

Minutes of the Special Meeting of the Tippecanoe County Drainage Board January 6, 1971.

Synopsis of

Minutes of the Special Meeting of the Tippecanoe County Drainage Board held in the Commissioner's Room, Tippecanoe County Court House at 9:30 a.m., on January 6, 1971.

Present at Meeting Those present at the meeting were Bruce Osborn, Dale Remaly, Edward Shaw G. Richard Donahue and Gladys Ridder.

Election of Officers Bruce Osborn was elected Chairman of the Board, Dale Remaly was elected Vice-Chairman of the Board and G. Richard Donahue as attorney for the Board. Also Gladys Ridder was appointed Secretary to the Board.

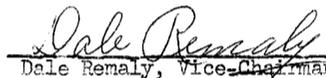
Time and place of future meetings Upon motion made by Bruce Osborn, Seconded by Dale Remaly and made unanimous by Edward Shaw, the Board found the Surveyor's office inadequate and voted to use the County Council Room for future meetings. In the same motion the first Tuesday in the month at 9:00 a.m., was chosen for regular meetings.

Ditches for consideration The Board took under advisement several ditches submitted by the Surveyor for their consideration. The ditches included the following: J. B. Anderson, Hattie Arbegust, Dempsey Baker, James Kirkpatrick, Nellie Ball, Anson-Delphine, Andrew P. Brown, Absalom Miller, E. W. Andrews and Floyd S. Kerschner ditches. All of the above were requests for maintenance.

Visit to Tipton It was called to the Board's attention that Tipton, Indiana had an efficient Drainage Board that had been in operation since 1966 and that a trip to that office on their regular meeting day would be of great assistance to one just getting organized.

Meeting Adjourned On motion made by Bruce Osborn, seconded by Dale Remaly and made unanimous by Edward Shaw the meeting was adjourned.


Bruce Osborn, Chairman


Dale Remaly, Vice-Chairman


Edward Shaw, Member

ATTEST:


Gladys Ridder, Sec'y.

Synopsis of

Minutes of the Regular Meeting of the Tippecanoe County Drainage Board held in the County Commissioner's Room in the Tippecanoe County Court House at 9:00 a.m., on Tuesday, April 6, 1971.

Present at Meeting

Bruce Osborn, Chairman and Edward Shaw, Board member, Dan Ruth, Engineer, G. Richard Donahue, Atty., Gladys Ridder, Sec'y., John Garrott, Surveyor, and Larry Clerget, Deputy Surveyor, Ken Raines, Reporter, Bill Martin, Conservationist along with many interested taxpayers.

Minutes Approved

It was moved by Bruce Osborn, seconded by Edward Shaw to approve the minutes of the Regular meeting of March 2, 1971.

Absalom Miller Ditch

Mr. Spencer Congram, farm manager from Purdue National Bank spoke for a group of people involved with the reconstruction of a headwall on the Absalom Miller ditch. The original headwall built in July of 1967 proved an inadequate construction for the flood water washed around it and left it useless. The group took action by requesting the services of the Tippecanoe County Soil and Water Conservation District to rebuild the headwall on a cost sharing plan. Herbert Crum was the contractor (No bid was let) and the bill was paid by Mr. William Nesbitt, who at the time of this meeting, has not received any part of his money. A call was placed to the State Board of Accounts during the meeting as to the chances of the County paying this bill and were informed that the county could not pay the bill for it was not handled in the only legal way that county collection could be made. (See letter in file from the State).

John L. Hoffman Ditch

Mr. David Knopp and Mr. C. J. Baker appeared before the Board to alert them of all the problems with broken tile, etc. on the Hoffman Ditch. The Engineer volunteered to walk the ditch with them and try to decide the best course to take. Mr. Bill Martin suggested a joint meeting with the two other counties involved, namely Carroll and Clinton, for he felt this would be a reconstruction job. It was asked for consideration in establishing a maintenance fund also.

ElmerThomas Ditch

Mr. Robert Buker brought slides of the pond that stands as the result of improper drainage on the Elmer Thomas Drain. Mr. Bill Martin submitted plans drawn by the Soil and Water Conservation Dep't. on reconstruction of this drain. Mr. Ruth offered to contact the State Highway Department on problems concerning the right-of-way drainage.

Public Meeting at Fair Grounds

Mr. Bruce Osborn suggested a public meeting at the Fair Grounds strictly to inform the public and perhaps answer some questions people might have as to the duties and responsibilities of this Board. The date set was Monday, April 19th, 1971 at 8:00 p.m. Mr. Martin was asked to help the Board conduct the meeting and to show how the two offices work together.

Ditches referred to Engineer

The motion made by Bruce Osborn and seconded by Edward Shaw to refer the following ditches for the Surveyor and Engineer's consideration: Anson-Delphine, Parlon, McFarland, Berlovitz, Andrew P. Brown and Absalom Miller. All of these to be set up for Maintenance.

Purchase of Camera

Mr. Ruth asked permission to buy a polaroid camera for it would prove so helpful in his work. Permission granted.

Minutes of the April 6, 1971 meeting (Continued)

Meeting Adjourned

Upon motion made by Mr. Bruce Osborn and seconded by Mr. Edward Shaw the meeting adjourned.

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Bruce Osborn, Chairman

C. Dale Remaly, Vice Chairman

Edward Shaw, Member

ATTEST:

SYNOPSIS OF

Minutes of the Regular Meeting of the Tippecanoe County Drainage Board held in the County Commissioners Room in the Court House at 9:00 a.m., on Tuesday, May 4th, 1971.

Present at Meeting Present at the meeting were Bruce Osborn, Chairman, Dale Remaly, Vice Chairman, Edward Shaw, Board Member along with A.D. Ruth, Jr., Engineer, G. Richard Donahue, Atty., Bill Martin, SCS, John Garrott, Surveyor, Larry Clerget, Deputy Surveyor, Ken Raines, Reporter and Gladys Ridder, Secretary.

Minutes Approved It was moved by Mr. Osborn, seconded by Mr. Remaly and made unanimous by Mr. Shaw to accept the minutes of the April 6, 1971 meeting with one correction.

E.W. Andrews Ditch At 9:30 a.m., there was a hearing on the maintenance report for the E. W. Andrews ditch. Three people involved in this water shed area attended. They were Mr. Charles Kerkhove, Eugene Sheets and Robert Kerkhove, all of whom felt the \$100 per acre as suggested by the Engineer in his report would be adequate and acceptable. Upon motion made by Bruce Osborn seconded by Dale Remaly and made unanimous by Edward Shaw, the Board declared the E.W. Andrews Maintenance Fund established.

Floyd S. Kerschner Ditch At 10:30 a.m., there was a hearing on the maintenance report for the Floyd S. Kerschner drain. Present at the hearing were Lorice Bails, Lina Kerschner, Glenn Heaton, W. A. Medley, Anna Hickman and Josephine Martin, all persons involved in this water shed area. After some discussion the landowners decided to try the Engineer's suggestion of \$ 1.00 per acre altho the majority felt it a bit high. Mr. Heaton asked the Board to please change the amount of acreage charged against him because of a change of tile on his farm. The tile

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May 4th, 1971 Meeting (continued)

now causes the water to run more to another ditch and less water to this one. The Board accepted his request. Upon motion made by Mr. Remaly, seconded by Mr. Shaw and made unanimous by Mr. Osborn the Maintenance Fund of the Floyd S. Kerschner ditch was established.

Train Coe Ditch Mr. Dan Ruth suggested an informal meeting with the people in the Train Coe Ditch water shed area to see how they felt about setting this ditch up for reconstruction as it needs so much. This meeting is to be held at the next regular meeting at 2:00 p.m.

Order of Findings and Certificate of Assessments The Board then signed the Certificate of Assessments and the Order of Findings for both the E. W. Andrews and Floyd S. Kerschner ditches.

Ditches Referred to Engineer The motion made by Bruce Osborn and seconded by Dale Remaly, made unanimous by Edward Shaw to refer the following ditches for the Surveyor and Engineer's consideration; Thomas Ellis ditch (Lauramie Twp.), Elijah D. Fugate (Lauramie & Randolph Twps.), Gustave Swanson (Lauramie Twp.), Frank Kirkpatrick (Lauramie & Randolph Twps.), and Jesse B. Anderson (Lauramie Twp.). All of these ditches were to be set up for maintenance.

A. Suggestion Mr. Bill Martin, Conservationist brought out how important it was to always check the change of use of the ground in determining the run off of the water. His suggestion was to always inspect the ground carefully.

Elmer Thomas Ditch Report *** Mr. Ruth gave a progress report on his meeting with the State Highway Department with regards to the State putting the tile under State Road # 225. The State assured Mr. Ruth that when Tippecanoe County was ready to reconstruct the Elmer Thomas ditch that they would do their part in tiling under the highway.

Meeting Adjourned Upon motion by Mr. Bruce Osborn, seconded by Dale Remaly and made unanimous by Mr. Edward Shaw, the meeting adjourned.

ATTEST:

Gladys Ridder
Gladys Ridder, Secretary

Bruce Osborn
Bruce Osborn, Chairman

Dale Remaly
Dale Remaly, Vice Chairman

Edward J. Shaw
Edward Shaw, Board Member

*** Notice to Adjoining Counties Mr. Ruth presented two letters to the Board for approval. One to the Drainage Board of White County and one to the Drainage Board of Montgomery County asking them to waive their interest in the Andrew P. Brown ditch (White Co.) and the Elijah D. Fugate ditch (Montgomery Co.) both of which more than 80% of the water shed area lies in Tippecanoe County. The Board approved.

SYNOPSIS OF-

Minutes of the Regular Meeting of the Tippecanoe County Drainage Board held in the County Commissioner's Room in the County Court House at 9:00 o'clock a.m., on Tuesday, July 6th, 1971.

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

Minutes Approved Upon motion from Dale Remaly, seconded by Bruce Osborn, the minutes of the June 1st, 1971 meeting were approved as read.

Ditches refer- The Board referred the following ditches to the Engineer for a Maintenance fund set up: John Dooley ditch, Jackson Twp., John S. Lofland ditch, Randolph and Jackson Twps.

Kepner Indust- Mr. Ruth reported to the Board the progress made on Mr. Paul Hamman's request rial Tract for help in developing part of the Kepner Industrial Tract. They recommended the report submitted be given to the Area Plan Commission.

9:30 a.m. Anson-Delphine Ditch Hearing At 9:30 a.m., the Board's chairman opened the maintenance fund hearing on the Anson-Delphine drain. Remonstrances were read by the Engineer with his answers to those objections. Those attending were: Casper Shaw, Florence W. Anderson, Mable R. Anson, Allen Orr, Hugh B. Pence, M. P. Plumlee, Mr. and Mrs. Lewis McKay and R. P. Leonard. Doubt was expressed by John Dunbar, Paul Shepard and R. P. Leonard as to whether the \$1.00 per acre assessment was sufficient to make all the repairs needed on this ditch. Mrs. Anson felt it would not benefit her much so voted to abandon the drain. The engineer assured then that much could be done with their four year assessment and advise the Board to establish the fund as presented. Upon much discussion the motion was made by Dale Remaly and seconded by Bruce Osborn to establish the maintenance fund as submitted.

10:30 a.m. Andrew P. Brown Ditch Hearing At 10:30 a.m., the Board's chairman opened the hearing on the Andrew P. Brown ditch. Mrs. Cleva Eastburn, Andy Klinkhamer, Ted Lucas, Mr. and Mrs. Lewis McKay, Leon Howey, Mable Anson, and Florence W. Anderson attended. Remonstrances were read by the Engineer with his reply to those objections. The majority of the objections were directed at situations created by the Interstate Highway. Mrs. Eastburn and Mrs. Anson voted to abandon, while the rest felt drainage was a must and were willing to try the \$1.00 per acre assessment. Upon recommendation of the Engineer, Mr. Dale Remaly move, with a second from Mr. Bruce Osborn, to establish the maintenance fund as submitted.

11:30 a.m. Gustave Swanson Ditch Hearing At 11:30 a.m., the Board's chairman opened the hearing on the Gustave Swanson ditch maintenance fund. Two people attended and both were in agreement with the Engineer's recommendation of the \$1.00 per acre assessment. They were A. D. Waddell and Oscar O. Waddell. No remonstrances were filed so with a motion by Dale Remaly and second from Bruce Osborn the maintenance fund was established.

1:30 p.m. Thomas Ellis Ditch Hearing At 1:30 p.m., the Chairman of the Board opened the hearing on the Thomas Ellis ditch. No remonstrances were filed but Mr. William Skinner came to report some broken tile in this drain damaged by the Holloway Construction Co. while working on State Road 500S. Mr. Ruth said he would check and if the property owners had not signed a release, he would contact the District Engineer at Crawfordsville and see that they repaired the damage. A motion was made by Edward Shaw, seconded by Dale Remaly to establish the maintenance fund on this ditch as submitted.

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

Informal Meeting Opened At 2:00 p.m. the Board opened the meeting for informal discussions by people with a variety of drainage problems. Mr. Russell Warwick asked the Board to waive the 75foot easement building right for two of his lots in Broadview SubDivision. He said the SubDivision was approved before this law existed and lots 9 & 10 have the Leslie drain going through them. The Board told Mr. Warwick they would consider the 25 foot easement on one side and the regular 75 foot easement on the other side if no basements were constructed on these two lots. They also told Mr. Warwick that they would put their final decision in writing.

R. Warwick Easement Re-duced

Mrs. Loleda Funk was in to ask the Board if there were any provisions in the law to replace a bridge crossing a legal open ditch. She had built a bridge across an open ditch on her farm, namely the J. B. Anderson ditch, and the water had washed out the bridge and she wanted to know if she could get any help in replacing it. It was suggested that she have her attorney meet with the Board's attorney to search the statutes to see if any such law existed.

Mr. Lowell Brier from the Wea Woodland Area, was in to see if he could get any relief from flooding on his lot. He gave three reasons that he felt had caused his problem. One, a neighbor had altered a drain to the back of the subdivision, two, the developer had not put in an adequate storm sewer, and three, the newly constructed county road was higher than the old one causing water to be trapped. The Board's Engineer said he and the Highway Engineer would go out and look the situation over to see what help could be given.

Tippecanoe County Drainage Board
Minutes TRANSCRIPT
Regular Meeting
January 6, 1993

The Tippecanoe County Drainage Board met Wednesday, January 6, 1993 in the Community Meeting Room of the Tippecanoe County Office Building, 20 North Third Street, Lafayette, Indiana, with Nola Gentry calling the meeting to order for the re-organization of the Board. She then turned it over to J. Frederick Hoffman, Drainage Board Attorney to preside.

Those present were: Nola J. Gentry, Hubert Yount, Bill Haan, Tippecanoe County Commissioners, Michael J. Spencer, County Surveyor, Ilene Dailey, Christopher Burke Consulting Engineer, J. Frederick Hoffman, Drainage Board Attorney, Hans Peterson, Paul Elling, Project Engineers SEC Donohue, Greg Griffith, Great Lakes Chemical Corporation, Josh Andrews, West Lafayette Development Director, Opal Kuhl, West Lafayette City Engineer, and Shelli Hoffine Drainage Board Executive Secretary.

J. Frederick Hoffman, Drainage Board Attorney asked for nominations from the floor for the Board President. Commissioner Gentry nominated Commissioner Haan for President, seconded by Commissioner Yount. Unanimously approved.

Mr. Hoffman then turned the meeting over to Commissioner Haan to preside over the remainder of the meeting.

Commissioner Haan asked for nominations from the floor for the Board Vice President. Commissioner Haan nominated Commissioner Gentry for Vice President, seconded by Commissioner Yount. Unanimously approved.

Commissioner Haan asked for nominations from the floor for the Board Executive Secretary. Commissioner Gentry nominated Shelli Hoffine for Executive Secretary, seconded by Commissioner Yount. Unanimously approved.

The first item on the agenda was to approve the minutes of the meeting for the Drainage Board meeting on December 2, 1992. Hubert Yount moved to approve the minutes of December 2, 1992, seconded by Commissioner Gentry. Unanimously approved.

Hire the Attorney

Commissioner Gentry moved to appoint J. Frederick Hoffman as Attorney for the Drainage Board, seconded by Commissioner Yount. Motion carried.

Active and Inactive Ditches for 1993

Mr. Hoffman suggested putting the active and inactive ditches in the January minutes. Mr. Hoffman also read them aloud to the Board.

ACTIVE DITCHES

<u>Number</u>	<u>Names</u>
2	Anderson, Jesse
3	Andrews, E.W.
4	Anson, Delphine
9	See #103
12	Box, N.W.
13	Brown, Andrew
18	Coe, Train
20	County Farm
22	Daughtery, Charles
26	Darby, Wetherill (Benton Co.)
29	Fassnacht, Christ
34	Haffner, Fred
35	Haywood, E.F.
37	Harrison Meadows
38	Ilgenfritz, George (combined with Dismal)
45	Kirkpatrick, Frank
46	Kirkpatrick, James
48	Lesley, Calvin
49	Lucas, Luther (combined with Dismal)
53	Mahin, Wesley
55	Miller, Absalom
57	Morin, F.E.
58	Motsinger, Hester
59	O'Neal, J. Kelly
60	Oshier, Aduley
61	Parker Lane
62	Parlon, James, (combined with Shawnee)
65	Resor, Franklin
71	Skinner, Ray
72	Smith, Abe
73	Southworth, Mary
74	Sterrett, Joseph C.
76	Swanson, Gustav

- 84 Walters, William
- 89 Yeager, Simeon
- 91 Dickens, Jesse
- 93 Dismal Creek
- 94 Shawnee Creek
- 95 Buetler, Gosma
- 98 See #101
- 99 See #102
- 100 Elliott, S.W.
- 101 Hoffman, John
- 102 Brum, Sophia (Benton Co)
- 103 Moore H.W. (Benton Co)

INACTIVE DITCHES

<u>Number</u>	<u>Names</u>
1	Amstutz, John
5	Baker, Dempsey
6	Baker, Newell
7	Bell, Nellie
8	Berlovitz, Julius
10	Binder, Michael
11	Blickenstaff, John M.
14	Buck Creek (Carroll Co.)
15	Burkhalter, Alfred
16	Byers, Orin J.
17	Coe, Floyd
19	Cole Grant
21	Cripe, Jesse
23	Devault, Fannie
24	Deer Creek
25	Dunkin, Marion
27	Ellis, Thomas
28	Erwin, Martin
30	Fugate, Elijah
31	Gowen, Isaac (White Co.)
32	Gray, Martin
33	Grimes, Rebecca
36	Haywood, Thomas
39	Inskeep, George
40	Jakes, Lewis
41	Johnson, E. Eugene
42	Kellerman, James
43	Kerschner, F.S.
44	Kirkpatrick, Amanda
47	Kuhns, John
50	McCoy, John
51	McFarland, John
52	McKinney, Mary
54	Marsh, Samuel (Montgomery Co)
56	Montgomery, Ann
63	Peters, Calvin
64	Rayman, Emmett (White Co.)
66	Rettereth, Peter
67	Rickerd, Arthur
68	Ross, Alexander
69	Sheperdson, J.A.
70	Saltzman, John
75	Stewart, William
77	Taylor, Alonzo
78	Taylor, Jacob
79	Toohey, John
81	Van Natta, John
82	Wallace, Harrison
83	Walters, Sussana
85	Waples, McDill
86	Wilder, Lena
87	Wilson, Nixon (Fountain Co.)
88	Wilson, J & J
90	Yoe, Franklin
92	Jenkins
96	Kirpatrick One
97	McLaughlin, John

Storm Water Drainage Improvement Plan

Hans Peterson and Paul Elling from SEC Donohue presented the Stormwater Drainage Improvement Plan for the Cuppy-McClure watershed. Mr. Peterson discussed the project overview and objectives, project design criteria and constraints, hydrologic/hydraulic analysis, alternative improvements and recommendations, permits, and the schedule.

Mr Peterson discussed the alternative improvements.

Alternative #1 Low flow pipe and high flow channel.

The cost of the low flow pipe and high flow channel - \$930,000.00

The pipe in this alternative would be two to three feet deep under the ground from the Celery Bog to U.S. 52 then opens up and flows under US 52 with the existing pipe, then drops down into another pipe and flows on down to Hadley Lake.

Mr. Hoffman asked how big the pipe would be?

Mr. Peterson answered the pipe ranges in size from 36 inches to 42 inches.

Alternative #2 All pipe improvements.

The cost of all pipe improvements - \$1,570,000.00

Pipe size ranges from 54 inches to 60 inches.

This alternative would run completely under the ground from Celery Bog to Hadley Lake that is the main reason for the high cost. Mr. Peterson said this would look the nicest after it is complete.

Alternative #3 All channel improvements.

The cost of all channel improvements - \$755,000.00

This alternative does not have any pipe. It is a standard open channel all the way from Celery Bog down to Hadley Lake. There would have to be a concrete lining treatment at the bottom of the channel.

Mr. Peterson recommended alternative was #1 the low flow pipe and high flow channel.

Mr. Hoffman asked on these changes of easement are they giving and taking from the same landowners or taking from some landowners and giving others?

Mr. Peterson said based on the assessment map that we have, it is generally give and take on the same properties except for one parcel. Parcel #13 looks like we are taking.

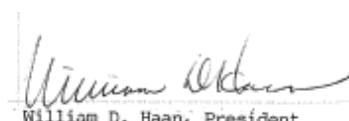
Mr. Hoffman assumed there will be a petition for reconstruction to make those changes in easement.

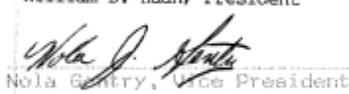
Commissioner Gentry answered there will be a reconstruction hearing.

Discussion followed.

Bening no further business Commissioner Gentry moved to adjourn until February 3, 1993 at 8:30 a.m., seconded by Hubert Yount.

Meeting adjourned.


William D. Haan, President


Nola Gentry, Vice President


Hubert Yount, Member

ATTES: 
Shelli Hoffine, Executive Secretary

TIPPECANOE COUNTY DRAINAGE BOARD
REGULAR MEETING
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

September 2, 1998

Regular Meeting

Those present were:

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

The Tippecanoe County Drainage Board met Wednesday, September 2, 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 July 1, 1998 and August 5, 1998, regular Drainage Board meeting. Commissioner Hudson moved to approve the minutes, seconded by Commissioner Knochel. Motion carried.

ASSISTED LIVING, Wea-Ton Subdivision

Mr. Spencer stated the representatives for the Assisted Living, Wea-Ton Subdivision lot 4B will be present this project at a later time in the meeting.

CARRINGTON ESTATES SUBDIVISION, PHASE 2

Mr. Spencer asked for a continuance of Carrington Estates Subdivision, Phase 2 until the next regularly scheduled Drainage Board Meeting. Commissioner Hudson moved to continue Carrington Estates Subdivision, Phase 2 until a later date, seconded by Commissioner Knochel. Motion carried.

WINDING CREEK SUBDIVISION

Mr. Spencer asked for a continuance of Winding Creek Subdivision until the next regularly scheduled Drainage Board Meeting. Commissioner Hudson moved to continue Winding Creek Subdivision until a later date, seconded by Commissioner Knochel. Motion carried.

HAROLD KLINKHAMER WATERWAY

Mr. Harold Klinkhamer came before the Board in representation of his and his daughter's property at 9721 N 100 W in Section 6, Township 24 North, Range 4 West. Mr. Klinkhamer stated he has attempted to get assistance from the County on dredging the waterway that runs through these properties, but has not received any assistance. Mr. Klinkhamer feels the waterway was created by the county when the Andrew Brown tile drain was installed and believes it is the county's responsibility to maintain the waterway.

Mr. Spencer stated according to the 1907 court specification for the construction of the Holwerda branch of what was then know as the James Connett Ditch later changed in the 1950 to the Andrew P. Brown Ditch, it specifies the installation of tile with no specifications for the installation of waterways. Mr. Spencer stated there are only two ditches in the county, in which, the court included the waterways to be installed and later set up as part of the maintenance fund.

Mr. Klinkhamer presented the Board with pictures which show flooding of his daughters property and pictures showing the waterway. Mr. Klinkhamer presented the Board with a parcelization

map showing the estimated elevation marks in the flow line and the flow of water in relationship to the Co. Rd. and through his daughter's property. He explained the overflow is dangerous for the people traveling on Co. Rd. 100 West and it is dangerously close to his daughter's garage and crawl space. Mr. Klinkhamer also, submitted a soils map, and a topographical map. Mr. Klinkhamer presented Mr. Knochel, prior to this meeting, evidence showing they do pay taxes on a ditch. The evidence is a fax of his tax receipt from the Treasurer's Office indicating they pay taxes on the A.P. Brown Ditch. Mr. Klinkhamer stated the receipt states it is a ditch, not a tile.

NOTE: All the documentation Mr. Klinkhamer submitted to the Drainage Board is on file in the

Surveyor's Office in the Andrew Brown Ditch file.

Mr. Klinkhamer referred to the soils map showing that the problem is coming from the deposit of silt that comes from the landowners property on the West side of the road to the north, which drains under the road and through his property. Mr. Klinkhamer stated there are a few tile holes that were reported, but have not been fixed. Mr. Klinkhamer impression is the waterway was created by the county to have enough cover for the proper drainage.

Commissioner Shedd asked if the flooding has been a problem in the past?

Mr. Klinkhamer replied the flooding has not been noticeable, he has not farmed the land himself, he rents it out, but had he known this problem existed he would not have built the house in its present location.

Mr. Klinkhamer submitted a petition to the Board.

(start quote)August 17, 1998

PETITION TO TIPPECANOE COUNTY DRAINAGE BOARD

THE OPEN DITCH KNOWN AS THE ANDREW P. BROWN DITCH, WHICH WE ALL PAY TAXES ON, HAS BECOME CLOGGED WITH SILT, CORNSTALKS, BEAN STUBBLE, GRASS CLIPPINGS AND WHO KNOWS WHAT ELSE OVER THE PAST 50 YEARS OR MORE.

THIS DITCH NEEDS TO BE DREDGED TO ALLOW WATER TO FLOW WITHIN ITS BANKS RATHER THAN FLOW OVER A 50 FOOT PATH. HEAVY RAIN FALL WILL CAUSE WATER TO RUN OVER THE SURFACE OF THE ROAD AND CREATES A HAZARD TO ANY MOTORIST TRAVELING CO. RD. 100 W. THE CAPACITY OF THE TILE UNDER THE ROADWAY IS NOT ADEQUATE AND IS HAMPERED BY THE FACT THAT THE DITCH IS SO CLOGGED THAT THE WATER FROM THE TILE MUST RISE APPROXIMATELEY TWO FEET BEFORE IT STARTS TO MAKE ITS JOURNEY DOWN THIS OPEN DITCH.

THE BELOW PROPERTY OWNERS REQUEST THE COUNTY MEET ITS RESPONSIBILITIES BY MAKING PROPER REPAIR OF THE ANDREW P. BROWN DITCH WHICH INCLUDE THE DREDGING, MAINTAINING A PROPER GRADE SO THE WATER WILL FLOW FROM ONE END TO THE OTHER WITHOUT PUDDLING OR CREATING A SWAMP EFFECT, THE BANKS GRADED TO AN ANGLE WHICH WILL ALLOW THE PROPERTY OWNERS TO MOW AND MAINTAIN A NEAT APPEARANCE, AND TO RESEED THE DITCH ONCE ALL GRADING HAS BEEN COMPLETED.

THE HIGHWAY DEPARTMENT SHOULD ENLARGE THE CAPCITY UNDER THE ROAD BY ADDING AN ADDITIONAL TILE BESIDE THE ONE THAT IS CURRENTLY THERE SO THE WATER WILL NOT RUN OVER THE TOP OF THE ROADWAY.

THE ROAD SIDE DITCH ON THE WEST SIDE OF CO. RD. 100 W. SHOULD HAVE A WATERWAY RECREATED SO THAT THE FLOW OF WATER FROM THAT PROPERTY IS DIRECTED TO THE TILE/S RUNNING UNDER THE ROADWAY. THERE IS AN UNDERGROUND TILE WHICH IS BROKEN ON THE WEST SIDE OF THE ROAD AND HAS BEEN BROUGHT TO THE ATTENTION OF THE SUREYOR BUT NOTHING HAS BEEN DONE ABOUT IT AS OF THIS DATE. THERE IS A LARGE HOLE AT THE EAST END OF THE HAROLD KLINKHAMER FARM AND MOST LIKELY THIS SAME TILE IS BROKEN AT THE LOCATION. THIS WAS REPORTED TO THE SURVEYOR'S OFFICE AND HAS NOT BEEN REPAIRED TO THIS DATE.(end quote)

SIGNED BY:

TAMI CLARK, CHRISTOPHER CLARK, HAROLD
KLINKHAMER,
KAREN KLINKHAMER, THOMAS MOSLEY, JAMI MOSLEY,
MARY LOU BERRY, MARVIN BERRY, STEVE KLINKHAMER,
KATHY KLINKHAMER

Mr. Klinkhamer presented the Board with a Citizen Complaint from the Tippecanoe County Highway Department.

(start quote)Tippecanoe County Highway Department

Citizen Complaint

Date: September 2, 1998

Phone Conversation: XXX
Office Visit:

Citizen's Name: Harold Klinkhammer

Address:

Phone Number: 564-2730

Complaint Location: 100 West at culvert #699

Subdivision: N/A

Nature of Discussion: Mr. Klinkhammer is concerned about the surface drain over the Brown legal drainage tile. He thinks that the existing culvert does not have enough capacity to carry the runoff under the roadway. Presently the roadway is flooded, and runoff is carried over the road. The path that the water takes is across the front yard of his house and near his well-head. He is worried also about water potentially entering his garage. Mr. Klinkhammer also mentioned that water could be rerouted to the north along the west side of 100 West. I told him that we could look into that possibility, however since the culvert near his home is quite large the chances are that another culvert north of that one would not have the capacity to handle any extra water.

Action Required or Taken: I performed a field investigation after speaking with Mr. Klinkhammer and agreed to meet him onsite to look at the problem. I checked with Todd Butler, from the Surveyor's Office, and copied several pictures from Todd's field visit. Todd explained that he thought that the problem is being caused by an insufficient waterway along the north side of Mr. Klinkhammer's property, and then through the field. I noticed that the culvert, which is a

51" X 27", is partly plugged by cornstalks at the inlet, and the outlet end is obstructed about 18" from the pipe by earth within the flowline.

Recommendations: I would recommend that the flowline downstream of the culvert be dredged, in order to provide an unobstructed outlet. The best solution would be to regrade the waterway to the East where the legal drain is an open ditch.(end quote)

Signed by: Tim Wells, Tippecanoe County Highway Department.

Mr. Spencer stated anything he could find regarding the Andrew P. Brown Ditch did not specify, state or define a surface drain to be maintained in the A.P. Brown watershed. Mr. Spencer stated he found a petition from 1949 that was signed by the landowners along the Holwerva Branch of the A.P. Brown Ditch petitioned the Board to repair the tile drain. The Holwerva Branch is the ditch that is in question with Mr. Klinkhamer's property. Mr. Spencer explained the Holwerda Branch is an all tile portion of the A.P. Brown Ditch that comes from White County. Mr. Spencer presented a copy of the ditch map from the 1950 proceedings, which depicts the route of the tile drain. Mr. Spencer stated it is not unusual for tile ditches to have waterways run beside them or over the top, but they are not usually maintained by the County. Mr. Spencer researched aerial photographs from 1939 to 1997 and it appears there is a waterway in the location in question.

Commissioner Knochel asked Mr. Spencer in his opinion what the ditch taxes that Mr. Klinkhamer is paying goes towards.

Mr. Spencer responded the maintenance of the tile ditch.

Commissioner Shedd asked when the maintenance fund was established?

Mr. Spencer stated he believed it was 1973.

Mr. Klinkhamer pointed out Mr. Spencer's opinion is the ditch tax is for the maintenance of the tile ditch, it is his opinion the ditch tax is for the surface and tile ditch.

Mr. Spencer referred to Mr. Luhman as to what the maintenance funds are to be used for, generally the maintenance is for the structure itself, the open channel or the tile.

Mr. Klinkhamer stated when the County has no origin as to where the waterway came from than should it not be the County's responsibility to maintain?

Mr. Spencer stated, no.

Mr. Klinkhamer stated since 1939 the waterway has not been farmed because they were told by the County they couldn't farm it.

Mr. Spencer asked if that request from the County was in writing telling him he could not farm the land?

Mr. Klinkhamer stated, no, but if Mr. Spencer were to tell him he could farm it than they'll start.

Mr. Spencer stated farmers plow through waterways all the time. Mr. Spencer stated he has no problem with Mr. Klinkhamer plowing through the waterway, but he thinks it will cause a severe erosion problem, which has happened on east of Mr. Klinkhamer's property towards the open channel.

Mr. Luhman stated to determine what the maintenance funds are to be used for, the County will have to go back to documents that created the legal drain. If the maintenance funds were created to maintain the tile drain than that is what the fund is to be used for and can not be used for incidental surface projects that are within the watershed. If the tile is not adequate to handle the water than a reconstruction can be done on the ditch and the surface drain added to the maintenance fund if the landowners in the watershed agree. Mr. Luhman referred to the word "ditch" it is not a legal term anymore, they should be referred to as a drain. That is the reason the tax receipt does not determine what type drain is included. The common word is "ditch", but what the tax receipt is referring to is a regulated drain, which is a tile drain or an open drain.

Mr. Klinkhamer feels that it would be a lot less for the County to dredge the waterway than to do a reconstruction. If that does not work, a six inch tile on the west side of the road needs to be improved and another 12 inch needs improvement.

Commissioner Hudson moved to accept all the information that was presented to the Board and take the information under advisement and further investigate the situation by the Surveyor until the next regular scheduled meeting, seconded by Commissioner Knochel. Motion carried.

ASSISTED LIVING, Wea-Ton Subdivision

Tracy Trimpe and Richard Hoover of American Consulting Engineers, presented the Board with drainage plans of Wea-Ton Subdivision, lot 4b , which the Assisted Living Building will be constructed. Ms. Trimpe stated she received the review comments from Christopher B. Burke Engineering and the plans have been revised to address the comments. Ms. Trimpe presented the Board with a revised copy of the drainage plans. Ms. Trimpe asked for preliminary approval of the project.

Commissioner Hudson moved to grant preliminary approval of Wea-Ton Subdivision Assisted Living project with the conditions of the memorandum from Christopher B. Burke Engineering and further review for final approval of the revised plan, seconded by Commissioner Knochel. Motion carried.

OTHER BUSINESS

Brindon Woods Subdivision

Mr. Spencer presented the Board with a Release of Easement in Brindon Wood Subdivision. Mr. Spencer explained a drainage and utility easement was platted in the County Road Right-of-Way, this is not the desired way of plotting an easement. Mr. Spencer informed the Board the utilities are located outside the right-of-way therefore he asked the Board to release the easement so it can be corrected and recorded in the County Recorder's Office.

Commissioner Hudson moved to Release the Easement described in the plat of Brindon Woods Subdivision with the President of the Drainage Board's signature, seconded by Commissioner Knochel. Motion carried.

Thomas Ellis Ditch

Mr. Spencer presented the Board with an easement reduction from Michael Barnes on the Thomas Ellis Ditch. Mr. Barnes address is 4512 State Road 28 East, parcel #120-04300-0221. The tile has been found and plotted by Bob Gross of R.W. Gross & Associates, showing the location of the tile on Mr. Barnes property. Mr. Spencer recommended the reduction of easement from 75 feet either side of the center of tile to 25 feet either side of the center of tile.

Commissioner Hudson moved to approve the easement reduction as located on the plot of Mr. Barnes property, key number 120-04300-0221, seconded by Commissioner Knochel. Motion carried.

J.B. Anderson Ditch

Mr. Spencer requested the Board reclassify the J.B. Anderson Ditch from a drain in need of maintenance to a drain in need of reconstruction.

Commissioner Hudson moved to reclassify the J.B. Anderson Ditch from a drain in need of maintenance to a drain in need of reconstruction, seconded by Commissioner Knochel. Motion carried.

Darby Wetherhill Ditch

Mr. Spencer asked the Board to appoint two members of the Board to serve on a Joint Board with Benton County regarding the Darby Wetherhill lateral #2 Ditch.

Commissioner Knochel moved to appoint Ruth Shedd and Kathleen Hudson to serve on the Joint Board with Benton County considering their districts are closer to Benton County than his, seconded by Commissioner Hudson. Motion carried.

Being no further business Commissioner Hudson moved to adjourn until Wednesday, October 7, 1998 at 10:30 a.m., seconded by Commissioner Shedd. Meeting adjourned.

Ruth Shedd, President

Shelli Muller, Secretary

Kathleen Hudson, Vice President

John Knochel, Member

TIPPECANOE COUNTY DRAINAGE BOARD

October 14, 1998

Regular Meeting

Those present were:

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

The Tippecanoe County Drainage Board met Wednesday, October 14, 1998, in the Tippecanoe Room of the Tippecanoe County Office Building, 20 North 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 September 2, 1998 Regular Drainage Board meeting. Commissioner Knochel moved to approve the minutes, seconded by Commissioner Shedd. Motion carried.

HAGGERTY POINTE

Amy Moore with Butler, Fairman & Seufert, Inc. represented the Haggerty Pointe Subdivision, which is going to be developed in two phases. Ms. Moore explained their firm has submitted phase one, it was reviewed and they have received the review comments. Ms. Moore asked the Board for their opinion of an agreement to let Haggerty Pointe Subdivision stormwater design utilize the regional retention basin that is being designed for the Elliott Ditch know as the "F" Lake. The initial study showed the development would need 13.4 acre feet of storage in the "F" Lake, but that number has not been finalized. Ms. Moore asked the Board to proceed with the agreement and as part of the agreement the developer would be asking for the fill dirt to be used onsite.

Mr. Spencer referred to the agreement with Lighthouse Homes. In that agreement Lighthouse Homes gifted the County money and in return the development will get the fill dirt that equals the amount of storage the development needs. Mr. Spencer informed the Board there is an on going contract with Christopher B. Burke Engineering, Ltd. on the design of the "F" lake located east of Ivy Tech and south of Lighthouse Homes.

Ms. Moore also, asked the Board for a vacation of Branch 11 of the Elliott Ditch. Ms. Moore explained the development is on the upper end of branch 11 and will not be utilized with the construction of stormwater system. The stormwater system will be routed through a proposed pipe that will be replaced under State Road 38 then into an open side road ditch, which will carry the water to the regional retention facility.

Mr. Spencer stated he does not see a problem with vacating Branch 11 of Elliott Ditch and recommended the Board grant the vacation and approve the development continue with an agreement. Mr. Spencer asked Ms. Moore if the vacation had been asked for in writing?

Ms. Moore stated she included the vacation in the transmittal letter.

Commissioner Knochel moved to approve the vacation of Branch 11 of Elliott Ditch and conceptual approval of the development to continue with an agreement for the use of storage in the regional retention basin of Elliott Ditch known as the "F" Lake, seconded by Commissioner Shedd. Motions carried.

Do to the lack of representation, **Carrington Estates Subdivision Phase 2** and **Winding Creek Subdivision**, were not discussed.

OTHER BUSINESS

Schroeder Wetland Easements

Mr. Spencer presented easements for the Schroeder Wetland project. The proposed wetland is located on the Schroeder property south of Wea School west of County Road 200 East. The developer of the wetland has proposed to install new tile on the west side of the wetland to connect it to the existing outlet on the north property line. Mr. Edward Purdy, the adjoining landowner, has a copy of these easements and after his concerns are addressed, Mr. Spencer stated he will present this to the Board for final approval of the new easements and to vacate the existing easement.

Harold Klinkhamer

Mr. Harold Klinkhamer came to discussed the same issue that was before Drainage Board on September 2, 1998. Mr. Klinkhamer began by stating he objects to what was said or eliminated from the minutes of September 2, 1998. Mr. Klinkhamer felt vital information was omitted from the minutes such as statements from Mr. Luhman and a statement made by Mr. Spencer that referred back to the 1973 Drainage Board minutes. Minutes referred to the ditch being a tile drain and there is nothing in the minutes to reflect Mr. Spencer's statement. Mr. Klinkhamer stated at the prior meeting Mr. Luhman gave Mr. Spencer instructions to do some investigation into where this ditch originated. Mr. Klinkhamer presented the Board with the actual court case from when the Andrew P. Brown ditch became a legal drain. Mr. Klinkhamer explained the 1906 petition depicts his property the petition calls for the tile drain to be put in where the open drain was already constructed. Mr. Klinkhamer read a portion of the petition that states the petitioners prayed for the tile to be put in so the drainage problem could be solved and a new drain connecting to an existing drain which then dumps into an open drain. Mr. Klinkhamer felt with the evidence of the original court document it does state the origin of the waterway therefore it should be maintained by the County. Mr. Klinkhamer asked the Board what the best solution is to get the silt out of the waterway.

Commissioner Shedd stated the Board agrees after reviewing the 1907 document understanding the tile is under the waterway which is suppose to be taking care of the situation. Commissioner Shedd stated the County has no jurisdiction over the waterway.

Mr. Klinkhamer stated the problem is with the surface water not with the tile. When the tile was installed it was connected to an existing 10 and 12 inch tile on the west side of the road, then prior to 1906 the water from the tile went under the road and through the ditch on Mr. Klinkhamer's property. Mr. Klinkhamer stated in 1907 when the tile was put in, it is Mr. Spencer's opinion the ditch no longer existed. Mr. Klinkhamer stated when the tile was put the tile helped only the pockets in White and Tippecanoe Counties and does not address the surface water that comes from farm fields on the west side of the road that is why the ditch on his property has never been farmed, which the county has proof of from 1936 aerials.

Mr. Spencer stated in 1907 the tile was put in and the open ditch done away with. Mr. Spencer explained there are many farmers that elected to maintain a grass waterway to prevent erosion, that was their decision. There is nothing in place that states the farmer had to leave the waterway in place and not farmed. The landowner to the east of Mr. Klinkhamer has farmed over the waterway, it is strictly the farmers decision.

Commissioner Knochel asked what the history is for flooding in the area that is being discussed?

Mr. Spencer stated prior to Mr. Klinkhamer's complaint the Surveyor's Office has not received any complaints of flooding.

Commissioner Knochel asked Mr. Murray, Executive Director of the County Highway Department, if his department had received any complaints prior to Mr. Klinkhamer's Citizens Complaint he filed with the Highway Department.

Mr. Murray stated not to his knowledge, his department had not received any complaints prior to Mr. Klinkhamer.

Mr. Knochel asked Mr. Klinkhamer why he had not complained of a flooding problem before now?

Mr. Klinkhamer explained that he does not farm his ground he rents it out.

Mr. Knochel asked Mr. Klinkhamer even if he rents the farm ground or however he has it arranged, why hasn't the person farming the ground complained of losing crops do to flooding?

Mr. Klinkhamer explained the flooding that exist is rapid and dissipates quickly once the rain stops the water is gone within an hour, but there was never a home near the flooding before. Mr. Klinkhamer stated the concern now when it floods is the well could get contaminated and the water could flood the crawl space.

Commissioner Shedd asked if the construction of the house could have changed the flow of the water?

Mr. Klinkhamer stated no, it just brought to his attention the problem. Mr. Klinkhamer explained the County Highway Department needs to dredge the county road side ditches to handle the water flow so the road wont flooded. Mr. Klinkhamer stated it is his understanding approximately 20 years ago a culvert, three times bigger than the one there before was replaced under county road 100 West in the same location the flooding occurs. This indicates to Mr. Klinkhamer the Highway Department utilizes the surface water drain and therefore the County needs to clean the ditch out to accommodate the water from the road. Mr. Klinkhamer does not think he should be responsible for water coming from the County Road or for the water coming from the farm field on the west side of 100 West. Mr. Klinkhamer suggested the County Highway Department dredge a new road side ditch on the west side of County Road 100 West, south to County Road 900 North.

Commissioner Knochel asked Mr. Murray to address the comment of Mr. Klinkhamer in regards to the culvert needing reconstructed and do some ditching.

Mr. Murray stated there are very few roads in the County that do not need ditching. Mr. Murray explained the best way to put the road side ditch in perspective is to look at the drainage as if the road was not there. Would the water flow through that point even if there was not a culvert. Mr. Murray has analyzed this situation and his conclusion is the water would still flow the way it does today. Mr. Murray stated it is common practice in a situation when you have a subsurface tile to install a surface culvert. One reason to install a surface culvert is so the water flow at the low point will have positive flow down stream. The second reason is in a situation where there is not positive drainage an equalizer is installed. The reason for an equalizer is it allows water to pond on either side of the road, rather than run over and wash out the road. Mr. Murray explained the Highway Department's objective is to carry vehicular traffic, not to operate as a drainage facility. Mr. Murray stated to cut a ditch a mile to the south would not only divert water onto other property owners, it would not be necessary for the road to function.

Mr. Klinkhamer referred to the Common Enemy Law. Mr. Klinkhamer stated according to that law it would allow him to build a dike to restrict the water from damaging his daughter's property. Mr. Klinkhamer asked for an explanation of what the purpose of the culvert is under 100 West. Mr. Klinkhamer stated that is the purpose of the ditch is to get rid of the water coming through the

culvert therefore it should be the county's responsibility to maintain the surface waterway. Mr. Klinkhamer stated if he builds a dike than the water will not be any relieve for the surface water and cause the road to flood. Mr. Klinkhamer asked the Board for a solution. Mr. Klinkhamer stated all previous documentation asked for the cheapest and easiest way to solve a drainage problem. Mr. Klinkhamer felt he provided the easiest way to solve the drainage problem and that is he is allowing the County to dredge the surface waterway so the water can stay within it banks like it has for 91 years, but if he was to cut the waterway off than the water will either have to go on down the road way or neighbor across the road will have to take care of their own water.

Commissioner Shedd asked if it is legal for Mr. Klinkhamer to shut the waterway off?

Mr. Luhman stated yes, he can shut the waterway off. He may experience some liability from his neighbor if he causes damage to the neighbors property, but that will be between them. There is another possibility the neighbor can ask the Board to take some action because Mr. Klinkhamer will have obstructed a natural waterway. Mr. Luhman stated there is a specific statue that allows landowners to petition the Board to remove an obstruction in a natural waterway. The petition process is designed in a way that the petitioner can complain to the Board about an obstruction on someone else's land and the reason for that is because the remedy is the Board can order the removal of the obstruction, but they have to assess the cost against the landowners. If it is just a landowner complaining about an obstruction in the waterway on his own land than the Board would be required to assess the cost against that landowner.

Commissioner Knochel suggested to Mr. Klinkhamer to petition the Board for a reconstruction of the Holwerda Branch of the Andrew P. Brown Ditch.

Mr. Luhman stated he has spoke to Mr. Huffer, Mr. Klinkhamer's attorney, concerning a reconstruction and the issue seems to be who is going to pay to recreate more of a channel through the grass waterway to get the water moving. Their question is can the maintenance fund for the Andrew P. Brown Ditch pay for the cost? Mr. Luhman stated he does not seem to think the use of the maintenance funds set up for the **Andrew P. Brown Ditch** can be used, those funds are to maintain the tile portion of the drain not the grass waterway above the tile. Mr. Luhman stated he has reviewed the 1906 to 1911 proceeding which initially petitioned to tile the open drains, his understanding is the final decision was to tile some and keep some open. In 1950 when the County took the drain over, there is no indication of an order to create a tile drain with a grass waterway above it. The specifications state in 1950 that all the tiles after they were installed the ground above be grated level with the surrounding ground, so that indicates the petitioners did not want a channel or ditch above the tiles. If there has been a grass waterway or channel above the tile it doesn't mean it is illegal, but it doesn't mean it is part of the County legal drain. It is legal for adjoining landowners to create a grass waterway within the easement as long as it does not interfere with the Drainage Board's right to maintain the tile drain. Is there anyway the maintenance fund for the Andrew P. Brown Ditch be used to do anything with the waterway? Mr. Luhman stated the only way would be from an engineering stand point there was something within the waterway that was preventing the tile drain to function properly than the County would have some kind of maintenance in making the drain functional, but there has not been anything in this case to indicate that is the situation. The only thing else is if the tile is not serving the function it was intending for which is to drain the watershed, than there is a reconstruction process that requires the Surveyor to determine what is going to have to be done to adequately drain the watershed. If the existing structure is not sufficient, what needs to be done to reconstruct it to make it drain the watershed.

Commissioner Knochel compared this situation to the Clarks Hill situation. The landowners in the Jesse B. Anderson Ditch watershed have to petition the Board for a portion of the ditch to be reconstructed. The same process could be for the Holwerda Branch of the Andrew P. Brown Ditch. Commissioner Knochel believes the County is only responsible for the tile portion of the drain that goes through Mr. Klinkhamer's property. Commissioner Knochel suggested to Mr.

Klinkhamer to get with his neighbors so they can petition the Board for a reconstruction of the **Holwerda Branch**. Along with the reconstruction is an assessment for the reconstruction cost that will be distributed among the people who benefit from the reconstruction.

Commissioner Shedd asked how many landowners are within the watershed.

Mr. Spencer stated there are approximately twelve landowners within the watershed. The landowners in the Andrew P. Brown Ditch watershed will continue paying for the maintenance assessment and those in the **Holwerda Branch** will also be assessed for the reconstruction cost.

Mr. Klinkhamer referred to the comment Mr. Luhman said regarding in 1950 the instruction was to cover these ditches. From records from 1939 and records of 1906 and current aerial photographs shows a grass waterway has never been covered to be level with the rest of the ground. Therefore Mr. Klinkhamer believes the waterway is part of the ditch and it should be cleaned with the maintenance funds he has been assessed for. Mr. Klinkhamer stated the tile that goes through his property has no function with the surface water problem. The tile that was installed per the request of the landowners in 1907 gave them a branch of tile they can tie into to tile the rest of their farmland, but it serves no purpose for the surface water problem that exist.

Commissioner Shedd stated it is her understanding the tile is functioning the way it is suppose to and the maintenance fund is to be used to maintain the tile not the waterway.

Mr. Klinkhamer stated that is for interpretation, he feels like the open drain has always been there and if he can not convince the majority of the Board of that, there is still a problem. Mr. Klinkhamer stated 15 to 20 years ago when the County replaced the culvert they dug out the open ditch for about 200 feet into his property. Within that time it has filled up two feet with corn stocks, silt etc. so there has to be a maintenance because when you create a pocket like that and do not extend the channel on back to the outlet than the pocket will fill up and need maintenance. Mr. Klinkhamer stated the attempt by the Highway Department to get rid of their problem, just pushed the problem onto his property. Mr. Klinkhamer stated he could shut the channel off and the Highway Department will have to find another way for the water to go.

Commissioner Shedd suggested a reconstruction. Mr. Klinkhamer can carry the petition to see how many signatures you can get for the reconstruction of the Holwerda Branch. Commissioner Shedd explained the process of reconstruction. A landowners in the watershed has to petition the Board for a reconstruction of the **Holwerda Branch of the Andrew P. Brown Ditch**.

Mr. Klinkhamer stated there are only two people who will benefit from the reconstruction, one being the German Farm and the other is the Highway Department.

Mr. Spencer asked Mr. Klinkhamer why he does not think he will benefit from the reconstruction?

Mr. Klinkhamer stated he can build a dike to prevent the water from coming close to his daughter's home.

Mr. Spencer stated then the German's will order the Board for a removal of an obstruction.

Mr. Klinkhamer stated than the German's will have to pay for the removal.

Mr. Spencer stated generally the person who put the obstruction in will incur the cost of removal.

Mr. Klinkhamer stated he has the right to protect his property. Mr. Klinkhamer felt the County needs to come up with a solution to the problem, this is the County's problem and always has been.

Commissioner Knochel stated Mr. Klinkhamer has asked the Board for a solution. The Board has given him the option to file a petition for reconstruction of the Holwerda Branch of the Andrew P. Brown Ditch. Commissioner Knochel stated Mr. Spencer will give Mr. Klinkhamer the procedure for reconstruction and will work with Mr. Klinkhamer to resolve this problem.

Mr. Luhman stated Mr. Klinkhamer needs 10% of the landowners in the watershed area of the Holwerda Branch to petition the Board for reconstruction. The cost recovery will be allocated based on the amount of acreage benefited by the reconstruction.

Mr. Klinkhamer stated hypothetically speaking if the German Farm has 30 acres of their 100 acre field is actually causing the problem or is in the watershed than if the assessment is only \$1.00 per acre then they will only be paying \$30.00.

Mr. Luhman stated that may be, but the process is, first to file the petition. The Board sends a notice of a hearing to the landowners in the watershed and the Board along with the landowners have to agree the drain is one in need of reconstruction. The Board refers the petition to the Surveyor to do an engineering study to determination what the best and most efficient way to drain the watershed. The Surveyor brings the study and prepares a schedule of damages and assessments, who is going to lose acreage by this construction, who is going to benefited by the better drainage and submits that to the Board. The Board holds a hearing and they have to approve the schedule of damages and assessments. The landowners some times have a disagreement with the schedule, be it with the amount of acres they are being assessed to the watershed or whatever the landowner can file a remonstrance. The Board makes the determination of what is the correct schedule of damages and assessments.

Mr. Klinkhamer stated his daughter has no purpose for the ditch. Other than to carry the water that comes from the road and the German Farm. How would the County assess the benefit for his daughter and his property?

Mr. Luhman stated if Mr. Klinkhamer's daughter has a problem with the drainage on her property by her home than she would benefit by improvement of the drain, so she would be assessed for the improvement of drainage on her land.

Mr. Klinkhamer stated it is an improvement only because it keeps the German Farm water from coming on over to the Klinkhamer property.

Mr. Luhman stated yes, the channel keeps the water from damaging Mr. Klinkhamer's daughter's house therefore she does benefit from the channel.

Mr. Klinkhamer stated if they build a dike to keep the water from damaging her house than that will solve the problem and it will still be the German Farm's problem. Mr. Klinkhamer asked what the time frame is for doing a reconstruction?

Mr. Spencer stated it all depends on how long it takes to get the petition back to the Board. After the petition is filed, hearings are held and it depends on how the hearings go.

Mr. Klinkhamer asked if landowners can dig out the road ditch?

Mr. Luhman stated he would have to get with the Highway Department to discuss that issue.

Commissioner Shedd stated the Board has run out of time and needs to move out of the meeting room. Commissioner Shedd moved to recess for five minutes, seconded by Commissioner Knochel. Meeting recessed.

Agreement with State

Steve Murray, Executive Director of the Tippecanoe County Highway Department asked the Board to approve to approve the draft copy of an agreement with the State concerning the McCarty Lane project. Mr. Murray explained that a portion of the McCarty Lane project includes improvements to **the Berlovitz Drain**. This agreement is for the State to wave the permit to work in the interstate I-65 and State Road 26 right-of-way for the construction of the improvement.

Commissioner Knochel moved to pursue the agreement with the State regarding working in the right-of-way for drainage improvement of the Berlovitz Drain, seconded by Commissioner Shedd. Motion carried.

Ruth Shedd, President

Kathleen Hudson, Vice President

John Knochel, Member

Shelli Muller, Secretary

TIPPECANOE COUNTY DRAINAGE BOARD

November 4, 1998

Regular Meeting

Those present were:

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

The Tippecanoe County Drainage Board met Wednesday, November 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.

WILLOWBROOK WEST APARTMENTS

Tim Beyer of Vester and Associates, presented the Board with preliminary drainage plans for Willowbrook West Apartments located north of Lindberg Road near the West Lafayette Christian Church. The project consist of 19.8 acres which will contain 13 apartment buildings for a total of 360 units. The project will be developed in several phases with the drainage system being built along with the first phase. The drainage system will consist of two detention facilities which will handle the on-site and off-site water runoff.

Mr. Spencer stated after reviewing Willowbrook West Apartments, a review memo was issued stating the items that need to be met before final approval is granted. Vester and Associated resubmitted, but that submittal has not been reviewed. Mr. Spencer recommended preliminary approval.

Commissioner Hudson moved to grant preliminary approval of Willowbrook West Apartments, seconded by Commissioner Knochel. Motion carried.

BRINDON WOODS APARTMENTS WEST

Tim Beyer of Vester & Associates, presented the Board with final drainage plans of Brindon Apartments located off US52 and County Road 250 West. The site will include 11 apartment buildings with 48 units. The site will drain through a storm sewer to the existing drainage facility that was constructed for Brindon Woods Planned Development and Brindon Commercial Subdivision.

Mr. Spencer stated the comments of the review memo have been addressed and he recommended final approval.

Commissioner Knochel moved to grant final approval of Brindon Woods Apartments West, seconded by Commissioner Hudson. Motion carried.

HADLEY MOORS SUBDIVISION, PT 3

Roger Fine of John Fisher & Associates on behalf of Dale Koons of Civil Engineering Services presented the Board with final drainage plans for Hadley Moors Subdivision, Pt 3. The property is located off County Road 125 West to the south by undeveloped farmland and on the west is Hadley Moors Subdivision, Pt 2. Part 3 of Hadley Moors Subdivision is designed to go through part 2 Hadley Moors Subdivision to utilize the detention facility designed to handle the runoff for the overall Hadley Moors Subdivision area. Hadley Moors Subdivision, part 3 consist of 56 lots on 14.977 acres.

Mr. Spencer recommended final approval of part 3 as it does fit in with the overall drainage design that was approved several years ago with part 1 of Hadley Moors Subdivision.

Commissioner Hudson moved to grant final approval of Hadley Moors Subdivision, Part 3, seconded by Commissioner Knochel. Motion carried.

Commissioner Hudson stated the reason the developments move along quickly in these meetings is due to the preparation before the meeting. Commissioner Hudson explained Mr. Spencer plans a field trip with the Board to visit the sites that will be discussed at the meetings, a lot of questions are answered in the field and it makes the Board a lot more prepared for what is going on with the development. Commissioner Hudson took the time to thank Mr. Spencer for doing a good job.

FAITH BAPTIST CHURCH

Todd Warrix of The Schneider Corporation presented the Board with a submittal for an additional parking lot to Faith Baptist Church located off County road 550 East and State Road 26 East. Mr. Warrix explained the additional parking lot will be constructed to the east of the church approximately 450 feet x 250 feet. The site has a master plan which incorporates five different phases. The first phase that will be constructed this fall will be a portion of the parking lot 106 feet x 120 feet area. The drainage design will handle the master plan. Mr. Warrix asked the Board for final approval of phase 1 through phase 2, the other phases may not come before the Board until after the year 2000.

Mr. Spencer recommended granting approval subject to the applicant addressing the concern with the time of concentration calculations.

Commissioner Hudson moved to grant final approval of Faith Baptist Church, phase one through phase two additional parking drainage design with the condition the time of concentration calculations are addressed, seconded by Commissioner Knochel. Motion carried.

OTHER BUSINESS

Agreement with State

Mr. Spencer stated at the October 14, 1998 meeting a discussion was held regarding an agreement with the State for reimbursement cost of the new culvert under I-65. Mr. Spencer stated the agreement was prepared by Stewart Kline and Associates, the agreement has been forwarded to the State. Mr. Spencer requested the Board make a motion to approve the form of the agreement and when it is received back from the State if there is no change, the Board could indicate their approval by signing the agreement.

Commissioner Hudson moved to approve the form of the agreement between the County and the State and agree to sign the agreement after receiving it from the State if no changes are made to the original form, seconded by Commissioner Knochel. Motion carried.

Harold Klinkhamer

Mr. Klinkhamer came before the Board to discuss the issue of the waterway over the Holwerda Branch of the Andrew Brown Drain as previously discussed at the September 2nd and October 14th

Drainage Board Meetings. Mr. Klinkhamer referred to the October meeting as to what was said by Mr. Luhman regarding the 1950 Drainage Board document. Mr. Klinkhamer wanted to be assured that in Mr. Luhman's statement he was referring the document states the open drains were to be closed and leveled.

Mr. Luhman stated he said at the October meeting, one of the specifications for the installation of the tile was after the tiles were installed the land above the tile was to be graded level. The 1950 document did not refer to the open portion it referred to the construction of the tile.

Mr. Klinkhamer stated he reviewed the tape of the October 14th meeting and took it a different way, but he did want to verify the 1950 document is what Mr. Luhman was referring to. Mr. Klinkhamer asked Mr. Spencer if he has received all the information on the Holwerda Branch of the Andrew P. Brown Ditch?

Mr. Spencer stated, yes. Mr. Klinkhamer has received all the information on the Andrew P. Brown Ditch.

Mr. Klinkhamer asked for the other information he requested in a letter sent to the Highway Department and the Surveyor's Office.

Mr. Spencer presented Mr. Klinkhamer with the information he had available to give to Mr. Klinkhamer regarding his request. Mr. Spencer stated the Gosma surface drain, Eastburn surface drain, and the Reser surface drain are drains that include the waterway as part of the maintenance fund. Mr. Spencer gave Mr. Klinkhamer a copy of the State Statue that states the width of the County easements along regulated drains and a copy of the 1950 document which states all tile ditch shall be graded level with the surrounding ground.

Mr. Spencer stated he did other research regarding other County Regulated Drains:

The Hoffman drain has a surface drain, the Michael Binder drain has a surface drain, the Shepardson drain has a waterway over the tile, Weatherhill-Darby drain has a waterway over the tile Frank Kirkpatrick drain has a waterway over the tile, Waples-McDill has a waterway, F. Coe has a waterway, McCoy Drain has a waterway, and the Herman Buetler Drain has a waterway. The common denominator for all these drains listed are they were constructed and maintained by the farmer or landowner the waterway goes through.

Mr. Klinkhamer asked if Mr. Spencer could get him the other information he asked for in a reasonable amount of time.

Mr. Spencer stated he spoke to Mr. Murray, Executive Director of the Tippecanoe County Highway Department.

What is the history of maintenance for the side road ditch of County Road 100 West?

Mr. Murray has indicated to Mr. Spencer that he does not have any maintenance records. When was the culvert put in?

Mr. Murray response was he does not know.

The size of the culvert installed?

Mr. Murray's sheet of the culvert inventory was it is a 51"x 27" corrugated metal arch. Was there a petition for the culvert to be installed?

Mr. Murray response was no there was not.

Mr. Klinkhamer asked Mr. Spencer when the tile holes will be repaired on the Holwerda Branch? Mr. Klinkhamer asked for plats of all the ditches Mr. Spencer referred to.

Mr. Spencer stated a contractor, Terry Grogan, has been contacted and shown where the tile holes are located along the Holwerda Branch along with several other county regulated tiles that are in need of repair.

Being no further business, Commissioner Hudson moved to adjourn until further notice of a date and time of the next Drainage Board Meeting, seconded by Commissioner Knochel. Meeting adjourned.

Ruth Shedd, President

Kathleen Hudson, Vice President

John Knochel, Member

Shelli Muller, Secretary

TIPPECANOE COUNTY DRAINAGE BOARD

December 8, 1998

Regular Meeting

Those present were:

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

The Tippecanoe County Drainage Board met Wednesday, December 8, 1998, in the Grand Prairie Room of the Tippecanoe County Office Building, 20 North 3rd Street, Lafayette, Indiana with Commissioner Shedd calling the meeting to order.

Mill Creek Subdivision Outlet to Elliott Ditch

Chris Badger of The Schneider Corporation, presented the Board with drainage plans of Mill Creek Subdivision. Mr. Badger explained DNR is requiring a permit be obtained by the development for construction in a floodway. Mr. Badger stated a request from the County has been included in the final construction plans to smooth over the rip rap with concrete to enable vehicular use. Mr. Badger stated the City has approved these plans.

Mr. Spencer recommended granting final approval, subject to the project receiving DNR approval.

Commissioner Hudson moved to approve the outlet to the Elliott Ditch regarding the Mill Creek Subdivision, subject to the approval of construction in a floodway permit from DNR and the rip rap channels be constructed to carry vehicular traffic, seconded by Commissioner Knochel. Motion carried.

Mr. Badger asked the Board for a special session of the Drainage Board to be held to discuss, Coyote Crossings Golf Course and Winding Creek Subdivision. Mr. Badger stated a waterline easement will also need to be discussed at the meeting and is being reviewed by Steve Murray, Executive Director of the Tippecanoe County Highway Engineering Department.

The Drainage Board agreed to a special session for the following week. The date and time will be announced.

Other Business

ASHTON WOOD PETITION

Mr. Spencer presented the Board with a petition, prepared by Joseph Bumbleburg, asking the Board to be a party to a petition for their interest in county road right-of-way land. The petition is to establish a regulated drain for an area south of town to include Ashton Woods Subdivision, Coppergate Subdivision, Triple J Subdivision, Wea-Ton Subdivision, and Ross Stone Circle. As part of Ashton Woods Subdivision requirement for approval, a large channel was created, which goes under Old Romney Road and is picked up by a large tile that runs parallel with Old Romney Road, which Triple J utilizes. With the Coppergate Subdivision a tile was installed along 250 South and an open channel was constructed by the development. Mr. Spencer explained all the developments agree to be a part of the petition to establish the channels and tiles as a County Regulated Drain.

COUNTY ROAD 900 NORTH

Mr. Spencer informed the Board he is meeting with Karen Kelly and others in the watershed area concerning the culverts under County Road 900 North where there is a problem with the road washing out. Mr. Kerkhoff, one of the affected landowners, as agreed to the installation of the culverts, under the assurance the water will not pond on his field and the channel has a positive flow.

ILGENFRITZ DITCH

Mr. Spencer referred to a letter received by the Commissioners from Mr. Jack Lahrman concerning the Ilgenfritz Ditch. The Ilgenfritz Ditch is part of a larger watershed area, Dismal Creek, and has been in the process of clean out as funds become available for maintenance. The areas he mentioned in his letter are the next phase to be addressed.

HAROLD KLINKHAMER

Mr. Klinkhamer came before the Board to discuss the waterway over the Andrew Brown Ditch. Mr. Klinkhamer referred to the petition that was filed by Mr. Luhman concerning not exhausting administrative remedies. The only way Mr. Klinkhamer feels this issue will be resolved is if one of the Drainage Board members changes their mind and agrees the maintenance fund should be used to clean out the waterway. Mr. Klinkhamer explained this is the only section of the ditch that has remained a grass waterway, west of the County Road 100 West the waterway has not been maintained causing his waterway to fill up with silt. The White County portion of the ditch has been totally destroyed by the farmers farming the ground. He agrees that reconstruction should occur on those type areas, but he feels maintenance funds should be used on his portion because he has not farmed through the waterway.

Commissioner Shedd asked Mr. Luhman if this issue has been filed in the court?

Mr. Luhman stated yes, there has been a matter filed in Circuit Court.

Mr. Spencer stated he has not changed his mind as to the issue of the maintenance funds being used for the cleanout of the waterway that runs through Mr. Klinkhamer's property. Waterways are most generally at the pleasure of the farmer as to whether or not they decide to farm the waterway. Unless the waterway is specifically made part of the maintenance fund, than it is the farmers responsibility to maintain them.

Mr. Klinkhamer asked if there are any other administrative remedies that could be used other than the judge?

Mr. Luhman stated the Board has made its decision, and unless there is a change in the future, than court will be the only way to resolve this issue.

Being no further business, Commissioner Hudson moved to adjourn until further notice, seconded by Commissioner Knochel. Meeting adjourned.

Ruth Shedd, President

Kathleen Hudson, Vice
President

Shelli Muller, Secretary

John Knochel, Member

TIPPECANOE COUNTY DRAINAGE BOARD

February 3, 1999

Regular Meeting

Those present were:

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

The Tippecanoe County Drainage Board met Wednesday, February 3, 1999, in the Tippecanoe Room of the Tippecanoe County Office Building, 20 North 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	Absalm Miller	Ann Montgomery	Parker
Lane			

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

July 7, 1999

Regular Meeting

Those present were:

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

The Tippecanoe County Drainage Board met Wednesday, July 7, 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 minute from the June 2, 1999 Drainage Board Meeting and minutes from the June 18, 1999 Drainage Board Special Meeting. Commissioner Hudson moved to approve the minutes of June 2, 1999 Drainage Board Meeting and June 18, 1999 Drainage Board Special meeting, seconded by Commissioner Knochel. Motion carried.

RAINEYBROOK (REVISED)

Mark Phipps with Hawkins Environmental gave presentation for final approval with conditions on Revised Raineybrook Subdivision. The subdivision is located between approximately 2050 and 3350 feet north of County Road 500 South and extends approximately 2100 feet west of new US 231. Raineybrook Estates Subdivision Section 8 and Raineybrook Subdivision border it on the south. On the west is Corley Pond. The proposed drainage plan would continue to take run off from Raineybrook estate subdivision to a detention pond and then take the run off from Raineybrook subdivision up towards Corley Pond. The proposed drain proposal would allow the first flush of the run off from the roads to bypass Corley Pond to improve the quality of water in the pond. When the water surface elevation reaches a certain height it would discharge into Corley Pond then off site storage basins. The water run off would continue from the off site storage basins over land to Wea Creek. Mark Phipps stated he received recommendations from Dave Eichelberger and Mike Spencer and he accepts their comments and will work with them to satisfy comments in the memo.

Mike Spencer commented this is a revised Raineybrook Subdivision because originally saw an overall Raineybrook drainage plan in 1994 looking at over 200 acres. Revised so first flush does not go into the existing Corley Pond. Mike recommended approval with conditions stated in the memo.

Commissioner Hudson moved approve final approval of the storm water management plan for the revised Raineybrook Subdivision with the five conditions listed in memo, seconded by Commissioner Knochel. Motion carried.

LANTERN HILLS MINOR SUBDIVISION & PARCELIZATION

Tim Beyer with Vester & Associates gave presentation for final approval of Lantern Hills Minor Subdivision and Parcelization. The project is located on approximately 34.8 acres; on the south side of the intersection of County Road 450 East and County Road 900 South. In their drainage report did both pre-developed and post-developed analysis of the site. In the developed condition there is the minor subdivision which consists of 4 lots and the remainder of the area will contain 8 residents created in the parcelization process. The summary of drainage analysis shows that from the pre-developed condition to the post-developed condition surface run off is expected to be decreased with the decrease basically due to the land being removed from agriculture. Agriculture ground is basically bare and not a lot of ground cover where as developed conditions lots are large, the average approximately 3 acres, there will be dense lawns to provide cover.

Also been concern over tiles that are required because of soils. In the subdivision area the land is flat and health department required that a tile for curtain drains to be placed around the septic systems. Presentation

given at Indiana Society of Farm Managers and Appraisers regarding sub surface draining on agriculture land mentioned water quantity and volume acts of sub surface drainage. Sub surface drainage helps reduce total run off from a site, helps reduce peak run off rate that leaves a site and because of those two things, erosion from a site is also reduced. Parcelization lots do not require perimeter drain sub surface tile per health department review.

Questions, Comments & Discussions:

Mike Spencer asked if tiles that were installed were perforated or solid. Don Whitehead stated they were perforated. Mike asked if contractor found existing tile in the ground on both lines. Don Whitehead comment was yes. Mike stated new tile was installed in the easement and there were clay tile pieces lying on top of ground. This lead Mike to believe a tile was there previously and that was the case.

Some parcel areas also needed tiles replaced. Two pipes are at outlet in West tile put in by woods. Four-inch pipe was put on existing tiles and Six-inch pipe was put on new tiles per Don Whitehead.

Mary Ann Oyer commented the evidence of the old clay tile is non-functioning tile installed in the early days. The tile was replaced with a modern system in about 1974 with the blessing of ASCS and they would have all the records. Mary Ann Oyer has provided the Drainage Board with arial views of the drainage system that is on Mr. Peabody's land now and have seen on map tiles that go under county road 900 south and go under ground on the Lantern Hills Subdivision. The new drainage tiles have hooked into that existing system.

Following are sound bites that summarize the material that was given to drainage board per Mary Ann Oyer.

1. The Minor Subdivision has primary approval with conditions. One of those conditions would be met by curtain drain tile.
2. Parcels I and II containing eight tracts wait for approval which will be determined by the results of this drainage review.
3. Water from snow and rain flows on and seeks its own level.
4. Water has been manipulated by tiling on farmland north of CR 900 S. That is the tiling system on the Peabody farm.
5. That manipulated water is directed under CR 900 S through former farmland now Lantern Hills Development. My question about a legal easement on that tile is unanswered.
6. That manipulated water seeks its own level through a common ravine onto the Jones Farm Flood Plain.
7. That manipulated water has caused a virtual wetland.
8. According to the Vester and Associates drainage report (Quote) "No drainage improvements are planned for the site with the exception of a 6-inch tile" (Unquote). That newly installed tile hooks into the existing farm drainage system adding additional manipulated water.
9. Another 6-inch tile has already been installed contrary to the above statement and adds additional manipulated water to the common ravine. I am sure there was no tile in that position before.
10. Someone must deal with the additional water generated by the 12 households in the proposed development. That water has to go somewhere.
11. Someone must deal with the idea of 12 private septic systems on soil, which has high water tables, very slow permeability, and shallow compact till. Two tracts can only be considered for above ground absorption systems. This development would be after the style of Stockwell. The soils are the same.
12. The manipulated water flows through the farm tiling system and the newly installed tiles as we speak, and provides a constant supply of water which is now being added to the virtual wetland on the Jones Farm Flood Plain.
13. I request that all manipulated water be dealt with on the developers own property and that he submit a drainage plan that deals with manipulated water - The Real Issue.
14. I have requested the Health Department to test the manipulated water to provide a baseline value for assessing any changes in the quality of that water in the future.

Mary Ann Oyer also requests that no further work on the site be done until this issue is solved to the satisfaction of the adjoining neighbor. Thank you for patience and thoughtful concern.

Tom Herr, attorney retained by Mary Ann Oyer for the Jones Farm Partnership. Mary Ann Oyer and her two sisters own this property. This is Mary Ann's family heritage and is concerned not only as a property owner now but also as someone who is a caretaker for the future generations. This is property that she sees is her responsibility to care for for people in the future. We are here looking long term into the future for what's best for this county and these property owners on both sides of lines. Brought to drainage boards attention that Area Plan Commission referred this to drainage board because of unusual circumstance. Area Plan Commission requested that the ground water table be lowered. No one has submitted to you per Tom Herr, how lowering of the ground water table is going to affect the Jones Farm property. Tom Herr stated he had not heard or seen anything from the developer's presentation that discusses any thing except surface run off. Tom Herr stated surface water is not what they are concerned about. They are concerned about also adding ground water of an undetermined amount that is going to run from drains that are in the proximity of septic systems. We do not know how clean or dirty this water is going to be, are they going to run into a spring, or a water table somewhere. The flow of the ground water onto the Jones Farm property is a big issue and has not been explained. Tom Herr thinks it is the developer's responsibility to come before drainage board and to show how much ground water is going to come out and how they are going to deal with it. Mr. Herr stated they have just refused to address that issue. Mr. Herr and client thinks this plan should be rejected until someone can show drainage board what is happening with the ground water. Residents will be moving in with their household usage, watering their lawns, flushing toilets, showers, washing cars, doing laundry and whatever. Is this going to effect us? No explanation has been given. All developer is talking about is surface water.

Mr. Herr, as in his view, as their legal council, would like to add, the plan that developer has submitted violates his clients rights to be free from the collection and the discharge of water onto their property by neighbor. Doesn't think Lantern Hills has the right to collect water in the manner they are proposing, including ground water, to concentrate it and to increase the flow, which believe is going to happen if you include the ground water and then to dump that in a concentrated form onto the Jones Farm property. It is going to damage Jones Farm property and may have already to some extent. Jones Farm property owners have the legal right to seek an injunction to stop that kind of discharge. At this point this is what our intent would be to do is to proceed with that if we have to. Don't think it should be Mrs. Oyer's burden to incur financial responsibility to fight that battle when could all be resolved in front of drainage board in more peaceful and economical manner. Developer should prove what they are doing with the ground water. Developer should either come up with a plan within their own boundaries that deals with it or negotiate with the Jones Farm owners for some kind of easement that would satisfy everybody. Need a friendly and peaceful resolution.

Commission Hudson asked Mary Ann Oyer to submit the drainage board a copy of her comments and sound bites presented earlier for the records. Mary Ann Oyer will submit a copy of her comments and sound bites.

Pat Cunningham with Vester & Associates, Inc, stated what they tried to do today was talk about one surface run off from the stand point that there is existing storm water surface run off today. We are decreasing that sufficiently by actually developing this in a low-density situation rather than continuing to farm.

Pat Cunningham's response to Mr. Herr's comment of violating his client's rights by concentrating an increasing flow is as follows.

Concerning subsurface draining: If this ground is continued to be farmed, the six inch tile has to be maintained because of the area to the east that is flat and is ponding at certain times and the tile need to be repaired to take care of that. Good subsurface drainage management program for farm ground would be to maintain tiles. Also four inch tile, while it may not of needed to be replaced, is there now as new tile. As far as increasing the rate of run off from subsurface drainage we are not doing that. The tiles were already there. There are other tiles that drain subsurface water from the north off the Peabody property. Those tiles are essential also and have existed for years from the standpoint of draining the farm to the north. The

farmland on the north side of road is also flat and actually does not have any positive drainage. To farm good prime farm ground it has to be drained. Farmland has to be properly drained to be more productive. Also properly drained farm ground you get better situations from the standpoint of run off and better control of erosion on the farm ground. Do not feel we are concentrating any water in this case because we have sheet run off.

Concerning concentrating into subsurface drainage: Calculation from six inch tile, if flowing full from storm event, it does not cause increase in surface run off. We are causing less of an impact on the adjoiner than more impact because of this development.

Commission Hudson asked Pat Cunningham to answer Mr. Herr concerns regarding ground water run off.

Pat Cunningham's comment was he thought he just did. They are putting new 6" tile in to replace an older 6" tile and that tile needs to be there even if this property is farmed or developed. There are already problems with drainage to the East Side of this development. Curtain drains are a practice developed by the Indiana State Board of Health. Curtain drains are required under certain soil conditions around absorption fields so that they are not tied directly in any way to the absorption field. They are only there to lower water tables. A lot of people think absorption fields absorb into the ground. Absorption fields do have some absorption into the ground but most of your operation from absorption field is actually from evaporation.

Commission Hudson stated her concern about how close this is to Stockwell and the problems they are having there now because of drainage, sewer, and septic systems. If this is the same type of soil, what kind of problem is going to exist in the future? Pat Cunningham stated Stockwell has a problem because it didn't do management of the subsurface drainage. There was no management of the existing conditions. Stockwell has septic systems that are very frequent and close together. The smallest tract in the Lantern Hills Development is over one acre and the average 3 acres in size. Stockwell is not the same situation. Lantern Hills Development is being properly managed and plus the subsurface drainage is being put in to keep the water table low. Have prior approval with health department and have submitted soil tests for each tract to health department per Pat Cunningham.

Commission Hudson's concern was regarding the 6" & 4" tiles that will be eventually draining down into the Jones Farm property. Will there be an increase of water flowing to the Jones Farm property through the two pipes? Tim Beyer stated, per report, assuming tile is flowing full at the same time surface run off would peak, there would be significant decrease. It is less.

Commission Hudson asked if Mr. Herr and Mary Ann have the drainage by Mr. Cunningham report. Mr. Herr stated they have seen the report and commented it is only surface water and does not satisfy them. Mary Ann commented they have studied it very thoroughly, we understand it, we understand the theory that lowering the water table makes the soil in a condition that will accept run off, rain, natural water more freely. It will soak into that soil that has had its water table lowered. I'm saying the water from lower the water table, manipulated water, has to go some where. It is going on us and more is not less.

Pat Cunningham commented that back to the issue we did include the subsurface drainage in the surface water run off where it does outlet. It becomes surface on the Lantern Hills property but its subsurface until it gets to the ravine. We did include a number in our calculation to account for that subsurface water run off.

Mary Ann Oyer commented that is for one tile that accommodates the curtain drain. There is no accounting for the new tiles that have been installed on June 21st.

Pat Cunningham commented the reason they didn't account for the other tile was they didn't know Mr. Whitehead was going to replace the 4". If we knew, we would have accounted for the other tile. That tile flowing full would be equal to the other tile, which would add another .63 cubic feet per second to our peak flow. This does not come close to causing any type of increase in the rate of run off for any portion of the storms.

Mary Ann Oyer commented that in her original previous presentation at the public hearing in May she indicated that one more drop of water was not acceptable. I do not believe that you can say there will not be one more drop of water or will there be a decrease. I know what we have experienced.

Commissioner Shedd asked Mary Ann Oyer if she thought the table was not accurate.

Mary Ann Oyer commented I am not saying it is not accurate according to engineering formulas, etc. I am saying from a lay person's point of view, what we have experienced, I am using plain English and comparing manipulated water to surface water. We are not discussing surface water in the form of rain and snow. That has existed forever. We have lived with it.

Tom Herr and client have no dispute with the tables and calculations. Mr. Herr and clients complaint is about the ground water, which may be a constant day to day, year around, never ending flow. We do not know how much water is going to flow from lowering the ground table. We know that the existing tiles out there are not sending out the same amount of ground water as will be sent in the future, otherwise, this would not satisfy the health department. The health department wants the water table out there lowered for septic reasons. That means whatever system out there now, ground water drainage is not doing the job and they want more ground water shipped out. That is an unknown quantity that is not in those figures and that is something we object to.

Commissioner Shedd commented that evidently the health department sees there is solution to this or they wouldn't have given an approval.

Tom Herr stated they gave an approval of the drain, they approved water going elsewhere, they didn't know where the water was going and it is not the role to approve or disapprove the discharge of that water onto the Jones Farm Property. That is why it has been turned over to the drainage board, by area plan, to protect the surrounding properties.

Mary Ann Oyer commented Mr. Noles has said it is not the Health Department's concern once it leaves the property of the developer.

Mike Spencer asked Dave Luhman, county drainage board attorney, if the issue of tile run off water, subsurface ground water non-regulated drain, is a drainage board required item.

Drainage Board Attorney, Dave Luhman stated drainage boards jurisdiction is with the respect of run off from the parcel that is being developed. We are talking about the run off of the surface water. It is true that if you take subsurface water and bring it up it becomes surface water. At the point of discharge, from the site, are the adjoining property owner, you are looking at a combination of historically surface run off plus any water that is added by bringing up subsurface water. The issue is whether or not it is going to be equal to or less than the historical run off and you have to be sure the calculations take into account any additions of the surface water that is created by, in this case, the 6" tile or 4" tile or the curtain drains.

Commissioner Hudson: From looking at the area plan staff report and recommendation for the primary approval on project, it states the drainage plan for the off site run off from tile system, which is installed to lower the water table, shall be approved by the County Drainage Board prior to submission of final plat. The off site drainage easement for this tile system shall be recorded. The drainage easement is recorded.

Item #3 in drainage report comments as follows: Mike Spencer, County Surveyor, asked about the run off values coming out of the replaced tile on west side of site. Pat Cunningham commented that it would at maximum running full contribute .63 cubic feet per second. Mary Ann Oyer commented that the replaced tile is not in the drainage report. The replaced tile on West Side of the site was not in the original report, because they did not know it would exist at that time per Pat Cunningham.

Dave Eichelberger commented the run off is still lower even without the replaced west tile.

Commissioner Hudson wanted to be sure, as a drainage board; we are complying to the conditions from the area plan staff. It sounds as though every one has complied.

Tom Herr: Nobody can tell Jones Farm Property owners how much water is going to come out of the ground and this is the missing figure no one has produced. This is developer's responsibility to show what that is going to be and won't cause any harm.

Commissioner Knochel: You are talking from the curtain drain.

Tom Herr: Yes, the curtain drain and any other ground water that might get into the system.

Mary Ann Oyer: There is no measurement, there is no benchmark. I asked for drainage board review in April of 1998 to establish (I didn't spell it out) figure of amount of water that was coming onto our land. No figures were established to say the amount of water coming onto our land at that time. Now we can not measure that figure because the developer has gone ahead and hooked into the existing system. Now it is all mixed up with the Peabody farmland ground water and the Lantern Hills Development water. It is impossible to measure now what was and what is. I can only tell you the damage that has been done by what was the manipulated water from the Peabody Farm and now the Lantern Hills Development drainage system has hooked into the Peabody Farm drainage system. To me this says more is not less. I know that these soils, having the water table lowered, are wonderful for lawns, crops, etc. You will have created a wonderful surface, but that really isn't the issue that we are addressing. The issue is the manipulated water that comes onto our land through the system.

Commissioner Shedd asked for any other comments.

Pat Cunningham: The practices using for curtain drains are recommended by the State Board of Health and local County Board of Health. They are used all over the County. As far as the practice of the 6" field tiles replacing the old tiles, that's good farm ground management from the standpoint of subsurface draining. This is standard practice. Tried to show worse case. I don't know what else we can do to satisfy the adjoining landowner.

Tom Herr: What kind of a flow will be created from lowering this ground table as requested by the Health Department?

Pat Cunningham: Worse case will have 1.23 cubic feet per second of water coming out of pipes. That is the worse case if they are flowing full and they do not flow full.

Commissioner Knochel: Have you seen the water they are getting in the lower field now.

Pat Cunningham: Has not been there but has observed the maps and also knows that is a wetland area.

Commissioner Knochel asked Mary Ann Oyer if few years ago used to farm the land.

Mary Ann Oyer: They didn't actually farm that land, but drove across it to access other fields. We are now unable to drive across. When that condition occurred we had agreement with our tenant farmer and Mr. Peabody to access our fields over the Lantern Hills Land. When Mr. Whitehead bought the land he denied that access and denied an easement. We are now back to zero dealing with the water, wet soil created by Mr. Peabody's drainage. I do not question the practices of Mr. Cunningham. I know he is a professional. It would be of no advantage for him to misrepresent this development. We are not addressing the real issue and we are calling ground water becomes surface water. I prefer to talk about manipulated water as opposed to surface water from rain and snow. That is a given. We have dealt with it. It is called the common enemy in legal cases. It was not a problem. There was always a little ditch, but we could play in that pastureland. We could drive across it. We did not have a wetland. It has the aspects of wetland. About three weeks ago, I have requested from the state environmentalists to do a wetland determination on that piece of land, to see if in reality is has become a wetland by artificial means, drainage from tiles. This report will not be available for approximately six weeks or longer.

Commissioner Knochel: Addressed both parties if somehow they can work together to drain this directly into Wea Creek. Also Mary Ann I know you have concern about the water possibly being contaminated from septic systems, etc. but I think this will not be allowed by the State Board of Health. Is there somehow we can work together to drain this from the ravine it goes into on down to the Wea Creek, so there is no run off on you.

Mary Ann Oyer: The east branch of the Wea is on us and it is our creek. It is the Army Corps of Engineers and they don't want to claim it unless we want to do something with it. Let Mr. Cunningham answer your question first.

Pat Cunningham: Yes, I am sure she has a wetland situation. We don't really know the cause of why it is a wetlands. We know that there are longer flows that have occurred over the years because of farm management subsurface drainage practices. That situation occurred and was occurring prior to this development. Mr. Whitehead had nothing to do with that. What I pointed out today is that Mr. Whitehead is not increasing the run off onto this property and not changing anything significantly. He has replaced some existing tile. In fact he is decreasing the run off from this particular piece of property. I would agree that there probably needs to be some storm water management on the adjoiner's land. There is the Wea Creek there which is the relief. We are not the cause for this problem.

Mary Ann Oyer: I would agree that Don Whitehead and Lantern Hills is not the cause of the existing problem, I am only saying he has hooked into the existing problem. He has used the existing pipes to accommodate the water, which lowers the water table on his land. That water is his responsibility. If he had not hooked into the existing system, where would it go? Would he make a retention pond? It exists, it is reality. I would like to show you a map that does not show any drainage tile on the West Side of the Lantern Hills Development. That I can assure you it is a new tile and it is a new source of water going into the ravine. The Fisher survey did not show any tile that existed there.

Commissioner Shedd commented she thought Mr. Whitehead said he did dig up some tile there.

Mary Ann Oyer: Yes, but it is nature clay tile. It has been a non-functioning tile since I can remember. This land has been farmed all the time. It was not necessary, nor is it necessary, to drain that for farming. It is drained to accommodate these three parcels, which have soil conditions that will not accommodate normal septic systems.

Don Whitehead: That tile has always been there. Tile was broke down where the new tile was put in. Mark Eastman of Soil Conservation gave approval and so did Mike Spencer. Tile men, who put in tile also found clay tile there. Mike stated there is no permit process through the county drainage board for installing tile on a mans farm.

Mary Ann Oyer: I don't deny that you have made soil better by draining it. I'm talking about the water that you have taken out to make your soil better and have given to us. That's the issue. We have a problem, everyone knows about it. There is an opportunity to deal with it. The drainage board can deal with it. If you think it is not your responsibility, then whose responsibility is it?

Commissioner Hudson: To sum it all up. Have had water drainage problem in the past. This water drainage has caused a wetland area on Jones property. Was this ground water or water coming from the tiles?

Mary Ann Oyer: It was tile water that was in the ground, and I am calling it manipulated water and I think that is what the natural resources conservation service calls it. The study deals with surface water from rain and snow. We are talking about manipulated water that is coming through the ground called ground water, by the study, and then because it's ground water and comes to the surface, it is then called surface water. I understand the study even though I am not an engineer. I am saying you have not addressed the issues.

Commissioner Hudson: From everything I have heard they have addressed this issue because the surface water or ground water will not be going over the top of tilled farm ground. It is going to be going through a grass area. The grass area absorbs a lot of water that use to run off because of farm ground. They are decreasing the amount of water that use to run off on you. It is going to be less than more.

Tom Herr: We agree with all of that. The question mark is, they are also lowering the ground table at same time. There are two things they are doing. We are draining surface water, which is going to be less, because of the development and we are lowering the ground water table. We do not know what is going to come out of lowering the ground water table. They have not shown us anything. What is the total after done? We do not know, because we do not know what is coming out of the ground water.

Pat Cunningham: We have been lowering the ground water table in that area for years. We are not changing that significantly.

Commissioner Hudson: We are not really sure we can show that to you Tom.

Tom Herr: We agree, if that is an engineering problem that they can not show, then they are jumping into this and creating a risk that they don't know what is going to happen. We think that's their responsibility as a developer to show they are not going to harm their neighbors. They can not do that. They need to drill a well or something.

Commissioner Hudson: This has been the practice for years. This goes on in the whole county.

Mary Ann Oyer: We are talking about this site. What is appropriate for this site. We know that this goes on in the whole county. We do not deny or condemn your methods, your figures, it is not appropriate for this site.

Commissioner Hudson: Until somebody comes up with a new method, I don't know if we have any other choice.

Mary Ann Oyer: I think, even in that study that Pat Cunningham shows in his drainage report, it charges the landowner, the farmer, to be responsible for the water that he has collected by lowering the water table. I say that the development is not being responsible for the water that is going into the ravine. Whether you call it surface water, manipulated water, tile water, sewage water, they are not being responsible for that water.

Commissioner Knochel asked Pat Cunningham if Mr. Whitehead and himself had an opportunity to see the list of concerns and points that Mary Ann Oyer had presented to the drainage board today. Commissioner Knochel suggested that Mary Ann Oyer give copy of concerns and points to Pat Cunningham and Mr. Whitehead. Commissioner Knochel moved that we table this and come back, if need be, call a special meeting. Pat Cunningham and Mr. Whitehead can address these concerns in that meeting and come to some general consensus.

Commissioner Knochel moved that Mary Ann Oyer provides Mr. Cunningham with the concerns that she addressed drainage board with and we set a special meeting, seconded by Commissioner Hudson. Motion carried.

Don Whitehead: If Bob Peabody owns all the ground to the north and wanted to put in a complete total pattern tile system (4" tiles, 723 feet per acre) all the water from that farm would be tiled into that main tile and drain all that area. When tile is put into farm ground, or any type of ground, it lowers the water table. The more drainage you get it lowers the water table. Mr. Whitehead welcomes anyone that wants to put additional tile on the main to do so. This flows into a woods pasture, never been farmed, and it is a short way to the Wea Creek.

Commissioner Knochel: This is cutting off access to another piece of farm ground that Mary Ann Oyer uses.

Don Whitehead: Two easy ways to rectify this. She could put in drain tile or an open ditch through this area. There could be a spring on that property that is causing a problem.

Commissioner Shedd asked Mary Ann Oyer to have copy of concerns to Pat Cunningham within a week. Mary Ann Oyer would have copy of concerns within the week.

Commission Hudson moved that add to the motion that on July 21, 1999 at 10:00 a.m. all Mary Ann Oyer's concerns be addressed. This date was not suitable for Mary Ann Oyer or her attorney. Mary Ann Oyer stated she feels as though she should be present to protect herself. Toward end of July would be better for Mary Ann.

Commissioner Hudson moved that Mary Ann get comments to Pat Cunningham and Drainage Board by end of tomorrow, July 8, 1999 at 5:00 p.m., and special meeting set for July 14, 1999 at 10:00 a.m., seconded by Commissioner Knochel. Motion carried.

HOLWERDA BRANCH OF THE ANDREW P BROWN DITCH

Mike Spencer presented to the drainage board a copy of Petition for Maintenance received from Mr. Klinkhamer. The portion now known as the Holwerda Branch of the Andrew P. Brown Ditch. Petition has been received and referred to surveyor for his report.

Commissioner Knochel moved to adjourn meeting, seconded by Commissioner Hudson. Meeting adjourned.

Ruth Shedd, President

Doris Myers, 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

Tippecanoe County Drainage Board
Minutes
February 2, 2005
Regular Meeting

Those present were:

Tippecanoe County Drainage Board President Ruth Shedd, Vice President John Knochel, member KD Benson, County Surveyor Steve Murray, Drainage Board Attorney Dave Luhman, Drainage Board Engineering Consultant Dave Eichelberger from Christopher B. Burke Engineering Limited, County Highway Engineer Tim Wells, and Drainage Board Secretary Brenda Garrison. GIS Technician Shelli Muller was absent.

Approval of January 5, 2005 Minutes

John Knochel stated the January 5, 2005 minutes reflected his attendance. As he was absent for that meeting, he made a motion to approve the minutes with a correction indicating his absence. KD seconded the motion and the January 5, 2005 Drainage Board Regular minutes were approved with the correction as stated.

Comprehensive Stormwater Management Ordinance

Steve Murray updated the Board regarding compliance with the Federal Clean Water Act through Rule 13 and Rule 5 in Indiana. Part C was to be filed November 4, 2004. However an extension was requested and IDEM (Indiana Department of Environmental Management) granted an additional ninety days. February 4, 2005 was the extended deadline. IDEM granted an additional thirty-day extension. The filing deadline of Part C was now March 4, 2005. The following entities were on track to adopt and pass the Comprehensive Stormwater Management Ordinance in accordance with the federal guidelines; Lafayette, West Lafayette, Dayton and Battleground, as well as Tippecanoe County. Cost sharing was utilized between the entities.

The ordinance was patterned off of the existing Stormwater Ordinance, which addressed stormwater quantity. Provisions were added to address stormwater quality, and the various control measures as required by the aforementioned rules. A steering committee, project team and subcommittee reviewed technical standards. The Surveyor stated a majority of the local engineering companies were included in this process. Implementation of the federal guidelines had been a two to three - year process. The Drainage Board Attorney and Surveyor reviewed the ordinance and made appropriate corrections. The Surveyor stated he felt the ordinance was a good product for the community.

Pat Jarboe approached the Board and asked when the ordinance would be implemented and what would be the length of the interim period. The Surveyor stated he was unable to answer, as it was a federal mandate and would depend on legal aspects of the federal guidelines. The Surveyor felt once the ordinance had passed both readings, it would take precedence over the existing ordinance at that time. Copies of the proposed ordinance were available for public review at this time. It was discussed whether it should be on the web page, however the Surveyor felt it should be available by CD at this time only.

At that time, the Surveyor presented Ordinance No. 2005-04-CM amending Tippecanoe County Code, repealing Section 155.01, and adding the new Section 155.01 Comprehensive Stormwater Management Ordinance. Exhibit A was the Stormwater Ordinance guidelines as well as the Technical Standards Manual. John Knochel made a motion to approve and pass Ordinance No. 2005-04-CM on first reading. KD Benson seconded the motion. The following voted as indicated: KD Benson- yes, John Knochel-yes, Ruth Shedd-yes. Ordinance No. 2005-04-CM regarding Comprehensive Stormwater Management was passed on first reading unanimously. It was agreed to place the ordinance on the next Drainage Board meeting agenda for the second reading, followed by a Special Commissioners' Meeting for a second reading also.

Water Safety Committee

Mike Wylie of Schneider Engineering approached the Board as a member of the previously established Water Safety Committee. He stated he was in attendance to today give an update to the Board on the Committee's progress. The committee was formed to look at public safety issues, both in design and education. A design subcommittee and an educational (outreach to schools etc.) subcommittee were formed out of the main committee members. Mike stated he would like to review the outcome of these committees at the next Drainage Board meeting in March. A Power point presentation would likely be made at that time. The Surveyor stated safety recommendations from the subcommittee were included in Ordinance No. 2005-04-CM. The Surveyor also stated Mike would be added to the March meeting Agenda of the Drainage Board.

Other Business

Classification of Drains

In accordance with I.C. 36-9-27-34, the Surveyor presented a Report of Drains to the Board. The report listed classification of drains, drains in need of reconstruction, urban drains, drains in need of periodic maintenance, and drains with insufficient maintenance funds. He then reviewed the report for the Board. (A copy of which would be included in the official minutes book.)

Drains in need of Reconstruction: He stated reconstruction for the Berlowitz Drain was in the initial process. He noted an informal meeting regarding the Jakes Ditch had been held this past year with the benefited landowners. The original tile had eroded out and an open ditch had been created at the lower end. The upper end of the tile was exposed. Elliott Ditch had been a part of an ongoing planning process, specifically Branch #11 and the F-Lake detention facility behind Ivy Tech. Branch #11 of S.W. Elliott Ditch had been designed and would go to construction in the near future. J.N. Kirkpatrick's lower end had been reconstructed. In anticipation of a large industrial park near the upper end, a preliminary plan was in place for reconstruction from Concord Road to 450 East for the J.N. Kirkpatrick. Investigation of the Anson drain had been done. It was anticipated the drain would be presented for reconstruction or an assessment rate increase sometime this year. The J.B. Anderson, which served Clarks Hill, had another round of flooding the past couple of weeks. The Frank Kirkpatrick drain was also in need of reconstruction.

Urban Drains: In accordance with Indiana Code, the Surveyor designated drains that are in need of reconstruction and served an urban or urbanized area as Urban Drains. The drains listed were: S.W. Elliott, Berlowitz, J.N. Kirkpatrick, and the Alexander Ross which ran roughly behind the Super Wal-Mart located on S.R. 26.

Drains in need of Periodic Maintenance: The D. Anson, J. Blickenstaff, A. Brown, Burkhalter, T.Coe, County Farm, C. Daugherty, M. Dunkin, T. Ellis, M. Erwin, R. Grimes, F. Haffner, E.F. Haywood, L. Jakes, F. Kerschner, A. Kirkpatrick, F. Kirkpatrick, C. Lesley, F.E. Morin, H. Mottsinger, F. Resor, M. Southworth, J. Vvannata, and the H.B. Wallace were all drains listed in need of periodic maintenance. The Surveyor stated for the most part, these drains had their assessment rates set in the late 1960's. The present and future costs of construction projects required an increase of assessment rates from roughly \$1.00 an acre closer to \$2.00 - \$3.00 an acre, for adequate maintenance. KD Benson requested a GIS presentation of the drains listed on the report in the near future as time permits. John Knochel made a motion to accept the 2005 Report of Drains submitted by the Surveyor. KD Benson seconded the motion and the Board accepted the 2005 Report of Drains as submitted by the Surveyor.

The Surveyor presented Tippecanoe County Drainage Board Resolution No. 2005 – 01-DB to the Board for their approval. In accordance with I.C. 36-9-27-42, the Resolution increased assessments by twenty-five percent (25%) for the following drains: J. Blickenstaff, A. Brown, T. Coe, C. Daugherty, M. Dunkin, T. Ellis, M. Erwin, F. Haffner, F. Kerschner, A. Kirkpatrick, C. Lesley, H. Wallace, and S. Yeager. The drain had an insufficient maintenance funds in place. The Surveyor stated either the tile was in need of a significant amount of maintenance, or cleanout of the open ditch was warranted. He stated every ten to twelve years an open ditch should be cleaned out. In response to K.D.'s inquiry, the Surveyor stated a letter would be sent to White County regarding their acceptance of the proposed assessment increase of the Andrew Brown Joint Drain. John Knochel made a motion to adopt Resolution No.2005-01-DB as presented. KD. Benson seconded the motion. The Board adopted Resolution No.2005-01-DB, a Resolution Increasing Assessments for the Periodic Maintenance of Regulated Drains.

Maintenance Bonds

Prophets Ridge Phase 1 / Prophets View Subdivision Phase 1 / Paramount Lakeshore Subdivision

The Surveyor presented the following three Maintenance Bonds for acceptance; Maintenance Bond No.4175907 in the amount of \$37,060.00 for Prophets RIDGE Subdivision Phase 1 from Fairfield Contractors, Maintenance Bond No. 69839855 in the amount of \$2000.00 for Prophets VIEW Subdivision Phase 1 (located on Pretty Prairie Road) from Norma G. & Rita A. Deboy, and Maintenance Bond No. 400TF4545 in the amount of \$23, 329.70 for Paramount Lakeshore Subdivision from Milestone Contractors. The Surveyor stated the subdivisions had been completed and approved. John Knochel made a motion to accept the three Maintenance Bonds as presented by the Surveyor. K.D. Benson seconded the motion. The Drainage Board accepted the aforementioned Maintenance Bonds.

Professional Engineering Services for Engineering Review Contract

The Surveyor presented the annual contract from Christopher B. Burke Engineering for professional engineering review service. The cost of their service was in turn billed to the developer of projects submitted for review. Dave Eichelberger from Christopher B. Burke Engineering stated the rate per hour was raised from \$70.00 per hour to \$75.00 per hour. John Knochel made a motion to approve the contract between the Tippecanoe County Drainage Board and Christopher B. Burke Engineering LTD. as presented. K.D. Benson seconded the motion. The contract between the Tippecanoe County Drainage Board and Christopher B. Burke Engineering LTD. was approved as presented to the Board.

Lewis Jakes Ditch

While researching the status and condition of Jakes Ditch, it was discovered the Drainage Board approved a rate increase from \$1.00 an acre to \$2.00 an acre in April of 1983. Research indicated the present assessment of \$1.00 per acre was never changed accordingly. After conferring with the Board’s attorney, it was agreed the rate of \$2.00 per acre set in the April 1983 meeting was valid. The Surveyor requested a formal vote in order for the increase to be activated by the Auditor’s office. John Knochel made a motion to approve the \$2.00 per acre assessment rate as set in the April 1983 Drainage Board meeting. In addition the said rate be in effect starting with the 2005 tax season. K.D. Benson seconded the motion. The Lewis Jakes Regulated Drain assessment of \$2.00 per acre was formally approved beginning with the 2005 tax season.

Public Comment

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

Ruth Shedd, Vice President

John Knochel, Vice President

Brenda Garrison, Secretary

KD Benson, Member

Tippecanoe County Drainage Board
Minutes
March 24, 2006
SPECIAL Meeting

Those present were:

Tippecanoe County Drainage Board President KD Benson, Vice President John Knochel, member Ruth Shedd, County Surveyor Steve Murray and Drainage Board Secretary Brenda Garrison. Drainage Board Attorney Dave Luhman was absent.

Classification of Drains (Partial)

The Surveyor presented the Classification of Drains (Partial) report to the Board. A copy of which would be included (excluding Exhibit A- see file) in the official Drainage Board Minutes book. The Surveyor stated he has completed and presented a Classification of Drains (Partial) report to the Board previously in 2003 and 2005. He stated this year he had expanded it with more detailed information as "Exhibit A". He stated as it was not feasible for his office to know the condition of every regulated drain under County Maintenance, he relied on the farmer to report the condition of a drain .Often calling upon them for a review of the drain's condition and noted his office receives maintenance request calls in the fall and spring when farmers are in the field.

He reviewed his report with the Board as follows:

1.) Drains in need of Reconstruction

a. Berlovitz, Julius (#8) (Includes Felbaum Branch)

1. Declared Drainage Impact Area by Resolution 2006-02-DB

The Surveyor stated the Board was very familiar with this Drain.

b. Kirkpatrick, J.N.(#46) (Watershed above (east) of Concord Road

1. Declared Drainage Impact Area by Resolution 2006-01-DB

The Surveyor stated he had met with the landowners on the Upper JN Kirkpatrick Regulated Drain. It was decided they would provide their own regional detention and the County would construct a positive outlet. He noted the design would be completed within a couple of months and was hopeful to start the bidding process at that time. Right of Entries would be required from the landowners which they had verbally agreed to.

c. Elliott, S.W. (#100)

1. F-Lake Detention Facility

The Surveyor stated EDIT monies was planned for this facility, however the Berlovitz Regional facility would take precedence over F-Lake.

2. Branch #11 (at S.R.38 near Tractor Supply)

The Surveyor stated Branch#11 of the S.W. Elliott served the property north of State Road 38. Previously the Brands were told they would have to reconstruct Branch #11 themselves. The reconstruction cost proved too much- as two 60" inch pipes were required under State Road 38. INDOT would not agree to place the pipes at their expense. The Surveyor suggested a formal reconstruction to the owners as INDOT would then have to shoulder the expense for the pipe installation under State Road 38. A landowner meeting concerning the reconstruction would be organized as soon as time allows.

d. Anderson, J.B. (#2) (Clarks Hill portion)

The Surveyor stated a conceptual reconstruction plan was completed by Christopher B. Burke through the Lauramie Creek Watershed study. The original estimate was in excess of two million dollars, however the Surveyor had reviewed costs and was able to decrease that to approximately half a million dollars.

e. Kirkpatrick, Frank (#45) (Portion East of C.R. 450E)

The Surveyor stated the Frank Kirkpatrick Drain was located in the southeast portion of the County with a portion east of C.R. 450East. This portion was investigated and found to be purposely laid uphill. The Surveyor stated he felt the reconstruction cost would not be acceptable by the landowners. However he noted it would continue to deteriorate over time and would be in need of the reconstructed in spite of the cost.

2.) Hearing and rates established in 2005

a. Anson, Delphine (#4) Reconstruction rate, periodic maintenance rate and maintenance rate after reconstruction set by hearing on August 29, 2005

b. Jakes, Lewis (#40) Reconstruction rate, periodic maintenance rate and maintenance rate after reconstruction set by hearing on August 29, 2005

The Surveyor informed the Board there was a SEA 368 Review scheduled in the near future for the Lewis Jakes Drain. The drain outlet at Indian Creek. He explained if work was reconstruction and the length of a drain greater than ten miles on the USGS map, a review (SEA 368) by IDNR, IDEM and Army Corps of Engineers was required. They will walk the drain with the Surveyor and give their requirements for said reconstruction.

- 3.) Urban Drains (per I.C. 36-9-27-68 Urban Drains are classified as in need of Reconstruction)
 - a. S.W. Elliott (#100)
 - b. Berlowitz, J. (#8) (Include Filbaum Branch)
 - c. Kirkpatrick, J.N. (#46)
 - d. Ross, Alexander (#48)

The Surveyor noted extensive maintenance work on the Alexander Ross drain.

- 4.) Drains in need of Periodic Maintenance
Please see attached sheet Exhibit A

The Surveyor noted the Exhibit Sheet A indicated maintenance amounts from 1990 to date on each regulated drain and referred the Board members to the exhibit for review.

- 5.) Insufficient Funds
 - a. Blickenstaff, John (#11)
 - b. Crist Fassnacht (#29)
 - c. Grimes, Rebecca (#33)
 - d. Harrison Meadows (#37)
 - e. Kerschner, Floyd (#38)
 - f. Kirkpatrick, Frank (#40)
 - g. Lesley, Calvin (#48)
 - h. Morin, F.E. (#57)
 - i. O'Neal, Kelly (#59)
 - j. OShier, Audley (#60)
 - k. Saltzman, John (#70)
 - l. Dickens, Jesse (#91)

The Surveyor stated the most common reason for insufficient funds was the low originally established assessment rate. The rate was set many years ago and due to inflation did not meet present maintenance costs.

- 6.) Proposed Drains for hearing in 2006
(Request these drains be referred to Surveyor for preparation of maintenance report)
 - a. Brown, Andrew (#13)
 - b. Coe, Train (#18)
 - c. Haywood, E.F. (#35)
 - d. Harrison Meadows (#37)
 - e. Kirkpatrick, Frank (#45)
 - f. Morin, F.E. (#57)
 - g. Mottsinger, Hester (#58)
 - h. Parker, Lane (#61)
 - i. Resor, Franklin (#65)
 - j. Southworth, Mary (#73)
 - k. Vannatta, John (#81)
 - l. Yoe, Franklin (#90)
 - m. Dismal Creek (#93)
 - n. Beutler Gosma (#95)
 - o. Romney Stock Farm (#109)

The Surveyor stated these drains assessment rates were more critical in his view. There was a limited amount of monies within the General Fund available for general use. For example the Andrew Brown in the northeast portion of the County was tile and open ditch. A portion of the open ditch was cleaned this spring due to the submerged outlet at the headwall. (Generally open ditches should be cleaned or dipped and cleared an average of ten to twelve years.) The cost for a three thousand foot open ditch at \$6.00 per foot would be approximately \$18,000.00. It would take approximately 4-5 years to

repay the general fund. The Harrison Meadows Drain had maintenance work done in the mid nineteen-nineties and owed the General Fund over \$6000.00 to date. The four year total assessment for this drain was only \$1915.70.

- 7.) Drains recommended to be raised by 25%
 - a. E.F. Haywood (#35)
 - b. O'Neal Kelly (#59)
 - c. Oshier, Audley (#60)
 - d. Resor, Franklin (#65)
 - e. Yoe, Franklin (#90)
 - f. Kirkpatrick One (#96)

The Surveyor noted this recommendation was a temporary fix. Raising the maintenance assessment 25% in his opinion was a proactive action in the interim.

- 8.) Petitions for New Regulated Drain Referred to Surveyor
 - a. Fred Whaley/Norm Bennett
 - b. Todd Welch

The Surveyor noted additional investigation was required for the Fred Whaley/Norm Bennett Petition as the tile drain was submerged which made it difficult to evaluate properly. He felt the most cost effective way was to set up a maintenance fund before additional investigation was done. Investigation on the Todd Welch petition would be completed as time allowed.

- 9.) Existing Drains Referred to Surveyor for Report
 - c. Upper JN Kirkpatrick (#46)
 - d. J. Berlowitz (#8)

The Surveyor stated these drains had existing maintenance funds and was conferring with Christopher Burke on their reports.

- 10.) Drain that should be vacated
 - a. That portion of Branch #5 of the J.N. Kirkpatrick which runs along the East side of Promenade Drive in Stones Crossing Commercial Subdivision.

The Surveyor stated this portion of the tile was presently functioning as a storm sewer for Promenade Parkway on the west side of Wal-Mart and should be vacated as it no longer functions as a county regulated tile.

In summary the Surveyor stated a new drainage layer and map was close to completion and would eventually be available to the public. He reviewed the layer utilizing GIS for the Board. A red dash tile was a county tile or open ditch: a solid blue label indicated it had a maintenance fund, a green label indicated it did not have a maintenance fund. He added a database (individual drains historical information to date) was being maintained as well. He informed the Board he will give a presentation the first Wednesday of April to the District SWCD Board concerning County Drains.

As there was no additional information for the Board, John Knochel made a motion to adjourn. Ruth Shedd seconded the motion. The meeting was adjourned.

KD Benson, President

John Knochel, Vice President

Brenda Garrison, Secretary

Ruth Shedd, Member

Tippecanoe County Drainage Board

Minutes

July 6, 2011

Regular Meeting

Those present were:

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

Approval of Minutes

David Byers made a motion to approve the June 1, 2011 Regular Meeting minutes, the June 1, 2011 J. Hengst, J. Blickenstaff Regulated Drains Special Hearings and the June 30, 2011 Special Drainage Board meeting minutes as written. John Knochel seconded the motion. The June 1, 2011 Regular Meeting minutes, the June 1, 2011 Special Hearing minutes regarding the J. Hengst and J. Blickenstaff Regulated Drains and the June 30, 2011 special Drainage Board meeting minutes were approved as written.

Romney Dollar General Store

Dale Kruse of Kruse Consulting Inc. 7384 Business Center Drive Avon Indiana appeared before the Board to request final approval of the Romney Dollar General Store. The site was located southwest of the intersection at SR28 and US 231 in the town limits of Romney Indiana which consisted of approximately 1.3 acres. On and off-site storm water would outlet to the existing storm sewer along S.R. 28. John Galloway, previous owner of tract owned the surrounding tracts. Mr. Kruse stated they were working together on the offsite Drainage Easement required regarding the route of the runoff. He would submit the finalized easement at a future date. They would meet today onsite to work out any issues of the easement. Underground detention would be stored in pipes located under the parking lot. At that time he requested final approval. The Surveyor reiterated the easement must be obtained and recorded as he would not sign off on the plans until this was completed. He then recommended final approval with the conditions as stated within the June 30, 2011 Burke memo to include the recorded easement condition. There was no public comment. David Byers made a motion to grant final approval with the conditions as stated in the June 30, 2011 Burke memo which included the condition of a recorded drainage easement from the adjoining landowner Mr. Galloway. John Knochel seconded the motion. The Dollar General store in Romney was granted final approval with the conditions as stated in the June 30, 2011 Burke memo which included the condition of a recorded drainage easement from the adjoining landowner Mr. Galloway.

Nanshan America Advanced Aluminum Technologies

Mr. Jim Pence from Schneider Corporation Inc. appeared before the Board to request final approval for the Nanshan America Advanced Aluminum Technologies project. The project was located within the City of Lafayette's limits. The actual development would be approved by the City. The Drainage Board was responsible for the approval of drainage only. This project lied within the Upper J.N. Kirkpatrick Impact Drainage Area and the S.W. Elliott's Ditch Priority Watershed. The site was located on the southwest corner of the intersection at U.S. 52 and C. Rd. 350 South (Veterans Memorial Parkway) and consisted of approximately 51.75 acres. Mr. Pence sated they agreed with the Burke memo conditions as stated in the June 21, 2011 Burke memo and requested final approval at that time. The Surveyor stated mass earthwork and grading was presented and granted approval by the Board in the June meeting. A Petition to Encroach on the J.N. Kirkpatrick Regulated Drain during the interim and as a permanent condition was approved at that time as well. He noted the Board's approval today regarded the special discharge rate into the J.N. Kirkpatrick Open Ditch. He stated this project was in compliance with the restricted rate and recommended approval with the conditions as stated on the June 21, 2011 Burke memo. There was no public comment. David Byers made a motion to grant final approval for Nanshan America Advanced Aluminum Technologies with the conditions as stated in the June 21, 2011 Burke memo. John Knochel seconded the motion. The Nanshan America Aluminum Technologies was granted final approval with the conditions as stated in the June 21, 2011 Burke memo.

Hawthorne Villas

Jim Pence from Schneider Corporation Inc. appeared before the Board to request final approval of Hawthorne Villas. Mr. Pence stated the site was located south of the intersection of C. Rd. 50 South and C. Rd. 550 East on the west side and approximately 37.67 acres. The site would drain to the J. Berlowitz Regulated Drain via storm sewers, swales and two dry detention facilities. Mr. Pence stated this project was brought before the Board in 2003 as a single family residential site. The developer has revised those plans to an 89 unit duplex condominium project. Pursuant to the signed 2006 Storage Fees Agreement with the developer, 2.63 acre feet of detention storage would be credited. This would leave 1.37 acre feet of storage credit for the Hawthorne Villas site to be used as directed by the agreement. Mr. Pence stated they were requesting a

variance to the required 80% TSS removal. He proposed several BMP measures such as vegetated swales, two dry detention ponds, a filter strip and stormwater quality measures to treat stormwater runoff. The current TSS removal percentage planned was at 77% so he felt it was adequate. Responding to Mr. Murtaugh' inquiry, Mr. Pence stated there was an entrance constructed from C. Rd. 50 South based on the project proposed in 2003. They have kept that entrance for this project. At the Surveyor's request Mr. Pence stated the following: Based on the Berlowitz Regional Facility, there was an overflow berm along the south side of Co. Rd. 50 South which was constructed higher than the 100 year elevation requirement. He also noted there were no building pads less than 46.6 feet onsite. He noted an extra foot of freeboard (height above 100 year elevation requirement) was added based on the worst case scenario. The Surveyor stated he felt they had gone above and beyond the building pad elevation requirement as their lowest elevation was approximately 3 feet above the requirement. He reiterated the BMP measures regarding this request were a good faith effort to accommodate the percentage. He referred to Mr. Eichelberger to elaborate. Mr. Eichelberger reiterated the aforementioned and stated he felt they had made a good faith effort in this case and saw no problem with the requested variance. The Surveyor then recommended final approval with the conditions as stated in the June 29, 2011 Burke memo in with the amendment to condition #2 under "Variances/Encroachments" concerning replacement of the stated 80% TSS removal to 77% TSS removal as requested. There was no public comment. David Byers made a motion to amend Condition #2 under "Variances/Encroachments" as aforementioned within the June 29, 2011 Burke memo and grant the variance as requested. John Knochel seconded the motion. Condition #2 under Variances/Encroachments on the June 29, 2011 Burke memo was amended to read 77% TSS removal. David Byers made a motion to grant the Variance as amended. John Knochel seconded the motion. The requested variance was granted with the amendment. David Byers made a motion to grant final approval with the conditions as stated and amended on the June 29, 2011 Burke memo. John Knochel seconded the motion. Hawthorne Villas was granted final approval with the conditions as stated and amended on the June 29, 2011 Burke memo. The Surveyor then presented a Petition to Encroach on the Berlowitz Regional Facility as well as a Petition to Vacate Branch #10 of the Berlowitz Regulated Drain for Hawthorne Villas and recommended approval. David Byers made a motion to approve the Petition to Encroach on the Berlowitz Regional Facility as well as approve the Petition to Vacate Branch#10 of the Berlowitz Regulated Drain. John Knochel seconded the motion. The Petition to Encroach on the Berlowitz Regional Facility as well as the Petition to Vacate Branch #10 of the Berlowitz Regulated Drain was approved as presented.

Hawthorne Gardens

Clem Kuns from TBird Designs Inc. appeared before the Board to present Hawthorne Gardens for final approval. The site was located west of C. Rd. 550 East and north of McCarty Lane and consisted of approximately 12.2 acres. A multifamily apartment complex was planned for this site. This site was filled with soil excavated from the Berlowitz Regional Detention Facility located along the north boundary. Currently the drainage pattern routes to the northwest directly into the Berlowitz Regional Facility via a storm sewer system with a small portion of runoff to C. Rd. 550 East ditch. An infiltration trench would provide a measure of detention and a vegetative swale was planned for storm water quality. Pursuant to the signed 2006 Storage Fees Agreement with the developer, this site was identified under the stated "R-3 West of CR 550 East" and 1.73 acre feet of detention storage would be credited for this project site. A total of 1.27 acre feet of credit remained for a remaining portion of the "R-3 West of CR 550 East" to be used as directed by the signed agreement. The developer submitted a Petition to Vacate Branch #6 of the Berlowitz Regulated Drain which served this site only and flowed from south to north within the site. The developer had also submitted a Petition to Encroach on the Berlowitz Regulated Drain. Mr. Kuns stated in all cases all storm water flows were restricted onsite up to the 100 year requirement before it would overtop the bank of the Berlowitz Regional Facility with the exception of a small amount of sheet flow from the rear of the lots. He noted there were two Drain Petitions included with this project. A Petition to Encroach on the Berlowitz Regulated Drain as well as A Petition to Vacate Branch #6 of the Berlowitz Regulated Drain. He stated they were in agreement with the June 29, 2011 Burke Memo and requested final approval for the project as well as approval for the Petitions as presented. The Surveyor stated this project site was higher in elevation than the Hawthorne Villas site approved by the Board. He reiterated the 100 year elevation in the hammerhead pond was 643.75 and this site's elevation was over five feet higher than that elevation. He noted Branch #6 of the Berlowitz drain was an old tile approx. 8-10 inch to be vacated and tied into the storm sewer. The Petition to Encroach involved two outlets that encroached upon the Berlowitz Regional Detention Facility and Tippecanoe County actually owned the property it was not just a drainage easement. He then recommended approval of Hawthorne Gardens with the conditions as stated on the June 29, 2011 Burke memo as well as approval for the Petitions as presented to the Board. There was no public comment. David Byers made a motion to grant approval of the Petition to Encroach upon the Berlowitz Regional Facility as well as the Petition to Vacate Branch # 6 of the Berlowitz Regulated Drain. John Knochel seconded the motion. The Petition to Encroach on the Berlowitz Regional Facility and the Petition to Vacate Branch # 6 of the Berlowitz Regulated Drain were approved as presented. David Byers made a motion to grant final approval with the conditions as stated on the June 29, 2011 Burke memo. John Knochel seconded the motion. Hawthorne Gardens was granted final approval with conditions as stated on the June 29, 2011 Burke memo.

Zachariah Beasley/ Regulated Drains Update

Samuel W. Elliott Regulated Drain #100: Branch #11

The Surveyor updated the Board regarding the Samuel W. Elliott Regulated Drain #100 Branch #11 appraisal status. Traynor and Associates 6750 East 75th Street Indianapolis Indiana 46250 were contracted to conduct appraisals on the properties within the Branch #11 watershed regarding the benefits and damages required for the Reconstruction Report. The appraisals were completed and the reports were delivered to him last week. He was reviewing them at this time and would finalize the Reconstruction Report when completed. He then would present the Reconstruction Report to the Board. He stated he planned to present the report along with the appraisals during the August meeting.

Dismal Creek Regulated Drain #09: Ilgenfritz Branch

The Surveyor updated the Board regarding the Ilgenfritz Branch of the Dismal Creek Regulated Drain #09. The clearing and dredging project was roughly two miles in length. (from the confluence of the creek approximately half mile west of C. Rd. 450 East and south of C. Rd. 500 South upstream or east to C. Rd. 575 East- approximately 500 feet east of S.R. 52) This project was close to completion (approximately 90%). The wet weather had slowed them down a bit..

2011 Open Ditch Spraying

The Surveyor presented the following list to the Board regarding the 2011 Open Ditch spraying to control the growth of obnoxious weeds and vegetation. The ditches were Otterbein #112, Hadley Lake #104, E.F. Haywood #35, J.N. Kirkpatrick #46. He stated this also helped with Beaver control as studies showed spraying on a regular basis saved money in the long run. Open ditches should be dredged every 15-20 years and spraying on a regular basis assisted with the keeping cost of brush removal before dredging to a minimum. This program was started a few years ago and will continue under his leadership.

Indian Creek Watershed Study

The Surveyor updated the Board regarding the Indian Creek Watershed Study. He noted he had signed a contract with Christopher B. Burke Engineering LTD. They were currently working diligently and he hoped to have the final study by the end of this year for presentation to the Board. He stated this was one step in identifying what was and locations of the problem areas within the watershed. Restrictions (such as release rates for future developments) would be reviewed and may be warranted by the problems identified within the study.

Other Business

The Surveyor presented Performance Bond #7623870 for Spitznagle Borrow Pit submitted by Crider and Crider in the amount of \$25,000.00 for approval by the Board. David Byers made a motion to approve the Performance Bond as presented. John Knochel seconded the motion. Performance Bond #7623870 for Spitznagle Borrow Pit submitted by Crider and Crider in the amount of \$25,000.00 was approved as submitted and presented to the Board.

Public Comment

Jennifer Parks 8058 North Meridian Line Road, West Lafayette 47906, approached the Board. Her home was located just west of Meridian Line Road and east of Interstate 65 - north of the intersection at C. Rd. 800 North and Meridian Line Road. She stated her drainage problem started in 2004 when at that time the farm field north of her tract was plowed during wet weather. She stated it was too wet to plow at that time in her opinion. She stated a tile within the field was smashed by heavy farming equipment. From that time forward she has had numerous problems with drainage. Her septic flooded under her home on many occasions and she has replaced their well pump as well as the switches for it numerous times. She noted that her son must walk through standing water in the mornings to reach the school bus on many occasions. They hired Snow White Services at their cost to investigate the problem and jetted the tile. She presented a letter from the company which indicated a blockage was found. She also paid for a breather pipe installed at the tile location in hopes to lessen the flow of water. Lori Koches 8211 North Meridian Line Road W. Lafayette 47906 northeast of her property also experienced standing water issues. They even cost shared an open ditch hoping to solve the issue with another landowner (not named). The open ditch was created to assist in the surface water. However neither the open ditch nor the breather relieved her drainage issue. She then presented pictures of properties owned by her and Ms. Koches that indicated the location of the standing water from the last rainfall. She stated Ms. Koches property usually drained before her property. The Surveyor stated the tile ran along the west side of Meridian Line Road and drained to the north. Responding to Mr. Byers' inquiry, the Surveyor stated a few years ago work was being done on the Anson County Regulated drain and Snow White services was in the area. Therefore he directed them to her location in order to investigate her complaints since they were in the area. Just north of her home approximately 100 feet on the west side of Meridian Line Rd. was a vertical riser. They attempted to insert the jet hose and were unable to insert it down into the tile. Upon observation of the area it appeared that a farm implement of some sort had driven across the vertical riser and smashed it down into the field tile. Therefore the jet head could not go either direction in the field tile. The Surveyor agreed that only minimal amount water was able to enter the tile. Mrs. Parks stated water had

backed up through her septic in her toilet and shower since damage of the tile occurred. She stated the farmer in question admitted to her that he indeed ran over the tile while plowing, therefore he should have to bear the cost of repair. She reiterated they had no problem with drainage until the tile was damaged. She requested assistance from the Board to remedy the ongoing problem. The Surveyor confirmed this tile or riser was not part of the Anson County Regulated Drain. He would investigate further with the Health Department, however he thought this tile was required by them when the house was built and served as an outlet to the perimeter drain around her septic field. As this was the only outlet they had for the perimeter drain, they ran it to the north and tied it into the Anson County Regulated Drain. This would be a typical requirement from the Health Department to keep the water table down. He would confirm with the Health Department this was the case and if approval was granted at the time. It would stand to reason this was what was done. Responding to the Surveyor's inquiry, Mrs. Parks stated they moved into the home in 1999 and had no drainage issues until 2004. They originally thought the issue was septic related however it was not the case. Responding to Mr. Byer's inquiry, Mrs. Parks stated originally Phil Kerkhoff owned the property where the tile was located however it was owned at the present time by Denton Sederquist. Mrs. Parks noted Mr. Kerkhoff had recovered and inspected the tile in the past but would not accept blame for the damage. He blamed the damage on the willow tree located north of the damaged tile on the Koches property. Mr. Byers stated the riser could have been shoved down into the tile while farming - if it was an old clay tile. Theoretically an agricultural tile should be located down deep enough that farming over it should not cause a problem. The Surveyor reiterated monies from a County Regulated Drain maintenance fund could not be used on private tiles. The attorney stated in the case of obstruction to a mutual drain, a Petition to Remove an Obstruction to a Mutual Drain could be filed with the Drainage Board. The Board would then hold a hearing to decide whether this was an intentional or unintentional obstruction. He reviewed in more detail the drainage law for Mrs. Parks regarding this situation. The Surveyor stated the petition would be available for Mrs. Parks if she chose to proceed. She stated she would proceed with the process.

David Byers made a motion to direct the Surveyor to investigate the private tile subject to Mrs. Parks filing the petition with the Surveyor's office. John Knochel seconded the motion. The Surveyor was directed to investigate the private tile subject to Mrs. Parks filing a Petition to Remove an Obstruction to a Mutual Drain.

Delphine Anson Drain/ Ernest Agee and Bret DeCamp

Mr. Ernest Agee 8533 North C. Rd. 100 West, West Lafayette Indiana 47906, approached the Board to discuss the Delphine Anson Regulated Drain and the drainage issue associated with it. He stated Mr. Bret DeCamp 8832 North C. Rd. 100 West, West Lafayette Indiana 47906 and Alan Gray 8822 North C. Rd. 100 West, West Lafayette Indiana 47906 were in attendance as well. He submitted pictures of standing water on his, Mr. DeCamps and Mr. Gray's properties. He noted that he felt the foamy substance on the top of the standing water shown in the pictures was runoff from chemicals used on the farm fields which ultimately entered into the Anson Ditch. He stated it had been stagnating this year as long as 17 days. He stated he was not against farming he knew well its importance. He informed the Board, he had spoken with Mark Eastman from the Soil and Water Conservation District concerning the farm to the north however they won't put any waterways in. He stated this issue was getting worse and at present time the water had sat for 4-5 days within the ditch. The standing water hindered Mr. Gray's ability to enter his home through his drive. He reiterated the seriousness of the problem. The Surveyor stated it was important to note there were two different regulated drain watersheds (Delphine Anson and Andrew Brown) involved with this drainage issue. The watersheds boundary cuts northwest and southeast through Mr. Alan Gray's driveway. He further explained the watersheds were the Andrew Brown Regulated Drain watershed which routes northeast and the Delphine Anson watershed which routes to the southwest. He reviewed the driveway in question using the G.I.S. site for the Board and the entire drainage for their benefit. He noted the watershed boundaries were completed using the old U.S.G.S. Quadrant Angle maps with 2 foot contour intervals. He stated when he investigates this issue he would confirm the boundaries. He stated the boundaries could be off a hundred foot or more horizontally due to the accuracy of the historical information at that time. He also stated there was a depressional area near Mr. Gray's driveway. Last fall he worked with Allen Gray to investigate the branch of the A. Brown drain which ran under the interstate as he was unable to locate any maintenance records for information on it. He noted when the A. Brown Regulated Drain was originally constructed the interstate was not in existence. He had the branch excavated east and west of I65 and potholed in several areas on both sides of it. He found nothing that indicated the branch had a blockage of any kind. He reviewed the construction plans for I65 and then conducted an onsite inspection of the pipe, it's size etc. The I65 construction plans were followed regarding installation and size of the pipe in question. He went further and hired a jetting company to jet under the interstate and it proved to be open. A breather was installed on the west side of I65 for future investigation due to the dry weather last fall. He noted the maintained portion of said branch stopped short of the aforementioned depressional area. Mr. Agee interjected stating the D. Anson drain was also a problem in addition to the A. Brown drain. He noted the main tile of the D. Anson Drain was located between Mr. DeCamp and Mr. Gray's homes. Mr. Allen Gray approached the Board and stated he had been working with the Surveyor over a year now and he was very accommodating and great to work with. He stated the issue for him was the A. Brown ditch was not flowing fast enough for whatever reason. He stated from his perspective he did not care if the depression area was drained. He stated he did not want the standing water on his "road" (driveway). He noted this road was approved by the County Highway to put it at that location and in the three years he has lived there it has been under water 8 times. Almost all

of the water flows from the farm fields to the north and from the interstate overflow ditch. There was an overflow pipe that route the interstate drain into the farm field north of his location and then drained to his location. The additional water from the interstate's runoff along with the runoff from the farm fields, created the enormous amount water in the depressional area. It continued to get worse as time goes by. He requests the Board take action to fix the problem. He then reviewed a video taken a few days earlier with the Board using his IPAD. The water had not moved in 4 days. He noted his power electrical box located between his home and Mr. DeCamp's home was under water. He stated there would be no way any emergency vehicles could access his home through the standing water over his drive. He would like the Board to consider some way to move the water out of the depressional area faster and route it to the Anson ditch. He noted he was in agreement with Mr. Agee that there was a large amount of chemical substance within the runoff from the farm fields to the north them this last event and it continues to get worse. He felt a filter strip should be placed down to disable the chemical substances from exiting the farm fields. Responding the Surveyor's inquiry, Mr. Gray noted this last rainfall was over 5 inches as Mr. Agee's 5 inch rain gauge overflowed. He reiterated he knew this happened from time to time however his driveway had been under water seven to eight times since he lived there. He expressed his frustration that the road/driveway was approved by the County to be put in that location and he did not understand how they could have approved it in this location. Mr. Bret DeCamp 8832 North C. Rd. 100 West, West Lafayette Indiana 47906 stated in the past he and Mr. Gray have rented a 4 inch waste water pump and it ran for 3 days nonstop pumping the water back into the Anson Ditch. This was done on 5 different occasions just to access the driveway/road and enter their homes. His wife runs a daycare out of their home and the water over the drive hindered the business greatly. She informed her clients when the water is up (often) that there is no way for an emergency vehicle to access their home. This was also a great concern for his own family if something should happen. He expressed concern that the Anson Ditch had not been completely reconstructed to date. Only part of the ditch was reconstructed and that did not include his area. He felt if the entire drain had been completed the problem would not be as bad. Farm runoff has started to erode the ground in his area due to the amount and speed of the overflow. The tile had not been fixed in that area yet. He would like the reconstruction to get started in this area even if it meant a new hearing and an additional assessment. The Surveyor reviewed the Anson tile location for the Board. He clarified a reconstruction hearing was held regarding the Anson Tile Drain. A reconstruction and maintenance rate was set at that time. Presently the balance of the reconstruction cost was close to being paid off. The entire Anson Drain watershed was studied and onsite inspections were completed prior to the said hearing. The reconstruction would be done in four phases. In phase one fifteen hundred feet of fifteen inch pipe was replaced. There was more work to be done to complete the entire reconstruction. The phases would be completed as time and money allowed. The job was stopped on the north side of C. Rd. 850N; the tile underneath the road was replaced last year. He noted from the time the reconstruction rate was set to the time the project started the price of gas and pipe skyrocketed due to the economy. The monies were depleted so the project was halted at that point. The initial reconstruction phase would be paid in full this year. His intention was to let the fund build back up and proceed to the next phase. He felt it would be a hard sell to the farmers within the watershed to raise the assessment rate again (to increase the fund balance quicker) since the present rate was set in the last 5-6 years. Mr. DeCamp noted a culvert was installed between the two houses by the bend and it was close to being destroyed by the overflow. If this happened his driveway culvert would be next.

Responding to Mr. Murtaugh' funding inquiry; the Surveyor stated that area could potentially be reconstructed next year. Monies would have to be borrowed from the General Drain Fund. At this time there were numerous projects in the works which had impacted that fund greatly. He stated he planned to ask the County Council for funds budgeted to the General Drain Fund during the Budget hearings. The balance of the General Drain Fund was at an all time low due to the many projects at hand and drains minimal assessment rates. Also the Drainage Code stated the Council will from time to time allocate funds for it. In researching this it was found there had not been any monies allocated for this fund for twenty to thirty years by the Council. It has been planned from the beginning to reconstruct the entire drain not just part of it. However due to money constraints and cost of reconstruction it would have to be done in phases. He agreed with all three landowners the tile was not in working order and had not been in years, it was plugged and in need of the reconstruction completed as soon as possible. Discussion was held of possible solutions regarding eliminating the standing water over the drive. The Attorney explained the process in submitting a Petition to Establish a New Regulated Branch of a Anson Regulated Drain as well as a Petition to Establish a New Regulated Drain (one that did not connect to an existing regulated drain) and a Petition to Connect into the Anson Regulated Drain. Mr. Agee thought a short extension pipe under the driveway and routed to the Anson drain would be a better solution. The Surveyor noted his office would provide the Petition of choice. Mr. Agee stated to the Board water behind his house (first house north of C. Rd. 850N) was draining properly and he had seen a great improvement with the first phase of reconstruction. Mr. Decamp and Mr. Gray thanked the Board for their time.

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



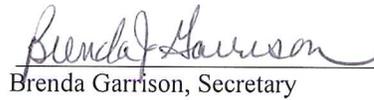
Thomas P. Murtaugh, President



David Byers, Vice President



John Knochel, Member



Brenda Garrison, Secretary

Tippecanoe County Drainage Board

Minutes

November 2, 2011

Regular Meeting

Those present were:

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

Approval of Minutes

David Byers made a motion to approve the October 5, 2011 Regular Drainage Board and October 19, 2011 Regulated Drain Maintenance Rate Increase Hearing minutes as written. John Knochel seconded the motion. The October 5, 2011 Regular Drainage Board and October 19, 2011 Regulated Drain Maintenance Rate Increase Hearing minutes were approved as written.

St. Alexis Orthodox Church

Kyle Betz with Fisher and Assoc. appeared before the board to present St. Alexis Orthodox Church for final approval. The site was located at the southeast corner of the intersection at State Road 43 and State Road 225 and consisted of approximately 3.29 acres. He noted the site was located on lots 1 and 2 of the replat of Mystic Woods Subdivision. There was an existing drainage swale which routed through the site and outlet into a previously approved drainage system for Mystic Woods Subdivision. Due to the previously approved drainage for said subdivision a release rate had been predetermined and the release rate for this project was in compliance. A small church, parking and drives were proposed mainly on the east half of the site. Mr. Betz noted any other improvements would require additional drainage approval and most likely storm water detention and storm water quality measures. A diversion bypass swale was planned on the west side of the site for offsite runoff routing. He stated they agreed with the October 28, 2011 Burke Review Memo and requested final approval with those conditions at that time. There was no public comment.

The Surveyor stated he recommended final approval with conditions as stated on the October 28, 2011 Burke Review memo. David Byers made a motion to grant final approval with conditions as stated on the October 28, 2011 Burke Review memo. John Knochel seconded the motion. The St. Alexis Orthodox Church project was granted final approval with conditions as stated on the October 28, 2011 Burke Review Memo.

Cumberland Avenue Extension

The Surveyor presented the Cumberland Avenue Extension project to the Board for their review. He stated the site was located within West Lafayette and would start at County Road 300 West (Klondike Road) and extend approximately 1.3 miles east. He reviewed the depressional areas and in particular the Sherwood Forest area to make sure the system would not be overloaded. He felt after the review it would not be overloaded. There was no public comment.

The Surveyor recommended approval with the conditions as stated on the October 26, 2011 Burke memo. John Knochel made a motion to grant final approval with conditions as stated on the October 26, 2011 Burke memo for the Cumberland Avenue Extension. David Byers seconded the motion. The Cumberland Avenue Extension was granted final approval with the conditions as stated on the October 26, 2011 Burke memo.

Moose Lodge /Lot 1 Monitor Subdivision

Pat Jarboe with TBird Design Services appeared before the Board to present the Moose Lodge project for final approval. The site was located east of County Road 550 East on the north side of County Road 50 South and consisted of approximately 1.81 acres. This site was also known as Lot 1 of the Monitor Subdivision. He noted the site was immediately downstream of the Berlowitz Detention Facility and immediately adjacent to the Berlowitz Regulated Drain. The lot was designed for direct discharge to the Berlowitz Regulated Drain and as such there was no onsite detention. To accommodate the TSS removal at the downstream end of the storm pipe collection system was a "downstream defender" designed to remove 80% of suspended solids. Regarding condition #7 under Stormwater Quality on the October 27, 2011 Burke memo, he noted the designed downstream defender was configured in a way which had not been previously tested or approved for this county. He stated he would like the designed solid grate remain in the place of the recommended solid lid casting. He proposed to employ a filter strip to attempt to assist in the 80%

removal rate. Responding to Mr. Eichelberger' inquiry, Mr. Jarboe stated he calculated the removal rate with the filter strip added and the amount was in the mid 70's. Mr. Eichelberger then explained with an open grate allowing water to drop into the unit it was feared sediment would enter the unit. Without third party testing it was an unknown on how this design would function. He preferred to recommend a variance since the rate was in the mid 70's than allowing the open grate on the unit as presented. He did not want to run the risk of the unit not functioning correctly since it was providing the majority of the TSS removal for this site. A filter strip along with the solid lid would be sufficient. Mr. Jarboe stated Mr. Eichelberger' concerns regarding the unit were valid as he was relying on what the vendor had informed him. Mr. Jarboe also noted an encroachment from the outfall pipe at the west edge of the property line upon the Berlowitz Regulated Drain Easement was also in the plans. An Encroachment Petition would be submitted in the near future. There was no public comment.

The Surveyor reviewed the site for the Board and recommended final approval with conditions as stated on the October 27, 2011 Burke memo in addition the added condition of an Encroachment Petition and variance on the TSS removal amount for this project. Mr. Eichelberger recommended approving a variance rate with a minimum of 73%. David Byers made a motion to grant final approval with the conditions stated on the October 27, 2011 Burke memo along with the condition of the submittal of an Encroachment Petition on the Berlowitz Regulated Drain and a variance for a 73% TSS removal rate. John Knochel seconded the motion. The Moose Lodge project was granted final approval with the conditions as stated.

Roberts Ridge Preliminary Plat

Justin Frazier of TBird Design Services appeared before the Board to present Roberts Ridge Subdivision Preliminary Plat for preliminary drainage approval. The site was located north of Co. Rd. 450 South approximately 1 mile east of Co. Rd. 250 East (Concord Road) and consisted of approximately 60 acres. Woodland Elementary School adjoined to the west. The JN Kirkpatrick Regulated Drain was located in the northern portion of the site and the project was located within the JN Kirkpatrick Impact Area. Two detention ponds with a drainage swale were planned for the project. Construction of the ponds and swale would require a Petition to Encroach on the JN Kirkpatrick Regulated Drain. Emergency outfalls were planned for each pond. The offsite runoff routed through a culvert below Co. Rd. 450 South around the entire site into the ponds. The detention ponds, BMP, primary outfalls, emergency outfalls and mass grading have been designed at this point. He stated they planned on returning at the next meeting for the remaining of the drainage infrastructure approval. He noted they agreed with the October 28, 2011 Burke memo and requested preliminary drainage approval at this time. Responding to the Surveyor, Mr. Frazier confirmed he had submitted the required Petition to Encroach on the JN Kirkpatrick Regulated Drain and it would be presented at the next meeting. There was no public comment.

The Surveyor then recommended preliminary approval with the stated conditions on the Oct. 28, 2011 Burke memo. John Knochel made a motion to grant preliminary approval with the conditions stated on the Oct. 28, 2011 Burke memo. David Byers seconded the motion. Roberts Ridge Preliminary plan was granted preliminary approval with the conditions as stated on the Oct. 28, 2011 Burke memo.

SIA Motor Pool Truck Parking Expansion

The Surveyor presented the SIA Motor Pool Truck Parking Expansion project to the Board for final approval. The project site was located along St. Rd. 38 between Co. Rd. 475 East and Interstate 65 within the City of Lafayette and consisted of approximately 1.3 acres. He recommended final approval with the conditions as stated on the October 26, 2011 Burke memo. There was no public comment.

David Byers made a motion to grant final approval with the conditions as stated in the October 26, 2011 Burke memo. John Knochel seconded the motion. The SIA Motor Pool Truck Parking Expansion project was granted final approval with conditions as stated on the October 26, 2011 Burke memo.

Zach Beasley/Other Business

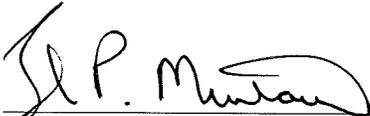
The Surveyor presented the Revised Comprehensive Stormwater Management Ordinance of Tippecanoe County for the 1st reading. The revisions consisted of expanding the menu of options for Low Impact Development (L.I.D.) to allow developers additional flexibility regarding storm water quality and quantity practices and requirements. He recommended the Board approve this revision on the first reading. The Attorney stated Ordinance 2011-27-CM Comprehensive Stormwater Management Ordinance of Tippecanoe County reflects in full the existing Stormwater Management Ordinance of Tippecanoe County and incorporates by reference the Tippecanoe County Technical Standards Manual attached. This Ordinance would be available for inspection by the public with any questions directed to the Surveyor's office. Mr. Byers made a motion to accept the stated

Ordinance as presented. Mr. Knochel seconded the motion. The vote was as follows: Commissioner John Knochel: Yes
Commissioner David Byers: Yes Commissioner Tom Murtaugh: Yes. Ordinance #2011-27-CM passed on 1st Reading 3-0.

Andrew Brown Regulated Drain #13 Status Update

The Surveyor reminded the Board landowners Ernie Agee, Brett Decamp and Alan Gray located in the general area of Co. Rd. 850 North and Co. Rd. 100 West appeared before the Board at a previous meeting regarding the drainage within their area. The tile branch of the Andrew Brown Drain was investigated as a result of their complaints. It was found that the steel pipe placed under the interstate approximately in the 1960's had developed rusting and a hole which had allowed sediment and debris to drop down into the pipe and caused an obstruction. The pipe was video recorded all the way under the interstate which revealed this finding. He stated he had contacted INDOT and provided them with a copy of the tape to inform them of the present situation. INDOT stated the problem was sent to design and they anticipated replacement of the pipe construction to be bid out by the middle of next year. He noted INDOT was being cooperative and it would be a large project. Responding to Mr. Knochel's inquiry, the Surveyor noted he thought the pipe was 10 or 12 inch in diameter. He would stay on top of the issue and hoped to see some movement by INDOT on the project sometime in May-July of 2012.

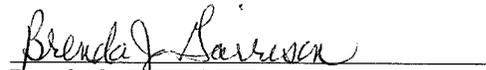
As there was no public comment David Byers made a motion to adjourn.



Thomas P. Murtaugh, President



David Byers, Vice President



Brenda Garrison, Secretary



John Knochel, Member

Tippecanoe County Drainage Board
February 1, 2017
Regular Meeting Minutes

Those present were:

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

Approval of Minutes

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

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

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

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

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

Drainage Board 2017 Professional Engineering Assistance Contract

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

Lafayette YMCA

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

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

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

Belle Tire (Lot 4A 26 Crossing Subdivision)

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

USGS Geological Stream Gages WREC Contract Support

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

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

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

2017 Classification Report/2017 Drain Assessment Activity Report

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

Zach Beasley/Other Business

Appointment of Drainage Board member to Tri-County Board

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

Outstanding Reconstruction Assessments

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

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

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

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

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

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

Classification of Drains

Per IC 36-9-27-34

February 2017

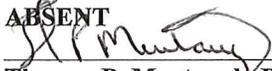
- 1.) Drains in need of Reconstruction
 - a. Elliott, S.W. (#100)
 - b. J.B. Anderson (#02) (Clarks Hill Portion)
 - c. Edwards (Not Maintained)
 - d. McBeth (Not Maintained)
 - e. F.E. Morin (#57)
 - f. Marion Dunkin (#25)
 - g. Huffman-Weimert (Not Maintained)
- 2.) Hearing and Rates Established in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

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

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

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

ABSENT



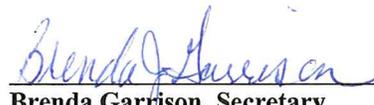
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David S. Byers, Vice President



Tracy Brown, Member



Brenda Garrison, Secretary