

**TIPPECANOE COUNTY DRAINAGE BOARD
REGULAR MEETING
FEBRUARY 5, 1992**

The Tippecanoe County Drainage Board met Wednesday, February 5, 1992 in the Community Meeting Room of the Tippecanoe County Office Building, 20 North Third Street, Lafayette, Indiana with Keith E. McMillin calling the meeting to order.

Those present were: Keith E. McMillin, Chairman, Nola J. Gentry and Hubert Yount, Tippecanoe County Commissioners, Michael J. Spencer, County Surveyor, Ilene Dailey, Chris Burke Consulting Engineers, J. Frederick Hoffman, Drainage Board Attorney, and Dorothy M. Emerson, Executive Secretary Drainage Board.

The first item on the agenda was to approve to the minutes of the meeting for the last Drainage Board meeting on January 8, 1991. Nola Gentry moved to approve the minutes, seconded by Hubert Yount. Unanimously approved.

CARROLL COUNTY JOINT DRAIN

Mike Spencer, County Surveyor stated Keith McMillin and Hubert Yount needed to be appointed to the Carroll County Joint Drain for the Andrew and Mary Thomas Drains.

Nola Gentry motioned to appoint Keith McMillin and Hubert Yount to the Carroll County Joint Drain for the Andrew and Mary Thomas Drains.

Hubert Yount, seconded. Motion carried.

DRAINAGE BOARD ATTORNEY CONTRACT

Mike presented the Board with a contract for the Drainage Board Attorney J. Frederick Hoffman, that needed to be executed for 1992.

Hubert Yount moved to approve the contract between Tippecanoe County Drainage Board and J. Frederick Hoffman as Attorney for said group.

Nola J. Gentry, seconded. Motion carried.

ACTIVE AND INACTIVE DITCHES

Nola Gentry moved to include the active and inactive ditches into the February minutes and mail the appropriate notices to the surrounding counties. Hubert Yount, seconded. Motion carried.

The following is a list of the active and inactive ditch assessment list for 1992.

| DRAINAGE BOARD ASSESSMENT LIST | | | | |
|--------------------------------|-------------------------------|-------------------------------|----------|----------|
| DITCH No. | DITCH | TOTAL 4 YEAR ASSESSMENT | 1991 | 1992 |
| 1 | Amstutz, John | \$5,008.00 | Inactive | Inactive |
| 2 | Anderson, Jesse | \$15,675.52 | Active | Active |
| 3 | Andrews, E.W. | \$2,566.80 | Active | Active |
| 4 | Anson, Delphine | \$5,134.56 | Active | Active |
| 5 | Baker, Dempsey | \$2,374.24 | Inactive | Inactive |
| 6 | Baker, Newell | \$717.52 | Inactive | Inactive |
| 7 | Ball, Nellie | \$1,329.12 | Inactive | Inactive |
| 8 | Berlovitz, Juluis | \$8,537.44 | Inactive | Inactive |
| 9 | H W Moore Lateral (Benton Co) | | | Active |
| 10 | Binder, Michael | \$4,388.96 | Active | Active |
| 11 | Blickenstaff, John | \$7,092.80 | Inactive | Inactive |
| 12 | Box, NW | \$11,650.24 | Inactive | Inactive |
| 13 | Brown, A P | \$8,094.24 | Active | Active |
| 14 | Buck Creek (Carroll Co) | | Active | Inactive |
| 15 | Burkhalter, Alfred | \$5,482.96 | Inactive | Active |
| 16 | Byers, Orrin | \$5,258.88 | Inactive | Inactive |
| 17 | Coe, Floyd | \$13,617.84 | Inactive | Inactive |
| 18 | Coe, Train | \$3,338.56 | Active | Inactive |
| 19 | Cole, Grant | \$4,113.92 | Inactive | Inactive |
| 20 | County Farm | \$1,012.00 | Active | Active |
| 21 | Cripe, Jesse | \$911.28 | Inactive | Inactive |
| 22 | Daughtery, Charles E. | \$1,883.12 | Active | Active |
| 23 | Devault, Fannie | \$3,766.80 | Inactive | Inactive |
| 25 | Dunkin, Marion | \$9,536.08 | Inactive | Inactive |
| 26 | Darby, Wetherill (Benton Co) | | Active | Active |
| 27 | Ellis, Thomas | \$1,642.40 | Active | Inactive |
| 28 | Erwin, Martin V | \$656.72 | Inactive | Inactive |
| 29 | Fassnacht, Christ | \$2,350.56 | Inactive | Inactive |
| 30 | Fugate, Elijah | \$3,543.52 | Inactive | Inactive |
| 31 | Gowen, Issac (White Co) | | Inactive | Active |
| 32 | Gray, Martin | \$6,015.52 | Active | Inactive |
| 33 | Grimes, Rebecca | \$3,363.52 | Inactive | Inactive |
| 34 | Hafner, Fred | \$1,263.44 | Active | Active |
| 35 | Haywood, E.F. | \$7,348.96 | Active | Active |
| 36 | Haywood, Thomas | \$2,133.12 | Active | Active |
| 37 | Harrison, Meadows | \$1,532.56 | Inactive | Inactive |
| 39 | Inskeep, George | \$3,123.84 | Inactive | Inactive |
| 40 | Jakes, Lewis | \$5,164.24 | Inactive | Inactive |
| 41 | Johnson, E. Eugene | \$10,745.28 | Inactive | Inactive |

| | | | |
|----------------------------------|--------------|----------|----------|
| 41 Johnson, E. Eugene | \$10,745.28 | Inactive | Inactive |
| 42 Kellerman, James | \$1,043.52 | Active | Inactive |
| 43 Kerschner, Floyd | \$1,844.20 | Inactive | Inactive |
| 44 Kirkpatrick, Amanda | \$2,677.36 | Inactive | Inactive |
| 45 Kirkpatrick, Frank | \$4,226.80 | Active | Inactive |
| 46 Kirkpatrick, James | \$16,637.76 | Inactive | Active |
| 47 Kuhns, John A | \$1,226.96 | Active | Inactive |
| 48 Lesley, Calvin | \$3,787.76 | Inactive | Active |
| 50 McCoy, John | \$2,194.72 | Inactive | Inactive |
| 51 McFarland, John | \$7,649.12 | Active | Inactive |
| 52 McKinny, Mary | \$4,287.52 | Inactive | Inactive |
| 53 Mahin, Wesley | \$3,467.68 | Active | Active |
| 54 Marsh, Samuel (Montgomery Co) | | Inactive | Inactive |
| 55 Miller, Absalm | \$3,236.00 | Inactive | Active |
| 56 Montgomery, Ann | \$4,614.56 | Active | Inactive |
| 57 Morin, F.E. | \$1,434.72 | Active | Active |
| 58 Motsinger, Hester | \$2,000.00 | Active | Active |
| 59 O'Neal, J. Kelly | \$13,848.00 | Active | Active |
| 60 Oshier, Aduley | \$1,624.88 | Active | Active |
| 61 Parker, Lane | \$2,141.44 | Inactive | Active |
| 62 Parlon, James | \$1,649.96 | Inactive | Active |
| 63 Peters, Calvin | \$828.00 | Inactive | Inactive |
| 64 Rayman, Emmett (White Co) | | Active | Active |
| 65 Resor, Franklin | \$3,407.60 | Inactive | Active |
| 66 Rettereth, Peter | \$1,120.32 | Inactive | Inactive |
| 67 Rickerd, Aurther | \$1,064.80 | Inactive | Inactive |
| 68 Ross, Alexander | \$1,791.68 | Inactive | Inactive |
| 69 Sheperdson, James | \$1,536.72 | Inactive | Inactive |
| 70 Saltzman, John | \$5,740.96 | Inactive | Inactive |
| 71 Skinner, Ray | \$2,713.60 | Active | Active |
| 72 Smith, Abe | \$1,277.52 | Active | Active |
| 73 Southworth, Mary | \$558.08 | Active | Active |
| 74 Sterrett, Joseph C | \$478.32 | Inactive | Active |
| 75 Stewart, William | \$765.76 | Inactive | Active |
| 76 Swanson, Gustav | \$4,965.28 | Active | Active |
| 77 Taylor, Alonzo | \$1,466.96 | Inactive | Inactive |
| 78 Taylor, Jacob | \$4,616.08 | Inactive | Inactive |
| 79 Toohy, John | \$542.40 | Inactive | Inactive |
| 81 VanNatta, John | \$1,338.16 | Inactive | Inactive |
| 82 Wallace, Harrison B. | \$5,501.76 | Inactive | Inactive |
| 83 Walters, Sussana | \$972.24 | Inactive | Inactive |
| 84 Walters, William | \$8,361.52 | Active | Active |
| 85 Waples, McDill | \$5,478.08 | Inactive | Active |
| 86 Wilder, Lena | \$3,365.60 | Inactive | Inactive |
| 87 Wilson, Nixon (Fountain Co) | | Inactive | Inactive |
| 88 Wilson, J & J | \$736.96 | Inactive | Inactive |
| 89 Yeager, Simeon | \$615.36 | Active | Active |
| 90 Yoe, Franklin | \$1,605.44 | Inactive | Inactive |
| 91 Dickens, Jesse | \$288.00 | Inactive | Inactive |
| 92 Jenkins | \$1,689.24 | Inactive | Inactive |
| 93 Dismal Creek | \$25,420.16 | Active | Active |
| 94 Shawnee Creek | \$6,639.28 | Active | Active |
| 95 Buetler/Gosma | \$19,002.24 | Inactive | Active |
| 96 Kirkpatrick One | \$6,832.16 | Active | Inactive |
| 97 McLaughlin, John | \$0.00 | Inactive | Inactive |
| 98 Hoffman, John | \$72,105.03 | Active | Active |
| 99 Brum, Sarah (Benton Co) | | Active | Active |
| 100 S.W.Elliott | \$227,772.24 | Active | Active |

DISCUSSION ON TILE BIDS

Mike Spencer presented a tile bid that had been inadvertently returned to the bidder. Fred Hoffman opened the bid.

Mike stated he had received two proposals for Professional Services on the Berlovitz Watershed Study, one from Christopher Burke Engineering and one from Ticen, Schulte and Associates. Mike recommended Christopher Burke Engineering the lowest bidder.

Nola moved to approve the proposal from Christopher Burke Engineering for the Berlovitz Ditch Study. Hubert, seconded. Motion carried.

JOHN HOFFMAN DRAIN

Mike stated to the Board that work will be done on the Hoffman Drain at a cost less than \$25,000.00. Since it was under \$25,000.00 Mike requested quotes be done on the project rather than bids since quotes are faster.

Mike read the proposal into the minutes.

TO WHOM IT MAY CONCERN:

The Tippecanoe County Drainage Board is interested in taking quotes for maintenance work on the John Hoffman Ditch, beginning at the tile outlet which is located along County Road 900 East just north of State Road 26 East.

Work will consist of dredging approximately 1000 feet of channel down stream of the tile outlet, cleaning out road culvert under 900 East. Then clearing trees over and along the tile for some 4000 feet to the east.

After the clearing all tile holes will be fixed and or wide joints patched, then the waterway over the tile will be graded as directed by the Surveyor. When all work is completed all disturbed areas will be seeded.

There will be a pre-quote site visit held at the site on February 19th, 1992 at 9:00 am.

Written quotes will be on a per foot basis for dredging, clearing and grading of waterway.

Tile repair will be on time and material basis. Seeding will be lump sum.

Quotes will be due on March 4th at 11:00 am in the Tippecanoe County Auditors Office.

For further information please contact the Tippecanoe County Surveyor, Mike Spencer at 423-9228.

Discussion followed.

Hubert Yount moved to accept quotes for the John Hoffman Drain. Nola, seconded. Motion carried.

HADLEY LAKE DRAIN

Mike stated that West Lafayette Wetland Delineation Study will be done on February 15. We need to have that before we advertise for the proposals for engineering work.

PINE VIEW FARMS

Roger Kottlowski, Weitzel Engineering and Tom Stafford, Melody Homes presented their drainage plans for Pine View Farms to the Drainage Board.

Discussion followed.

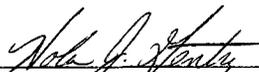
Mike Spencer recommended preliminary approval to the Board.

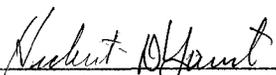
Nola moved to grant preliminary approval contingent on completion of restrictions and receipt of the recorded easements or agreements.

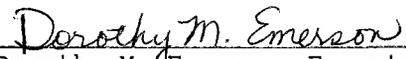
Hubert Yount, seconded. Motion carried.

Being no further business, Hubert Yount moved to adjourn the Drainage Board meeting. The next regular scheduled meeting will March 4 at 8:30 AM and will reconvene at 11:00 AM for quotes on the John Hoffman Drain.


Keith E. McMillin, Chairman


Nola J. Gentry, Member


Hubert D. Yount, Member

ATTEST: 
Dorothy M. Emerson, Executive Secretary

TIPPECANOE COUNTY DRAINAGE BOARD
REGULAR MEETING
MAY 6, 1992

The Tippecanoe County Drainage Board met in regular session held on Wednesday, April 15, 1992 in the Community Meeting Room of the Tippecanoe County Office Building, 20 North Third Street, Lafayette, Indiana with Keith E. McMillin calling the meeting to order.

Those present were: Keith E. McMillin, Chairman, Nola J. Gentry and Hubert Yount, Tippecanoe County Commissioners, Michael J. Spencer, County Surveyor, Ilene Dailey, Chris Burke Consulting Engineers, J. Frederick Hoffman, Drainage Board Attorney, and Dorothy M. Emerson, Executive Secretary Drainage Board.

Mike Spencer, County Surveyor stated that Jim Vaness and Mark Smith have cancelled the Ortman Drain Vacation for this meeting, but want to reschedule for the June 3, 1992 meeting.

Nola Gentry, Commissioner motioned to move the Ortman Ditch Vacation to the June 3, 1992 meeting, seconded by Hubert Yount, Commissioner. Motion carried.

Commissioner Gentry moved to approve the minutes of the April 15, 1992 Drainage Board Meeting, seconded by Commissioner Yount. Unanimously approved.

PINE VIEW FARMS

Roger Kottowski, Weitzel Engineering, came before the Board seeking final approval for the Pine View Farms Subdivision.

Discussion followed.

Mr. Kottowski stated that they are requesting two (2) waivers; 1) There are requirements for all detention basins to be located within regulated drains. We want to plat those around drain and utility easements to still provide the easements but because of the regulated drain would actually impose a 75 foot easement around the entire area.

Mr. Hoffman, Drainage Board Attorney, asked if there would be an easement down the median of Highway 52?

Mr. Kottowski responded that the detention pond would be within the project.

Mike Spencer, Surveyor stated to the Board that Mr. Kottowski was asking for a waiver on the 75 foot easement. They want to use a homeowners association for the maintenance instead of making it a regulated drain and will include the covenants and restrictions.

Mr. Hoffman, Drainage Board Attorney requested Drainage Board language would be used.

(2) Mr. Kottowski stated that the second request was to waive the requirement for fencing around the pond.

Discussion followed.

Mike Spencer, Surveyor recommended final approval with the variances as requested.

Commissioner Yount moved to approve the Pine View Farms plans subject with variances as requested. Commissioner Gentry, seconded. Motion carried.

BURBERRY APARTMENTS

Paul Coutts, C & S Engineering stated to the Board that their concerns with the drainage plans for Burberry Apartments have been addressed. Mr. Coutts stated that he has a letter for Mike Spencer, County Surveyor requesting waivers with regard to the wet bottom detention basin, indicated in a letter presented to the Board.

(Quote)

April 16, 1992

Mr. Mike Spencer
Tippecanoe County Surveyor
20 North Third Street
Lafayette, IN 47901

RE: Burberry Place Apartments Phase II and III

Dear Mike:

Accompanying this letter is one set of construction plans revised in accordance with Ilene Dailey's memorandum dated April 14, 1992.

On behalf of the developer, LT Limited Partnership, I would like to request the following variances from the Tippecanoe County Drainage Ordinance Regarding requirements for a wet bottom detention basin:

1. A six-foot (6') chain link fence along with the customary warning sign would not be required.
2. Deletion of the requirement for a maintenance ledge 12 to 18 inches above the permanent water line.
3. No requirement for a safety ramp exit from the three ponds.
4. A variance from the separation requirement of 25 feet from the buildings to the storm water detention facility. We would like approval to have the top-of-bank to be twenty feet (20') from the buildings.

We would respectfully request placement on the agenda for the May 6, 1992, County Drainage Board meeting, Thanks for your help on this project.

Sincerely,

Paul J. Coutts

cc: Bill Long
Tom McCully
Ilene Dailey w/plans

(Unquote)

Discussion followed.

Mike Spencer, County Surveyor recommended approval with the variances.

Commissioner Yount moved to approve the Burberry Apartment plans. Commissioner Gentry seconded. Motion carried.

OTHER BUSINESS

JOINT COUNTY DRAIN/MARY THOMAS DRAIN

Commissioner McMillin stated that he and Commissioner Yount met with Carroll County Drainage Board. Carroll County does not have the funds to cover the whole project.

Mike Spencer, County Surveyor stated that bids were taken and the low bidder was Jim Eddy at \$71,646.74. Since Carroll County Drainage Board does not have the funds to cover this project in full, they are requesting that Tippecanoe County loan them \$30,000.00 to \$40,000.00 from our General Drain Fund.

Mr. Hoffman, Drainage Board Attorney asked if there was legal authority to loan money to another county.

Discussion followed.

Commissioner Gentry asked Mr. Hoffman to investigate this matter from a legal stand point and advise the Board at a later time.

Attorney Hoffman will discuss this with the State Board of Accounts and a special meeting will be scheduled to resolve this matter before the next Joint County meeting on May 18.

TREECE MEADOW DIVERSION CHANNEL

Mike Spencer, County Surveyor stated that he has easements from the Gipe Estate to the City of Lafayette who is assigning it to the Drainage Board for the Treece Meadow Diversion Channel.

Discussion followed.

Commissioner Yount moved to approve the easements for the Treece Meadow Diversion Channel.

Commissioner Gentry, seconded. Motion carried.

Being no further business Commissioner Gentry moved to adjourn the meeting. Seconded by Commissioner Yount. Motion carried.

The next regular scheduled Drainage Board Meeting is set for June 3, 1992 at 8:30 AM.


Keith E. McMillin, Chairman


Nola J. Gentry, Member


Hubert D. Yount, Member

ATTEST: 
Dorothy M. Emerson, Executive Secretary

**TIPPECANOE COUNTY DRAINAGE BOARD
SPECIAL MEETING
MAY 18, 1992**

The Tippecanoe County Drainage Board met in regular session held on Monday, May 18, 1992 in the Community Meeting Room of the Tippecanoe County Office Building, 20 North Third Street, Lafayette, Indiana with Keith E. McMillin calling the meeting to order.

Those present were: Keith E. McMillin, Chairman, Nola J. Gentry and Hubert D. Yount, Tippecanoe County Commissioners, Michael J. Spencer, County Surveyor, J. Frederick Hoffman, Drainage Board Attorney, and Dorothy M. Emerson, Executive Secretary Drainage Board.

MARY THOMAS DRAIN/JOINT COUNTY DRAIN WITH CARROLL COUNTY

Fred Hoffman, Drainage Board Attorney had spoke with Mr. Swayne from State Board of Accounts regarding loaning Carroll County money from the General Drain Fund for the Mary Thomas Drain Project.

Mr. Hoffman stated that there are no provision for the Tippecanoe County Drainage Board or Tippecanoe County to loan money to the Carroll County Drainage Board or to Carroll County. Mr. John Swayne, State Board of Accounts, stated that if such a transaction occurred he certainly would object to it in his annual audit report. The most that can be done is to give Tippecanoe County's share up front. If Carroll County needs to borrow money for this project they will need to go through the appropriate channels.

Nola Gentry, Commissioner, asked what Tippecanoe County's percentage was for the Mary Thomas Drain?

Mike Spencer, Surveyor stated that Tippecanoe County's share was between 10 and 15 percent.

Discussion followed.

Hubert Yount, Commissioner moved to advance Tippecanoe County's portion for the Mary Thomas Drain. Commissioner Gentry, seconded. Motion carried.

PARKER DITCH

Mike Spencer, Surveyor stated that he had received a telephone call from Stanley Bull. Mr. Bull had tried to work the ground over the Parker Ditch along the access easement. In doing so with his tool, he ran into severely compacted dirt and in the process of stopping his tractor broke the rear drive axle. Mr. Bull has submitted a claim for \$2,141.07 seeking reimbursement. Mike stated that he has requested W.P.M. get the proper equipment in there to sufficiently to brake up the compacted soil.

Discussion followed.

Mike Spencer, Surveyor stated that on May 8, 1992 he and Bill Hall, MSE Corporation, had walked the project and come up with seven items that needed to be taken care of:

- 1) There are still numerous rocks that need to be picked up on Chamberlin property.
- 2) There needs to be more straw bales installed on the Bull Waterway. One in the middle of waterway does not work, there needs to be additional bales put beside the center one.
- 3) Still rocks and debris to be picked up on Bull and Carr.
- 4) Grading still needs to be done on east side of I-65 and on the west side of I-65.
- 5) Throwing oat seeds on the ground does not constitute seeding as per the spec.
- 6) On Carr ground west side of I-65, there is a large area that is low, needs fill dirt and subsoiled. Your earlier attempts at subsoiling were never done in this area.
- 7) Supposed subsoiling on Bull in areas we checked, a maximum of 5 1/2 inches was the total depth. This area needs to be subsoiled to a greater depth. Per your letter (top soil section 02830 Part 3.03, 5 1/2 inches are not sufficient to allow root penetration).

Discussion followed.

Surveyor Spencer stated that a letter was received from Joe Plasphol and Charley Chamberlin stating that they were satisfied with the condition of the ground on the lower end of the ditch.

Discussion followed.

Surveyor Spencer requested that the Board give W.P.M. a time limit of 7 to 10 days to complete the work. If they do not comply then let the County hire someone to complete the work and pay them out of W.P.M.'s retainage.

Discussion followed.

Commissioner Yount moved to put W.P.M. on notice that they have until June 1, 1992 to complete the items or the County will hire someone to do it and pay it out of W.P.M.'s retainage. Nola Gentry, seconded. Motion carried.

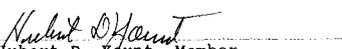
Commissioner Gentry requested that the letter be sent registered mail with a return receipt.

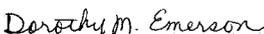
Commissioner Gentry moved to adjourn the Drainage Board Meeting.

The next scheduled Drainage Board Meeting is June 3, 1992 at 8:30 A.M.


Keith E. McMillin, Chairman


Nola J. Gentry, Member


Hubert D. Yount, Member

ATTEST: 
Dorothy M. Emerson, Executive Secretary

TIPPECANOE COUNTY DRAINAGE BOARD
REGULAR MEETING
JANUARY 5, 1994

The Tippecanoe County Drainage Board met Wednesday January 5, 1994 in the Community meeting room of the Tippecanoe County Office Building, 20 North Third Street, Lafayette, Indiana with William D. Haan calling the meeting to order.

Those present were: Tippecanoe County Commissioners William D. Haan, Nola J. Gentry, Hubert D. Yount; Tippecanoe County Surveyor Michael J. Spencer; Drainage Board Attorney J. Frederick Hoffman; Drainage Board Engineering Consultant Jon Stolz and Drainage Board Secretary Shelli Hoffine.

ELECTION OF 1994 OFFICERS

Mr. Hoffman asked nominations for the President of the Tippecanoe County Drainage Board. Commissioner Haan nominated Commissioner Gentry, seconded by Commissioner Yount. Unanimously approved.

Mr. Hoffman turned the meeting over to Commissioner Gentry to preside.

Commissioner Gentry asked nominations for Vice President of the Tippecanoe County Drainage Board. Commissioner Gentry nominated Commissioner Haan, seconded by Commissioner Yount. Unanimously approved.

-APPOINTMENTS-

Commissioner Haan moved to appoint Shelli Hoffine for Executive Secretary of the Tippecanoe County Drainage Board, seconded by Commissioner Yount. Unanimously approved.

Commissioner Haan moved to appoint J. Frederick Hoffman as Attorney for the Tippecanoe County Drainage Board pending an agreement of a contract, seconded by Commissioner Yount. Unanimously approved.

Commissioner Yount moved to extend the existing contract into 1994 for Christopher Burke Engineering, LTD. to provide engineering services to the Tippecanoe County Drainage Board pending review of the contract, seconded by Commissioner Haan. Unanimously approved.

-MEETING DATES FOR 1994-

| | |
|------------------|-------------------|
| January 5, 1994 | July 6, 1994 |
| February 2, 1994 | August 3, 1994 |
| March 9, 1994 | September 7, 1994 |
| April 6, 1994 | October 5, 1994 |
| May 4, 1994 | November 2, 1994 |
| June 1, 1994 | December 7, 1994 |

Commissioner Haan moved to accept the meeting dates for the Tippecanoe County Drainage Board, seconded by Commissioner Yount. Unanimously approved.

Commissioner Yount moved approve the minutes from the last Drainage Board meeting held December 1, 1993. Seconded by Commissioner Haan. Unanimously approved.

Joe Bumbleburg asked the Board to approve a resolution for vacation of a drainage easement located on a part of lot 5 in Capilano By the Lake Subdivision, Phase I. The drainage easement ended up in the middle of lot 5 when it was replatted.

Mr. Spencer stated he has been out to the site, Mr. Cunningham of Vester and Associates checked the easement and it definitely will not cause a problem with the lot or any of the adjoining lots. Mr. Spencer recommended the vacation of the drainage easement in lot 5, Capilano By the Lake Subdivision, Phase I.

The petition and the resolution to vacate a portion of a drainage easement on lot 5, Capilano by the lake subdivision, Phase I is on file in the Tippecanoe County Surveyor's Office.

Commissioner Yount moved to approve the resolution to vacate a portion of an easement on lot number 5, Capilano by the Lake Subdivision, Phase I, seconded by Commissioner Haan. Unanimously approved

HAWKS NEST SUBDIVISION, PHASE I

Greg Hall, Intercon Engineering, asked the Board for final approval of Hawks Nest Subdivision, Phase I and the detention ponds for the entire project. Mr. Hall also, requested a variance for exceeding the four foot of depth in Basin A.

Mr. Spencer stated he recommended approval of Phase I and the detention ponds.

Mr. Hall stated there will be eighteen lots in Phase I, one detention basin will be located in this phase.

Commissioner Haan asked if the permits from the IDNR have been processed?

Mr. Stolz stated that the portion that was requiring a permit has been moved from the floodplain and no longer requires a permit.

Commissioner Yount moved to grant the variance to exceed the maximum four foot depth in Basin A, seconded by Commissioner Haan. Unanimously approved.

Commissioner Yount moved to grant final approval of Hawks Nest Subdivision, Phase I and the detention basin for the entire project, seconded by Commissioner Haan. Unanimously approved.

TRIPLE J POINTE SUBDIVISION

Bob Grove, representing Smith Enterprises, asked for preliminary approval of Triple J Pointe Subdivision, which involves fifteen acres with 75 lots, located off Old Romney Road and County Road 250 South. The proposal is to detain the water offsite which will hold seventy two acres of offsite runoff, then take the ten year flow through the subdivision to a basin that will hold the 15 acres of developed subdivision, a pipe will carry the runoff from the basin to an existing structure of Ashton Woods Subdivision detention system. The ditch will be used as overflow for runoff that exceeds the 10 year flow.

Commissioner Yount asked if pipe along Old Romney Road would be in the road right-of-way if so, has the County Highway Department approved a permit for the pipe?

Mr. Grove stated yes, we are proposing to put the pipe in the right-of-way and no, we have not obtained a permit from the Highway Department.

Mr. Spencer stated the Highway Department has a set of plans, but he has not heard a report from them.

Commissioner Yount asked about the use of the pond offsite easement?

Mr. Grove stated that G. Mark Smith will be preparing an agreement for the easement.

Mr. Spencer stated John Fisher did a drainage study of the Wea-Ton drainage area, in the report it shows the watershed area delineated certain runoff values for sub-areas within the watershed area. Ashton Woods kept in compliance with the idea for sub-areas to be within the watershed area, at that time, the Board accepted the idea. Ashton Woods created an outlet for the Wea-Ton watershed area and during construction they have created the outlet channel and incorporated their storage area with Old Romney Heights storage area. In the study, there are recommendation about how water moves to the east as development progresses. A pipe was sized under Old Romney Road at the end of the channel to pick up water to the east. Triple J Pointe Subdivision does not comply with this idea as far as construction of proper pipe size under Old Romney Road to convey the water from the east.

Mr. Grove stated Smith Enterprises asked John Fisher for the drainage study, but were not able to obtain a copy. It was decided to make an alternate route from the project's outlet to go along the east side of Old Romney Road in an easement just outside the right-of-way, provide a manhole and a crossing based on a 10 year predeveloped flow from the Wea-Ton area.

Commissioner Gentry suggested getting a meeting set up between the Commissioners, the Surveyor, Smith Enterprises, Mr. Gloyeske, and Mr. Fisher.

Commissioner Yount moved to continue Triple J Pointe Subdivision with Mr. Grove's consent until after the above meeting has been held, seconded by Commissioner Haan. Unanimously approved.

HARRISON & MCCUTCHEON HIGH SCHOOLS IMPROVEMENTS

Kyle Miller, Triad and Associates, presented the Board with the plans to improve Harrison High School and McCutcheon High School. Harrison and McCutcheon will be adding approximately one acre of roof to the existing structures over what is now parking lot signifying no increase in the volume of runoff for either plan. Harrison's storm sewer pipes run around the perimeter of the school, some of the pipe are undersized and will be replaced along with all new pipe to go around the perimeter of the constructed area. All roof drainage will run into the storm sewer then to an existing pipe and discharge into the **Cole Ditch/"Burnett Creek"**. Mr. Miller indicated a portion of one existing outfall pipe will be replaced and a permit from the IDNR is required for construction in the floodway area.

Commissioner Gentry asked what the design is of the outfall pipe into the creek?

Mr. Miller stated there will an end section on the pipe and that rip-rap will be placed on both sides of the banks.

Mr. Miller explained that McCutcheon High School storm sewer pipes run the perimeter of the existing structure and outlets into the **Wea Creek**. The

improvements will replace what is now asphalt and the storm sewer pipe around the perimeter of the constructed area.

Commissioner Yount moved to approve Harrison High School's final improvement plan subject to the approval of the permit from the IDNR, seconded by Commissioner Haan. Unanimously approved.

Commissioner Yount moved to approve McCutcheon High School's final drainage improvement plan, seconded by Commissioner Haan. Unanimously approved.

ACTIVE DITCHES FOR 1994

| Ditch No. | Ditch Name | Four Year Assessment | Balance Fund 94 |
|-----------|-------------------------------|----------------------|-----------------|
| 2 | Anderson, Jesse | \$15793.76 | \$11549.19 |
| 3 | Andrews, E.W. | 2566.80 | 987.71 |
| 4 | Anson, Delphine | 5122.56 | 1365.36 |
| 8 | Berlovitz, Juluis | 8537.44 | 7288.07 |
| 13 | Brown, Andrew | 8094.24 | 4625.60 |
| 14 | Buck Creek (Carroll Co.) | | |
| 15 | Burkhalter, Alfred | 5482.96 | 4285.72 |
| 20 | County Farm | 1012.00 | (994.25) |
| 26 | Darby, Wetherill (Benton Co.) | | |
| 27 | Ellis, Thomas | 1642.40 | 760.68 |
| 29 | Fassnacht, Christ | 2350.56 | 965.04 |
| 31 | Gowen, Issac (White Co.) | | |
| 33 | Grimes, Rebecca | 3363.52 | 3357.75 |
| 37 | Harrison Meadows | 1532.56 | -0- |
| 48 | Lesley, Calvin | 3787.76 | 1622.08 |
| 53 | Mahin, Wesley | 3467.68 | 2864.18 |
| 54 | Marsh, Samuel (Montgomery Co) | | |
| 57 | Morin, F.E. | 1434.72 | -0- |
| 58 | Motsinger, Hester | 2000.00 | 1090.53 |
| 59 | O'Neal, J. Kelly | 13848.00 | 7398.17 |
| 60 | Oshier, Aduley | 1624.88 | -0- |
| 64 | Rayman, Emmett (White Co.) | | |
| 67 | Rickerd, Arthur | 1064.80 | 842.58 |
| 71 | Skinner, Ray | 2713.60 | (64.53) |
| 72 | Smith, Abe | 1277.52 | 1053.33 |
| 73 | Southworth, Mary | 558.08 | 314.04 |
| 74 | Sterrett, Joseph C. | 478.32 | -0- |
| 76 | Swanson, Gustav | 4965.28 | (1473.83) |
| 84 | Walters, William | 8361.52 | 6716.94 |
| 87 | Wilson, Nixon (Fountain Co.) | | |
| 89 | Yeager, Simeon | 615.36 | 342.15 |
| 91 | Dickens, Jesse | 288.00 | -0- |
| 93 | Dismal Creek | 25420.16 | 86.15 |
| 94 | Shawnee Creek | 6639.28 | -0- |
| 95 | Buetler, Gosma | 19002.24 | 16368.00 |
| 100 | Elliott, S.W. | 227772.24 | 76956.82 |
| 101 | Hoffman, John | 72105.03 | 34631.86 |
| 102 | Brum, Sophia (Benton Co) | | |
| 103 | Moore H.W. (Benton Co) | | |
| 104 | Hadley Lake | 65344.56 | 4402.77 |
| 105 | Thomas, Mary (Carroll Co) | | |
| 106 | Arbegust-Young (Clinton Co) | | |

INACTIVE DITCHES FOR 1994

| Ditch No. | Ditch Names | Four Year Assessment | Balance Fund 94 |
|-----------|-----------------------|----------------------|-----------------|
| 1 | Amstutz, John | \$5008.00 | \$5566.86 |
| 5 | Baker, Dempsey | 2374.24 | 2814.71 |
| 6 | Baker, Newell | 717.52 | 2016.73 |
| 7 | Bell, Nellie | 1329.12 | 2077.51 |
| 10 | Binder, Michael | 4388.96 | 5513.73 |
| 11 | Blickenstaff, John M. | 7092.80 | 7994.87 |
| 12 | Box, N.W. | 11650.24 | 15333.92 |
| 16 | Byers, Orin J. | 5258.88 | 7337.50 |
| 17 | Coe, Floyd | 13617.84 | 18262.88 |
| 18 | Coe, Train | 3338.56 | 7923.36 |
| 19 | Cole Grant | 4113.92 | 9940.56 |
| 21 | Cripe, Jesse | 911.28 | 1557.87 |
| 22 | Daughtery, Charles | 1883.12 | 2290.95 |
| 23 | Devault, Fannie | 3766.80 | 7764.58 |
| 25 | Dunkin, Marion | 9536.08 | 12390.41 |
| 28 | Erwin, Martin | 656.72 | 1095.68 |
| 30 | Fugate, Elijah | 3543.52 | 5114.39 |
| 32 | Gray, Martin | 6015.52 | 8253.80 |
| 34 | Hafner, Fred | 1263.44 | 1559.07 |
| 35 | Haywood, E.F. | 7348.96 | 7564.29 |
| 36 | Haywood, Thomas | 2133.12 | 2799.85 |
| 39 | Inskeep, George | 3123.84 | 7655.03 |
| 40 | Jakes, Lewis | 5164.24 | 6026.73 |
| 41 | Johnson, E. Eugene | 10745.28 | 14592.35 |
| 42 | Kellerman, James | 1043.52 | 1063.29 |
| 43 | Kerschner, F.S. | 1844.20 | 4618.29 |
| 44 | Kirkpatrick, Amanda | 2677.36 | 3110.15 |
| 45 | Kirkpatrick, Frank | 4226.80 | 4440.35 |
| 46 | Kirkpatrick, James | 16637.76 | 16816.54 |
| 47 | Kuhns, John | 1226.96 | 1528.87 |
| 50 | McCoy, John | 2194.72 | 3182.80 |
| 51 | McFarland, John | 7649.12 | 8766.27 |
| 52 | McKinney, Mary | 4287.52 | 5791.10 |
| 55 | Miller, Absalm | 3236.00 | 5168.30 |
| 56 | Montgomery, Ann | 4614.56 | 5250.77 |
| 61 | Parker Lane | 2141.44 | 3261.19 |
| 63 | Peters, Calvin | 828.00 | 2327.12 |
| 65 | Resor, Franklin | 3407.60 | 5659.22 |
| 66 | Rettereth, Peter | 1120.32 | 1975.43 |
| 68 | Ross, Alexander | 1791.68 | 3895.39 |
| 69 | Sheperdson, J.A. | 1536.72 | 3609.60 |
| 70 | Saltzman, John | 5740.96 | 6920.20 |
| 75 | Stewart, William | 765.76 | 900.58 |
| 77 | Taylor, Alonzo | 1466.96 | 3447.90 |
| 78 | Taylor, Jacob | 4616.08 | 6544.52 |
| 79 | Toohey, John | 542.40 | 1069.50 |
| 81 | Van Natta, John | 1338.16 | 2714.51 |
| 82 | Wallace, Harrison | 5501.76 | 6573.81 |
| 83 | Walters, Sussana | 972.24 | 2061.09 |
| 85 | Waples, McDill | 5478.08 | 9188.51 |
| 86 | Wilder, Lena | 3365.60 | 4921.20 |
| 88 | Wilson, J & J | 736.96 | 5639.22 |

| | | | |
|----|------------------|---------|----------|
| 90 | Yoe, Franklin | 1605.44 | 2509.75 |
| 92 | Jenkins | 1689.24 | 2549.43 |
| 96 | Kirpatrick One | 6832.16 | 11352.18 |
| 97 | McLaughlin, John | | |

OTHER BUSINESS

Mr. Spencer asked if section six, letter F of the Drainage Ordinance, Submittal and Consideration of Plans, could be clarified to clear up questions pertain to the twenty days submittal deadline being twenty working days or twenty calendar days.

Commissioner Yount suggested changing the twenty days to thirty calendar days and requiring a review memo from the County Engineering Consultant to the petitioner, ten days prior to the hearing date.

Mr. Hoffman stated he will write an amendment to the Drainage Ordinance, letter F in section six, Submittal and Consideration of Plans, to change the twenty days submittal to thirty calendars days and the Surveyor will make a report to the petitioners not less than ten days prior to the hearing date.

GREAT LAKES CHEMICAL

Mr. Spencer stated all the landowners along the proposed channel have been informed of the Great Lakes project, the County has a complete set of construction plans, a drainage report, and Army Corp of Engineers permit. The County does not have IDNR or the IDEM, but those have been filed and should be approved soon. Ken Baldwin had some question for insurance reasons on fencing around the sediment basin before the water goes into **Hadley Lake**. The County will contribute \$700,000.00 dollars out of that the County has spent approx \$150,000.00 on Engineering, the Engineer's construction estimate is 1,040,000.00.

Commissioner Gentry asked what the time table is on advertising for reconstruction, and does the project have to be advertised before the bidding or concurrent with the bid process?

Mr. Hoffman stated the advertising has to be done before the bid processing. The County would have to give thirty to forty day notice and then have the hearing, if approved the bidding can go out, all that together would take about three months.

Judy Rhodes asked if there was any legal document showing West Lafayette committing to an agreement of participation in this project?

Commissioner Gentry stated that the County has a signed worksheet by Nola J. Gentry and Mayor Sonya Margerum showing the break down of contribution between the State of Indiana, Tippecanoe County and the City of West Lafayette for Great Lakes Chemical Corporation/**Cuppy McClure** watershed project

Ms. Rhodes asked and received a copy of the worksheet.

Being no further business Commissioner Yount moved to adjourn until February 2, 1994, seconded by Commissioner Haan. Unanimously approved.

TIPPECANOE COUNTY DRAINAGE BOARD
 REGULAR MEETING
 FEBRUARY 1, 1995

The Tippecanoe County Drainage Board met Wednesday February 1, 1995 in the Community meeting room of the Tippecanoe County Office Building, 20 North Third Street, Lafayette, Indiana with William D. Haan calling the meeting to order.

Those present were: Tippecanoe County Commissioners William D. Haan, Nola J. Gentry, Gene Jones; Tippecanoe County Surveyor Michael J. Spencer; Drainage Board Attorney pro-tem David Luhman; and Drainage Board Secretary Shelli Muller.

The first item on the agenda was to approve the minutes from the last Drainage Board Meeting held January 4, 1995. Commissioner Gentry moved to approve the minutes, Seconded by Commissioner Jones. Motion carried.

ACTIVE AND INACTIVE DITCH LIST 1995

Mr. Luhman read the active ditch list into the minutes.

| Ditch No. | Ditch Name | Four Year Assessment | Balance Fund 94 |
|-----------|-------------------------------|----------------------|-----------------|
| 2 | Anderson, Jesse | 15793.76 | \$15745.45 |
| 3 | Andrews, E.W. | 2566.80 | 1385.41 |
| 4 | Anson, Delphine | 5122.56 | 1302.37 |
| 13 | Brown, Andrew | 8094.24 | 5365.93 |
| 14 | Buck Creek (Carroll Co.) | | |
| 16 | Byers, Orrin | 5258.88 | 4453.68 |
| 18 | Coe Train | 3338.56 | 112.19 |
| 20 | County Farm | 1012.00 | (724.45) |
| 26 | Darby, Wetherill (Benton Co.) | | |
| 27 | Ellis, Thomas | 1642.40 | 874.96 |
| 29 | Fassnacht, Christ | 2350.56 | 630.15 |
| 31 | Gowen, Issac (White Co.) | | |
| 33 | Grimes, Rebecca | 3363.52 | (5780.23) |
| 35 | Haywood, E.F. | 7348.96 | 6405.57 |
| 37 | Harrison Meadows | 1532.56 | 399.99 |
| 42 | Kellerman, James | 1043.52 | 513.73 |
| 46 | Kirkpatrick, James | 16637.76 | 13804.40 |
| 48 | Lesley, Calvin | 3787.76 | 511.43 |
| 51 | McFarland, John | 7649.12 | 6823.11 |
| 52 | McKinney, Mary | 4287.52 | 2344.53 |
| 54 | Marsh, Samuel (Montgomery Co) | | |
| 57 | Morin, F.E. | 1434.72 | 264.90 |
| 58 | Motsinger, Hester | 2000.00 | 184.36 |
| 59 | O'Neal, J. Kelly | 13848.00 | 9902.13 |
| 60 | Oshier, Aduley | 1624.88 | 429.56 |
| 64 | Rayman, Emmett (White Co.) | | |
| 65 | Reser, Franklin | 3407.60 | (1799.25) |
| 71 | Skinner, Ray | 2713.60 | 2003.50 |
| 73 | Southworth, Mary | 558.08 | 470.62 |
| 74 | Sterrett, Joseph C. | 478.32 | 120.35 |
| 76 | Swanson, Gustav | 4965.28 | (314.21) |
| 87 | Wilson, Nixon (Fountain Co.) | | |
| 89 | Yeager, Simeon | 615.36 | 515.63 |

| | | | |
|-----|-----------------------------|-----------|----------|
| 91 | Dickens, Jesse | 288.00 | 93.96 |
| 93 | Dismal Creek | 25420.16 | 5408.64 |
| 94 | Shawnee Creek | 6639.28 | 1004.91 |
| 100 | Elliott, S.W. | 227772.24 | 95756.64 |
| 102 | Brum, Sophia (Benton Co) | | |
| 103 | Moore H.W. (Benton Co) | | |
| 104 | Hadley Lake | 65344.56 | 15588.62 |
| 105 | Thomas, Mary (Carroll Co) | | |
| 106 | Arbegust-Young (Clinton Co) | | |

Mr. Luhman read the inactive ditch list into the minutes

| Ditch No. | Ditch Names | Four Year Assessment | Balance Fund 94 |
|-----------|-----------------------|----------------------|-----------------|
| 1 | Amstutz, John | \$5008.00 | \$5797.94 |
| 5 | Baker, Dempsey | 2374.24 | 2931.55 |
| 6 | Baker, Newell | 717.52 | 2100.45 |
| 7 | Bell, Nellie | 1329.12 | 2163.76 |
| 8 | Berlowitz, Julius | 8537.44 | 9835.71 |
| 10 | Binder, Michael | 4388.96 | 4844.52 |
| 11 | Blickenstaff, John M. | 7092.80 | 7352.92 |
| 12 | Box, N.W. | 11650.24 | 14523.89 |
| 15 | Burkhalter, Alfred | 5482.96 | 5661.22 |
| 17 | Coe, Floyd | 13617.84 | 19021.00 |
| 19 | Cole Grant | 4113.92 | 10353.24 |
| 21 | Cripe, Jesse | 911.28 | 1622.55 |
| 22 | Daughtery, Charles | 1883.12 | 2386.04 |
| 23 | Devault, Fannie | 3766.80 | 8086.91 |
| 25 | Dunkin, Marion | 9536.08 | 11422.15 |
| 28 | Erwin, Martin | 656.72 | 1141.16 |
| 30 | Fugate, Elijah | 3543.52 | 5326.70 |
| 32 | Gray, Martin | 6015.52 | 6440.23 |
| 34 | Hafner, Fred | 1263.44 | 1380.75 |
| 36 | Haywood, Thomas | 2133.12 | 2916.09 |
| 39 | Inskeep, George | 3123.84 | 7972.80 |
| 40 | Jakes, Lewis | 5164.24 | 5493.58 |
| 41 | Johnson, E. Eugene | 10745.28 | 13692.14 |
| 43 | Kerschner, F.S. | 1844.20 | 4165.28 |
| 44 | Kirkpatrick, Amanda | 2677.36 | 3239.28 |
| 45 | Kirkpatrick, Frank | 4226.80 | 4754.52 |
| 47 | Kuhns, John | 1226.96 | 1592.33 |
| 50 | McCoy, John | 2194.72 | 3185.39 |
| 53 | Mahin, Wesley | 3467.68 | 3878.12 |
| 55 | Miller, Absalm | 3236.00 | 5382.84 |
| 56 | Montgomery, Ann | 4614.56 | 5468.74 |
| 61 | Parker Lane | 2141.44 | 3276.36 |
| 63 | Peters, Calvin | 828.00 | 2423.73 |
| 66 | Rettereth, Peter | 1120.32 | 2057.43 |
| 67 | Rickerd, Arthur | 1064.80 | 1148.17 |
| 68 | Ross, Alexander | 1791.68 | 4057.08 |
| 69 | Sheperdson, J.A. | 1536.72 | 3759.44 |
| 70 | Saltzman, John | 5740.96 | 7207.47 |

| | | | |
|-----|-------------------|----------|----------|
| 72 | Smith, Abe | 1277.52 | 1430.16 |
| 75 | Stewart, William | 765.76 | 937.96 |
| 77 | Taylor, Alonzo | 1466.96 | 3591.02 |
| 78 | Taylor, Jacob | 4616.08 | 6759.96 |
| 79 | Toohy, John | 542.40 | 1113.90 |
| 81 | Van Natta, John | 1338.16 | 2827.20 |
| 82 | Wallace, Harrison | 5501.76 | 6195.61 |
| 83 | Walters, Sussana | 972.24 | 2146.65 |
| 84 | Walters, William | 8361.52 | 8906.49 |
| 85 | Waples, McDill | 5478.08 | 9569.95 |
| 86 | Wilder, Lena | 3365.60 | 5125.49 |
| 88 | Wilson, J & J | 736.96 | 5873.30 |
| 90 | Yoe, Franklin | 1605.44 | 2613.93 |
| 92 | Jenkins | 1689.24 | 2655.25 |
| 95 | Butler-Gosma | 19002.24 | 20988.51 |
| 96 | Kirkpatrick One | 6832.16 | 11653.93 |
| 97 | McLaughlin, John | | |
| 101 | Hoffman, John | 72105.03 | 55880.51 |

Mr. Spencer stated the John Hoffman Ditch is on a three year assessment which started in 1991 with a ten dollar an acre assessment. It is now necessary for the Board to schedule a meeting between Clinton, Carroll and Tippecanoe Counties to reduce the assessment.

Commissioner Haan appointed himself and Commissioner Gentry to serve on the Tri County Board.

CHRISTOPHER B. BURKE ENGINEERING CONTRACT

Mr. Luhman stated after reviewing the original contract from Christopher B. Burke Engineering a few items were discussed and changes were made. The contract was revised with one exception on page 6 paragraph 24. The suggested revision was if a contractor was doing work based upon the Engineers plans the contractor would indemnify Burke for any damages to Burke because of the contractors negligence. Also suggested was to include Burke as a named insured on the insurance policy. Mr. Luhman explained the main reason for the suggestion was so the County and Christopher B. Burke Engineering would not be held liable.

Commissioner Gentry moved to approve the contract with Christopher B. Burke Engineering, LTD., and authorize the President of the Board to sign the contract, seconded by Commissioner Jones. Motion carried.

OTHER BUSINESS

Mr. Spencer presented the Board with the reforestation proposal for the Cuppy-McClure Drain, which will comply with the DNR requirements for a 2 to 1 mitigation on tree removal. The Parks Department for the City of West Lafayette suggested sites for the trees replacement. Mr. Spencer explained he wanted the Board to be aware of the progress and that Mr. Ditzler of J.F. New will submit the plan to Dan Ernst of the Indiana Department of Natural Resources.

Being no further business, Commissioner Gentry moved to adjourn until March 1, 1995, seconded by Commissioner Jones. Meeting adjourned.

TIPPECANOE COUNTY DRAINAGE BOARD
REGULAR MEETING
JANUARY 3, 1996

The Tippecanoe County Drainage Board met Wednesday January 3, 1996 in the Commissioners Meeting Room of the Tippecanoe County Courthouse, Lafayette, Indiana with William D. Haan calling the meeting to order.

Those present were: Tippecanoe County Commissioners William D. Haan, Nola J. Gentry, and Gene Jones; Tippecanoe County Surveyor Michael J. Spencer; Drainage Board Attorney J. Frederick Hoffman; Drainage Board Engineering Consultant Dave Eichelberger, and Drainage Board Secretary Shelli Muller.

ELECTION OF OFFICERS

The first item on the agenda was to elect new officers for 1996.

Mr. Hoffman opened the floor to nominations for President.

Commissioner Haan nominated Commissioner Gentry.

Commissioner Haan moved to close nominations for president, seconded by Commissioner Jones. Motion carried, Commissioner Gentry was elected.

Mr. Hoffman turned the meeting over to the President.

Commissioner Gentry asked for nominations for Vice President.

Commissioner Haan nominated Commissioner Jones for Vice President.

Commissioner Haan moved to close nominations for Vice President, Commissioner Gentry seconded. Motion carried, Commissioner Jones was elected.

APPOINTMENTS TO THE BOARD

The next item on the agenda is to renew the contracts with Hoffman, Luhman & Busch as the law firm.

Commissioner Haan moved to renew the 1995 contract with Hoffman, Luhman and Busch, seconded by Commissioner Jones. Motion carried.

Mr. Spencer presented the Board with two proposals for the contract with Christopher B. Burke Engineering Limited.

- 1) A proposal for professional engineering services on a varied rate depending on specified standard charges.
- 2) a proposal for professional engineering services on a fixed rate of \$50.00 per hour.

Commissioner Gentry asked for a report on the number of engineering review hours in 1995 for all the projects submitted in 1995. The discussion of which contract to be used will be continued at the February meeting.

Commissioner Haan moved to extend the 1995 contract with Christopher B. Burke Engineering Limited for one month into 1996, seconded by Commissioner Jones. Motion carried.

Commissioner Haan moved to reappoint Shelli Muller as Drainage Board Secretary for 1996, seconded by Commissioner Jones. Motion carried.

1996 ACTIVE/INACTIVE DITCH LIST

Mr. Hoffman asked for the active and inactive ditches to be placed in the minutes.

Commissioner Haan moved to place the 1996 active/inactive ditch list the minutes, seconded by Commissioner Jones. Motion carried.

1996 - ACTIVE/INACTIVE DITCH LIST

ACTIVE

E.W. ANDREW, ANSON-DEPHINE, JULIUS BERLOWITZ, BEUTLER-GOSMA, ANDREW BROWN, TRAIN COE, COUNTY FARM, THOMAS ELLIS, FASSNACHT-CRIST, REBECCA GRIMES, HARRISON MEADOWS, EUGENE JOHNSON, JAMES KELLERMAN, AMANDA KIRKPATRICK, FRANK KIRKPATRICK, JAMES KIRKPATRICK, CALVIN LESLEY, MARY MCKINNEY, F.E. MORIN, KESTER MOTSINGER, J. KELLY O'NEAL, AUDLEY OSHIER, FRANKLIN RESER, SKINNER RAY, JOSEPH STERRETT, GUSTAV SWANSON, JACOB TAYLOR, JESSE DICKENS, DISMAL CREEK, SHAWNEE CREEK, SAMUEL ELLIOTT, JOHN HOFFMAN, BUCK CREEK, DARBY-WETHERHILL, ISSAC GOWEN, SAMUEL MARSH, EMMETT RAYMAN, WILSON-NIXON, SOPHIA BRUMM, H.W. MOORE, MARY THOMAS, ARBEGUST-YOUNG

INACTIVE

JOHN AMSTUZ, JESSE ANDERSON, DEMPSEY BAKER, BAKER VS NEWELL, NELLIE BALL, MICHAEL BINDER, JOHN BLICKENSTAFF, NATHANIEL BOX, ALFRED BURKHALTER, ORIN BYERS, FLOYD COE, GRANT COLE, JESSE CRIPE, CHARLES DAUGHERTY, FANNIE DEVAULT, MARION DUNKIN, MARTIN ERVIN, ELIJAH FUGATE, MARTIN GRAY, FRED HAFNER, E.F. HAYWOOD, THOMAS HAYWOOD, GEORGE INSKEEP, LEWIS JAKES, FLOYD KERSCHNER, JOHN KUHN, JOHN MCCOY, JOHN MCFARLAND, WESLEY MAHIN, ABSOLEM MILLER, ANN MONTGOMERY, PARKER LANE, CALVIN PETER, PETER RETTERETH, ARTHUR RICHERD, ALEXANDER ROSS, JAMES SHEPHERDSON, JOHN SALZMAN, ABE SMITH, MARY SOUTHWORTH, WILLIAM STEWART, ALONZO TAYLOR, JOHN TOOHEY, JOHN VANNATTA, HARRISON WALLACE, SUSSANA WALTERS, WILLIAM WALTERS, WAPLES-MCDILL, LENA WILDER, J&J WILSON, SIMEON YEAGER, FRANKLIN YOE, JENKINS, KIRKPATRICK ONE, MCLAUGHLIN, JOHN HOFFMAN

Commissioner Gentry mentioned the ditches that are in red:

COUNTY FARM, REBECCA GRIMES, FRANKLIN RESER, GUSTAV SWANSON

Mr. Spencer read a letter he received from Betty J. Michael.

"December 29, 1995

Nola J. Gentry, President
Board of Commissioners

Michael J. Spencer
County Surveyor

Re: Interest on Drainage Funds

At the Fall County Auditor's Conference held by the State Board of Accounts, a session was held concerning drainage ditches, charges, billings, investments, interest, etc.

The County Board of Accounts supervisors instructed the Auditors and personnel concerning the above issues. We were informed that most Counties put interest earned on Drainage funds into the County General Fund since County general pays for expenses such as tax bills, Surveyor and Drainage Board Budgets.

An alternative in some cases is to credit this interest to the County Drain Fund (unapportioned). When we inquired about the feasibility of apportioning the monthly interest into more than 100 separate drainage funds, the answer was a dead silence of incredibility that this was being done.

We have double-checked this information with District Board of Accounts personnel and have been told that there is nothing in the statutes that mandates interest should go into each Drain fund or even into the County General Drain Fund.

Therefore, as of January 1, 1996, we will be willing to allocate the monthly interest to either the General Drain Fund or to the County General Fund but NOT to each individual Drain account. Please let me know your preference.

Sincerely,

Betty J. Michael"

Mr. Hoffman stated the ditches are trust funds and the landowners in the watershed areas know the ditches are earning interest, it would not be appropriate to discontinue the investment.

Commissioner Haan moved to direct Mr. Hoffman to write a letter stating per the agreement that was made when the ditches were established the interest was to be allocated, but the Board is willing to distribute the interest on a semimonthly bases to coincide with the spring & fall settlements, seconded by Commissioner Jones. Motion carried.

Commissioner Haan moved to approve the 1996 Drainage Board schedule, seconded by Commissioner Jones. Motion carried.

APPROVAL OF MINUTES

Commissioner Haan moved to approve the minutes from the December 6, 1995 Drainage Board meeting, seconded by Commissioner Jones. Motion carried.

BRENTWOOD COMMUNITY

Mr. Spencer stated Brentwood Manufacture Home Community is located off US52 West, South of the Elk's Country Club. They asked for preliminary drainage approval, which he recommended as long as the IDNR approved the construction within a floodway. There are approximately 280 lots on 60 acres with a dry bottom retention pond.

Mr. Spencer explained the retention pond does not comply with the Ordinance therefore the developer is asking for a variance. The Ordinance requires a 48 hour discharge time, the plans actual peak discharge is closer to 75 hours.

Commissioner Haan moved to grant preliminary approval to Brentwood Community contingent on the approval of construction in a floodway from IDNR, revised calculations and the request for the variance to the Ordinance, seconded by Commissioner Jones. Motion carried.

SOUTHERN MEADOWS

Mr. Spencer recommended granting Southern Meadows Subdivision final approval. The development is located at the corner of South 18th Street and 350 South within the City of Lafayette. Mr. Spencer explained the development needs approval from the County Drainage Board because it drains to the Elliott Ditch. At the Urban review meetings it was determined any development below the railroad tracks draining into Elliott Ditch would be allowed to direct release into the Ditch without onsite detention. The development includes a water amenity onsite, which water will flow into and out, but is not being planned as a detention pond and does not comply with the requirements of the Ordinance. Mr. Spencer had a question as to whether or not the pond would have to comply with the requirements of the Ordinance.

Mr. Hoffman stated the pond would not have to meet the Ordinance requirements as long as it does not affect the drainage.

Mr. Spencer explained the site drains to the pond.

Commissioner Haan stated if the majority of the site drains to the pond it is a retention pond and should meet the requirements of the Ordinance.

Ron Miller, Schneider Engineering, stated the current discharge in a one hour storm duration to Elliott is 2.7 hours. With the installation of a 42 inch pipe draining from the water amenity discharge into the Elliott in a one hour storm will be a little over an hour.

Commissioner Haan moved to grant final approval of Southern Meadows Subdivision with the condition the pond meets the Drainage Board Ordinance requirement for a non-fenced pond, seconded Commissioner Jones. Motion carried.

VILLAGE PANTRY #564R

Mr. Spencer introduced Village Pantry #564R, which is located at the corner of Brady and Concord, East of the existing Village Pantry. Weihe Engineering submitted final drainage plans and after the review it was recommended to grant final approval with the variance of a 12 inch pipe to a 10 inch concrete pipe for the outfall of the proposed detention area in order to limit the discharge.

Commissioner Haan moved to grant the variance of the Ordinance from a 12 inch required pipe to a 10 inch proposed pipe, seconded by Commissioner Jones. Motion carried.

Commissioner Haan moved to grant final approval of Village Pantry #564R, seconded by Commissioner Jones. Motion carried.

PETITION TO ESTABLISH O'FERRALL LEGAL DRAIN

Mr. Hoffman excused himself from the meeting 9:45 a.m.

Mr. Spencer asked the Board to acknowledge the petition to establish the O'Ferrall Legal Drain, branch of the Alexander Ross Ditch as a valid petition.

Commissioner Haan moved to acknowledge the petition as a valid petition to establish the O'Ferrall Legal Drain, branch of the Alexander Ross Ditch and the petition represents over 10 percent of the effect landowners, seconded by Commissioner Jones. Motion carried.

Mr. Hoffman returned to the meeting at 9:57 a.m.

ALEXANDER ROSS DITCH EASEMENT REDUCTION

Mr. Spencer explained on the Meijer site two branches of the Alexander Ross Ditch were described, one on the Southeast corner of the site and the other along the West side of the site. After the construction of the site it was discovered the pipe described along the West side of the site is not actually on the Meijer site. Meijer is asking the description of the pipe on the West side be corrected and the easement on the Southeast corner be reduced from 75 feet to 25 feet center of the pipe either side.

Mr. Hoffman stated Mr. Spencer will have to define the easement as only being on the Southeast corner of the site and redefine the easement on the West side of the property.

Commissioner Haan moved to reduce the easement of the Alexander Ross Ditch located at the Southeast corner of the Meijer site from 75 feet to 25 feet either side of the center of the pipe, seconded by Commissioner Jones. Motion carried.

Commissioner Haan moved to direct Mr. Spencer to correct the Survey maps to show the actual location of the Alexander Ross Ditch and document that the ditch does not run through the West side of the Meijer property, seconded by Commissioner Jones. Motion carried.

Commissioner Gentry asked Mr. Spencer to do a field check on the erosion of the Alexander Ross Ditch bank behind Meadowbrook Subdivision.

SANWIN APARTMENTS

Bob Grove presented the Board with Sanwin Apartments drainage plan and asked for preliminary approval. Located North of US52 West and East of County Road 250 West, the site consist of 3.11 acres and is planned to include a multi-family development with 63 units and a commercial area along the highway. After review from Christopher B. Burke Engineering consultant a revised preliminary plan was submitted addressing the concerns of the memo. The majority of the site, in the

revised plan, drains to the Northeast and Ken Baldwin will provide a 20 foot easement for a 12 inch outlet pipe that runs from the Northeast corner of the site to the existing McClure Ditch.

Commissioner Haan moved to grant preliminary approval of Sanwin Apartments, seconded by Commissioner Jones. Motion carried.

Cuppy-McClure - update

Mr. Spencer stated the notices for the hearing to be held February 7, 1996 on the reconstruction of the Cuppy-McClure Drain were sent January 2, 1996.

Mr. Spencer stated RUST Environmental & Infrastructure has submitted several proposals for construction inspection.

Commissioner Gentry suggested Mr. Spencer get other bids for the construction inspection or consider in-house inspections.

Being no further business Commissioner Haan moved to adjourn until February 7, 1996, seconded by Commissioner Jones. Meeting adjourned.

DRAINAGE BOARD MINUTES JANUARY 3, 1996 REGULAR MEETING

TIPPECANOE COUNTY DRAINAGE BOARD
 REGULAR MEETING
 FEBRUARY 5, 1997

The Tippecanoe County Drainage Board met Wednesday February 5, 1997 in the Tippecanoe Room of the Tippecanoe County Office Building, Lafayette, Indiana with Commissioner Hudson calling the meeting to order.

Those present: Tippecanoe County Commissioners Kathleen Hudson and Gene Jones, Tippecanoe County Surveyor Michael J. Spencer, Tippecanoe County Drainage Board Attorney Cy Gerde, Engineering Consultant David Eichelberger, and Drainage Board Secretary Shelli Muller.

Commissioner Hudson stated Commissioner Chase resigned Monday February 3, 1997 which created a vacancy in the position of Vice President to the Drainage Board. She nominated Commissioner Jones to fill the vacancy, seconded by Commissioner Jones. Motion carried to elect Commissioner Jones as Drainage Board Vice President.

The first item on the agenda was to approve the minutes from the meeting held December 11, 1996. Commissioner Jones moved to approve the minutes, seconded by Commissioner Hudson. Motion carried.

Commissioner Jones moved to approve the minutes of the last meeting held January 8, 1997, seconded by Commissioner Hudson. Motion carried.

Mr. Gerde asked for the active and inactive ditch list to be placed in the minutes and a motion be made to approve the list.

ACTIVE DITCH LIST 1997

| DITCH NO | DITCH | PRICE PER ACRE | TOTAL 4 YEAR ASSESSMENT | 1996 YEAR END BALANCE |
|----------|---------------------|----------------|-------------------------|-----------------------|
| 4 | Anson, Delphine | \$1.00 | \$5,122.56 | \$2,677.72 |
| 8 | Berlovitz, Juluis | \$1.25 | \$8,537.44 | (\$2,933.43) |
| 13 | Brown, A P | \$1.00 | \$8,094.24 | \$7,921.94 |
| 14 | Buck Creek | \$0.00 | | \$1,385.55 |
| 15 | Burkhalter, Alfred | \$1.50 | \$5,482.96 | \$4,129.61 |
| 18 | Coe, Train | \$0.50 | \$3,338.56 | \$1,306.84 |
| 20 | County Farm | \$1.00 | \$1,012.00 | (\$381.25) |
| 25 | Dunkin, Marion | \$1.50 | \$9,536.08 | \$9,285.65 |
| 26 | Darby, Wetherill | \$1.50 | | \$1,106.43 |
| 27 | Ellis, Thomas | \$1.00 | \$1,642.40 | \$1,483.50 |
| 29 | Fassnacht, Christ | \$0.75 | \$2,350.56 | \$2,124.49 |
| 31 | Gowen, Issac | \$0.00 | | \$101.76 |
| 33 | Grimes, Rebecca | \$3.00 | \$3,363.52 | (\$10,770.77) |
| 35 | Haywood, E.F. | \$0.50 | \$7,348.96 | \$1,283.61 |
| 37 | Harrison, Meadows | \$1.00 | \$1,532.56 | \$463.71 |
| 41 | Johnson, E. Eugene | \$3.00 | \$10,745.28 | \$8,137.10 |
| 42 | Kellerman, James | \$0.50 | \$1,043.52 | \$693.98 |
| 43 | Kerschner, Floyd | \$1.00 | \$1,844.20 | (\$2,254.41) |
| 44 | Kirkpatrick, Amanda | \$1.00 | \$2,677.36 | \$781.97 |
| 45 | Kirkpatrick, Frank | \$1.00 | \$4,226.80 | (\$7,821.61) |
| 48 | Lesley, Calvin | \$1.00 | \$3,787.76 | \$2,440.88 |
| 51 | McFarland, John | \$0.50 | \$7,649.12 | \$7,160.70 |

| | | | | | |
|-----------|----------------------|---------|---------------|-------------------|-------------------|
| 54 | Marsh, Samuel | | \$0.00 | | \$0.00 |
| 55 | Miller, Absalm | | \$0.75 | \$3,236.00 | \$2,221.92 |
| 57 | Morin, F.E. | \$1.00 | \$1,434.72 | | (\$1,130.43) |
| 58 | Motsinger, Hester | \$0.75 | \$2,000.00 | | (\$348.42) |
| 59 | O'Neal, J. Kelly | \$1.50 | \$13,848.00 | | (\$1,975.03) |
| 60 | Oshier, Aduley | | \$0.50 | \$1,624.88 | \$1,048.80 |
| 64 | Rayman, Emmett | \$0.00 | | | \$326.57 |
| 65 | Resor, Franklin | \$1.00 | \$3,407.60 | | (\$2,025.96) |
| 74 | Sterrett, Joseph | \$0.35 | \$478.32 | | \$276.65 |
| 76 | Swanson, Gustav | \$1.00 | \$4,965.28 | | \$1,351.62 |
| 82 | Wallace, Harrison | | \$0.75 | \$5,501.76 | \$5,408.79 |
| 84 | Walters, William | \$0.00 | \$8,361.52 | | \$7,999.20 |
| 87 | Wilson, Nixon | | \$1.00 | | \$158.62 |
| 89 | Yeager, Simeon | | \$1.00 | \$615.36 | (\$523.86) |
| 91 | Dickens, Jesse | | \$0.30 | \$288.00 | \$206.26 |
| 93 | Dismal Creek | | \$1.00 | \$25,420.16 | \$8,652.86 |
| 94 | Shawnee Creek | | \$1.00 | \$6,639.28 | \$3,411.51 |
| 95 | Buetler/Gosma | | \$1.10 | \$19,002.24 | \$9,981.77 |
| 100 | S.W.Elliott | \$0.75 | \$227,772.24 | \$174,474.74 | |
| 102 | Brum, Sarah | | \$1.00 | | |
| 103 | H W Moore Lateral | | | | |
| 104 | Hadley Lake Drain | \$0.00 | | | \$38,550.17 |
| 105 | Thomas, Mary | | \$0.00 | | |
| 106 | Arbegust-Young | \$0.00 | | | |
| 108 | High Gap Road | \$13.72 | | | 0.00 |
| 109 | Romney Stock Farm | \$12.13 | | | 0.00 |

INACTIVE DITCH LIST 1997

| | DITCH | PRICE | TOTAL | 1996 |
|--|--------------------|------------|-------------|-------------|
| | PER ACRE | ASSESSMENT | 4 YEAR | YEAR END |
| | | | BALANCE | |
| AA | | | | |
| 1 | Amstutz, John | \$3.00 | \$5,008.00 | \$5,709.97 |
| 2 | Anderson, Jesse | \$1.00 | \$15,793.76 | \$21,291.57 |
| 3 | Andrews, E.W. | \$2.50 | \$2,566.80 | \$2,847.14 |
| 5 | Baker, Dempsey | \$1.00 | \$2,374.24 | \$3,270.71 |
| 6 | Baker, Newell | \$1.00 | \$717.52 | \$2,343.45 |
| 7 | Ball, Nellie | \$1.00 | \$1,329.12 | \$2,414.08 |
| 10 | Binder, Michael | \$1.00 | \$4,388.96 | \$5,244.63 |
| 11 | Blickenstaff, John | \$1.00 | \$7,092.80 | \$8,094.49 |
| 12 | Box, NW | \$0.75 | \$11,650.24 | \$15,935.84 |
| 16 | Byers, Orrin | \$0.75 | \$5,258.88 | \$5,266.89 |
| 17 | Coe, Floyd | \$1.75 | \$13,617.84 | \$19,495.56 |
| 19 | Cole, Grant | \$1.00 | \$4,113.92 | \$9,688.52 |
| 21 | Cripe, Jesse | \$0.50 | \$911.28 | \$1,810.25 |
| 22 | Daughtery, Charles | \$1.00 | \$1,883.12 | \$2,662.08 |

| | | | | |
|-----|--------------------|--------|--------------------|-------------|
| 23 | Devault, Fannie | \$1.00 | \$3,766.80 | \$8,650.12 |
| 28 | Erwin, Martin V | \$1.00 | \$656.72 | \$1,273.19 |
| 30 | Fugate, Elijah | | \$1.00 \$3,543.52 | \$6,272.90 |
| 32 | Gray, Martin | | \$1.00 \$6,015.52 | \$7,478.52 |
| 34 | Hafner, Fred | | \$1.00 \$1,263.44 | \$1,336.75 |
| 36 | Haywood, Thomas | \$1.00 | \$2,133.12 | \$3,253.45 |
| 39 | Inskeep, George | \$1.00 | \$3,123.84 | \$8,267.68 |
| 40 | Jakes, Lewis | | \$1.00 \$5,164.24 | \$6,039.76 |
| 46 | Kirkpatrick, James | | \$1.00 \$16,637.76 | \$21,244.63 |
| 47 | Kuhns, John A | | \$0.75 \$1,226.96 | \$1,467.00 |
| 50 | McCoy, John | \$1.00 | \$2,194.72 | \$3,009.24 |
| 52 | McKinny, Mary | | \$1.00 \$4,287.52 | \$4,326.98 |
| 53 | Mahin, Wesley | | \$3.00 \$3,467.68 | \$4,346.05 |
| 56 | Montgomery, Ann | \$1.00 | \$4,614.56 | \$4,717.40 |
| 61 | Parker, Lane | | \$1.00 \$2,141.44 | \$3,658.56 |
| 63 | Peters, Calvin | | \$1.00 \$828.00 | \$2,704.13 |
| 66 | Rettereth, Peter | \$0.75 | \$1,120.32 | \$1,511.11 |
| 67 | Rickerd, Aurthur | \$3.00 | \$1,064.80 | \$1,281.00 |
| 68 | Ross, Alexander | \$0.75 | \$1,791.68 | \$4,348.39 |
| 69 | Sheperdson, James | \$0.75 | \$1,536.72 | \$4,194.37 |
| 70 | Saltzman, John | | \$2.00 \$5,740.96 | \$6,867.50 |
| 71 | Skinner, Ray | | \$1.00 \$2,713.60 | \$2,961.68 |
| 72 | Smith, Abe | \$1.00 | \$1,277.52 | \$1,595.63 |
| 73 | Southworth, Mary | \$0.30 | \$558.08 | \$677.23 |
| 75 | Stewart, William | \$1.00 | \$765.76 | \$1,046.47 |
| 77 | Taylor, Alonzo | | \$1.00 \$1,466.96 | \$4,006.46 |
| 78 | Taylor, Jacob | | \$0.75 \$4,616.08 | \$5,066.61 |
| 79 | Toohy, John | | \$1.00 \$542.40 | \$1,207.75 |
| 81 | VanNatta, John | | \$0.35 \$1,338.16 | \$3,089.01 |
| 83 | Walters, Sussana | \$0.75 | \$972.24 | \$2,395.01 |
| 85 | Waples, McDill | | \$1.00 \$5,478.08 | \$9,781.97 |
| 86 | Wilder, Lena | | \$1.00 \$3,365.60 | \$5,718.48 |
| 88 | Wilson, J & J | | \$0.50 \$736.96 | \$6,552.77 |
| 90 | Yoe, Franklin | | \$1.00 \$1,605.44 | \$2,916.35 |
| 92 | Jenkins | | \$1.00 \$1,689.24 | \$3,014.50 |
| 96 | Kirkpatrick One | \$0.00 | \$6,832.16 | \$13,956.64 |
| 97 | McLaughlin, John | \$0.00 | \$0.00 | \$0.00 |
| 101 | Hoffman, John | | \$1.00 \$72,105.03 | \$3,502.62 |

Commissioner Jones moved to approve the active and inactive ditches for 1997, seconded by Commissioner Hudson. Motion carried.

1997 CONTRACTS

ENGINEERING CONTRACT

Mr. Gerde stated he commends the contract written for Christopher B. Burke Engineering, Limited, but some verbiage was changed to better protect the County's interest.

Mr. Eichelberger stated the changes will be made and the contract ready for signature at the March meeting.

ATTORNEY CONTRACT

Mr. Gerde stated the contract for Drainage Board Attorney is ready for approval and the signature of the Drainage Board. The contract is the same format as Mr. Hoffman's contract with a few changes; date, name and hourly rate changed to \$140.00 per hour also, the last paragraph was added to the contract.

Commissioner Hudson read the paragraph that was added:

"All parties hereto agree not to discriminate against any employee or applicant for employment with respect to his hire tenure, terms, conditions or privileges of employment or any matter directly or indirectly related to employment, because of his race, religion, color, sex, disability, handicap, national origin or ancestry. Breach of this convenient may be regarded as a material breach of the contract."

Commissioner Jones moved to approve the contract for Drainage Board Attorney, seconded by Commissioner Hudson. Motion carried. The entire contract is on file in the County Surveyor's Office.

JAMES N. KIRKPATRICK DITCH

Mr. Spencer asked that the **James N. Kirkpatrick Ditch** proposal discussion be continued until the March meeting allowing time to fill the vacancy of the third Drainage Board member.

Commissioner Hudson moved to continue the discussion of the James N. Kirkpatrick Ditch proposals until the March Drainage Board Meeting, seconded by Commissioner Jones. Motion carried

OBSTRUCTION OF DRAINS

Mr. Spencer referred to the following "PETITION TO TIPPECANOE COUNTY DRAINAGE BOARD TO REMOVE OBSTRUCTION IN MUTUAL DRAIN OF MUTUAL SURFACE WATERCOURSE" the "DRAINAGE BOARDS POWER EXTENDED TO PRIVATE DRAINS" article in "Indiana Prairie Farmer" and Indiana Code amendment act No. 1277. All of these documents are on file in the County Surveyor's Office. Mr. Spencer wanted the Commissioners to be aware of and have a discussion on this issue. Mr. Spencer felt this law was to protect against man-made obstructions and asked Mr. Gerde to examine the possibility of the law including natural obstructions.

Mr. Gerde gave an example of where this law could be taken into effect. The first being on North 9th Street Road, north of Burnetts Road, the current condition causes water to travel across the road producing a hazardous condition. The reason for the water across the road is due to drainage problems outside the County Road Right-of-Way.

Mr. Steve Murray, Executive Director, Tippecanoe County Highway Department, stated another persistent problem is 200 South, east of the South fork of the Wildcat Creek. Mr. Murray explained no actual source of funding is available to work on obstruction of drains which do not have a maintenance fund. Mr. Murray asked the Drainage Board to consider creating a fund which would help the Surveyor's Office and the Highway Department to determine what action could be taken. Mr. Murray stated when a problem becomes severe enough the County Highway Department will clean out an obstruction that is off county road right-of-way to protect the road way, but the funds used for the clean-up are funds that could be used elsewhere.

Commissioner Jones stated Steve Wettschurack told him that FEMA was going to help out with the situation on North 9th Street.

Mr. Murray pointed out with the older residential subdivision the storm water system were allowed to outlet into privately owned ravines, there is no funding available to help with maintenance on these situations. If the storm water system becomes plugged or breaks down causing the streets to flood the County Highway Department has repaired the problem, using funds that were not intended for that type of repair.

Mr. Gerde's understanding is that in the majority of those situation the County does not have an easement, which cause a legal problem for the County.

Mr. Spencer stated in all cases where the County has worked out side the easement a complaint was filed therefore the landowners are willing to grant entry onto their land.

MARCH DRAINAGE BOARD MEETING DATE

Mr. Spencer explained the March 1997 Drainage Board meeting date needs to be changed, if possible. Mr. Gerde is going to be out of town on the scheduled meeting date of March 5, 1997.

Discussion of the next Drainage Board Meeting, after an agreed date and time, Commissioner Hudson stated the next Drainage Board meeting will be Tuesday, March 11, 1997 at 9:00 a.m.

Being no further business Commissioner Hudson moved to adjourn until Tuesday, March 11, 1997 at 9:00 a.m., seconded by Commissioner Jones. Meeting adjourned.

TIPPECANOE COUNTY DRAINAGE BOARD
REGULAR MEETING
SEPTEMBER 3, 1997

The Tippecanoe County Drainage Board met Wednesday, September 3, 1997, in the Tippecanoe Room of the Tippecanoe County Office Building, Lafayette, Indiana with Commissioner Hudson calling the meeting to order.

Those present: Tippecanoe County Commissioners Kathleen Hudson, Ruth Shedd, John Knochel, Tippecanoe County Surveyor Michael J. Spencer, Tippecanoe County Drainage Board Attorney Cy Gerde, Engineering Consultant David Eichelberger, and Drainage Board Secretary Shelli Muller.

The first item on the agenda was to approve the minutes from the last Drainage Board Meeting held August 12, 1997. Commissioner Hudson requested continuing the approval of minutes until the next regularly scheduled meeting.

STERLING HEIGHTS SUBDIVISION

Mr. Spencer stated on behalf of Hawkins Environmental, he asked for Sterling Heights Subdivision be continued.

Mr. Bob LaGuire, 105 East 375 South, approached the Board with concerns of the proposed Sterling Heights Subdivision. Mr. LaGuire submitted photographs from Brett & Nicole Sanders, 3848 South 25 East, which shows dumping of repulsive material on property north of County Road 400 South and east of County Road 25 East. The Sanders concern is with the dumping that occurred when Phase I Part 1, 350 South connection was made. The neighborhood is concerned with the material that was being dumped coming from an old city landfill and the possibility of the materials that were dumped ultimately contaminating the surrounding well water. Mr. LaGuire explained this has lead many of the neighbors to start buying drinking water. Mr. LaGuire also brought to the Board attention that cement trucks were going to the same dumping site and washing out the excess cement.

Mr. LaGuire stated the phase of 350 South that was going on the end of July caused a lot of extra ware and tare on County Road 375 South, they were running twelve trucks every half hour. Mr. LaGuire claimed the trucks yanked out the cables, power lines, they did not respond to complaints from the neighbor concerning the road conditions. Mr. LaGuire contacted the state, and the county, but no one would come out to the site so they could see that the road was not being taken care of. Mr. LaGuire provided a tape which shows the condition of the road, the dumping that occurred, and the condition of the surrounding neighborhood.

Commissioner Knochel suggest the neighborhood can get samples of their well water submit them to the County Health Department for testing of possible contaminates.

Mr. LaGuire explained the Sanders contacted the Health Department and showed the photographs to them, but there seemed to be no concern.

Mr. Kent Patterson, representing Clara Barnard of 255 East 400 South, explained he has been maintaining the property for the past twenty-seven years. The first problem arose when the Rolling Hills Subdivision was constructed, which flooded the area. Mr. Patterson stated he dug a channel to divert the water off the property. The landowners on the west side of County Road 25 East filled the ditches in that carried the water to the creek. If the area where the dumping has occurred continues the whole area will be a lake. Mr. Patterston noticed within the last months the ground has become spongy and the water table changing. Mr. Patterson is concerned with the corner of 400 South and 25 East because of the sharp turn, and not being able to see around the corner and the road being so narrow it has caused some accidents.

Mrs. Melinda Wilson, 261 East 400 South, stated her concerns are with the children that play in the area, the increase in water runoff, with the possibility of the water becoming contaminated andwith the depreciation of land value.

Mr. Dale Bradford, 257 East 400 South, stated his concern is with the construction of houses and streets and the impact that will have on the watershed. Mr. Bradford explained with the regrading of the proposed Sterling Heights, when a big ran comes it will flood the low lying area, because there is nothing to stop the water from rushing on through. Mr. Bradford stated he has had problems with the neighborhood kids picking Mr. Lahrman's corn, enticing his cattle with the corn then the cattle ending up in Mr. Lahrman's corn field. Mr. Bradford stated there has been times when the kids climb the fence and get into the field where there is a bull resulting in Mr. Bradford selling off his heard to eliminate the potential liability. The other concern of Mr. Bradford is with the possibility of the wells being contaminated, and the dumping situation. Mr. Bradford stated Ms. Barnard's well is a hand dug well that is only 10 feet deep, her well is the one which everyone is concerned about and in her situation she is disable and on social security, she can not afford to dig a new well. There is a wetland on the property where the subdivision is being proposed and no one seems to be concerned about it. Are wetland a federally protected area?

Mr. Spencer stated the wetland issue, the downstream landowner impact and the fact the County is not comfortable with the overall proposed subdivision as submitted are the reasons the developer asked for a continuance. The developer has been notified they are moving dirt on the site without approved construction plans and it is entirely at their own risk. It is not illegal to move dirt on your own land, but is generally not accepted to move dirt on a proposed developed site that is going to be accepted into the County or City. Mr. Spencer stated after the developers knew how the County felt about their submittal, we had a meeting to discuss another submittal

which eliminated using the wetland area as their detention. In that meeting the developer asked if they could continue moving dirt and the County told them no.

Dr. Martin Avolt, 3930 Old Romney Road, which is at the dead end on the north side of the Wea Creek. Dr. Avolt stated when 350 South connection between old US231 was made to the new US231 it was his understanding the material that was moved from the area to the back of the Purdy property was from the old City landfill. Dr. Avolt's question is how did Mr. Purdy get away with hauling the materials away when in most cases the federal governmental would have stepped in and placed a fence around the area. Mr. Avolt's stated the **Wea Creek** is one of the last two creeks in Indiana, designated by the Department of Natural resources, as a pristine creek. Dr. Avolt concern with the dumping is that it will contaminate the creek causing the creek to no longer be pure and clear.

Steve Murray, Tippecanoe County Highway Executive Director, stated with federal money involved in the 350 South project, there was an environmental impact statement done, there was soil borings done, and made aware through local reports that some of the wet areas had been dumped in over the years. The County, Federal people, Indiana Department of Environmental Management have looked at the reports. There has been archeologist studies done, the wetland areas have been checked into and the County bought an extra ten acres of ground to do a 5 to 1 wetland replacement on the northwest side of 350 South and Old Romney Road. Mr. Murray stated unsuitable soils came up in the pre-construction, it has come up a couple of time during construction, the contractor was concerned and has the right to have the material tested before they remove it. Mr. Murray stated to his knowledge nothing in the way of contaminates came up in any of the reports.

Mr. Murray stated he checked with Highway Garage on the maintenance of 375 South and they reported it had been a few weeks since it was graded, but it was not due to the fact that the contractor was hauling on it so much as the gentleman that generally does the maintenance for the road had a heart attack and the garage is short handed. Mr. Murray stated County should be out there later today or tomorrow to grade the road. Mr. Murray realizes it is an inconvenience for the landowners along the route, but explained when a project is three million dollars the contractor is going to find the nearest, cheapest route to take to get rid of the waste and to haul new materials in. It is a temporary route, and will be winding down when construction is complete. The contractor was told by the County to keep the road watered, but if they are not give the County a call and we will remind the contractor. The only way to stop the contractors from running on the road is to post signs which takes thirty to sixty days, but if the trucks do not take that route it cost the Contractor more money which in turn the County pays for.

AMELIA STATION PLANNED DEVELOPMENT

Paul Coutts, C & S Engineering, presented the Board with preliminary plans for Amelia Station Planned Development located on 21.34 acres south of the existing Weston Woods Subdivision. Mr. Coutts proposal includes two base storage ponds on the **Treeces Meadows Relief Drain**. Mr. Coutts pointed out that there is an existing branch of the Elliott Ditch located through the site. In the Crosspoint Subdivision the tile has already been relocated to the west of the power lines the same kind of relocation will be done for Amelia Station the existing 15 inch pipe is proposed to be increased to a 18 inch pipe.

Mr. Spencer stated he recommended preliminary approval. The applicant needs to obtain a permit from PSI allowing detention under a high voltage electrical line and most of the other comments on Christopher B. Burke's memo are construction plan items that will have to be meet before final approval is granted.

Commissioner Shedd moved to grant preliminary approval of Amelia Station Planned Development, seconded by Commissioner Knochel. Motion carried.

GARDEN VIEW SUBDIVISION

Tim Byer, Vester and Associates, presented the Board with final plans for Garden View Subdivision located on 13.1 acres east of County Road 400 East, between Eisenhower Road and County Road 200 North. Mr. Byer explained the majority of the site will be graded to drain to the proposed pond. At the preliminary meeting June 5, 1997 Mr. Kovich had some concerns. On June 19, 1997 Mr. Byer stated he met with Mr. Kovich and it was decided that a drainage tile will be provided to collect roof drainage from lots 3 and 4. Lot 5 will also be required to tie into the storm system through drainage tile or discharge roof drainage to the east side of the lot, to avoid drainage south through Camelot Subdivision. Mr. Byer asked for a variance to allow the 100 year post-develop runoff to exceed the 10 year pre-developed runoff rate. Mr. Byer asked for a second variance to allow storm water storage on lot 6.

Commissioner Knochel asked about condition number two of Christopher B. Burke memo dated August 28, 1997, which has to do with providing a trash rack at the upstream end of the pipe that is conveyed off-site.

Mr. Byer stated they are in the process of creating an erosion control plan which will provide erosion control for the inlet and outlet of the pipe.

Mr. Spencer stated in the final set of construction plans an erosion plan should be submitted showing the type of erosion control measure they will take.

Commissioner Knochel moved to grant final approval of Garden View Subdivision and to grant the two variances requested with conditions stated in the memo of August 28, 1997, seconded by Commissioner Shedd. Motion carried.

OTHER BUSINESS

DARRELL LUTES PETITION

Mr. Darrell Lutes, 11302 State Road 25 South, presented the Board with a petition asking them to remove an obstruction from a mutual drain. Mr. Lutes explained in the spring of this year they discovered an obstruction caused by Mr. Charles McCorkle, the adjoining landowner. The obstruction is located at the point where Mr. McCorkle's surface drain empties in to the **Big Shawnee Creek**. The obstruction forces the water to flow parallel to the creek onto Mr. Lutes property causing erosion along the south part of his property and crop damage. Mr. Lutes asked the Board to ask Mr. McCorkle to remove the obstruction.

Mr. Spencer asked Mr. Lutes if he prior to this meeting asked Mr. McCorkle to remove the obstruction in writing?

Mr. Lutes stated he did ask in writing, Mr. McCorkle to remove the obstruction, he submitted a copy of the letter along with the petition. Mr. Lutes reported no action was made from Mr. McCorkle to remove the obstruction.

Mr. Spencer asked Mr. McCorkle if he received the letter from Mr. Lutes.

Mr. McCorkle responded yes, he did receive the letter.

Mr. McCorkle, 12100 State Road 25 South, stated the reason for the obstruction was to re-create the land the way it was before they straightened the state highway. Mr. McCorkle stated he built the bank of the creek up so that the water would enter into the creek like it did before.

Commissioner Knochel asked Mr. McCorkle if he considered any rip-rap at the outlet of the waterway into the creek?

Mr. McCorkle stated that was his original plan, but could not afford to place rip-rap after regrading the waterway.

Mr. Spencer asked if the Soil and Water Conservation Office had been involved in the design of a rock schute?

Mr. McCorkle stated yes, the SCS office has been involved, but he never got any response from them.

Commissioner Knochel asked if there is any funding available from the SCS office for the installation of a rock schute.

Mr. Spencer stated to his knowledge there are still cost-share programs, he can check on that and get back to Mr. McCorkle. The County does not have any funds available unless the landowners in the watershed petition to make the **Big Shawnee Creek** a County Regulated Drain. If that was to occur rock schute, and outlet pipes are addressed in the maintenance of the ditch.

Commissioner Knochel moved to instruct Mr. McCorkle to remove the obstruction by December 15, 1997 and asked Mr. Spencer to check with the Soil and Water Conservation office on the possibility of helping divert the cost of installing a rock schute, seconded by Commissioner Shedd. Motion carried.

DAYTON RESOLUTION

Mr. Spencer stated he received a request from the Town of Dayton to review a submittal for a proposed subdivision within the Town of Dayton. Mr. Spencer stated Randy Williams of the Town of Dayton stated he has a resolution from 1994 that the County Drainage Board provide review, recommendations and approval of drainage plans for construction in the Town of Dayton. The resolution Mr. Williams faxed to Mr. Spencer was signed by the Town Council of Dayton, but not by the County Drainage Board. Mr. Spencer recommended tabling the request from the Town of Dayton until some issues are resolved. Mr. Spencer stated at the April 19, 1994 Drainage Board meeting it was discussed. Mr. Hoffman, Drainage Board Attorney at the time, requested the Town of Dayton adopt the County Drainage Ordinance and have the Drainage Board do the work for hire. Mr. Spencer did not know if that had been agreed to by the Town of Dayton.

Commissioner Knochel moved to table the resolution, seconded by Commissioner Shedd. Motion carried.

ANDREW AND MARY THOMAS DRAIN

Mr. Spencer asked the Board to appoint two Drainage Board member for a joint Drainage Board with Carroll County so they can call a meeting of the landowners within the watershed to reduce the rate of assessment.

Commissioner Hudson moved to nominate Commissioner Knochel and Commissioner Shedd to serve on the Joint Drainage Board with Carroll County regarding the Andrew and Mary Thomas Drain, seconded by Commissioner Knochel. Motion carried.

Being no further business, Commissioner Knochel moved to adjourn until the next regularly scheduled Drainage Board Meeting, October 1, 1997, seconded by Commissioner Shedd. Meeting adjourned.

TIPPECANOE COUNTY DRAINAGE BOARD

February 4, 1998

regular meeting

Those present were:

Tippecanoe County Commissioners Ruth Shedd, and John Knochel, County Surveyor Mike Spencer, Drainage Board Attorney Dave Luhman, Drainage Board Engineering Consultant Dave Eichelberger and Drainage Board Secretary Shelli Muller.

The Tippecanoe County Drainage Board met Wednesday, February 4, 1998, in the Tippecanoe Room of the Tippecanoe County Office Building, 20 North 3rd Street, Lafayette, Indiana with Commissioner Shedd calling the meeting to order.

The first item on the agenda was to approve the minutes from the October 15, 1997 and December 19, 1997 regular Drainage Board meetings. Commissioner Knochel moved to approve the minutes, seconded by Commissioner Shedd. Minutes Approved.

MIKE MADRID COMPANY

Bob Gross, and Craig Rodarmel of R.W. Gross and Associates, presented the Board with final drainage plans of Mike Madrid Company, located west of I-65, in the northeast portion of the intersection of Swisher Road and the Rail Road. Mr. Gross explained at the south end of the site an existing 15 inch culvert under Swisher Road is the outlet. In the post-developed condition the same 15 inch pipe will be used for the outlet of the site with two sub basin. The sub basin at the north and east sides of the site will outlet into a 12 inch pipe under the driveway and then flow into the 15 inch outlet pipe under Swisher Road. The second sub basin will be at the south end of the site and outlet through a 12 inch pipe with a 4.25 inch diameter orifice on the end to restrict the flow before outletting into the 15 inch pipe under Swisher Road. Mr. Gross explained neither of the two basins will be very deep, but they will be spread over a large area.

Mr. Spencer stated he recommends final approval with the condition the applicant receives approval from the County Highway Department for use of the road right-of-way as site detention.

Commissioner Shedd asked where the emergency overflow will go and who owns the property the overflow will go on?

Mr. Gross stated Mike Madrid Company owns the property for the proposed emergency overflow.

Commissioner Knochel moved to grant final approval of the Mike Madrid Company drainage plan with the condition the applicant receives approval from the County Highway Department, seconded by Commissioner Shedd. Motion carried.

DRAINAGE BOARD 1998 CONTRACTS

Attorney

Mr. Spencer presented the Board with a 1998 contract from Hoffman, Luhman and Busch Law Firm for their services to the Tippecanoe County Drainage Board.

Commissioner Knochel moved to approve the 1998 contract with Hoffman, Luhman and Busch Law Firm, seconded by Commissioner Shedd. Motion carried.

Engineering Consultant

Mr. Luhman presented the Board with a 1998 contract from Christopher B. Burke Engineering, LTD. for engineering consultant services for the Tippecanoe County Drainage Board.

Mr. Luhman suggested continuing the 1998 contract with Christopher B. Burke Engineering, Ltd. until some language is included, which is in the agreement from January 3, 1995 contract. Christopher B. Burke Engineering, Ltd. could copy the 1995 contract and update it to include the current rates.

Commissioner Knochel moved to continue the 1998 engineering consultant contract with Christopher B. Burke until the March 4, 1998 Drainage Board Meeting, seconded by Commissioner Shedd. Motion carried.

1998 ACTIVE AND INACTIVE DITCH LIST

Mr. Luhman read the 1998 active and inactive ditch list.

ACTIVE DITCH LIST

- 4. Delphine Anson 8. Julius Berlovitz 10. Michael Binder 14. Buck Creek
- 16. Orrin Byers 18. Train Coe 20. County Farm 26. Darby Wetherill
- 31. Issac Gowen 33. Rebecca Grimes 34. Fred Hafner 35. E.F. Haywood
- 37. Harrison Meadows 41. Eugene Johnson 42. James Kellerman 43. Floyd Kerschner
- 44. Amanda Kirkpatrick 45. Frank Kirkpatrick 47. John Kuhns 48. Calvin Lesley
- 52. Mary Mckinney 54. Samuel Marsh 55. Absalm Miller 57. F.E. Morin
- 58. Hester Motsinger 59. J. Kelly O’Neal 60. Audley Oshier 64. Rayman Emmett
- 65. Franklin Reser 67. Aurthur Rickerd 71. Skinner Ray 74. Joseph Sterrett
- 76. Gustav Swanson 78. Jacob Taylor 87. Wilson Nixon 89. Simeon Yeager
- 91. Jesse Dickens 93. Dismal Creek **94. Shawnee Creek** 101. John Hoffman
- 102. Sophia Brumm 103. H.W. Moore 105. Mary Thomas 106. Arbegust Young
- 108. High Gap Road 109. Romney Stock Farm

INACTIVE DITCH LIST

- 1. John Amstutz 2. Jesse Anderson 3. E.W. Andrew 5. Dempsey Baker
- 6. Newell Baker 7. Nellie Ball 11. John Blickenstaff 12. N.W. Box
- 13. A.P. Brown 15. Alfred Burkhalter 17. Floyd Coe 19. Grant Cole
- 21. Jesse Cripe 22. Charles Daughtery 23. Fannie Devault 25. Marion Dunkin
- 27. Thomas Ellis 28. Martin Erwin 29. Crist-Fassnacht 30. Elijah Fugate
- 32. Martin Gray 36. Thomas Haywood 39. George Inskeep 40. Lewis Jakes
- 46. J.N. Kirkpatrick 50. John McCoy 51. John McFarland 53. Wesley Mahin
- 56. Ann Montgomery 61. Parker Lane 63. Calvin Peters 66. Peter Rettereth
- 68. Alexander Ross 69. James Sheperdson 70. John Saltzman 72. Abe Smith
- 73. Mary Southworth 75. William Stewart 77. Alonzo Taylor 79. John Toohey
- 81. John VanNatta 82. Harrison Wallace 83. Sussana Walters 84. William Walters
- 85. Waples McDill 86. Lena Wilder 88. J & J Wilson 90. Franklin Yoe
- 92. Jenkins 95. Beutler-Gosma 96. Kirkpatrick One 100. S.W. Elliott

Commissioner Knochel moved to approve the 1998 ditch assessment list, seconded by Commissioner Shedd. Motion carried.

OTHER BUSINESS

Mr. Spencer brought to the Board's attention a public notice from the Corp. of Engineers regarding the proposed wetland constructed above a county regulated tile drainage system the **John McCoy Ditch** located south of Wea School along County Road 200 East. Mr. Spencer explained there have been some concern from the property owners in the watershed area with what the Corp. has proposed. Mr. Spencer asked the Board if the County should have an informational meeting regarding the wetland?

Commissioner Knochel moved to have an information meeting with all the effected landowner in the area of the proposed wetland, seconded by Commissioner Shedd. Motion carried.

Mr. Spencer asked if the 30 day requirement for a public notice would be in affect with this meeting only being an informational meeting?

Mr. Luhman stated no, not for an informational meeting because it is not being reconstruted, the assessment is not going to change and there is not going to be any legal affect on the landowners.

MINUTE BOOK

Mr. Luhman explained that there was a question as to whether or not a ledger size minute book was required to be used, if not, than could the minute book be changed to a letter or legal size. Mr. Luhman stated he could not find any statue where a ledger size book had to be used.

Commissioner Shedd granted approval to change the size of the minute book from ledger to letter, beginning with the 1998 Drainage Board minutes.

Being no further business, Commissioner Knochel moved to adjourn until March 4, 1998, seconded by Commissioner Shedd. Meeting adjourned.

Ruth Shedd, President

Shelli Muller, Secretary

Kathleen Hudson, Vice President

John Knochel, Member

TIPPECANOE COUNTY DRAINAGE BOARD

January 25, 1999

Regular Meeting

Those present were:

Tippecanoe County Commissioners Ruth Shedd, Kathleen Hudson and John Knochel, County Surveyor Mike Spencer, Drainage Board Attorney Dave Luhman, and Drainage Board Secretary Shelli Muller.

The Tippecanoe County Drainage Board met Monday, January 25, 1999, in the Tippecanoe Room of the Tippecanoe County Office Building, 20 North 3rd Street, Lafayette, Indiana with Commissioner Shedd calling the meeting to order.

The first item on the agenda is to approve the minutes from the December 8, and December 18, 1998 Drainage Board Meetings. Commissioner Hudson moved to approve the minutes of December 8, and December 18, 1998 Drainage Board Meetings, seconded by Commissioner Knochel. Motion carried.

Commissioner Shedd asked for a discussion on changing the time of the regular scheduled meeting from 9:00 a.m. to 10:00 a.m.

The Board agreed to change the meeting time to 10:00 a.m. on the first Wednesday of the month.

ELECTION OF OFFICERS

Mr. Dave Luhman asked for nominations for President of the Drainage Board.

Commissioner Knochel moved to retain the same officers for 1999 as they were in 1998 for President and Vice President of the Drainage Board, leaving Ruth Shedd, President of the Board and Kathleen Hudson, Vice President of the Board, seconded by Commissioner Hudson. Motion carried.

APPOINTMENTS

Attorney

Mr. Spencer submitted a contract for Legal services for the Board. The proposed 1999 contract from Hoffman, Luhman and Busch, has the same verbiage as the 1998 contract with \$135.00 per hour rate for legal services rendered.

Commissioner Hudson moved to approve the 1999 contract for \$135.00 per hour rate with Hoffman, Luhman and Busch for legal services to the Drainage Board, seconded by Commissioner Knochel. Motion carried.

Commissioner Shedd asked if the Board could have an ongoing contract with Hoffman, Luhman and Busch, until further notice. Instead of renewing the contract every year.

Mr. Luhman stated the contract needs to be approved annually. The Board can not spend money that is not appropriated, the Board can not enter into a contract without appropriation. Since the appropriation is on a per calendar year the contract needs to be on a calendar year.

Engineering Contract

Mr. Spencer submitted a contract for Engineering Consulting to the Board. A contract from Christopher B. Burke Engineering was submitted with the same verbiage as the 1998 contract including the same pay scale.

Commissioner Hudson moved to approve the 1999 contract with Christopher B. Burke Engineering for Engineering services to the Drainage Board, seconded by Commissioner Knochel. Motion carried.

Secretary

Mike Spencer recommended appointing Shelli Muller as Executive Secretary to the Drainage Board.

Commissioner Hudson moved to appoint Shelli Muller as Executive Secretary to the Drainage Board, seconded by Commissioner Knochel. Motion carried.

OTHER BUSINESS

Andrew and Mary Thomas Drain

Mr. Spencer recalled a joint meeting being held in 1997 for the Andrew and Mary Thomas Drain. Ruth Shedd and John Knochel are the Drainage Board representatives for the Joint Board with Carroll County. Carroll County has requested another meeting be held for February 16, 1999 at 9:30 a.m. Having no conflict with the date and time Commissioner Shedd and Commissioner Knochel will attend the Andrew and Mary Thomas Drain Joint Board meeting.

Otterbein Ditch Discussion

Mr. Spencer briefed the Board on a meeting that was held in Benton County to discuss the Otterbein Ditch. Mr. Spencer explained the main discussion of the meeting was to inform the Board about the fact the treatment plant in Otterbein has their outlet into a county regulated drain tile. The tile length is approximately 1600 feet and there is some concern of the capacity of the tile and 600 acres of farmland plus the Town of Otterbein draining into the ditch. Jack Steele is going to discuss these concerns with the Town of Otterbein and see about the possibility an alternate route for the treatment plant water.

INDOT and Drainage Board Agreement

Mr. Spencer presented an agreement between the Indiana Department of Transportation and the Drainage Board, which was previously discussed at the October 14, 1998 Drainage Board Meeting. Mr. Luhman requested a change in section five of the agreement. INDOT rewrote the agreement to change the verbiage of section five to Mr. Luhman request. The agreement is for INDOT to reimburse the County up to an amount of \$300,000.00 for the expense of the installation of the culvert replacement under I-65 for the improvement of McCarty Lane and the reconstruction of Berlowitz Ditch.

Mr. Luhman stated the change in section five was where the State of Indiana said that Tippecanoe County would indemnify the State for any negligence for their own people. INDOT did delete the verbiage and the agreement is ready for signature.

Commissioner Knochel moved to approve the agreement between INDOT and the Tippecanoe County Drainage Board for reimbursement of the expense for the culvert replacement under I-65, seconded by Commissioner Hudson. Motion carried.

J.B. Anderson Ditch petition

Mr. Spencer presented the Board with the petition for reconstruction and advancement in classification for the J.B. Anderson Drain submitted by the Towns people of Clarks Hill. 60% of the lots in the Town of Clarks Hill and 8% of the acreage in the outline area. Mr. Spencer explained there was some question in the December, 1998 meeting as to whether or not those percentage are enough to continue with the petition. After discussion with Mr. Luhman it was decided that the petition does have enough signatures.

Mr. Luhman stated the requirement is 10% of the total landowners in the watershed, not the acreage. The petition has met that requirement. The next step is for the Board to refer this petition to the County Surveyor so he can prepare a report. At a hearing the report should include a recommendation as to were the project stands, compared to the other Surveyor's ditch projects. The Board will vote on the recommendation presented by the Surveyor.

Commissioner Hudson moved to accept the petition filed for the Jesse B. Anderson Ditch and refer the petition to the Surveyor for his report, seconded by Commissioner Knochel. Motion carried.

Being no further business, Commissioner Hudson moved to adjourn until February 3, 1999, at 10:00 a.m., seconded by Commissioner Knochel. Motion carried.

Ruth Shedd, President

Kathleen Hudson, Vice President

John Knochel, Member

Shelli Muller, Secretary

TIPPECANOE COUNTY DRAINAGE BOARD

February 3, 1999

Regular Meeting

Those present were:

Tippecanoe County Commissioners Ruth Shedd and John Knochel, County Surveyor Mike Spencer, Drainage Board Attorney Dave Luhman, Drainage Board Engineering Consultant Dave Eichelberger and Drainage Board Secretary Shelli Muller.

The Tippecanoe County Drainage Board met Wednesday, February 3, 1999, in the Tippecanoe Room of the Tippecanoe County Office Building, 20 North 3rd Street, Lafayette, Indiana with Commissioner Shedd calling the meeting to order.

The first item on the agenda is to approve the 1999 Active and Inactive Ditch Assessment List. Mr. Luhman read the list.

ACTIVE

| | | | |
|--|-----------------------------|------------------------------------|---------------------------|
| Delphine Anson Brown | Julius Berlowitz | Michael Binder | A.P. |
| Buck Creek Wetherhill | Train Coe | County Farm | Darby |
| Christ Fassnacht Hafner | Issac Gowen | Rebecca Grimes | Fred |
| E.F. Haywood Kirkpatrick | Harrison Meadows | Floyd Kerschner | Amanda |
| Frank Kirkpatrick McKinny | Calvin Lesley | John McFarland | Mary |
| Samuel Marsh Aduley Oshier Rickerd | F.E. Morin Emmett Rayman | Hester Motsinger Franklin Reser | J.Kelly O'Neal Aurthur |
| Joseph Sterrett Walters | Gustav Swanson | Jacob Taylor | William |
| Wilson Nixon Creek | Simeon Yeager | Jesse Dickens | Dismal |
| Kirkpatrick One Lateral | John Hoffman | Sophia Brum | HW Moore |
| Mary Thomas | Arbegust-Young | Jesse Anderson | |

INACTIVE

| | | | |
|---------------------------|-------------------|-------------------|--------|
| John Amstutz | James Shepardson | E.W. Andrew | |
| Dempsey Baker | | | |
| Newell Baker | Nellie Ball | John Blickenstaff | NW Box |
| Alfred Burkhalter | Orrin Byers | Floyd Coe | Grant |
| Cole | | | |
| Jesse Cripe | Charles Daughtery | Frannie Devault | Marion |
| Dunkin | | | |
| Thomas Ellis | Martin Erwin | Elijah Fugate | Martin |
| Gray | | | |
| Thomas Haywood Johnson | George Inskeep | Lewis Jakes | Eugene |
| James Kellerman | James Kirkpatrick | John Kuhns | John |
| McCoy | | | |
| Wesley Mahin Lane | Absalm Miller | Ann Montgomery | Parker |

| | | | |
|---|--|--|--|
| Calvin Peters Saltzman Skinner Ray William Stewart | Peter Rettereth Abe Smith John Toohey Sussane Walters Franklin Yoe | Alexander Ross Mary Southworth John VanNatta McDill Waples Jenkins S.W. Elliott | John Lena Hadley |
| Shawnee Creek | | | |
| Buetler/Gosma Lake High Gap Rd | John McLaughlin Romney Stock Farm | | |

Commissioner Knochel moved to approve the list of Active and Inactive Ditch Assessment for the year 1999, seconded by Commissioner Shedd. Motion carried.

WATKINS GLEN SUBDIVISION, PHASE 4, PART 3

Tim Beyer of Vester and Associates, asked the Board for preliminary approval of Watkins Glen Subdivision, Phase 4, Part 3 located off County Road 400 East. The proposed subdivision consists of 9 lot on a 5 acre site. Mr. Beyer asked for a variance from the Drainage Ordinance that requires on-site detention. The majority of the proposed plan drains to an existing pipe and then to an existing detention facility for Watkins Glen South, Part V. The facility has the capacity to handle the additional runoff of Phase 4, Part 2.

Mr. Spencer recommended granting the variance for no on-site detention and preliminary approval of the drainage plan for Watkins Glen, Phase 4, Part 3.

Commissioner Knochel moved to grant preliminary approval of Watkins Glen, Phase 4, Part 3 and to grant the variance allowing no on-site detention, seconded by Commissioner Shedd. Motion carried.

SEASONS FOUR SUBDIVISION, PHASE III

Roger Fine, of John E. Fisher and Associates, asked the Board for approval of the outlet pipe for Seasons Four Subdivision, Phase III. The City of Lafayette requires the project to receive approval from the Tippecanoe County Drainage Board because of the outlet pipe into the **Elliott Ditch**. Mr. Fine informed the Board a DNR permit is pending for work in the floodway.

Mr. Spencer recommended approval of the outlet pipe, subject to the project receiving the DNR permit.

Commissioner Knochel moved to approve the outlet pipe into **the Elliott Ditch** for Seasons Four Subdivision, Phase III, subject to the approval of the DNR permit, seconded by Commissioner Shedd. Motion carried.

Being no further business, Commissioner Knochel moved to adjourn until March 3, 1999 at 10:00 a.m., seconded by Commissioner Shedd. Motion carried.

Ruth Shedd, President

Shelli Muller, Secretary

Kathleen Hudson, Vice President

John Knochel, Member

TIPPECANOE COUNTY DRAINAGE BOARD

February 9, 2000

Regular Meeting

Those present were:

Tippecanoe County Commissioners Kathleen Hudson, John Knochel and Ruth Shedd, County Surveyor Stephen Murray, Drainage Board Attorney Dave Luhman, Drainage Board Engineering Consultant Dave Eichelberger and Drainage Board Secretary Doris Myers.

The Tippecanoe County Drainage Board met Wednesday, February 9, 2000, in the Tippecanoe Room of the Tippecanoe County Office Building, 20 North 3rd Street, Lafayette, Indiana with Commissioner Kathleen Hudson calling the meeting to order.

The first item on the agenda is to approve the minutes from the January 12, 2000, Regular Drainage Board Meeting and minutes from the January 21, 2000, Special Drainage Board Meeting. Commissioner Knochel moved to approve the minutes of January 12, 2000, Regular Drainage Board Meeting and January 21, 2000, Special Drainage Board Meeting, seconded by Commissioner Shedd. Motion carried.

Commissioner Hudson welcomed Stephen Murray, as new County Surveyor, to his first meeting with the Drainage Board.

CROSSPOINTE APARTMENTS SUBDIVISION

Wm. R. Davis with Hawkins Environmental gave presentation for Crosspointe Apartments Subdivision. This site is located east of Creasy Lane, south of Weston Woods Subdivision and east of the **Treعه Meadows Relief Drain**. The applicant proposes to construct apartments and associated parking. The stormwater management plan for this area was the subject of previous studies conducted as part of the Amelia Avenue extension over the **Treعه Meadows Relief Drain**. Two issues from C.B. Burke Engineering report to be discussed. First issue is ponding of waters on project. The parking lot plans were intended to pond 7" of water. Second issue concerning previously discharge channel that has been schematic approved for the drainage of this site. Their intention is to use this channel for draining this site. If not approved as is a modification can be brought before the board.

Commissioner Hudson asked Dave Eichelberger to explain about the wet bottom ponds.

Dave Eichelberger, Drainage Board Engineering Consultant, stated the previous stormwater management plan indicated that portions of this development would drain to proposed wet-bottom ponds prior to discharging to the **Treعه Meadows Relief Drain**. However, it does not appear these ponds are proposed as part of this subject development on their plans. Are these ponds already in place, are they going to be constructed as part of this project or are they going to have some interim outlet to the **Treعه Meadow Relief Drain** between now and then? If are wanting final approval may need to have condition that proposed ponds are constructed or proposed outlet is approved.

Steve Murray asked Wm. R. Davis what was their intent.

Wm R. Davis commented there is another project that has risen to this area. The project is not moving very rapidly. They want to get these projects temporarily constructed as did in schematic approval of wet-bottom channel as part of this project.

Commissioner Hudson asked if these outlets would be the ones carrying water over parking lot. Answer was no.

Commissioner Hudson asked what was going to be done about the water ponding over the parking lot area.

Steve Murray stated 7" water ponding over parking lot is allowable by ordinance. This is backwater from 100-year flood as composed to conventional ponding for storage in the lot.

Steve Murray asked if there was a duration limit.

Dave Eichelberger stated none that he is aware of.

Commissioner Knochel moved to grant final approval to Crossepoint Apartments Subdivision subject to the outlets being constructed as part of this project, seconded by Commissioner Shedd. Motion carried.

WABASH NATIONAL SITE DETENTION

Wm. R. Davis with Hawkins Environmental gave presentation for Wabash National Site Detention. This is a 340-acre site located north of C.R. 350 South, between Concord Road and U.S. 52. This is a schematic design for Wabash National and is the second time for reviewing this site. We are trying to come up with an overall plan for final development of Wabash National property. They are not placing structures, etc, but are determining the amount of improved surface they can have, what areas need to be stoned, types of drainage, etc. Currently there is a tile branch of **Elliott Ditch** traversing this property. At present a lot of water stands on this property. We are proposing how to move this water in a developed condition. Will be stoning parts of the property after constructing diversion ditches. Will be removing tile in the **Elliott Ditch** Branch and make open drain. The present detention pond is adequate for future use. Wm. R. Davis is asking for approval of schematic design for Wabash National Site Detention.

Dave Eichelberger suggests preliminary approval of the ditch network and final approval of the continued use of the existing detention pond.

Commissioner Knochel moved to grant preliminary approval of the ditch design for the Wabash National Site Detention and final approval for the drainage pond, seconded Commissioner Shedd. Motion carried.

WILLIAMS COMMUNICATIONS – FIBER OPTIC CABLE

Harold Elliott with Williams Communications gave presentation to install fiber optic cable communication system. This cable will stretch from Atlanta, Cincinnati, Indianapolis and through Chicago. Part of this system will go through a portion of Tippecanoe County. Have received permits for the road crossings. Had been working with Mike Spencer for permits on drainage ditches. They had sent a letter earlier, recommended by Mike Spencer, explaining what they were going to do. Mr. Elliott stated he thinks they should have a permit due to all the bonding, etc. Mr. Elliott's purpose for being here today is to go over project, find out for sure what they do want, and get bond, etc. ready for the next meeting.

Commissioner Hudson asked Mr. Elliott if he received Dave Luhman's letter.

Mr. Elliott's comment was yes. Mr. Elliott stated they have included what Mr. Luhman asked for. Mr. Elliott had a question on drawing for each ditch. Can they use what we use as a typical ditch crossing with it put to the ditch we are crossing? Instead of a complete profile of each ditch.

Dave Luhman asked if it would be similar to what is used on highways. If so, that would be adequate. Mr. Elliott commented yes. Williams Communications will furnish drainage board with a complete list of where line is as built.

Steve Murray stated he would like Mr. Elliott to give as much information possible to the contractor, so they can narrow down their area to start being aware that there may be a legal drain there.

Mr. Elliott commented there would be a crew out to survey each of the legal drains so contractor knows exactly where they start and will be. They are running a minimum of 42" below ground. Some of the survey work is being done now.

Steve Murray asked if they would trench or plow the lines.

Mr. Elliott stated the plan was to plow. When you go across ditches we know you can't plow. So we will be trenching these lines.

Steve Murray stated they would want the cable trenched not plowed. When you trench you can see turned up broken tiles. When you plow there is no visible evidence of broken tiles. May be 3 to 5 years before drain collapses and backs up. A lot of counties have gone too only allowing trenching now days as opposed to plowing.

Commissioner Knochel stated his concern was when turning up some private tiles who will repair. They want someone who is knowledgeable to do the field tile repair.

Mr. Elliott commented he had talked with Mike and would like for the drainage board to hire someone in our county to act as an inspector to find the legal drains and bill Williams Communications for that service.

Steve Murray commented his concern is finding an inspector. It doesn't matter if the drainage board hires or if Williams Communications hires. Stephen thinks it would be better if drainage board hired the inspector.

Mr. Elliott asked about a pay scale agreement. This can all be worked out when I come back for the next meeting.

Steve Murray asked what is your construction schedule.

Mr. Elliott stated this year, this spring. It depends on all the permits coming in and all the easements that are being required one way or the other.

Steve Murray felt comfortable with this if they are willing to work under the drainage board conditions.

Mr. Elliott suggested the \$5,000 bond might not be large enough. There is more potential damage than \$5,000.

Dave Luhman recommends \$25,000.00 bond. Wait on final draft at the March 1, 2000 meeting for details.

Mr. Elliott will return for the March 1, 2000, meeting with final draft and details.

2000 ACTIVE AND INACTIVE DITCH ASSESSMENTS

Mr. Luhman read the 2000 active and inactive ditch list

ACTIVE

| | | | |
|--------------------------------|-----------------|----------------------|-----------------------|
| Jesse Anderson | Delphine Anson | Julius Berlovitz | Michael Binder |
| A.P. Brown | Buck Creek | Orrin Byers | Train Coe |
| County Farm | Thomas Ellis | Christ Fassnacht | Issac Gowen |
| Rebecca Grimes | Fred Hafner | E.F. Haywood | Harrison Meadows |
| James Kellerman | Floyd Kerschner | Amanda Kirkpatrick | Frank Kirkpatrick |
| Calvin Lesley | John McFarland | Mary McKinny | Samuel Marsh |
| Ann Montgomery | F.E. Morin | Hester Motsinger | J. Kelly O'Neal |
| Aduley Oshier | Emmett Rayman | Franklin Resor | Aurthur Rickerd |
| Joseph C. Sterrett | Gustav Swanson | Nixon Wilson | Simeon Yeager |
| Jesse Dickens | Dismal Creek | Shawnee Creek | Kirkpatrick One |
| John Hoffman | Sarah Brum | HW Moore Lateral | Mary Thomas |
| Arbegust-Young | High Gap Road | Romney Stock Farm | Darby Wetherill Ext 2 |
| Darby Wetherill Reconstruction | | | |

INACTIVE

| | | | |
|-----------------|---------------------|-------------------|----------------------|
| John Amstutz | E.W. Andrews | Dempsey Baker | Newell Baker |
| Nellie Ball | John Blickenstaff | NW Box | Alfred Burkhalter |
| Floyd Coe | Grant Cole | Jesse Cripe | Charles E. Daughtery |
| Fannie Devault | Marion Dunkin | Darby Wetherill | Martin V. Erwin |
| Elijah Fugate | Martin Gray | Thomas Haywood | George Inskip |
| Lewis Jakes | E.Eugene Johnson | James Kirkpatrick | John A. Kuhns |
| John McCoy | Wesley Mahin | Absalm Miller | Lane Parker |
| Calvin Peters | Peter Rettereth | Alexander Ross | James Sheperdson |
| John Saltzman | Ray Skinner | Abe Smith | Mary Southworth |
| William Stewart | Alonzo Taylor | Jacob Taylor | John Toohey |
| John VanNatta | Harrison B. Wallace | Sussana Walters | William Walters |
| McDill Waples | Lena Wilder | J & J Wilson | Franklin Yoe |
| Jenkins | Buetler/Gosma | S.W. Elliott | Hadley Lake Drain |

Commissioner Knochel moved to approve the list of Active and Inactive Assessment for the year 2000, seconded by Commissioner Shedd. Motion carried.

OTHER BUSINESS

PETITION FOR ENCROACHMENT ON UTILITY & DRAINAGE EASEMENT LOT 63, RED OAKS SUBDIVISION

Steve Murray gave presentation of this petition for encroachment on utility & drainage easement Lot 63, Red Oaks Subdivision. The petition for encroachment reads as follows: The undersigned, John L. Maloney, who owns 609 Bur Oak Court, does hereby request permission of the Tippecanoe County Commissioners and the Tippecanoe County Drainage Board to encroach 25 feet into the utility and drainage easement at the rear side of their home on Lot 63, Red Oaks Subdivision, Wea Township, Tippecanoe County, Indiana, as shown on the diagram hereto attached and made a part of this petition. Diagram will be on file in surveyor's office. Stephen commented the real concern is the 25 feet encroachment will be too far down the bank and into the water level. This could be an obstruction if maintenance needs to be done to the bank for erosion purposes or pipe out fall. A 10-foot encroachment will bring to the top of bank. Stephen stated he would not recommend any more encroachment then to the top of the bank.

Commissioner Hudson asked if 10 foot would encroach into the utility and drainage easement.

Steve Murray commented without an actual survey tying the house to the lot lines we wouldn't know for sure. It would appear the 10-foot at the top of bank is roughly the easement line that they want to encroach into. If we do not grant requirement for encroachment they can not go any further than the top of bank.

Commissioner Hudson asked if Bill Augustin of Gunstra Builders was aware of this being on the agenda.

Steve Murray commented he had talked to Bill Augustin this week and thought he was aware of the agenda.

Commissioner Knochel asked if they wanted to build a deck and if it was already built.

Steve Murray answer was didn't believe so. Chris from surveyor's office had been out in the last month and took pictures. No deck was in the pictures.

Dave Luhman asked if they wanted to resubmit this petition for an amendment asking for a lower amount of encroachment. If the Drainage Board denies this petition they can resubmit another petition.

Commissioner Knochel moved to deny request for 25 foot encroachment on utility and drainage easement for Lot 63, Red Oaks Subdivision, Wea Township, Tippecanoe County, seconded by Commissioner Shedd. Motion carried.

CHICAGO TITLE INSURANCE COMPANY

Dave Luhman gave presentation regarding request of letter from Drainage Board to Chicago Title Insurance Company. The property is located at 3815 SR 38 E known as the **Kyger Bakery**. There has already been a dry closing on the sale. There are 2 buildings that come within the 75-foot easement. The Chicago Title Insurance Company in order to issue their title insurance need letter from Drainage Board acknowledging that buildings on this property were constructed prior to the requirement of the 1965 Drainage Act and are thus legally located structures and do not constitute illegal encroachments. Have tax records from Fairfield Township Assessors Office that show these structures were built in 1948. Dave Luhman presented Commissioner Hudson with letter on Drainage Board stationery for signature stating these structures were built prior to the requirements of the 1965 Drainage Act and are thus legally located structures and do not constitute illegal encroachments. Dave Luhman has reviewed this with Mr. Bumbleburg, who represents Kyger, and has his approval.

Commissioner Knochel moved president of Drainage Board to sign this letter stating the building were built before 1965 and do not constitute illegal encroachments, seconded by Commissioner Shedd. Motion carried.

Being no further business Commissioner Knochel moved to adjourn meeting, seconded by Commissioner Shedd. Meeting adjourned.

Kathleen Hudson, President

Doris Myers, Secretary

John Knochel, Vice President

Ruth Shedd, Member