

Tippecanoe County Drainage Board
July 9, 2014
Regular Meeting Minutes

Those present were:

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

Contracts BIDS Opening

The President opened the meeting. He referred to the Attorney for the reading of Contract Bids for two projects. The Attorney read the first project known as the F. Kirkpatrick #45 and E. Fugate #30 Regulated Drain Reconstruction bids as follows: Rinehart Excavating \$356,939.45.45, Maxwell Farm Drainage Inc. \$314,644.00, Dwenger Excavating Contractors Inc. \$356,377.40. The Attorney recommended the bids be taken under advisement for review. John Knochel made a motion to take the submitted bids under advisement and review. Tom Murtaugh seconded the motion. Motion carried. The President thanked the companies who submitted bids on this project. The Bids would be reviewed and the contract awarded at the end of this meeting.

The Attorney then read the Contract Bids for the Berlowitz Pond 3 project. He read the bids as follows: Atlas Excavating Inc. \$754,486.80, Rinehart Excavating Inc. \$769,143.51, F&K Construction Inc. \$771,192.00, Thieneman Construction Inc. \$749,000.00, Fairfield Contractors Inc. \$574,263.00. He recommended the bids be taken under advisement for review. John Knochel made a motion to take the bids under advisement and review. Tom Murtaugh seconded the motion. Motion carried. The President thanked the companies who submitted bids on this project. The Bids would be reviewed and the contract awarded at the end of this meeting.

Approval of Minutes

John Knochel made a motion to approve the June 2, 2014 minutes as written. Tom Murtaugh seconded the motion. Motion carried. The June 2, 2014 meeting minutes was approved as written.

Other Business:

The Surveyor presented the Berlowitz Regional Detention Pond #3 Construction Observation Contract from Christopher B. Burke Engr. LLC in the amount of \$58,331.00 for approval by the Board. Historically the Surveyor office and Drainage Board have utilized Christopher B. Burke Engineering LLC. for the larger urban projects. The Surveyor noted as his office is very busy with agricultural drain reconstructions, Christopher B. Burke Engineering LLC. would assist in the preparation of the Urban Drain Reconstructions. This included the day to day construction observation of those urban projects. John Knochel made a motion to approve the Berlowitz Regional Detention Pond #3 Construction Observation Contract from Christopher B. Burke Engr. LLC in the amount of \$58,331.00 as presented. Tom Murtaugh seconded the motion. Motion carried. The Berlowitz Regional Detention Pond #3 Construction Observation Contract from Christopher B. Burke Engr. LLC in the amount of \$58,331.00 was approved as presented. There was no public comment.

Bonds:

The Surveyor presented Maintenance Bond #9122945 submitted by Gradex Inc. for the Meijer #186 West Lafayette Indiana and dated June 11, 2014 in the amount of \$103,846.00 written by Fidelity and Deposit Co. of Maryland and recommended approval by the Board. John Knochel made a motion to approve the maintenance bond as presented by the Surveyor. Tom Murtaugh seconded the motion. Motion carried. The Maintenance Bond #9122945 submitted by Gradex Inc. for the Meijer #186 West Lafayette Indiana and dated June 11, 2014 in the amount of \$103,846.00 written by Fidelity and Deposit Co. of Maryland was approved as presented by the Surveyor. The President asked if this project's runoff would negatively affect Indian Creek. Due to the drainage issues in the past which both the Board and the Surveyor's office have dealt with, the Surveyor noted the rates were actually less than the current Ordinance allows. The Surveyor reminded the Board an Indian Creek Drainage Impact Area Resolution was in force. This resolution included a stricter release rate and meetings with Meijer's engineers resulted in plans which followed those rates. The rates are actually much smaller than what the current Ordinance allows. The project in no way adds to the issues currently at hand in the Indian Creek watershed. The new store

would not make the drainage issues worse. The Surveyor stated the Maintenance Bond reflected on the Agenda regarding the S.W. Elliott Branch #11 Reconstruction project should be stricken. The Bond when reviewed was not in order as the amount was not correct. The Bond would be presented at a later date.

Petition to Establish a New Regulated Drain

The Surveyor requested a public hearing to be held in September regarding the Petition to Establish a New Regulated Drain presented by Brian Keene for Shepherds Point Subdivision. The location of which was Salisbury Road and County Farm Road in the southeast corner of the intersection. He reminded the Board; they had previously accepted the aforementioned Petition and directed him to submit a report for consideration of establishing a new regulated drain. His office was ready to go forward with the process. He noted the existing pond in this location was in need of maintenance at this time. John Knochel made a motion to conduct a landowner hearing for Shepherds Point Petition to Establish a New Regulated Drain on September 3, 2014 immediately following the regular scheduled meeting on that day. Tom Murtaugh seconded the motion. Motion carried.

Contracts

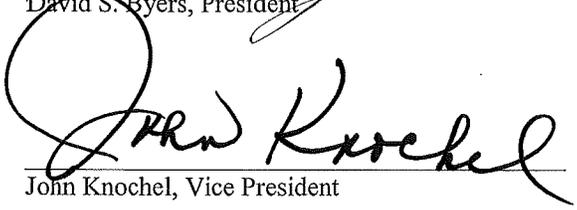
The President asked for the results of the Contract Bids at hand. James Butcher Surveyor Office Project Manager confirmed Maxwell Farm Drainage was the low bidder for the F. Kirkpatrick #45 and the E. Fugate #30 Regulated Drain Reconstruction in the amount of \$314,644.00. John Knochel made a motion to award the F. Kirkpatrick #45 and the E. Fugate #30 Regulated Drain Reconstruction project to Maxwell Farm Drainage. Tom Murtaugh seconded the motion. Motion carried. Maxwell Farm Drainage was awarded the F. Kirkpatrick #45 and the E. Fugate #30 Regulated Drain Reconstruction project by the Board. James Butcher Surveyor Office Project Manager confirmed Fairfield Contractors Inc. was the low bidder for the Berlowitz Pond #3 project. John Knochel made a motion to award the Berlowitz Pond #3 project to Fairfield Contractors Inc. in the amount of \$574,263.00. Tom Murtaugh seconded the motion. Motion carried. Fairfield Contractors Inc. was awarded the Berlowitz Pond #3 Construction project by the Board.

Public Comment

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



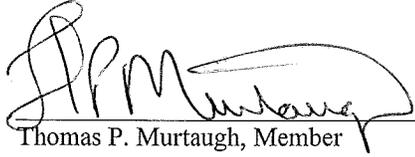
David S. Byers, President



John Knochel, Vice President



Brenda Garrison, Secretary



Thomas P. Murtaugh, Member

Tippecanoe County Drainage Board
September 3, 2014
Landowner Hearing Minutes

Those present were:

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

SHEPHERDS POINT PART TWO REGULATED DRAIN #121

Commissioner Byers opened the hearing and referred to the Surveyor regarding the Shepherds Point Part Two Regulated Drain. The Surveyor read the Maintenance Report as follows: Maintenance Report Shepherds Point #121 Regulated Drain Tippecanoe County Drainage Board July 3, 2014. The storm drainage system for Shepherds Point, Part Two was constructed in the early 1990's and is currently in good condition except for the detention basin and the swale along the east line of the subdivision, which are overgrown with brush. The storm drainage system and its watershed are located in Section 31 of Township 24 North and Range 4 West in the political township of Wabash, Tippecanoe County, Indiana. It is the judgment of the County Surveyor based on testimony from the benefitted landowners and the Grading and Drainage Plan for the subdivision that the total benefitted watershed area is 13.52 acres. From this day forward there are 1,320 lineal feet of storm sewer pipe from 12" to 24" in diameter, 1,090 lineal feet of emergency routing swale, 1,370 lineal feet of rear yard swale, and a 33,600 square feet detention basin under maintenance. Drainage easements dedicated by the final plat of Shepherd's Point Subdivision, Part Two will be utilized for the statutory county regulated drain right-of-entry. It is the judgment of the Tippecanoe County Surveyor that a sum of \$40,986.24 is needed to maintain the existing storm drainage system. An assessment rate of \$130 per lot over a (8) eight year period is recommended. This will generate \$40,560.00 over a (8) eight year period. It is the judgment of the Tippecanoe County Surveyor these rates will ensure that monies will be generated for future storm drainage system maintenance. Respectfully submitted by Zachariah E. Beasley P.S., M.S.

Commissioner Byers opened the floor for public comment. Dan Teder Attorney with Reiling Teder & Schrier LLC 250 Main Street Lafayette Indiana 47902 approached the Board. He stated the subdivision was started approximately thirty years ago by the Buckley family and started with five lots. These lots were located at the corner of County Road 50 West and County Road 500 South. One of the lots was a drainage swale. In the last twenty years an adjoining section was developed. Recently Brian Keene of Monticello Main LLC has purchased the lots for development. There are approximately ten lots that have not been built on to date. A detention basin was located on lot#3 of the subdivision and was cleaned out by the previous owner prior to purchase. At this time Monticello Main is asking the Board to accept the detention pond and drainage system of Shepherds Point Part Two for County Regulated Drain Maintenance. He respectfully requested the Board find that Shepherds Point Part Two becomes a County Maintained Regulated Drain. He thanked the Board for their time.

Responding to Commissioner Murtaugh's inquiry, the Surveyor stated the original five lots would not be included with County Maintenance. The lots drain toward County Roads and not into the detention pond located on Lot #3 or the internal drainage system within the subdivision. Therefore they would not be included as part of this county maintained drain. Responding to Commissioner Byer's inquiry, the Surveyor stated that the required hearing notification was sent out to all landowners of record by his office. To date his office had no response by any landowner. Mr. Byers stated he wanted to make sure the landowners were notified since the Petition was signed only by Mr. Keene owner of the majority of the lots at this time. Brian Keene approached the Board and stated last summer he wrote the landowners a letter notifying them his intentions to make this subdivision drainage system a legal drain. The landowners he spoke to, due to the lack of a homeowners association, stated they understood the rationale for the request and would not dispute it. He noted a few landowners had spoken onsite with the Stormwater Coordinator Dale Snipes and he explained the process to them. In this case he felt it was in the landowners' best interest to set this system up as a county regulated maintained drain. The Surveyor stated he concurred with Mr. Keene. He noted two of his staff members Mr. Snipes and Mr. Butcher made an onsite visit and spoke with concerned landowners last summer. He then asked Mr. Keene and Mr. Teder if their intent was for the Commissioners to take the title to Lot#3 where the detention pond is located. They both answered yes it was their intent. The Surveyor noted the Indiana Drainage Code does not require the Commissioners to take title to ground to create a County regulated drain and to establish a maintenance fund. Mr. Teder stated he thought the reason this needs to be done is that it would be an entity that would not pay taxes and he stated he thought this was a more efficient way to take care of the situation.

David Luhman Attorney for the Board stated as follows: As it stands today the petition before the Board is to establish a regulated drain. Once a regulated Drain is established the Drainage Board has a right of entry to maintain the pond as a regulated drain. There is a procedure in place to determine how the cost of the maintenance is allocated to the people within the watershed. This is a separate procedure from taking title to the land where the detention pond is located. If not deeded to County it may well be on a tax sale in the future if no one pays the taxes on it. There is also a possibility that someone at the tax sell would want to buy the parcel. Could be a Homeowners Association would want to maintain as an open space for the development, I do not know if it is a wet or dry pond as there may be recreation uses. There may be some benefit to a Homeowners Association. Dan Teder stated at that time no there is none. So basically it is not required that the County take ownership to this and be responsible for any liabilities there may be. Mr. Teder stated he understood they were not required, however they are requesting this be done as it makes more sense to do so in this particular case. The Surveyor then stated he would recommend transfer of ownership of the parcel the pond is located on to the County in this particular case. Responding to Commissioner Murtaugh's inquiry, the attorney noted the deed should be accepted in a Commissioner's meeting by the Commissioner's as they would be the owners not the Drainage Board. The process was the same as when the County buys a parcel for a detention pond use, it must be presented at a Commissioner's meeting for approval and acceptance.

John Knochel made a motion to accept the Maintenance Report of the Surveyor and to establish Shepherds Point Part Two as a county maintained Regulated Drain. Tom Murtaugh seconded the motion. The motion carried. The Attorney then read Findings and Order of the Board into the record as follows:

BEFORE THE TIPPECANOE COUNTY DRAINAGE BOARD IN THE MATTER OF THE SHEPHERDS POINT PART TWO REGULATED DRAIN FINDINGS AND ORDER ESTABLISHING LEGAL DRAIN AND ESTABLISHING ANNUAL MAINTENANCE FUND

This matter came to be heard upon the Petition for Establishment of a New Legal Drain filed October 1, 2013, a copy of which is attached hereto and made a part hereof, and the final report and schedule of assessments prepared by the Surveyor and filed on July 3, 2014. Certificate of mailing of notice of time and place of hearing to all affected landowners per IC 36-9-27-40(b) and Notice of Publication of the time and place of hearing in the Journal & Courier were filed. Remonstrances were not filed. Evidence was presented by the Surveyor and 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. Petitioners are the owners of more than 50% in acreage of the land to be affected by the proposed improvement, which is outside the corporate limits of any city or town. 2. Said drain is in need of improvement. 3. The legal description of said drain is set forth in the petition. 4. The costs, damages and expenses of the proposed drain will be less than the benefits accruing to the owners of the land to be benefitted thereby. 5. The proposed improvement will improve the public health and be of public utility by providing an orderly method of storm drainage run-off. 6. The Final Report of the Surveyor and the schedule of assessments were filed in the office of the Board on July 3, 2014. 7. Notice of the filing of the Surveyor's report and schedule of assessments and their availability for inspection and the time and place of this hearing was mailed to all those landowners affected more than thirty (30) and less than forty (40) days before the date of this hearing. 8. Notice of the time and place of this hearing in respect to establishment of a legal drain and maintenance thereof was given by publication in the Journal & Courier, a newspaper of general circulation in Tippecanoe County, Indiana more than ten (10) days prior to this hearing. 9. The legal drain consists of 1,320 lineal feet of storm sewer pipe from 12" to 24", 1,090 lineal feet of emergency routing swale, 1,370 lineal feet of rear yard swale and a 33,600 square feet detention basin under maintenance. 10. The drainage system drains 13.52 acres. 11. Soil types involved are varied. 12. The present condition of the drain is in need of maintenance. 13. The drain needs the following maintenance at present: clearing and cleaning of the Detention Basin. 14. Estimated annual cost of maintenance is \$40,560.00 over an 8 year period. 15. Estimated annual benefits from annual maintenance exceed the cost thereof. 16. The drain should be established as a legal drain and maintained. 17. A maintenance fund for annual maintenance should be established. 18. In order to provide the necessary maintenance fund, the annual assessment per lot benefitted should be: \$130.00 per lot and minimum over an 8 year collection period. 19. The assessment list filed herewith should not be amended. 20. The Schedule of Damages and Assessments for periodic maintenance are fair and equitable and should be adopted. 21. The first assessments for periodic maintenance should be collected with the **May 10, 2015 taxes**.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The Shepherds Point Part Two Regulated Drain be established as more fully set forth on Exhibit 1, attached hereto and by reference made a part hereof.
2. The Maintenance Report filed by the Surveyor is adopted.
3. The Schedule of Damages and Assessments for Maintenance filed herein is adopted.

4. The annual maintenance fund is established and an annual assessment therefor is established in the amount of \$130.00 per lot and minimum benefitted.
5. The first annual maintenance assessment **shall be collected with the May 10, 2015 taxes.**

DATED at Lafayette, Indiana this 3rd day of September 2014. TIPPECANOE COUNTY DRAINAGE BOARD: followed by signature lines of the Drainage Board and attested by the Secretary. Commissioner Byers asked for public comment. There was none. Shepherds Point Part Two Regulated Drain was approved for County Maintenance.

John Knochel made a motion for the Drainage Board to recommend ownership to the County Commissioners of Lot #3 of Shepherds Point Part Two Subdivision. Tom Murtaugh seconded the motion. The motion carried. There was no public comment. Mr. Teder informed the Board he would prepare a deed for Lot #3 of Shepherds Point Part Two Subdivision to be transferred to the Tippecanoe County Board of Commissioners for ownership. Dave Luhman reiterated this process would have to take place during a Commissioner's meeting.

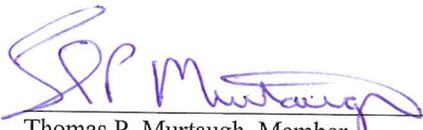
John Knochel made a motion to adjourn. The hearing was adjourned.



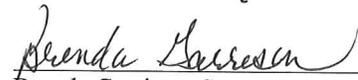
David S. Byers, President



John Knochel, Vice President



Thomas P. Murtaugh, Member



Brenda Garrison, Secretary



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201414017341

FILED FOR RECORD IN

TIPPECANOE COUNTY, IN

ONETA TOLLE, RECORDER

10/07/2014 11:34:42AM

DEED 0.00

Key Number: 134-07903-0030
(79-03-31-201-005.000-023)

CORPORATE WARRANTY DEED

THIS INDENTURE WITNESSETH THAT Monticello Main Street, LLC conveys and warrants to the Board of Commissioners of the County of Tippecanoe, Indiana, for use as right-of-way for public highways, public drainage and erosion control, the following described real estate in Tippecanoe County, in the State of Indiana, to wit:

Lot Numbered Three (3) in Shepherd's Point Subdivision as per Plat thereof dated August 5, 1986, recorded August 22, 1986 in Plat Cabinet C Slide C-139 as Document Number 8611294 in the Office of the Recorder of Tippecanoe County. Located in Wabash Township, Tippecanoe County, Indiana.

SUBJECT TO easements, rights of way, and restrictions of record, if any.

The undersigned person executing this deed represents and certifies on behalf of the Grantor, that the undersigned is a duly elected officer of the Grantor and has been fully empowered by proper resolution, or the by-laws of the Grantor to execute and deliver this deed; that the Grantor is a corporation in good standing where the subject real estate is situate; that the Grantor has full corporate capacity to convey the real estate described; and that all necessary action for the making of this conveyance has been taken.

IN WITNESS WHEREOF, Grantor has caused this deed to be executed this 18 day of Sept, 2014.

MONTICELLO MAIN STREET, LLC

By: [Signature]
(written)

Brian Keene Member
(printed) (title)

DULY ENTERED FOR TAXATION
SUBJECT TO FINAL ACCEPTANCE
FOR TRANSFER.

OCT 07 2014

[Signature]
AUDITOR OF TIPPECANOE CO.

This instrument prepared by: Daniel A. Teder of the firm of REILING TEDER & SCHRIER, LLC, 250 Main Street, Suite 601, P.O. Box 280, Lafayette, Indiana 47902. Telephone: (765) 423-5333. E-mail: dat@rtslawfirm.com

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Daniel A. Teder

Mail Tax Bills To: Grantee address
(if different than billing address)

BOARD OF COMMISSIONERS
20 N 3rd St
Lafayette, IN 47901

STATE OF INDIANA)
) SS:
TIPPECANOE COUNTY)

Before me, a Notary Public in and for said County and State, personally appeared Monticello Main Street, LLC, by Brian Keene, its Member, who acknowledged the execution of the foregoing Deed for and on behalf of said Grantor, and who, having been duly sworn, stated that the representations therein contained are true.

WITNESS my hand and Notarial Seal this 18th day of September, 2014.



MELISA M. BROOKS
Resident of Tippecanoe County
My Commission Expires
April 6, 2015

My Commission Expires:

Melissa M. Brooks

(written)

(printed)

NOTARY PUBLIC

Resident of _____ County

Accepted this 10th day of OCTOBER, 2014.

ATTEST:

Jennifer Weston

Jennifer Weston, Auditor
Of Tippecanoe County

BOARD OF COMMISSIONERS OF
THE COUNTY OF TIPPECANOE

John Knochel

John Knochel, President

Thomas P. Murtaugh

Thomas P. Murtaugh, Vice President

David S. Byers

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

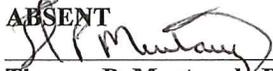
- 1.) Drains in need of Reconstruction
 - a. Elliott, S.W. (#100)
 - b. J.B. Anderson (#02) (Clarks Hill Portion)
 - c. Edwards (Not Maintained)
 - d. McBeth (Not Maintained)
 - e. F.E. Morin (#57)
 - f. Marion Dunkin (#25)
 - g. Huffman-Weimert (Not Maintained)
- 2.) Hearing and Rates Established in 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



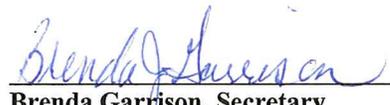
 Thomas P. Murtaugh, President



 David S. Byers, Vice President



 Tracy Brown, Member



 Brenda Garrison, Secretary