creek Subdivision. He stated the clubhouse project was indefinitely delayed until more monies were collected by the Association. Mr. Byers stated pond safety was very important to the Board and it was prudent to address this before construction on the clubhouse was started. The Board would address this at that time. The Surveyor stated while the pond was designed and approved under the 1998 Drainage Ordinance, efforts were made to achieve the current TSS required rate for this section of the project. In addition, he noted a meeting had been held to specifically discuss certain issues of them being the safety and TSS rate. As a result of the meeting, he stated measures taken were sufficient and recommended approval of the variance request. Tom Murtaugh made a motion to grant the variance as requested. John Knochel seconded the motion. Winding Creek Section 6 was granted a Variance to the Stormwater Quality requirement. After confirming safety measures were currently on the plans, Tom Murtaugh made a motion to grant Winding Creel Section 6 final approval with the conditions as stated on the March 9, 2012 Burke memo. John Knochel seconded the motion. Winding Creek Section 6 was granted final approval with conditions as stated on the March 9, 2012 Burke memo.

Reserve at Raineybrook Phase II

Kyle Betz of Fisher and Associates appeared before the Board to present Reserve at Raineybrook Phase II for final approval. The site was located west of the new U.S. 231 South and north of County Road 500 South and consisted of 7.48 acres. Original plans called for 39 units for this phase of the project; however the revised and current plan indicated 30 single family residential units to be located on site. The Overall Raineybrook development was approved by the Board in January March 14, 2012

2001; Phase II was included in the plans submitted at that time. Drainage for this phase of the project was served by two existing outlets. Approximately 1/3 of the project site drained into the southwest corner through a previously constructed drainage outlet and the remaining runoff drained into a natural pond known as Corley Pond. Runoff from this phase eventually discharged to Little Wea Creek. Kyle stated the schematics had not changed from the original drainage plan for the site. No modifications were planned for the natural pond with the exception of the installation of an outlet pipe and the associated materials for its placement. Responding to Mr. Knochel's inquiry, Kyle stated while the developer acknowledged safety concerns, the pond was not located on the developer's property. Kyle stated he felt it was best to discuss signage and safety box issues with the Home Owners Association or the developer of Raineybrook Subdivision. He stated it would be a better benefit to serve all the lots adjacent to the pond and not just the five new lots associated with this phase only. Responding to John Knochel, he stated the Raineybrook development project was presented to the Drainage Board in 1994 and prior to any County Pond Safety Ordinances. The Reserve at Raineybrook development project was included in the Master Drainage Study and then presented to the Board in 2001. The Surveyor stated the uniqueness of this pond was that it was natural and not manmade. Kyle stated due to the natural uniqueness of the pond it was likely the slopes did not follow the present day ordinance standards. The pond was located in a conservation easement- as a wetland covered most of the pond.

The Board Attorney, Dave Luhman, inquired whether the width of the easement at the discharge pipe location into the pond was wide enough for emergency vehicles to access. Kyle confirmed the easement was wide enough for emergency vehicles to access the pond during an emergency. He stated there was common area which a blanket easement covered. Dave Eichelberger noted due to the blanket easement a variance was not required. However, where there was not a building pad indicated on the plans, the blanket easement should be indicated throughout the plans when submitted. Kyle agreed with Mr. Murtaugh in that a mulch trail circled the pond. Mr. Eichelberger suggested the mulch trail should be changed to a hard surface wide enough to accommodate emergency vehicles as well as pedestrian traffic. Kyle noted they were reviewing making a portion of the trail -where the drainage easement crossed -a hard surface and leaving the remaining trail mulch. Mr. Eichelberger stated he did not feel that area alone would be sufficient for vehicle traffic in emergency situations. The Attorney stated this would be an ongoing issue for the Board as developers use ponds existing prior to the Safety Ordinance and with different ownership as outlets. Most ponds existing prior to the Safety Ordinance did not have safety ramps, safety boxes etc. as it was not required when the projects were presented for approval by the Board. In this case the pond was surrounded by existing homes on the east and the south sides which made it difficult to access in an emergency. Emergency vehicles would have no choice but to access this pond from the west side. Requiring a total hard surface on the trail surrounding the pond would accommodate emergency vehicles. Responding to Mr. Betz, Mr. Murtaugh noted the open lots adjacent to the pond was indeed wooded, very steep and would not be suitable for access to the pond. He noted he thought the most northern portion of the pond at the service road location would be the best access area to the pond.

The Surveyor stated precedent had been set on new phases or sections of a project -approved prior to the current Stormwater Ordinance- regarding the current TSS rate requirement. Developers should attempt to reach the required 80% TSS removal rate on all subsequent phases/sections of a previously approved project. Based on the March 9, 2012 Burke memo comments, it appeared there was no attempt to reach the 80% TSS rate (stormwater quality requirement). Therefore, from a technical standpoint he could not recommend the variance be granted. He informed the Board his office did discuss the safety issues surrounding the pond (warning signs, rescue equipment etc.) with Mr. Betz in a meeting prior to the Burke memo stated. The comment Mr. Betz made at that time was "They would take the issue under consideration". It appeared none of the suggestions regarding safety were included in the most recent plans. To do nothing as far as safety concerns because the pond was under different ownership was worrisome and bothersome to him. Therefore he would not recommend the variance as requested to the Board. As the remaining conditions on the memo were minor, he recommended project approval with the conditions as stated on the March 9, 2012 Burke Review Memo. Hearing no motion for the approval of a variance, the request was not approved by the Board. Responding to Mr. Murtaugh' inquiry, Dave Luhman stated the Board could not require safety measures around the natural pond adjacent to the project site. Had the pond been a constructed detention pond owned by the same developer, the Board would have that option. The Board could (although not required) request the developer in a good faith effort volunteer to provide safety signs in adjoining areas of the pond. Mr. Murtaugh asked if the developer would be willing to install safety signs and safety boxes where appropriate on their site. Mr. Greg Milakis developer of the project and present, stated he would be willing to add safety measures such as signs and safety equipment boxes. Due to this agreement, Tom Murtaugh made a motion to grant final approval with the conditions as stated in the March 9, 2012 Burke Review memo. John Knochel seconded the motion. Reserve at Raineybrook Phase II was granted final approval with conditions as stated on the March 9, 2012 Burke memo. The conditions included the agreed addition of safety signs and safety boxes to be located in the common area near the pond and the 5 lot locations which adjoined the pond indicated on the plans.

Zachariah Beasley /Inspection Results: Hawthorne Ridge Subdivision

The Surveyor noted the Homeowner Assoc. President for Hawthorne Ridge Subdivision and a couple landowners appeared before the Board in January 2012. They discussed several drainage concerns they had within the subdivision regarding what they felt was drainage from adjoin tracts. He noted his office made a site visit to the areas of concern. He gave a power point presentation to the Board of the inspection. He stated, the developer of St. Andrews Church reminded him at the 2006 Drainage Board Meeting it was a condition of approval the developer walk the downstream conveyance system and take photographs of the current condition before the church was built. Dale Snipes Stormwater Coordinator within the Surveyor's office walked the downstream conveyance area as was done before the church was constructed. The power point presentation included the developer's 2006 photographs with the 2012 photographs taken by Mr. Snipe's inspection. The photographs were taken roughly every 500 feet and stopped at County Road 500 North. He noted the photos indicated the channel itself was still relatively straight. He informed the Homeowners Association debris from yards such as yard clippings, brush etc. should be removed from side slopes of the ditch. The debris kills vegetation which would cause erosion to the ditch at a faster rate. Noticeable erosion occurred during this time at the manhole location. However this amount of erosion was not uncommon as the time frame between photographs was 6 years. He noted a landowner had armored the bank with rip rap which was a good practice. At the private bridge location (Martins Blueberry Patch site) there appeared to be silt built up since the 2006 photographs were taken. This had caused some obstruction of the stream's flow. Responding to Mr. Byers' inquiry, the Surveyor noted this was a private stream/creek therefore his office could not maintain it. D.N.R. would allow a private landowner with a required permit to remove the built up silt. He concluded the presentation by stating based on the 2006 current condition photographs and present day photographs; it did not appear a substantial problem was created by the St. Andrews Church project. The stream looked no different than any other stream in the county would during a 6 year time frame. With the armoring of the ditch in some locations using rip rap it actually was in better shape than a lot of private ditches within the county. He stated did not feel St. Andrews Church project have caused a negative impact on this subdivision drainage. The Church was built as designed and approved by the Board in 2006. Regarding the homeowners specific concerns he stated the orifice plate and aqua swirl were in place as designed. The Surveyor noted this was a large watershed area as there was approximately 700-800 acres if not more. He informed the landowners the Revised Stormwater Quality Ordinance was revised this year (Jan. 2012) to control the more frequent storm events and was confident it would assist in the drainage of future developments.

Zachariah Beasley/Petitions

The Surveyor presented four Petitions to Encroach submitted by Duke Energy regarding their Line Relocation project. The project started roughly around the Town of Concord south of Lafayette and extending south of Tippecanoe County into Montgomery County crossing 4 regulated drain locations involving 3 regulated drains, with one drain being encroached in two areas. The following drains were being encroached upon: Frank Kirkpatrick (2 Locations), Train Coe and Romney Stock Farm Regulated Drains. The Surveyor noted his office met the Duke Representatives on site and the tile locations were marked for them. Duke Energy was very cooperative in this process. The Surveyor recommended approval for the Encroachment Petitions as submitted. Tom Murtaugh made a motion to grant approval for the Duke Energy Line Relocation project's Petitions to Encroach on the Frank Kirkpatrick, Train Coe and Romney Stock Farm Regulated Drains. John Knochel seconded the motion. The Petitions to Encroach on the Frank Kirkpatrick, Train Coe and Romney Stock Farm Regulated Drains were approved as submitted.

The Surveyor presented a Petition to Encroach on the S.W. Elliott Regulated Drain #100 Branch #14 submitted by TBird Design Svc. for the Warehouse of Lafayette project. The location was east of Concord Road and south of Brady Lane. The Surveyor recommended approval of the petition as submitted. Tom Murtaugh made a motion to grant approval for the Warehouse of Lafayette Petition to Encroach on the S.W. Elliott #100 Branch #14 Regulated Drain. John Knochel seconded the motion. The Petition to Encroach on the S.W. Elliott #100 Branch #14 Regulated Drain submitted by TBIRD Design Svc. Regarding the Warehouse of Lafayette project was approved as submitted.

Zachariah Beasley/ BONDS

The Surveyor presented Performance Bond #B-0353260 for the Tippecanoe County Indoor Soccer Facility in the amount of \$85,700 and submitted by JBD Builders for approval by the Board. Tom Murtaugh made a motion to approve Performance Bond # B-0353260 for the Tippecanoe County Indoor Soccer Facility in the amount of \$85,700 and submitted by JBD Builders. John Knochel seconded the motion. Performance Bond # B-0353260 for the Tippecanoe County Indoor Soccer Facility was approved as submitted. Performance Bond #105534123 for the Duke Energy Line Relocation Project in the amount of \$20,000 was submitted by Duke Energy for approval by the Board. Tom Murtaugh made a motion to approve Performance Bond #105534123 for the Duke Energy Line Relocation Project in the amount of \$20,000 submitted by Duke Energy. John Knochel seconded the motion. Performance Bond #105534123 for the Duke Energy Line Relocation Project in the amount of \$20,000 and submitted by Duke Energy was approved by the Board. Maintenance Bond #105717687 for the

Harrison High School project in the amount of \$21,000.00 and submitted by MacDougal & Pierce. Tom Murtaugh made a motion to grant approval for the Maintenance Bond #105717687 for the Harrison High School project in the amount of \$21,000.00 and submitted by MacDougal & Pierce. John Knochel seconded the motion. Maintenance Bond #105717687 for the Harrison High School project in the amount of \$21,000.00 and submitted by MacDougal & Pierce was approved as submitted. Maintenance Bond #105717693 for Huntington Farms Section 4 in the amount of \$5055.10 and submitted by Fairfield Contractors for approval by the Board. Tom Murtaugh made a motion to grant approval of Maintenance Bond #105717693 for Huntington Farms Section 4 in the amount of \$5055.10 and submitted by Fairfield Contractors. John Knochel seconded the motion. Maintenance Bond #105717693 for Huntington Farms Section 4 in the amount of \$5055.10 and submitted by Fairfield Contractors was approved by the Board.

Regulated Drain Updates

Responding to Mr. Knochel's request, the Surveyor stated he would be willing to continue the status update on the following drains. Moses Baker #113, John Blickenstaff #11, John Saltzman #70 /2 Stage Ditch Regulated Drains. As there were no landowners present to comment regarding the drains, the aforementioned drain updates were continued to the April 4, 2012 meeting as requested.

John Hengst Regulated Drain #117 Amended Findings and Order

The Attorney noted after review of the Findings and Order from the March meeting regarding the John Hengst #117 Regulated Drain Reconstruction, there were two typographical errors that need to be corrected. Those changes were the total watershed acreage amount (492.085 acres) and the amount of reconstruction assessment (\$150.00) due from Kopf Jerry W Patricia W State Key #79-08-23-300-004.000-009/ Previous Parcel #112-02300-0199. Therefore he read the Amended Findings and Order into the record as follows:

BEFORE THE TIPPECANOE COUNTY DRAINAGE BOARD- IN THE MATTER OF THE JOHN L. HENGST DRAIN #117:
FINDINGS AND ORDER FOR RECONSTRUCTION AND ANNUAL MAINTENANCE AMENDED

This matter came to be heard upon the reconstruction report and schedule of assessments prepared by the Tippecanoe County Surveyor and filed on July 15, 2011 and **amended on March 13, 2012**. Certificate of mailing with notice of time and place of original hearing to all affected landowners was filed. Notice of publication of time and place of hearing in the Lafayette Journal & Courier, Lafayette Leader were filed. Remonstrances were filed. Evidence was presented by the Tippecanoe County Surveyor and landowners affected were present at original hearing date and time. A list of those present is filed herewith. After consideration of all the evidence, the Board does now FIND THAT:

- (1) The reconstruction report of the Tippecanoe County Surveyor and schedule of assessments were filed in the office of the Surveyor on April 18, 2011.
- (2) The Petition for Establishment of the John L. Hengst Drain as a regulated drain was filed November 30, 2010 and thereafter referred to the Tippecanoe County Surveyor for a report.
- (3) Notice of filing of the reconstruction report and the schedule of assessments and their availability for inspection and the time and place of this hearing was mailed to all those landowners affected more than thirty (30) and less than forty (40) days before the date of this hearing.
- (4) Notice of the time and place of this hearing was given by publication in the Journal & Courier and The Lafayette Leader newspapers of general circulation in Tippecanoe County, Lafayette Indiana more than ten (10) days prior to this hearing.
- (5) The legal drain consists of 200.00 feet of open ditch.
- (6) The legal drain consists of 9100 lineal feet of main tile and 2815 lineal feet of branch tile.
- (7) The present condition of the ditch is poor and in need of repair.
- (8) The ditch needs the following maintenance at present:
Replace 2800 lineal feet of 18"(inch) tile and clearing.
- (9) There is now \$2626.16 owed to the General Drain Fund for past maintenance on this ditch.
- (10) **The total watershed acres was amended on March 13, 2012 by the Tippecanoe County Drainage Board to correct a clerical error only and reflect the true and correct amount of 492.085 acres of which the ditch drains.**
- (11) Estimated annual benefits to the land drained exceed repairs and maintenance costs and consists of general tile replacement.
- (12) A fund for annual maintenance should be established.
- (13) In order to provide the necessary maintenance fund, a reconstruction assessment of \$26.00 per Acre and a \$150.00 minimum over a five year period is recommended. This will generate \$12,832.50 per year and a total of \$64,164.00 over a five year period. Assuming the reconstruction and improvements are complete and the General Drain Fund has been repaid after the five year period,

the Tippecanoe County Surveyor recommends the per acre assessment be lowered to a maintenance rate of \$12.00 per acre with a \$75.00 minimum.

(14) The assessment list filed herewith was amended to reflect the true and correct schedule of payment for the following landowner: Kopf Jerry W Patricia W State Key #79-08-23-300-004.000-009/ Previous Parcel #112-02300-0199. The amended schedule of assessment was due to clerical error on this parcel only.

(15) The amended assessment list filed herewith is fair and equitable and should be adopted.

(16) The amended assessment should be collected starting with the **May 2012** taxes.

NOW, THEREFORE, IT IS ORDERED THAT:

(1) The John L. Hengst is a Regulated Drain under the provisions of Indiana Code 36-9-27, et seq.

(2) In order to provide the necessary maintenance fund, a reconstruction assessment of \$26.00 per acre and a \$150.00 minimum over a five year period is recommended. This will generate **\$14,026.18** per year and a total of **\$70,130.90** over a five year period. Assuming the reconstruction and improvements are complete and the General Drain Fund has been repaid after the five year period, the Tippecanoe County Surveyor recommends the per acre assessment be lowered to a maintenance rate of \$12.00 per acre with a \$75.00 minimum.

(3) The **March 13, 2012 Amended Schedule of Assessments** filed herewith is adopted and made a part thereof.

(4) The first annual assessment shall be collected with the **May 2012** taxes.

DATED at Lafayette, Indiana this **13th day of March 2012**. Tippecanoe County Drainage Board signature lines and attested by the Secretary. Tom Murtaugh made a motion to approve the Amended Findings and Order on the John Hengst #117 Regulated Drain as presented by the Attorney. John Knochel seconded the motion. The Amended John Hengst #117 Regulated Drain Findings and Order was approved as presented.

Hearings

The Surveyor requested a reconstruction hearing date for the Combs Ditch located in Perry Township. His office received a Petition to Reconstruct for this ditch. Tom Murtaugh made a motion to schedule May 4, 2012 for a reconstruction hearing regarding the Combs Ditch to immediately follow the regular scheduled Drainage Board meeting on that date. John Knochel seconded the motion. May 4, 2012 immediately following the regular scheduled meeting, the Combs Ditch Reconstruction Hearing was scheduled.

Public Comment

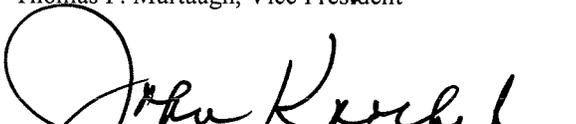
As there was no public comment, Tom Murtaugh made a motion to adjourn. The meeting was adjourned.



David S. Byers, President



Thomas P. Murtaugh, Vice President



John Knochel, Member



Brenda Garrison, Secretary

Tippecanoe County Drainage Board

December 18, 2013

Regular Meeting Minutes

Those present were:

Tippecanoe County Drainage Board President Thomas Murtaugh, Vice President David Byers, member John Knochel, County Surveyor Zachariah Beasley, Drainage Board Attorney Doug Masson, Drainage Board Secretary Brenda Garrison and Drainage Board Engineering Consultant Dave Eichelberger from Christopher B. Burke Engineering LLC. Surveyor's office Project Manager James Butcher and G.I.S. Technician Evan Warner were also in attendance.

Approval of Minutes

David Byers made a motion to approve the November 6, 2013 regular minutes and the November 6, 2013 Hester Motsinger Regulated Drain Hearing Minutes. John Knochel seconded the motion. The November 6, 2013 Hearing and Regular meeting minutes were approved as written.

Contracts

Eugene Johnson #41 Regulated Drain Maintenance

The Attorney Doug Masson opened the contract bids received for the Eugene Johnson Regulated Drain #41 Maintenance project. The bid amounts were stated as follows: Rinehart Excavating: \$42,970.50- Anderson Tree Company: \$41,159.50- Fairfield Contractors Inc.: \$16,001.00- Tony Garriott: \$26,563.00- F&K Contractors: \$64,467.00. David Byers made a motion to take the bids under advisement. John Knochel seconded the motion.

Moses Baker #114 Regulated Drain Maintenance

The Attorney Doug Masson opened the contract bids received for the Moses Baker Regulated Drain #114 Maintenance project. The bids were stated as follows: Tony Garriott: \$35,475.00- Rinehart Excavating: \$94,738.50- Fairfield Contractors Inc.: \$50,625.00- F&K Contractors: \$152,659.50- Heartland Excavating: \$57,697.00. John Knochel made a motion to take the bids under advisement. David Byers seconded the motion. The President stated the maintenance project (s) bids would be tabulated by the Surveyor's Office Project Manager during this meeting. The contracts once reviewed for compliance would be awarded at the end of today's meeting. Continued-

Faith Ministries East Campus Master Plan

Jim Pence from Schneider Corporation appeared before the Board to present Faith Ministries East Campus Master Plan. The East Campus site was located on the northeast corner of St. Rd. 26 and Co. Rd. 550 East and consisted of approximately 45 acres. An additional 90 acres to the northeast of the site was acquired by Faith Ministries. He stated the Master Drainage plan was prepared to analyze the existing conditions and to provide guidance for future expansions. Multiple buildings and ball fields were planned to be added in the future. The existing pond on the original site would be expanded to facilitate additional improvements on the Campus site. The Master Drainage Plan included 5 ponds for the entire site. Mr. Pence noted the current site drained four separate directions; Northeast, Southeast, West and South. Any other future development within the site would require Drainage Board approval. Mr. Pence stated their client agreed with the comments stated on the December 12, 2013 Burke memo and requested Drainage Board approval at that time. He noted Mr. Joe Blake of Faith Ministries was in attendance today. The Surveyor asked the Board for any questions. Responding to Dave Byers inquiry, Mr. Pence stated currently four of the five ponds were dry ponds; however one of the ponds would have a two foot water surface to be used to convey the runoff to the natural ravine onsite. The Surveyor recommended conditional approval as stated on the December 12, 2013 Burke memo. David Byers made a motion to grant the conditional approval stated on the December 12, 2013 Burke Review memo. John Knochel seconded the motion. There was no public comment. Faith Ministries East Campus Master Plan was granted conditional approval as set within the December 12, 2013 Burke Review Memo.

Zach Beasley

2014 Drainage Board Hearing Dates

The Surveyor proposed 2014 Drainage Board Meeting Dates for approval. John Knochel made a motion to approve the 2014 Drainage Board Meeting Dates as presented. David Byers seconded the motion. The 2014 Drainage Board Meeting dates were approved as presented by the Surveyor (The list will appear immediately following the December Meeting minutes in the official Drainage Board Minutes book).

Petition to Vacate Br. #08 S.W. Elliott Regulated Drain #100

The Surveyor presented a Petition to Vacate regarding the S.W. Elliott Regulated Drain #100 Branch #08 and located on the TKO Graphix project site. He noted the TKO Graphix project was previously approved by the Board. This Vacation Petition was a condition for approval set by the Board at time of conditional approval. John Knochel made a motion to approve the

Petition to Vacate Branch #08 of the S.W. Elliott Regulated Drain #100 located on the TKO Graphix project site. David Byers seconded the motion. The vacation of Branch #08 of the S.W. Elliott Regulated Drain #100 located on the TKO Graphix site was approved by the Board. There was no public comment.

Bonds/Letters of Credit

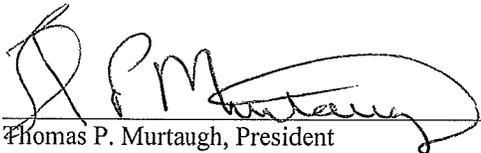
The Surveyor presented Maintenance Bond #5040959, dated Dec. 2, 2013, in the amount of \$14,627 and submitted by Bond Safeguard Ins. Co. regarding the Hawthorne Lakes Sec 3 project for approval. John Knochel made a motion to approve Maintenance Bond #5040959, dated December 2, 2013, in the amount of \$14,627 and submitted by Bond Safeguard Ins. Co. regarding the Hawthorne Lakes Sec 3. David Byers seconded the motion. The Surveyor presented Letter of Credit #S503912, dated December 5, 2013, in the amount of \$40,000, submitted by Fifth Third Bank regarding the Pro-Axis 2nd Expansion project. David Byers made a motion to approve the Letter of Credit #S503912, dated December 5, 2013, in the amount of \$40,000, submitted by Fifth Third Bank regarding the Pro-Axis 2nd Expansion. John Knochel seconded the motion. Maintenance Bond #5040959 and Letter of Credit #S503912 were approved as presented.

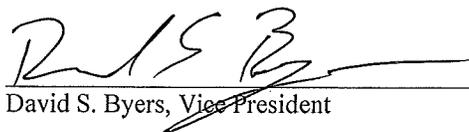
Hearing Request/Mary McKinney #52 Regulated Drain

The Surveyor requested a landowner hearing regarding reconstruction of the Mary McKinney #52 Regulated Drain. He requested to hold the hearing directly following the March 5, 2014 regular meeting of the Board. He stated the drain was located just south of the town of Otterbein on the northwest side of the County. He stated he had met with many of the landowners. This was roughly a \$300,000 project, approximately one and half miles of 18 and 24 inch tile and potentially approximately \$325 per acre cost. He stated approximately 78% of the affected landowners were in favor of the project. David Byers made a motion to set a landowner hearing on March 5, 2014 regarding reconstruction of the Mary McKinney #52 Regulated Drain. John Knochel seconded the motion. A landowner hearing regarding reconstruction of the Mary McKinney #52 Regulated Drain was set for March 5, 2014. It would be held directly following the regular 10:00 a.m. meeting of the Board.

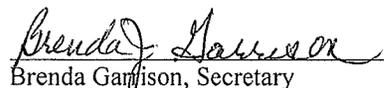
Contracts-continued

The Surveyor's Office Project Manager James Butcher reviewed the submitted regulated drain maintenance contract bids and found them in compliance. He stated the following low bids as follows: Eugene Johnson #41 Regulated Drain maintenance project bid submitted by Fairfield Contractors at \$16,001.00 and the Moses Baker #114 Regulated Drain maintenance project bid submitted by Tony Garriott at \$35,175.00. John Knochel made a motion to award Fairfield Contractors Inc. the Eugene Johnson Regulated Drain #41 Maintenance project and Tony Garriott the Moses Baker Regulated Drain #114 maintenance project. David Byers seconded the motion. There was no public comment.


Thomas P. Murtaugh, President


David S. Byers, Vice President


John Knochel, Member


Brenda Garrison, Secretary

Tippecanoe County Drainage Board
20 North Third Street
Lafayette Indiana 47901
765-423-9228
surveyor@county.tippecanoe.in.gov



201313027839 8 *
201313027839
FILED FOR RECORD IN
TIPPECANOE COUNTY, IN
ONETA TOLLE, RECORDER
12/20/2013 11:01:24AM
MISCELLANEOUS 27.00

Petition to Partially Vacate
BRANCH #08 of
S.W. Elliott Regulated Drain #100
Submitted by:
TKO Graphix

Dated November 27, 2013

Approved and accepted this 18th day of Dec. 2013

Thomas P. Murtaugh, President

David S. Byers, Vice President

John Knochel, member

Attest:

Brenda Garrison, Secretary

DULY ENTERED FOR TAXATION
SUBJECT TO FINAL ACCEPTANCE
FOR TRANSFER.

DEC 20 2013

nm

AUDITOR OF TIPPECANOE CO.

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

PETITION FOR PARTIAL VACATION
OF BRANCH #8 OF THE SW ELLIOTT REGULATED DRAIN #100

TO THE DRAINAGE BOARD OF TIPPECANOE COUNTY:

SMT Properties, LLC, by Gary Meunier, Member, respectfully petitions the Drainage Board of Tippecanoe County and shows the following:

1. Your Petitioner is the Owner of 100% certain real estate described in Exhibit A attached hereto and incorporated herein by reference.
2. That said real estate constitutes all of the TKO Graphix Lafayette Operations development. The proposed drainage plan for the development has received conditional approval from this Board.
3. Your Petitioner petitions the Drainage Board to vacate that portion of the Drain that runs across the legal description attached hereto as Exhibit A and which portion of the Drain is more particularly shown by the drawings on Exhibits B, C and D which has attached thereto a legal description (Exhibit E).
4. That the Drain, as currently constructed, will not be adequate to hold post-development runoff for this development and will no longer perform the purpose for which it was intended, but that the drainage design to be approved by the Developer and the Board will do so.
5. Any reconstruction of the Drain will cost more than the benefits to be derived from the reconstruction.
6. This abandonment will not be detrimental to the public welfare.
7. No persons other than the Petitioner will be directly affected by this vacation.
8. The Representative for Petitioner is Todd A. Starr of the firm STARR ASSOCIATES, LLC, 413 Teal Road, Lafayette, Indiana 47905, telephone (765) 471-8813.

EXHIBIT "A"

Parcel No.: 118-01700-0035 (Parent Tract)

A part of a tract of land owned by McAlpine, LLC as recorded in Document Number 05013094 as recorded in the Office of the Recorder of Tippecanoe County, Indiana (ORTCI), and being a part of the East Half of the Fractional Northwest Quarter of Section 18, Township 22 North, Range 3 West, Sheffield Township, Tippecanoe County, Indiana, described as follows: Beginning at a Starr Capped Rebar marking the Southeast corner of the Fractional Northwest Quarter of said Section 18; thence North $89^{\circ} 56' 28''$ West (Bearings are based on WGS84) 831.04 feet along the South line of the East Half of the Fractional Northwest Quarter of said Section 18 and the approximate center line of County Road 450 South to a Mag Spike; thence North $00^{\circ} 05' 04''$ West 1,572.48 feet to a Starr Capped Rebar and the South line of a tract of land owned by The Revocable Trust of Betty H. McKinnis as recorded in Document Number 201111007988 (ORTCI); thence South $89^{\circ} 56' 28''$ East 831.04 feet along the South line of the McKinnis property to a Starr Capped Rebar on the East line of the Fractional Northwest Quarter of said Section 18; thence South $00^{\circ} 05' 04''$ East 1,572.48 feet along the East line of the Fractional Northwest Quarter of said Section 18 to the Point of Beginning and containing 30.000 Acres.

PROPOSED VACATION

BRANCH #8 OF SW ELLIOTT
REGULATED DRAIN #100

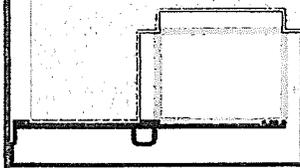
TKO GRAPHIX

30.00 ACRES

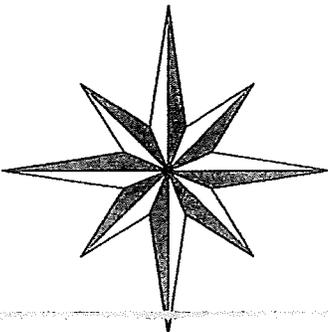


Scale 1" = 200'

PREPARED FOR: TKO GRAPHIX
PROJECT #20134111
11/15/13 E.J.F



COUNTY ROAD 450 SOUTH

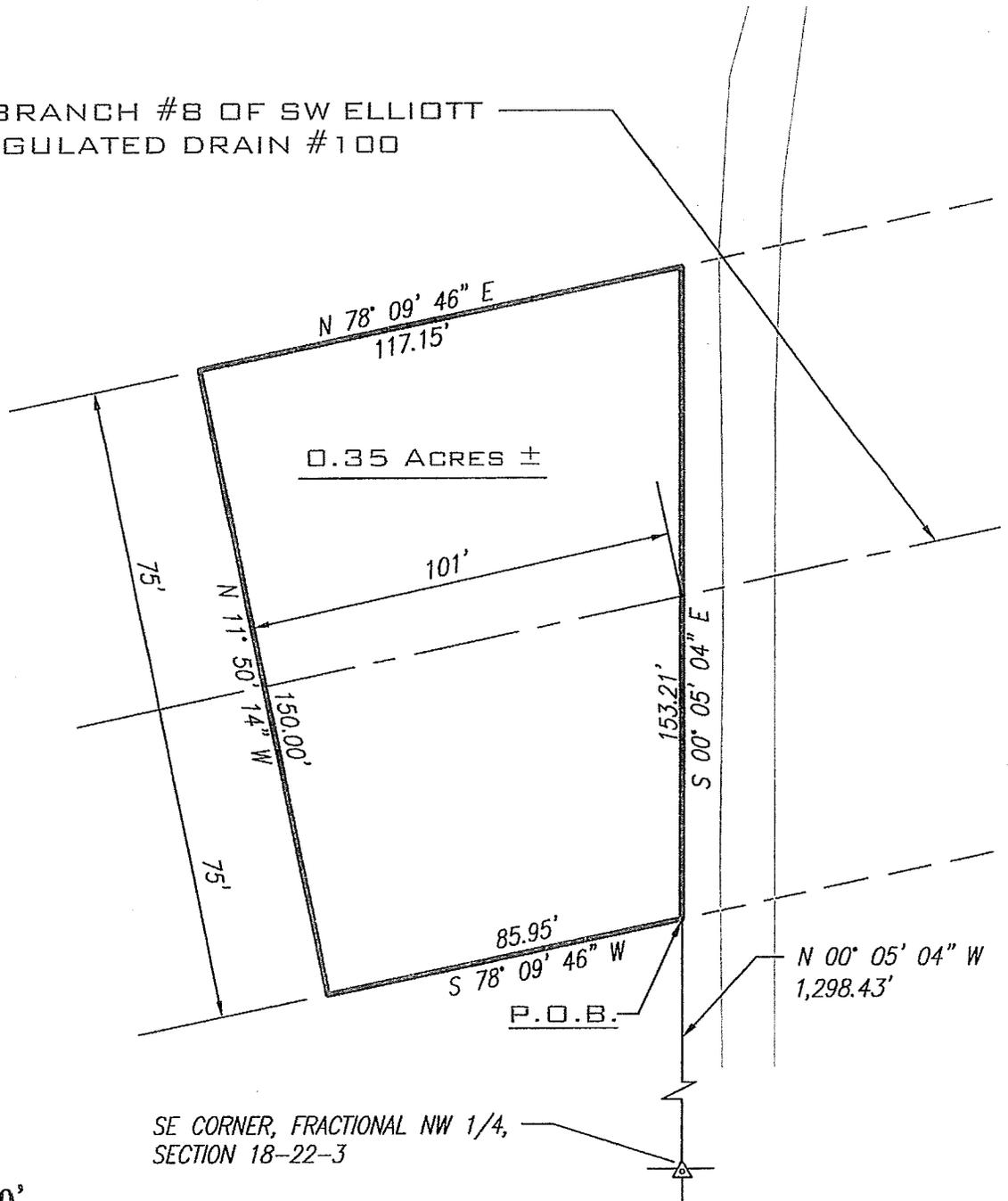


PARTIAL VACATION - EXHIBIT B
BRANCH #8 OF SW ELLIOTT REGULATED DRAIN #100

STARR ASSOCIATES
LAND SURVEYING & CIVIL ENGINEERING

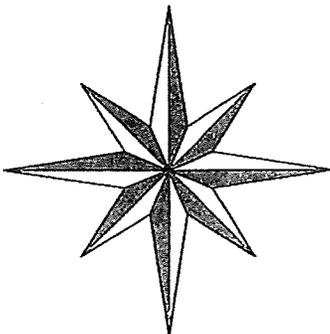
413 TEAL ROAD
LAFAYETTE, INDIANA 47905
(765) 471-8813

☐ BRANCH #8 OF SW ELLIOTT
REGULATED DRAIN #100



Scale 1" = 40'

PREPARED FOR: TKO GRAPHIX
PROJECT #20134111
11/15/13 EJJ



PARTIAL VACATION - EXHIBIT C
BRANCH #8 OF SW ELLIOTT REGULATED DRAIN #100

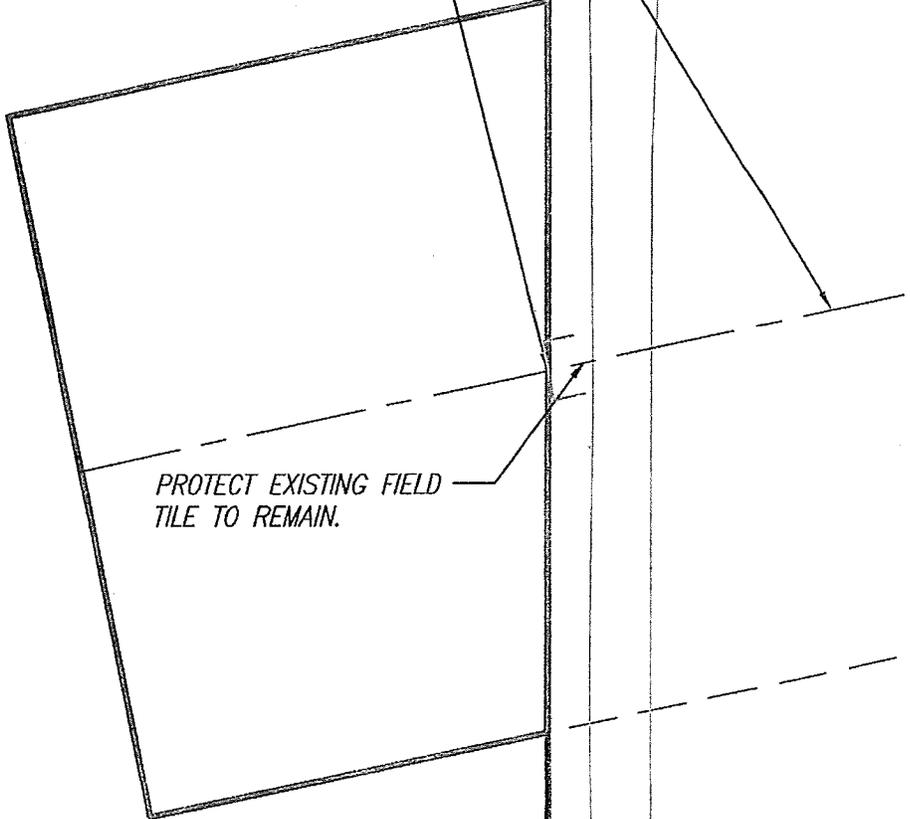
STARR ASSOCIATES

LAND SURVEYING & CIVIL ENGINEERING

413 TEAL ROAD
LAFAYETTE, INDIANA 47905
(765) 471-8813
(765) 471-0365 FAX

☐ BRANCH #8 OF SW ELLIOTT
REGULATED DRAIN #100

FIELD-VERIFY LOCATION AND SIZE OF EXISTING TILE; EXCAVATE
AND REMOVE PIPE TO EAST PROPERTY LINE AND CAP WITH
APPROPRIATE SIZE AND MATERIAL. COORDINATE WORK WITH
COUNTY SURVEYOR AND DOCUMENT PROCESS WITH PHOTOGRAPHS.

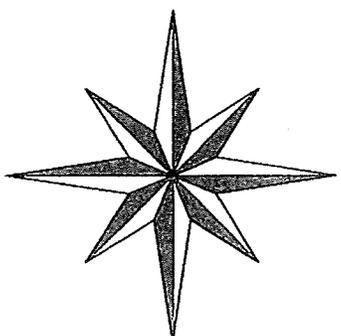


PROTECT EXISTING FIELD
TILE TO REMAIN.



Scale 1" = 40'
PREPARED FOR: TKO GRAPHIX
PROJECT #20134111
11/15/13 EJF

SE CORNER, FRACTIONAL NW 1/4,
SECTION 18-22-3



PARTIAL VACATION - EXHIBIT D
BRANCH #8 OF SW ELLIOTT REGULATED DRAIN #100

STARR ASSOCIATES
LAND SURVEYING & CIVIL ENGINEERING

413 TEAL ROAD
LAFAYETTE, INDIANA 47905
(765) 471-8813
(765) 471-0365 FAX

EXHIBIT "E"

Legal Description (Portion of Branch #8 of the SW Elliott Regulated Drain #100 to be Vacated)

A portion of Branch #8 of the SW Elliott Regulated Drain and associated 150' County Drainage Easement lying within a part of the East Half of the Fractional Northwest Quarter of Section 18, Township 22 North, Range 3 West, Sheffield Township, Tippecanoe County, Indiana, described as follows: Commencing at the Southeast corner of the Fractional Northwest Quarter of said Section 18; thence North 00° 05' 04" West (Bearings are based on WGS84) 1,298.43 feet along the East line of the Fractional Northwest Quarter of said Section 18 to the Point of Beginning of this description; thence South 78° 09' 46" West 85.95 feet; thence North 11° 50' 14" West 150.00 feet; thence North 78° 09' 46" East 117.15 feet to the East line of the Fractional Northwest Quarter of said Section 18; thence South 00° 05' 04" East 153.21 feet along the East line of the Fractional Northwest Quarter of said Section 18 to the Point of Beginning and containing 0.35 of an Acre.

The above description is based upon record information and is intended to include, abandon, and vacate that entire portion of Branch #8 of the SW Elliott Regulated Drain #100 lying within the Overall Land Description found in Exhibit "A".

Tippecanoe County Drainage Board

February 11, 2015

Regular Meeting Minutes

Those present were:

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

Contracts

The President referred to the Attorney for reading of contract bids received for three separate regulated drain projects planned for 2015. The Attorney read the contract bid amounts as follows: **1.** Calvin Lesley Regulated Drain Maintenance project: Maxwell Farms Drainage submitted a bid of \$36,770.00; Central Indiana Drainage submitted a bid of \$36,440.00. **2.** The Hester Mottisinger Regulated Drain Maintenance project: Maxwell Farm Drainage submitted a bid of \$48,840.00; Tony Garriott submitted a bid of \$48,084.75. **3.** Moses Baker Regulated Drain Maintenance project: Tony Garriott submitted a bid of \$71,417.50; F&K Construction submitted a bid of \$175,330.00. The President thanked the contractors for submitting bids. Tom Murtaugh made a motion to take the bids under advisement and award the contracts after determining the required documentation was including in the packets. Tracy Brown seconded the motion. Motion carried. The project contracts would be awarded at the end of today's meeting.

Approval of Minutes

Tom Murtaugh made a motion to approve the January 7, 2015 regular minutes as written. Tracy Brown seconded the motion. Motion carried.

Lindberg Village Phase 6

Pat Cunningham of Vester and Associates appeared before the Board to present Lindberg Village Phase 6 for approval. The site was located north of the intersection of Lindberg and Klondike Roads on approximately 7.78 acres. As a continuation of the Lindberg Village Overall Planned Development, it would include an additional 30 residential lots. Mr. Cunningham stated this phase would be located between Klondike Road and the existing Lindberg Village Development. Detention ponds for the entire development were previously constructed for the overall development. As G.I.S. was not working, he indicated using a printed plat the storm sewer route for the Board. Infrastructure for this phase included an existing 42 inch storm sewer located in the northwest corner of the phase. The storm sewer would receive runoff within the phase and direct it to an existing detention pond within Section 1 of the overall development. A mechanical storm water unit (BMP Unit) and vegetative swale will provide stormwater quality prior to entering the detention pond. Since the current phase was a continuation of the overall development, a variance from the minimum BMP's (required by Ordinance) and approval for the project was requested. Responding to the Surveyor's inquiry, Mr. Cunningham stated the 2nd certification of notifications would be submitted today to the Surveyor's office. (The first notification lacked the official meeting date and time) The Surveyor stated due to the fact there was existing infrastructure his office recommended approval of the variance request for this phase. He noted the January 30, 2015 Burke memo under Stormwater Quantity Item #1: Tippecanoe County Highway approval for the direct release to Klondike Road right of way must be addressed. Item #2 under Stormwater Quantity must be addressed and a note placed on the final plat of the phase prior to recording. The note stated "All roof drainage and side yard drainage from each home must be directed to the front yards and streets. No roof or side yard drainage will be allowed to the rear yards of any home" and was to be included on the recorded final plat. A point of clarification for the adjoining homeowners; the 3.82 acres which currently drained to the rear yard swales would be reduced to 0.78 acres. Tom Murtaugh made a motion to grant a variance for Lindberg Village Phase 6 as requested and noted on the January 30, 2015 Burke Memo. Tracy Brown seconded the motion. Motion carried. The Surveyor recommended approval with the conditions as stated on the January 30, 2015 Burke Memo. Tom Murtaugh made a motion to grant approval for Lindberg Village Phase 6 with the conditions as stated on the January 30, 2015 Burke Memo. Tracy Brown seconded the motion. Motion carried.

South 18th Street Reconstruction

Eric Hart of TBIRD Designs appeared before the Board to present South 18th Street Reconstruction for drainage approval. The site was located within the City of Lafayette. The reconstruction area started south of County Road 350 South and continued approximately 4700 feet south past County Road 430 South and crossed the J.N. Kirkpatrick Regulated Drain. The road would be widened from 25 feet to 48 feet throughout the project area. A DNR (Department of Natural Resources) "Construction in a Floodway Permit" was obtained for the pedestrian bridge (12 feet width) to cross the J.N. Kirkpatrick Regulated Drain. He then requested approval from the Board. (Previously during the June 2014 Drainage Board meeting a

Petition for a Regulated Drain Easement Crossing and Encroachment was granted approval for this project.) The Surveyor noted this project was located within the City of Lafayette therefore the Board's concern was approval of the release rate into the J.N. Kirkpatrick Regulated Drain and approval of the planned pedestrian crossing as presented. He recommended approval of this request with the conditions as stated on the January 14, 2015 Burke Memo. Mr. Tom Murtaugh made a motion to grant approval with the conditions as stated on the January 14, 2015 Burke memo. Tracy Brown seconded the motion. Motion carried.

Other Business/Zach Beasley

Per I.C. 36-9-27-34 the Surveyor presented the 2015 Regulated Drain Classification Report with Exhibit A to the Board for review. He noted with the volume of work the Surveyor's office has been accomplishing, he has submitted this report yearly since 2011 to keep them updated. The reports reflect work accomplished from year to year within his office on Regulated Drains. He stated he felt it was an accountability report to the Board from his office. He recognized the work completed since 2011 was done with landowner support. Tom Murtaugh made a motion to accept the 2015 Regulated Drain Classification Report including the 25% increase of assessments noted within the report and Exhibit A as presented by the Surveyor. Tracy Brown seconded the motion. Motion Carried.

Bonds

The Surveyor presented the following bonds for approval: The Orchard Phase 4 Maintenance Bond #929605817 written by Continental Insurance Company for Milestone Contractors LP in the amount of \$5900.00 and dated February 11, 2015 as well as Roberts Ridge Phase 2 Maintenance Bond #106220307 written by Travelers Insurance and Surety for Fairfield Contractors Inc. in the amount of \$8240.50 and dated January 28, 2015. He requested acceptance by the Board for both bonds as stated. Tom Murtaugh made a motion to grant acceptance for the Orchard Phase 4 Maintenance Bond #929605817 written by Continental Insurance Company for Milestone Contractors LP in the amount of \$5900.00 and dated February 11, 2015 as well as Roberts Ridge Phase 2 Maintenance Bond #106220307 written by Travelers Insurance and Surety for Fairfield Contractors Inc. in the amount of \$8240.50 and dated January 28, 2015. Tracy Brown seconded the motion. Motion carried.

Contract Bids Award

The Attorney stated the following: Regarding the Calvin Lesley Regulated Drain #48 Tile Maintenance Project bid submitted by Central Indiana Drainage the total quote was listed as \$36,449.00 however there was a mathematical error and the total was actually \$36,220.00. This was the low bid for the project. Tom Murtaugh made a motion to accept the Central Indiana Drainage bid of \$36,220.00 (as corrected) for the Calvin Leslie #48 Regulated Drain 2015 Tile Maintenance Project. Tracy Brown seconded the motion. Motion Carried.

Regarding the Hester Mottsinger Regulated Drain #58- 2015 Tile Maintenance Project bids, Maxwell Farm Drainage submitted a bid of \$43,840. However this bid had a mathematical error and the total was \$48,840.00. The bid submitted by Tony Garriott in the amount of \$48,084.75 was low bid. Tom Murtaugh made a motion to accept the Tony Garriott bid of \$48,084.75 for the Hester Mottsinger #58- 2015 Tile Maintenance Project. Tracy Brown seconded the motion. Motion carried.

Regarding Moses Baker Regulated Drain #114- 2015 Open Ditch Maintenance Project bids, Tony Garriott submitted the low bid at \$71,417.50. Tom Murtaugh made a motion to accept Tony Garriott's bid of \$71,417.50 for the Moses Baker #114 - 2015 Open Ditch Maintenance project. Tracy Brown seconded the motion. Motion carried.

Public Comment

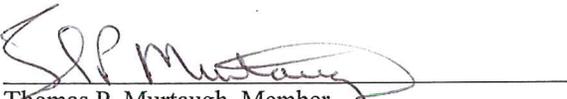
As there was no public comment, Tracy Brown moved to adjourn. The meeting was adjourned.



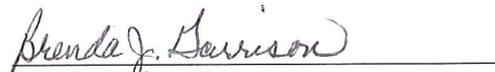
David S. Byers, President



Tracy Brown, Vice President



Thomas P. Murtaugh, Member



Brenda Garrison, Secretary

Tippecanoe County Drainage Board
June 3, 2015
Regular Meeting Minutes

Those present were:

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

Approval of Minutes

Thomas Murtaugh made a motion to approve the May 6, 2015 regular minutes as written. Tracy Brown seconded the motion. Motion carried.

Clymer Norris #122 Regulated Drain Tile Reconstruction

The President referred to Attorney Mathew Salsbery to open the Clymer Norris #122 Regulated Drain Reconstruction Contractor Bids submitted to the Drainage Board for consideration. Attorney Salsbery noted there were four bids submitted regarding the Clymer Norris #122 Regulated Drain Reconstruction. The first bid opened was submitted by Bedino Construction Company- Terre Haute Indiana in the amount of \$126,838.00; the second bid submitted by Maxwell Farm Drainage LLC-Crawfordsville Indiana in the amount of \$76,745.00; the third bid submitted by Central Indiana Drainage-West Lafayette Indiana in the amount of \$83,939.50; the fourth and last bid submitted was by Atlas Excavating- West Lafayette Indiana in the amount of \$194,309.00. Comm. Murtaugh made a motion to take all bids under advisement. Comm. Brown seconded the motion. Motion carried. The President thanked the Contractors for the submissions and noted the bids would be reviewed for compliance and awarded at end of this meeting.

Auburn Meadows

Jim Pence from Schneider Corporation appeared before the Board to present the Auburn Meadows project for approval. The site was located on the east side of Co. Rd. 50 West (aka Salisbury Road) south of Co. Rd. 500 North and consisted of approximately 85 acres. He stated he had received the May 29, 2015 Burke Review Memo and was in the process of addressing the conditions as stated on the memo. He noted they had received Department of Natural Resources Approval (DNR) for the planned outlet into the unnamed tributary of the Grant Cole #19 County Regulated Drain. He stated they were staying out of the area on the site designated as floodplain. Planned for the overall subdivision were 222 lots. This phase of the overall project would be known as Section 1 and would involve 78 lots. He then requested conditional approval for the Master Plan and Section 1 of said plan. The Surveyor stated the presentation today regarded approval of the project's Master Plan in addition to specifically Section 1 only of the overall Master Plan. He noted a variance was requested regarding Chapter 8: Channel Protection Volume and Water Quality Volume. He recommended the requested variance and conditional approval as stated on the May 29, 2015 Burke memo. Comm. Murtaugh made a motion to grant conditional approval as stated on the May 29, 2015 Burke memo for the overall site's Master Plan. Comm. Brown seconded the motion. Motion carried. Comm. Murtaugh made a motion to grant a variance as noted on the May 29, 2015 Burke memo. Comm. Brown seconded the motion. Motion carried. Comm. Murtaugh made a motion to grant conditional approval for Section 1 of the overall Master Plan as stated on the May 29, 2015 Burke memo. Comm. Brown seconded the motion. Motion carried. There was no public comment.

Greater Lafayette Chinese Alliance Church

Kyle Betz of Fisher and Associates appeared before the Board to present the Greater Lafayette Chinese Alliance Church project for approval. The site was located on the south side of Co. Rd. 250 North west of Klondike Road and consisted of approximately 4 acres. Mr. Betz noted the site was specifically located at the northwest corner of Lindbergh Village Subdivision. The site plan was designed with two parts in mind, first part as a primary construction site and a second part for the future 2nd phase construction (currently the phase 2 timeline was undetermined). An approximate third of the site drained to the northwest –into a portion of the Indian Creek Drainage Impact Area; however the runoff's cfs impact would be reduced from the current amount draining into the impact area. The remainder of the site (approximate 2/3) drained into Lindberg Village Subdivision's existing drainage infrastructure. Rear yard inlets adjoining the project site and located within the

Lindberg Village Subdivision would route the project's runoff throughout the Lindberg Village Subdivision infrastructure. He noted due to this, owners, contractors and Lindberg Village Home Owners Association met and discussed the drainage plan for the church project. He noted a couple of the Lindberg Village lot owners whose rear lots were affected by this plan met with the owner and contractors to discuss the developer's planned drainage. He stated he thought the landowner's concerns were addressed adequately. He would submit document verification by the parties affected. At that time Mr. Betz requested approval from the Board.

The Surveyor stated under the "Stormwater Quantity" portion of the May 29, 2015 Burke memo- "Items #1 and #2"- must be addressed prior to his signature on plans. As a public safety issue, he would not move forward until the items were addressed. Mr. Betz noted the owner was aware of the requirement and currently working on submitting the documents for future reference if needed. Mr. Betz stated the emergency routing verification would be provided. The Surveyor interjected and stated he felt it would be necessary for the area to be surveyed to insure no modifications have been made since the "As Built Plans" for Lindberg Village were recorded. The Surveyor stated the portion of the site which drained into the Indian Creek Impact Area was an insignificant amount. He directed Mr. Betz to discuss the site's entrance with Tippecanoe County Highway Department to eliminate any concerns they may currently have. Mr. Betz agreed to discuss as soon as possible with the Highway Department. The Surveyor recommended approval with conditions as stated on the May 29, 2015 Burke memo in addition to the added condition of surveying the emergency routing area to insure no modifications had been made since recording of the adjoining development's plans, Lindberg Village. Comm. Brown made a motion to grant conditional approval as stated in the May 29, 2015 Burke memo in addition to the Surveyor's condition of the emergency routing area to be surveyed. Comm. Murtaugh seconded the motion. Motion carried.

Comm. Byers asked for public comment. Kristin Perkis 2460 Hopkins Drive West Lafayette approached the Board. She stated her lot was one of the lots (third lot from intersection) with an existing inlet which runoff from the Greater Lafayette Chinese Church project site would outlet into. She stated her husband and she was in the process of building a fence in their rear yard and had met with the developer and contractor concerning the issue. They were told the fence project would not interfere with the infrastructure/outlet plans. She noted she had written a letter to the Drainage Board addressing concerns and submitted the aforementioned letter for the official record. (The letter will be added to the minutes at end of this transcript and scanned into the digital project file) She provided a copy of the letter to Mr. Betz of Fisher and Associates as well. The Surveyor informed Mrs. Perkis that he took these issues very seriously and would not sign off on the final plans until he was satisfied the developer met all the conditions as safety was of the utmost importance to him. He assured her he would not compromise with public safety as he took this very seriously. He thanked her for her comments. She thanked the Board for their time.

Zach Beasley/Other Business

New East Branch Tippecanoe County Library/Petition to Encroach & Maintenance Agreement/Berlowitz Regulated Drain #08

The Surveyor presented a Petition to Encroach and Maintenance Agreement regarding the Berlowitz Regulated Drain and the New East Branch Tippecanoe County Library project, submitted by Schneider Corporation. He stated his office had reviewed both documents and recommended approval. Tom Murtaugh made a motion to approve the Petition to Encroach for the Berlowitz Regulated Drain #08 as submitted. Tracy Brown seconded the motion. Motion carried. Tom Murtaugh made a motion to approve the Maintenance Agreement on the Berlowitz Regulated Drain as submitted. Tracy Brown seconded the motion. Motion carried.

Bob Rohrman Auto Group Expansion/Petition to Encroach and Reduction in Easement/Wilson Br. S.W. Elliott Regulated Drain #100

The Surveyor presented A Petition to Encroach and Reduction in Easement on the Wilson Branch of the S.W. Elliott Regulated Drain #100 for the Bob Rohrman Auto Group project submitted to his office by Bunnell Land Survey and Engineering for approval by the Board. Tracy Brown made a motion to approve the Petition to Encroach and the Reduction in Easement regarding the Wilson Branch of the S.W. Elliott Regulated Drain #100 as presented. Tom Murtaugh seconded the motion. Motion carried.

G.E. Aviation/Petition to Encroach J.N. Kirkpatrick Regulated Drain #46

The Surveyor presented a Petition to Encroach on the upper end of the J.N. Kirkpatrick Regulated Drain #46 to the Board which was submitted for approval by Schneider Engineering on behalf of Wintek. He noted he reviewed the document and

recommended approval by the Board. Tom Murtaugh made a motion to grant approval of the Petition to Encroach on the upper end of the J.N. Kirkpatrick Regulated Drain #46 as presented. Tracy Brown seconded the motion. Motion carried.

Clymer Norris Regulated Drain #122 Reconstruction Project Bid Award

The President referred to the Attorney for announcing the Clymer Norris Regulated Drain #122 Reconstruction Project lowest bid. Atty. Salsbery stated Maxwell Farm Drainage Inc. submitted the low bid in the amount of \$76,745.00. He noted the Bid was in compliance with the contract as written. Tom Murtaugh made a motion to award the Clymer Norris Regulated Drain #122 Reconstruction Project to Maxwell Farm Drainage Inc. in the amount of \$76,745.00. Tracy Brown seconded the motion. Motion carried.

Zach Beasley/Other Business

The Surveyor asked the Board to set dates for three Public Landowner Hearings regarding the regulated drains. He requested the following: The Peter Rettereth Regulated Drain #66 Reconstruction for August 5th 2015, Ann Montgomery Regulated Drain #56 Maintenance Increase for September 2, 2015 and Gustav Swanson #76 Regulated Drain Maintenance Increase for October 7, 2015 and each hearing to immediately follow the scheduled regular meetings on these dates. Tom Murtaugh made a motion to set dates for the Peter Rettereth Regulated Drain #66 Reconstruction on August 5th 2015, Ann Montgomery Regulated Drain #56 Maintenance Increase on September 2, 2015 and Gustav Swanson #76 Regulated Drain Maintenance Increase on October 7, 2015 and that the hearings were to immediately follow the scheduled regular meetings on said dates. Tracy Brown seconded the motion. Motion Carried.

Moses Baker Regulated Drain #114

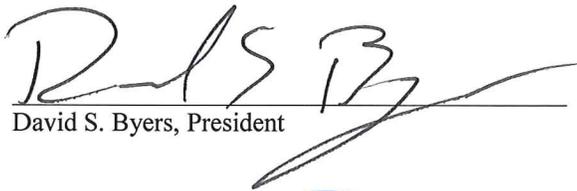
The Surveyor presented a slide show of the dredging, clearing maintenance work recently completed on the Moses Baker Regulated Drain. The location of the slides was Co. Rd. 1000 South and Co. Rd. 500 East. The pictures were taken from the Bridge on Co. Rd. 500 East just north of Co. Rd. 1000 South. He stated the ditch would function much better now that it had been cleared of the trees in that area.

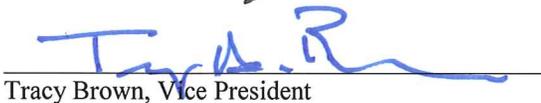
Alonzo Taylor#77 Regulated Drain Reconstruction

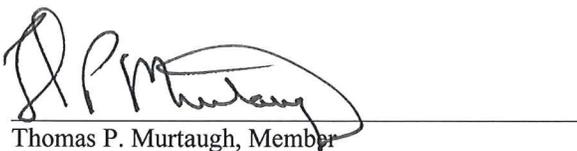
The Surveyor informed the Board the Alonzo Taylor#77 Regulated Drain Reconstruction project would begin at the first of the upcoming week with tile replacement.

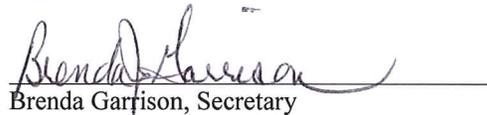
Public Comment

As there was no public comment Tom Murtaugh made a motion to adjourn. The meeting was adjourned.


David S. Byers, President


Tracy Brown, Vice President


Thomas P. Murtaugh, Member


Brenda Garrison, Secretary

Tippecanoe County Drainage Board
June 1, 2016
Regular Meeting Minutes

Those present were:

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

Approval of Minutes

David Byers made a motion to approve the May 4, 2016 regular meeting minutes. Thomas Murtaugh seconded the motion. Motion carried. David Byers made a motion to approve the May 4 and 18, 2016 J.N. Kirkpatrick Upper End Extension minutes as written. Thomas Murtaugh seconded the motion. Motion carried.

Zach Beasley

INDOT Reimbursement Agreement JN Kirkpatrick #46 Upper End Extension Project

The Surveyor presented an INDOT agreement with the County Drainage Board for reimbursement of the County's cost to jack and bore a 54 inch tile under U.S. 52 within INDOT's right of way. He noted the amount was not to exceed \$208,000.00 and recommended approval by the Board. Thomas Murtaugh made a motion to approve the INDOT reimbursement agreement regarding the Upper End Extension of the J.N. Kirkpatrick Regulated Drain #46 as presented by the Surveyor. David Byers seconded the motion. Motion carried.

Drain Project (s) Update:

Eugene Johnson #41 2016 Dredging project

The Surveyor stated the Eugene Johnson #41 Dredging Project located at CR. 1300 South and CR 700 East was 90% complete. Inspection of the project was forthcoming. Heartland Excavating was the Contractor for this project.

Moses Baker #114 Phase II Dredging Project

The Surveyor stated Phase II of the Moses Baker #114 Dredging Project was located CR. 575 East and CR700 East was nearly 100% complete. An inspection of the project was forthcoming. Huey Excavating was the Contractor for this project.

Waples McDill #85

The Surveyor noted the Waples McDill #85 Reconstruction started today by crossing CR275East and setting up the large machine to be ready to go by first of week. He stated a new machine was being used to lay the large pipe. The machine was called TexMek and would be viewed in action by many across the Midwest during this job. It was one of the largest tile machines in existence. He informed the Board to his knowledge, this was the largest AGRICULTURAL tile project ever constructed in Tippecanoe County. He offered to accompany the Board to view the installation. Maxwell Farm Drainage was the Contractor for this project.

John Hoffman #101 Joint Regulated Drain

The Surveyor stated a meeting should be scheduled for the John Hoffman #101 Regulated Joint drain with Clinton and Carroll County's. He recommended the joint meeting follow the Board's regular meeting on August 3, 2016. The Board agreed to hold the John Hoffman Joint Regulated Drain #101 on August 3, 2016 immediately following the regular scheduled meeting on that date.

Resolution 2016-02-DB: Certification of Assessments Waples McDill #85 Reconstruction

Attorney Doug Masson recommended the removal of the Waples McDill #85 Resolution which was on today's Agenda- as there were revisions warranted. He stated a revised Resolution would be presented to the Board at a later date.

Public Comment

David Byers made a motion to adjourn. The meeting was adjourned.

Tracy Brown, President

Thomas P. Murtaugh, Vice President

Brenda Garrison, Secretary

David S. Byers, Member

Tippecanoe County Drainage Board
February 1, 2017
Regular Meeting Minutes

Those present were:

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

Approval of Minutes

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

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

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

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

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

Drainage Board 2017 Professional Engineering Assistance Contract

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

Lafayette YMCA

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

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

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

Belle Tire (Lot 4A 26 Crossing Subdivision)

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

USGS Geological Stream Gages WREC Contract Support

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

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

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

2017 Classification Report/2017 Drain Assessment Activity Report

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

Zach Beasley/Other Business

Appointment of Drainage Board member to Tri-County Board

The Surveyor stated he was contacted by Benton County Surveyor David Fisher regarding the Sophia Brumm Joint Drain. The landowners have requested a joint meeting to discuss reconstruction of several lineal feet of the tile within the S. Brumm Drain watershed. The proposed time was February 21, 2017 at 10:00 a.m. at the Benton County Courthouse. An appointment from this Board was requested. David Byers noted there was a Commissioner Meeting at the same date and time. Tracy Brown made a motion to appoint Commissioner David Byers to the Sophia Brumm Tri-County Drainage Board as requested pending a new date and time is set due to conflict. David Byers seconded the motion. Motion carried.

Outstanding Reconstruction Assessments

The Surveyor informed the Board the five year reconstruction payment cycle was coming to a close on a few of the drain reconstruction projects. With that said there were a few landowners who had not paid any payments during this five year period. His understanding was these properties which had outstanding debt for the reconstruction of a drain should be included in the tax sale. He read Indiana Code 36-9-27-86 i.e. regarding the sale of the property due to outstanding drain

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

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

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

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

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

Classification of Drains

Per IC 36-9-27-34

February 2017

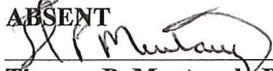
- 1.) Drains in need of Reconstruction
 - a. Elliott, S.W. (#100)
 - b. J.B. Anderson (#02) (Clarks Hill Portion)
 - c. Edwards (Not Maintained)
 - d. McBeth (Not Maintained)
 - e. F.E. Morin (#57)
 - f. Marion Dunkin (#25)
 - g. Huffman-Weimert (Not Maintained)
- 2.) Hearing and Rates Established in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

- aa. James Kellerman (#42)
 - bb. Alonzo Taylor (#77)
 - cc. Clymer Norris (#122)
 - dd. Crist Fassnacht (#29)
 - ee. Peter Rettereth (#66)
 - ff. Ann Montgomery (#56)
 - gg. Gustav Swanson (#76)
 - hh. Nathaniel W. Box (#12)
 - ii. Lydia Hopper (#124)
 - jj. Amanda Kirkpatrick (#44)
 - kk. John McLaughlin (#97)
 - ll. Martin Erwin (#28)
 - mm. Waples McDill (#85)
- 3.) Urban Drains
(I.C. 36-9-27-68 Urban Drains are classified as in need of Reconstruction)
- a. S.W. Elliott (#100)
 - b. Julius Berlowitz (#8) (Include Filbaum)
 - c. Alexander Ross (#48)
 - d. Cuppy McClure
- 4.) Drains in need of Periodic Maintenance
Please see attached sheet-Exhibit A
- 5.) Insufficient Maintenance Funds
- a. E.W. Andrews (#03)
 - b. Floyd Kerschner (#43)
 - c. F.E. Morin (#57)
 - d. John Saltzman (#70)
 - e. Ray Skinner (#71)
 - f. Abe Smith (#72)
 - g. Joseph Sterrett (#74)
 - h. William Stewart (#75)
 - i. John Toohey (#79)
 - j. John Vannatta (#81)
 - k. Suzanna Walters (#83)
 - l. J.B. Anderson (#02)
 - m. Dismal Creek (#93)
 - n. Moses Baker (#114)
 - o. Grant Cole (#19)
 - p. Shawnee Creek (#94)
 - q. Kirkpatrick One (#96)
- 6.) Proposed Drains for hearing in the near future / Request these drains be referred to Surveyor for preparation of Maintenance Report)
- a. Andrew Brown (#13)
 - b. F.E. Morin (#57)
 - c. Parker Lane (#61)
 - d. John Vannatta (#81)
 - e. Dismal Creek (#93)
 - f. Beutler Gosma (#95)
 - g. Jacob Taylor (#78)
 - h. E.W. Andrews (#03)
 - i. Suzanna Walters (#83)
 - j. Jesse B. Anderson (#02)
 - k. Floyd Kerschner (#43)
 - l. Joe Sterrett (#74)
 - m. Moses Baker (#114)
 - n. Grant Cole (#19)
 - o. Shawnee Creek (#94)
 - p. Kirkpatrick One (#96)
 - q. John Saltzman (#70)

- r. Ray Skinner (#71)
 - s. Abe Smith (#72)
 - t. William Stewart (#75)
 - u. John Toohey (#79)
- 7.) Drain Assessments recommended to be raised 25% starting May 2015
No Maintained Regulated Drains Applicable in 2017
 - 8.) Petition for New Regulated Drain referred to Surveyor
 - a. Huffman Weimert Drain (Town of Buck Creek)
 - 9.) Existing Drains referred to Surveyor for Report
 - a. Julius Berlovitz(#08) (Remaining Phases)
 - b. F.E. Morin (#57)
 - c. Huffman Weimert (Not Maintained)
 - d. Marion Dunkin (#25)
 - 10.) Drain that should be vacated
 - a. That portion of the Felbaum Branch (Part of Julius Berlovitz #08 Regulated Drain) East of County Road 550East

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

ABSENT



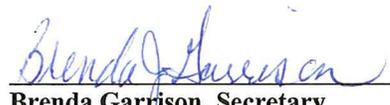
 Thomas P. Murtaugh, President



 David S. Byers, Vice President



 Tracy Brown, Member



 Brenda Garrison, Secretary

Tippecanoe County Drainage Board
March 1, 2017
Regular Meeting Minutes

Those present were:

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

Approval of Minutes

David Byers made a motion to approve the February 1, 2017 Drainage Board regular meeting minutes as written. Thomas Murtaugh seconded the motion. Motion carried.

Klondike and Lindberg Road Widening and Reconstruction

Jeremy Brodhacker of Strand Associates Inc. appeared before the Board to request approval of the Klondike and Lindberg Roads project. The Klondike Road reconstruction portion began at Lindberg Road and then north 1.5 miles to US 52. The Lindbergh road reconstruction portion began at Klondike road then east approximately 0.75 mile and east of Wakerobin Drive. The existing culverts were undersized; therefore they would be upsized to accommodate the current and additional stormwater conveyance reconstruction. Mr. Brodhacker stated INDOT's methodology was used to provide the hydraulically adequate structures for both the Klondike and Lindberg Road projects. He stated stormwater quality was provided per the Tippecanoe County Stormwater Ordinance. In total there were six (6) culverts which would be upsized and improved. Analysis of the downstream conveyance was provided within a report to the Surveyors office. He requested approval by the Board at that time. The Surveyor noted there was an existing concrete pipe which drained the trailer park area on Klondike Road just north of the Fire Station, in the Venetian Blinds area. He asked Mr. Brodhacker how this was dealt with during the design. Mr. Brodhacker confirmed a concrete pipe was located on the east side of Klondike Road immediately north of the Wabash Fire Station and routed along the west side of said road north to US 52 and discharged in the roadside ditch. Responding to David Byers inquiry, Mr. Brodhacker stated this pipe would be replaced and reconnected as part of this project. Mr. Brodhacker confirmed with the Surveyor that the storm sewer pipe within the road right of way at the Dollar General site was included to be upsized and would accommodate the additional storage capacity.

The Surveyor recommended conditional approval as stated on the February 22, 2017 Burke memo. There was no public comment. David Byers made a motion to grant approval with the conditions as stated on the February 22, 2017 Burke memo for the Klondike and Lindberg Road Widening and Reconstruction project. Thomas Murtaugh seconded the motion. Motion carried.

Lindberg Point Apartments

Andy Mix of Vester and Associates appeared before the Board to request approval of the Lindberg Point Apartments project. The site consisted of approximately 2.375 acres and was located on the northwest corner at the intersection of Klondike and Lindberg Roads. Mr. Mix noted, this was the last section of the overall Lindberg Village Development which was started in the late 1990s early 2000's. Due to the change in zoning for this tract, the curve number was lower than the assumed curve number in the overall original master plan. He noted the tract would direct release to an existing 30" storm sewer located along the north side of Lindberg Road. He stated there was a Duke Energy utility 75 feet easement located on the tract that restricted the design. Responding to Thomas Murtaugh's inquiry, Mr. Mix stated the site's access would be off Lindberg Road. Responding to David Byers inquiry, Mr. Mix stated the plans would not in any way impede the future roundabout planned at the aforementioned intersection. Mr. Mix stated during the design process, he worked with the County's consultant specifically regarding this issue. He asked for approval at that time. The Surveyor stated he would be meeting with Mr. Mix later today and would iron out most of the conditions on the Feb. 24, 2017 Burke memo. There were no variances requested and this project was part of the overall Lindberg Village Master Plan. The Surveyor recommended approval with the conditions as stated on the Feb. 24, 2017 Burke memo.

There was no public comment. David Byers made a motion to grant approval with conditions as stated on the February 24, 2017 Burke memo for the Lindberg Point Apartments. Thomas Murtaugh seconded the motion. Motion carried.

Staybridge Suites Hotel

Pete Gensic from Gensic Engineering Inc. appeared before the Board to request approval for the Staybridge Suites Hotel project. The site was located on lots 26 and 27 within the 26 Crossing Subdivision east of the interchange of SR26 and I 65 and totaled 2.44 acres overall. Mr. Gensic stated the project was located within the City of Lafayette as such the presentation to the Drainage Board was to obtain permission to outlet into the Alexander Ross Regulated Drain system. Stormwater quality (Sediment trap inlets) measures were taken throughout the site prior to outletting into the Alexander Ross Regional Detention Facility. Mr. Gensic stated the owner was aware of the stormwater storage fees associated with stormwater detention storage use of the Alexander Ross Regional Detention Facility and agreed to pay the fees associated with it. The Surveyor requested the emergency routing be reviewed as designed so a portion could possibly be routed to the street and a portion possibly to I65 for public safety reasons. Mr. Gensic agreed to review this.

The Surveyor then recommended approval for the Staybridge Suites Hotel site's discharge to the Alexander Ross Regional Detention Facility with the conditions as listed on the February 21, 2017 Burke memo. David Byers made a motion to grant approval with the conditions as stated on the February 21, 2017 Burke memo. Thomas Murtaugh seconded the motion. Motion carried.

Zach Beasley / Other Business

Drain Maintenance/General Drain Improvement Funds Interest

The Surveyor stated historically the drain maintenance funds have earned interest. The individual drain fund totals are pooled together into one fund titled Drain Maintenance Fund and that fund earns interest monthly. As one lump sum, the General Drain Improvement fund earns monthly interest as well. However interest earned by the Drain Maintenance Fund should be broken down into each individual fund within that account so that the individual fund is credited with its own earned interest. The last few years this has not taken place. He stated the following: Quote: " IC 36-9-27-113 Investment of funds; consolidation; credit of interest earned- Sec. 113 (a) For the purpose of investment, the county treasurer may consolidate part or all of the money in any fund established under this chapter with the money in any other fund established under this chapter or other money held by the county treasurer. (b) Unless the invested money is from a maintenance fund established under section 44 of this chapter, the county treasurer shall credit interest from an investment of a fund created under this chapter to that fund. (c) The county treasurer may credit interest earned from an investment of a maintenance fund established under section 44 of this chapter into the general drainage improvement fund established under section 73 of this chapter. (d) Within an account, the county treasurer may credit interest to particular drainage accounts in any fair and rational manner. "Unquote The Surveyor stated while the interest is being earned, it had not been divided between the individual drain maintenance funds in the last few years and he feels this should be done. He stated he did not care what office did the work; he felt the individual funds should get the interest the individual fund total permits. Discussion was held between the Board members and the Surveyor regarding the issue. Interest would be split up proportionately by the balances in the individual drain maintenance funds.

The Surveyor requested official action be directed by the Board. David Byers made a motion that the Surveyor's office takes care of proportioning out the interest as collected monthly between the individual drain maintenance funds. Thomas Murtaugh seconded the motion. Motion carried.

F.E. Morin #57 Regulated Drain

The Surveyor requested a Hearing date of May 3, 2017 for the Reconstruction Hearing of the F.E. Morin #57 Regulated Drain. David Byers made a motion to set a date of May 3, 2017 and immediately after the Regular Drainage Board Meeting to hold a Landowner Reconstruction Hearing for the F.E. Morin #57 Regulated Drain. Responding to David Byers, the Surveyor confirmed there was a Tri-County Drainage Board meeting that day already scheduled for the John McLaughlin Regulated Tri-County Drain. He requested the F.E. Morin Reconstruction Hearing be held after the Drainage Board Regular meeting and before the Tri-County landowner meeting.

David Byers made a motion to hold a F.E. Morin Reconstruction Hearing on May 3, 2017 after the Drainage Board Regular meeting and before the Tri-County landowner meeting previously scheduled. Thomas Murtaugh seconded the motion. Motion carried.

Grant Cole #19 and Moses Baker#114 Regulated Drains

The Surveyor requested a Maintenance Hearing for June 7, 2017 regarding the Grant Cole #19 and Moses Baker #114 Regulated Drains to be held immediately after the regular scheduled meeting that day. David Byers made a motion to hold Maintenance Hearings on June 7, 2017 immediately after the regular scheduled meeting for the Grant Cole #19 and Moses Baker #114 Regulated Drains. Motion carried.

F. Yoe #90 and G. Swanson #76 Regulated Drains Maintenance Work Update

The Surveyor stated the contractor A.D.I. was finishing up the maintenance work on the F. Yoe Regulated Drain and would be moving on to the G. Swanson Regulated Drain thereafter.

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



Thomas P. Murtaugh, President



David S. Byers, Vice President



Brenda Garrison, Secretary



Tracy Brown, Member

Tippecanoe County Drainage Board
June 7, 2017
Moses Baker #114 Regulated Drain
Landowner Hearing Minutes

Those present were:

Tippecanoe County Drainage Board President Thomas P. Murtaugh, Vice President David S. Byers, member Tracy Brown, County Surveyor Zachariah Beasley, Drainage Board Attorney Mathew Salisbury, Drainage Board Secretary Brenda Garrison. Evan Warner-G.I.S. Technician and James Butcher-Project Manager, both with the Surveyor Office, were also in attendance.

The Surveyor read his report as follows: Maintenance Report of the Moses Baker #114 Regulated Drain April 18, 2017. The Moses Baker was originally established in Tippecanoe County Circuit Court, Case Number 2878 in 1883 and rebuilt and extended to and through the E.M. Platt Ditch in 1938. The drain and it's watershed are located in Sections 5 through 10, 15 through 18, 21 and 22 in Township 21 North, Range 3 West and Sections 12 and 13 in Township 21 North, Range 4 West in the political township of Lauramie, Tippecanoe County, Indiana. The Moses Baker Drain Maintenance Fund was established by the Tippecanoe County Drainage Board on the 21st day of May 2003. Since the creation of the maintenance fund in 2003, the lower 2/3's of the open ditch has received necessary repair and maintenance work. The purpose of this hearing is to bring under maintenance additional tile and raise the per acre assessment. The Moses Baker watershed contains 3178.93 acres. Currently the Moses Baker has 25,300 lineal feet of open ditch and 9684 ft. of tile that includes the Headwall Branch, Osborn Branch and South Branch covered by the maintenance fund. The proposed assessment is intended to also provide maintenance for the 5868 lineal feet of tile on the Cox Branch. It is the judgement of the Tippecanoe County Surveyor that a sum of \$152,020.00 is needed to finish the remaining open ditch maintenance and improve the existing tile branch systems. An assessment of \$5.75 per acre and a \$20.00 minimum over an eight (8) year period is recommended. This will generate \$150,222.42 over an eight (8) year period. At present time there are charges totaling \$102,072.28 against this drain to the General Drain Improvement Fund. It is the opinion of the Tippecanoe County Surveyor this rate increase will allow for the remaining open ditch clearing and dredging work and also ensure that monies will be generated for future maintenance on this system, respectfully submitted by Zach Beasley. He referred to the Board.

Thomas Murtaugh asked for public comment. Greg Gilbert 9320 South C.R.100 East Lafayette Indiana 47909 approached the Board. Responding to Mr. Gilbert's inquiry, the Surveyor stated the existing rate for maintenance on the drain is \$3.75 per acre with a \$6.40 minimum. The Surveyor noted that when he took office maintenance funds were available in the Moses Baker fund that had built up since assessment set up in 2003. He utilized those funds to begin maintenance on the open ditch at the outlet and worked upstream. This work exhausted the funds built up and added debt toward the general drain improvement fund. There were also tile branches that were overlooked when the drain was first put on Maintenance in 2003. The proposed maintenance fund would include tile branches overlooked in 2003 and requested by landowners to be included with maintenance. Responding to Mr. Gilbert's inquiry, the Surveyor noted the fund should be built up approximately 2-4 years prior to any additional maintenance work in his opinion. Mr. Gilbert stated the work that has been completed on the drain has benefited the overall watershed, and he noted he was in favor of the rate increase. Mr. Gilbert stated the ditch held up during the recent rainfall of 12 inches but his ditch crossing did not.

Mr. Brenton Bible 7829 Lydia Lane Lafayette Indiana 47909 approached the Board. He asked what would be included in the maintenance. The Surveyor stated he was approached by a landowner concerning a couple tile branches that was overlooked when this drain was set up for maintenance. It was evident the tiles was meant to be a part of the drain's maintenance. Therefore he added the branches to the overall maintenance of the drain in his report presented today. Prior to today's hearing, the monies built up within the fund were spent on the portion under maintenance previously. The open ditch would be the focus to start with and the tiles would be worked on according to necessity/priority. Investigative work was needed on the Berninger Branch as it is possible the branch is plugged behind the residential houses and there may be existing problems under the railroad tracks as well. Mr. Bible stated he has had issues with the South Branch tile and emphasized he agreed the focus should be the open ditch first then the tiles. He noted he has property approximately a mile from the open ditch location but within the watershed and since the maintenance work was completed on the open portion; he has noticed a positive difference in the drainage on said property. He thanked the Board and stated he was in favor of the rate increase. There was no other public comment.

Responding to Thomas Murtaugh's inquiry, the Surveyor noted the existing maintenance rate was \$3.75 per acre with a \$6.25 minimum. The proposed rate was \$5.75 per acre with a \$20.00 minimum. Thomas Murtaugh referred to the Attorney.

The Attorney read the Findings and Order into the record as follows: Before the Tippecanoe County Drainage Board in the matter of the Moses Baker #114 Regulated Drain Findings and Order (Annual Maintenance) This matter came to be heard upon the maintenance report and schedule of assessments prepared by the Tippecanoe County Surveyor and filed on April 18, 2017. The Certificate of Mailing of notice of time and place of hearing, to all affected landowners was filed. Notice of publication of time and place of hearing in the Journal and Courier, Lafayette Indiana were filed. Objections were not filed. Evidence was presented by the Tippecanoe County Surveyor and many of those landowners affected were present. A list of those present is filed herewith. After consideration of all the evidence, the Board does now find that:

- (1) The Maintenance Report of the Tippecanoe County Surveyor and Schedule of Assessments were filed in the office of the Surveyor on April 18, 2017.
- (2) Notice of filing of the Maintenance Report and the Schedule of Assessments and their availability for inspection and the time and place of this hearing was mailed to all those landowners affected more than thirty (30) and less than forty (40) days before the date of this hearing.
- (3) Notice of the time and place of this hearing was given by publication in the Journal & Courier newspaper of general circulation in Tippecanoe County, Indiana more than ten (10) days prior to this hearing.
- (4) The legal drain consists of 25,300 lineal feet of open ditch and 9,684 lineal feet of tile including the Headwall, Osborn, and South Branches. The proposed maintenance will also provide for the 5868 lineal feet of tile on the Cox Branch.
- (5) The present condition of the ditch is poor and in need of repair.
- (6) The ditch needs the following maintenance at present: Clearing and dredging of open ditch upstream of C.R. 700 East and periodic spraying.
- (7) There is now \$102,072.28 owed to the General Drain Fund for past maintenance on this ditch.
- (8) The ditch drains 3,178.93 acres total.
- (9) Estimated annual cost of maintenance is \$18,757.87.
- (10) Estimated annual benefits the land drained exceeds repair and maintenance costs.
- (11) A fund for annual maintenance should be re- established.
- (12) In order to provide the necessary maintenance fund, the annual assessment per acre and lot benefited should be: \$5.75 per acre and a \$20.00 minimum for a collection period of 8 years.
- (13) The assessment list filed herewith should not be amended.
- (14) The assessment list filed herewith is fair and equitable and should be adopted.
- (15) The assessment should be collected with the May 10, 2018 taxes.

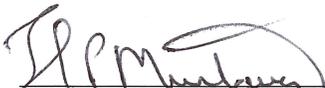
Now, therefore it is ordered that:

- (1) A maintenance fund be re-established for the Moses Baker #114 Regulated Drain at the annual rate of \$5.75 per acre and \$20.00 minimum for a collection period of 8 years.
- (2) The Schedule of Assessments filed herewith are adopted and made a part thereof.
- (3) The first annual assessment shall be collected with the May 10, 2018 taxes.

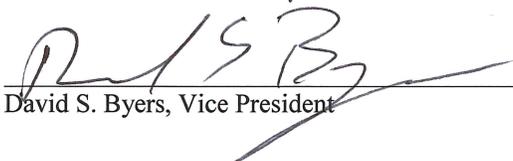
Dated at Lafayette, Indiana this 7th day of June 2017. County Drainage Board

David Byers made a motion to approve the Findings and Order as read by the Attorney. Tracy Brown seconded the motion. Motion carried.

Thomas Murtaugh concluded the public hearing for the Moses Baker #114 Regulated Drain Maintenance.



Thomas P. Murtaugh, President



David S. Byers, Vice President



Brenda Garrison, Secretary



Tracy Brown, Member